



# Central Florida Regional Planning Council

## Meeting Agenda

**Wednesday, August 2, 2023 | 9:30 a.m.**

**How to Attend:**

In Person:

CareerSource Heartland  
5901 US Highway 27 South, Suite 1  
Sebring, FL 33870

**Call To Order – Chair Keith Keene**

- Invocation
- Pledge of Allegiance
- Roll Call
- Announcements

**1) Opportunity for Public Comments**

**2) Council Administration**

- A) Approval of Minutes
- B) June 2023 Financial Report

Actions Requested:	Approval by Council
Exhibits:	#2A: June 14, 2023 Council Meeting Minutes - page 5 #2B: June 2023 Financial Report - page 9

**3) Highlands County Activities Report**

Laurie Hurner, Highlands County Administrator, has been invited to update the Council on current activities in Highlands County.

Actions Requested:	Information Only
Exhibits:	None

**4) 2023 U.S. Economic Development Administration Disaster Supplemental Grant**

The US Economic Development Administration 2023 Disaster Supplemental Grant is available for communities recovering from Hurricane Ian. Staff requests authorization to submit, execute agreement, and administer this grant.

Actions Requested:	Approve Resolution 2023-8A authorizing Executive Director to submit, execute agreement and administer EDA Grant
Exhibits:	#4: Resolution 2023-8A - page 13

**5) Intergovernmental Coordination and Review Agreement with the Polk Transportation Planning Organization (TPO)**

Staff of the Polk TPO will present an update to an existing agreement to provide a process for intergovernmental coordination by and between the Florida Department of Transportation; the Polk TPO; the Central Florida Regional Planning Council; Lakeland Area Mass Transit District; Polk Transit Authority; and Bartow Municipal Airport Development Authority.

Actions Requested:	Approve agreement and Authorize Executive Director to sign the agreement
Exhibits:	#5: Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement - page 17

**6) Adopt Resolutions Authorizing Executive Director to Sign, Administer, and Approve Modifications to Florida Commerce Community Planning Technical Assistance Grant Agreements for FY 2023-2024.**

Staff will provide an update regarding applications filed for the State of Florida, Florida Commerce (formally the Department of Economic Opportunity) for FY 2023-2024 Community Planning Technical Assistance Grants. Staff requests authorization to execute grant agreements and administer the grants.

Actions Requested:	Authorize Executive Director to Sign, Administer and Approve Modifications to the Grant Agreement
Exhibits:	#6A: Resolution 2023-8B - page 31 #6B: Resolution 2023-8C - page 33

**7) Heartland Regional Resiliency Action Plan Project Update**

Staff will provide an update regarding the development of the Heartland Regional Resiliency Action Plan.

Actions Requested:	Information Only
Exhibits:	None

**8) Florida Department of Environmental Protection Vulnerability Assessments Grants Update**

Staff will provide an overview of the scope of work for these grants and an update regarding awarded grants in the Region.

Actions Requested:	Information Only
Exhibits:	None

**9) Florida Wildlife Corridor**

Staff will provide an update on the work the Council is doing on the Florida Wildlife Corridor.

Actions Requested:	Information Only
Exhibits:	None

### 10) Heartland Regional Transportation Planning Organization (HRTPO) Activities

Staff will brief the Council on activities of the six-county Heartland Regional Transportation Planning Organization (HRTPO) and other transportation issues.

Actions Requested:	Information only
Exhibits:	None

### 11) Executive Director's Report

The Executive Director will report on outcomes of the legislative session, Florida Regional Councils Association (FRCA) activities, Council programs, and Executive Director review.

Actions Requested:	Information Only
Exhibits:	#11A: 2023 Legislative Bills Listing - page 39 #11B: FRCA Monthly Activities Report - page 97

### 12) Next Meeting and Other Business

- A) Next Meeting: Wednesday, October 11, 2023 at 9:30 a.m. at Okeechobee County Courthouse, County Commissioners Chambers, 304 NW 2<sup>nd</sup> Street, Okeechobee, FL.
- B) Other Business

### 13) Adjourn

*If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.*

*Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, income, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the CFRPC Title VI/Nondiscrimination Coordinator, Brenda Torres, 863-534-7130, or via Florida Relay Service 711, or by email: [btorres@cfrpc.org](mailto:btorres@cfrpc.org)*

*La participación pública es solicitada sin distinción de raza, color, origen nacional, sexo, edad, discapacidad, religión o situación familiar. Las personas que requieren alojamiento bajo el Americans with Disabilities Act (ADA) o la traducción de idiomas, de forma gratuita deben ponerse en contacto Brenda Torres, CFRPC Título VI de Enlace, 863-534-7130 (voz), oa través de la Florida Relay Servicio 711, o por correo electrónico [btorres@cfrpc.org](mailto:btorres@cfrpc.org) al menos tres días antes del evento.*

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# Central Florida Regional Planning Council

## Meeting Minutes

**Wednesday, June 14, 2023 | 9:30 a.m.**

Exhibit #2A

CareerSource Heartland  
5901 US Highway 27 South, Suite 1  
Sebring, FL 33870

In the absence of the Chair and Vice Chair, Nathaniel Birdsong was nominated to conduct the meeting as the Acting Chair.

- A motion was made by: Noel Chandler
- The motion was seconded by: Rick Wilson
- The motion was approved by unanimous vote.

Nathaniel Birdsong, Acting Chair, called the meeting to order at 9:30 a.m. Attorney Norman White led the invocation followed by the Pledge of Allegiance. Norman White swore in new Council Member Harrison Havery from the City of Sebring.

Roll was called and the following Council Members were in attendance:

Commissioner Nathaniel Birdsong, City of Winter Haven  
Commissioner Rick Wilson, Polk County  
Commissioner Kelly Owens, Okeechobee County  
Commissioner Steve Hickox, DeSoto County  
Commissioner Noel Chandler, City of Okeechobee  
Jackie Tucker, DeSoto County Gubernatorial Appointee  
Commissioner Don Elwell, Highlands County  
Councilman Harrison Havery, City of Sebring  
John Bohde, Polk County, Ex-officio  
Cindy Rodriguez, Southwest Florida Water Management District, Ex-officio  
Elizabeth Sweigert, Florida Department of Environmental Protection, Ex-officio

A quorum of members was present.

### **1) Opportunity for Public Comments**

No comments

### **2) Council Administration**

#### **A) Approval of Minutes**

- A motion was made by: Noel Chandler
  - o The motion was seconded by: Kelly Owens
  - o The motion was approved by unanimous vote.



- B) Approval of May 2023 Financial Report
- A motion was made by: Jackie Tucker
    - The motion was seconded by: Rick Wilson
    - The motion was approved by unanimous vote.

**3) Finance Committee Recommendations**

The Finance Committee met on May 10, 2023, and recommended approval to the Council of the following items.

- A) Budget Amendment for FY 2022-23
- A motion was made by: Rick Wilson
    - The motion was seconded by: Steve Hickox
    - The motion was approved by unanimous vote.
- B) Member Assessments for FY 2023-24
- A motion was made by: Kelly Owens
    - The motion was seconded by: Rick Wilson
    - The motion was approved by unanimous vote.
- C) Proposed FY 2023-24 Annual Budget
- A motion was made by: Noel Chandler
    - The motion was seconded by: Jackie Tucker
    - The motion was approved by unanimous vote.
- D) FY 2022-23 Audit Engagement Letter
- A motion was made by: Rick Wilson
    - The motion was seconded by: Steve Hickox
    - The motion was approved by unanimous vote.
- E) Staff Organizational Chart – Informational Only

**4) Status of Regional Work Force**

Ms. Donna Doubleday, President/Chief Executive Officer of CareerSource Heartland shared information and updates of issues related to the regional workforce. The unemployment rate in April was 3.0%. Generally, 4% or lower indicates full or near-full employment. Job seekers are currently working and looking for other opportunities with some job seekers looking for seasonal employment. The current market of potential employees is a mix of young people, skilled older employees and relocated individuals. CareerSource Heartland has seen that wages are going up and qualification levels are going down.

**5) Public Transportation Grant Agreements (PTGA) with the Florida Department of Transportation (FDOT) for 5311 Funds**

Marybeth Soderstrom, Transportation Director, presented information regarding the FDOT amendment for extension to the PTGA for Federal 5311 Operating Grant.

- A) Approve Resolution 2023-6A
- A motion was made by: Kelly Owens
    - The motion was seconded by: Noel Chandler
    - The motion was approved by unanimous vote.

**6) Heartland Regional Transportation Planning Organization (HRTPO) Activities**

Marybeth Soderstrom briefed the Council on activities of the six-county Heartland Regional Transportation Planning Organization (HRTPO) and other transportation issues including an upcoming Board meeting in Lake Placid.

**7) Local Emergency Planning Committee (LEPC) Grant Agreement for FY 2023-24**

Curtis Knowles, Emergency Preparedness Program Manager, reviewed the grant agreement up for approval to support the LEPC District 7 program. The LEPC is comprised of first responders and safety specialists from cities, counties, and private businesses in the five-county region. The Grant begins July 1, 2023.

A) Authorize Executive Director to Sign and Administer the Grant Agreement

- A motion was made by: Rick Wilson
  - o The motion was seconded by: Kelly Owens
  - o The motion was approved by unanimous vote.

**8) Hazards Analysis (HA) Grant Agreement for FY 2023-24**

Curtis Knowles briefed the Council on the details of Grant. The Grant is a recurring contract funded by the U.S. Department of Transportation and passed to the Council through the Florida Division of Emergency Management for Hazardous Analysis (HA) services. The Grant begins July 1, 2023.

A) Draft Scope of Work

- A motion was made by: Don Elwell
  - o The motion was seconded by: Jackie Tucker
  - o The motion was approved by unanimous vote.

**9) Hazards Materials Emergency Preparedness (HMEP) Grant Agreement for FY 2023-24**

Curtis Knowles reviewed the grant details. This is a recurring contract funded by the U.S. Department of Transportation and passed to the Council through the Florida Division of Emergency Management for Hazardous Materials Emergency Preparedness (HMEP) services. The Grant begins October 1, 2023.

A) Draft Scope of Work

- A motion was made by: Steve Hickox
  - o The motion was seconded by: Kelly Owens
  - o The motion was approved by unanimous vote.

**10) Contract for Technology Services**

The Council utilizes an information technology (IT) company to provide support for the staff's computer system and network. Jennifer Codo-Salisbury, Executive Director, reviewed the responses to the Council's Request for Proposals to provide IT services were received in May. Staff recommends Thrive to provide IT services.

A) Authorize Executive Director to Sign and Administer IT Services Agreement

- A motion was made by: Kelly Owens
  - o The motion was seconded by: Jackie Tucker
  - o The motion was approved by unanimous vote.

**11) Update on Local Government Planning Services and DEO Technical Assistance (TA) Grants and Competitive Florida Grants**

Jennifer Codo-Salisbury updated the Council on the Planning Advisory Services that the CFRPC provides to local governments and communities and highlighted current projects. Jennifer Codo-Salisbury also reviewed the current application process for the State of Florida Department of Economic Opportunity (DEO) FY 2023/24 Community Planning Technical Assistance Grants and Competitive Florida Grants.

**12) Executive Director's Report**

Jennifer Codo-Salisbury shared the Executive Director report on recent Council activities and programs. Some highlights of the region included the Landowner Assistance Expo which brought together 75 landowners with representatives from Federal, State and local entities to offer information on their assistance programs. Landowners from 10 counties all over the state participated in learning opportunities as well as individual prospects for discussions. Additionally, the Heartland Regional Resiliency Action Plan is hosting an upcoming Working Group Forum for participants to discuss Resiliency and its impacts in the region.

**13) Next Meeting and Other Business**

- A) Next Meeting: August 9, 2023 at 9:30 a.m. at Jack Stroup Civic Center, 355 W. Center Avenue, Sebring, FL.

There being no further business, the meeting adjourned.

Respectfully submitted,

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Keith Keene, Chair



**CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**  
**STATEMENT OF ACTIVITIES FY 2022-2023**  
**For the Month Ended June 30, 2023**

Exhibit #2B

**UNAUDITED**

June = 75%

	ACCRUAL	ACTUAL	Approved Budget	ACCRUAL
	June 2023	June 2023	Budget	% of Budget
<b>ORDINARY INCOME/EXPENSE</b>				
<b>INCOME</b>				
1 Use of Prior Year Surplus	\$ -	\$ -	\$ -	0%
2 Member Assessments	263,314	263,314	351,085	75%
3 Local Revenue	690,278	658,276	1,058,380	65%
4 State Revenue	324,986	260,935	403,889	80%
5 Federal Revenue	2,442,064	2,351,974	4,544,159	54%
6 TOTAL INCOME	3,720,642	3,534,499	6,357,513	59%
<b>7 EXPENSE</b>				
8 Salaries & Fringe Benefits	1,768,856	1,748,123	2,673,107	66%
9 Consultants	106,121	123,564	255,661	42%
10 Transportation for the Disadvantaged Trips	1,433,298	1,233,784	2,640,000	54%
12 Accounting/Payroll Services	1,750	1,709	2,000	88%
13 Advertising	1,445	1,500	10,000	14%
14 Audit	27,750	27,750	27,750	100%
15 Auto Expense	7,242	7,024	15,000	48%
16 Building Security	574	574	1,600	36%
17 Dues & Fees	33,277	35,139	55,000	61%
18 Equipment Expense	6,715	6,715	9,000	75%
19 File Management	(436)	5,882	-	0%
20 Insurance	29,499	25,199	40,000	74%
21 Janitorial/Maintenance	10,354	11,054	15,500	67%
22 Legal Fees	26,712	26,702	35,000	76%
23 Meeting Expense	511	811	8,000	6%
24 Miscellaneous	1,471	1,471	2,500	59%
25 Office Supplies	9,094	7,241	15,000	61%
26 Postage & Delivery	617	553	5,000	12%
27 Printing	3,697	3,345	6,000	62%
28 Repair & Maintenance	14,622	15,797	15,000	97%
29 Technology Supplies	29,249	32,733	55,000	53%
30 Telephone	13,674	14,350	20,000	68%
31 Travel & Registration Fees	42,020	43,543	65,000	65%
32 Utilities	6,267	8,514	15,000	42%
33 Capital Outlay - Office & Technology	13,294	10,425	25,000	53%
34 Capital Outlay - Vehicle	-	-	-	0%
34 Capital Outlay - TD Vehicle	124,960	124,960	316,395	39%
35 Capital Outlay - Building	-	-	30,000	0%
36 TOTAL EXPENSE	\$ 3,712,632	\$ 3,518,462	\$ 6,357,513	58%
37				
38 INCOME OVER (UNDER) EXPENSE	\$ 8,010	\$ 16,037	\$ -	

**CASH ON HAND 06/30/2023**

Checking Account + Petty Cash	\$ 204,962
<b>Cash Held in Reserve:</b>	
Money Market Account	\$ 275,881
Local Govt Investment Pool	\$ 9,871
<b>Total Cash</b>	<b>\$ 490,715</b>

**CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**  
**STATEMENT OF NET ASSETS**  
**June 30, 2023**

**UNAUDITED**

**ACCRUAL**

**ASSETS**

1	Cash	\$ 204,947
2	Petty Cash	15
3	Accounts Receivable	616,316
4	Unbilled Costs	351,400
5	Prepaid Expenses	30,015
6	Fixed Assets	1,246,513
7	Funds Held in Reserve	285,753
8		
9	<b>TOTAL ASSETS</b>	<b><u>\$ 2,734,959</u></b>

**LIABILITIES & EQUITY**

13	Liabilities	
14	Accounts Payable	\$ 711,963
15	Compensated Absences Liability	154,377
16	Deferred Revenue	87,062
17	<b>Total Liabilities</b>	<b><u>953,402</u></b>
18		
19	<b>Fund Balance</b>	<b>1,781,557</b>
20		
21	<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>\$ 2,734,959</u></b>

Agenda Item #4  
**2023 U.S. Economic Development Administration Disaster Supplemental Grant**

Actions Requested:	Approve Resolution 2023-8A authorizing Executive Director to submit, execute agreement and administer EDA Grant
Exhibits:	#4: Resolution 2023-8A

**Background:** The US Economic Development Administration is providing a FY 2023 Disaster Supplemental funding opportunity in response to Natural Disasters from 2021 and 2022 including those communities impacted by Hurricane Ian. Staff requests authorization to submit, execute agreement, and administer this grant which would allow for the development of a multi-jurisdictional corridor study (Study) to identify opportunities to attract investment through implementation of strategies enabling job creation, an increase in tax revenues and additional growth opportunities. The Study will also assist in the identification of emerging and declining industry clusters or sectors; competitive advantages, and the possibilities for collaborative industry partnerships.

This comprehensive planning effort will support disaster economic recovery activities that address the impacts of Hurricanes Ian, flooding, and other natural disasters helping the region to become more resilient. The grant is to be administered over a 24-month time period. The grant award amount is \$240,000 with a \$60,000 match for a total project cost of \$300,000.

**Scope of Work: Multi-Jurisdictional Transportation Corridor Study**

Project Description: Prepare a transportation corridor study to support future economic growth and development. The study will address existing conditions, stormwater management, and economic drivers that could potentially attract private investment and enable industrial growth, job creation, increase tax revenues and expand economic opportunities within and adjacent to the identified corridors which include SR 60 from Mulberry to Lake Wales; US 17 from Polk/Hardee county line to Winter Haven; and US 27 from Frostproof to Lake Wales.

Economic Assessment: Inventory of major corridors and economic and market analysis. The economic assessment identifies existing and potential industry clusters that could drive economic development within the corridor in the future.

- Demographic and Economic Analysis
- Business Cluster Analysis (Emerging or declining clusters or sectors and projected impact on the corridors' competitive advantages and ability to build capacity for economic development)
- Transportation Corridor and Economic analysis
- Corridor Revitalization Strategies

Transportation Assessment: Review of transportation plans, programs, and studies to establish baseline traffic and transit performance indicators for the study corridors. Document the corridor area, including corridor segments, major intersections/interchanges, rail sites and freight movements, aviation airports (Winter Haven, Bartow, Lake Wales), traffic volumes, bicycle,

Agenda Item #4  
**2023 U.S. Economic Development Administration Disaster Supplemental Grant**

pedestrian, and transit conditions. The study will assess the quantity and quality of the study area's existing transportation network and reasonable expectations for expansion.

Land Use Assessment: Overview of land use characteristics; review of existing plans and studies; review of existing and future land use, zoning; and review of socioeconomic conditions.

Infrastructure Assessment: Identification of opportunities and challenges for development and redevelopment of the corridors respective of central water, wastewater, stormwater, electric and natural gas infrastructure and broadband infrastructure. The assessment will reflect the study area's existing stormwater infrastructure, identify existing flood prone areas, and infrastructure that may be at risk should a future flooding event and or disaster arise.

- **RESOLUTION 2023-8A**

Authorize Executive Director to submit, execute agreement and administer EDA Grant.



Exhibit #4

## RESOLUTION 2023-8A

**A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL APPROVING THE EXECUTIVE DIRECTOR TO SIGN, ADMINISTER, AND APPROVE MODIFICATIONS TO A GRANT AGREEMENT WITH THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION TO DEVELOP A MULTI-JURISDICTIONAL TRANSPORTATION CORRIDOR STUDY THROUGH THE FY 2023 DISASTER SUPPLEMENTAL FUNDING FOR NATURAL DISASTERS IN 2021 AND 2022.**

**WHEREAS**, the United States Economic Development Administration is providing a FY 2023 Disaster Supplemental for those regions impacted by Hurricane Ian; and

**WHEREAS**, the Central Florida region faces challenges to economic health due to the impacts of Hurricane Ian including agricultural losses and continued impacts to traditional industries of the region overtime; and

**WHEREAS**, there is a need to identify and promote assets to support future economic growth and development; and

**WHEREAS**, a multi-jurisdictional corridor study (Study) will provide opportunities to attract investment through implementation of identified strategies enabling job creation, an increase in tax revenues and additional growth opportunities; and

**WHEREAS**, the Study will allow for the identification of emerging and declining industry clusters or sectors; competitive advantages, and the possibilities for collaborative industry partnerships; and

**WHEREAS**, this comprehensive planning effort will support disaster economic recovery activities that address the impacts of Hurricanes Ian, flooding, and other natural disasters helping the region to become more resilient.

**NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL:**

- The CFRPC Executive Director is authorized to sign, administer, and approve modifications to the grant agreement between the CFRPC and the United States Economic Development Administration to develop a Multi-Jurisdictional Corridor Study.

**DULY PASSED AND ADOPTED THIS 2<sup>nd</sup> DAY OF AUGUST, 2023.**

**CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**

By: \_\_\_\_\_  
Keith Keene, Chair

ATTEST: \_\_\_\_\_

COUNCIL ATTORNEY: \_\_\_\_\_

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Agenda Item #5  
**Intergovernmental Coordination and Review and Public Transportation  
Collaborative Planning Agreement**

Actions Requested:	Approve agreement and Authorize Executive Director to sign the agreement
Exhibits:	#5: Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement

**Background:** Staff of the Polk TPO will present an agreement to provide a process for intergovernmental coordination and review by and between the Florida Department of Transportation (FDOT); the Polk TPO; the Central Florida Regional Planning Council (CFRPC); Lakeland Area Mass Transit District (LAMTD); Polk Transit Authority (PTA); and Bartow Municipal Airport Development Authority (BMADA). This is an update to an existing ongoing agreement to review, participate in, and serve as the regional review clearinghouse for projects, and establishes a cooperative relationship.

- The Polk TPO is a transportation planning organization covering Polk County, Florida, and is the duly designated and constituted agency responsible for the continuing, cooperative, and comprehensive transportation planning process within the metropolitan planning area.
- Florida Statutes require MPOs/TPOs to execute agreements with the regional intergovernmental coordination and review agencies and also with the operators of public transportation systems.
- The Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement (Agreement) describes the process for coordination of Polk TPO planning and programming activities and also defines the process for fulfilling the clearinghouse requirements for federally funded activities.
- The Agreement establishes the cooperative relationship between the Polk TPO, the FDOT, the Central Florida Regional Planning Council, Polk Transit Authority, the Lakeland Area Mass Transit District, and the Bartow Municipal Airport Development Authority.
- Regional Planning Councils are typically the intergovernmental coordination and review agencies. The CFRPC has responsibilities that include the Polk County planning area boundaries.
- The CFRPC is a signatory to this agreement.

**Staff requests approval of the agreement and authorization for the Executive Director to sign the agreement.**

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**INTERGOVERNMENTAL COORDINATION AND REVIEW  
AND**

**PUBLIC TRANSPORTATION COLLABORATIVE PLANNING AGREEMENT**

THIS INTERGOVERNMENTAL COORDINATION AND REVIEW AND PUBLIC TRANSPORTATION COLLABORATIVE PLANNING AGREEMENT is made and entered into on this Insert day of week day of Insert Month, 2023, by and between the FLORIDA DEPARTMENT OF TRANSPORTATION (Department); the Polk Transportation Planning Organization (TPO); the Central Florida Regional Planning Council (CFRPC); Lakland Area Mass Transit District (LAMTD); Polk Transit Authority (PTA); Bartow Municipal Airport Development Authority (BMADA); collectively referred to as the Parties.

**RECITALS**

WHEREAS, the Federal Government, under the authority of 23 United States Code (USC) § 134 and 49 USC § 5303 and any subsequent applicable amendments, requires each metropolitan area, as a condition to the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process in designated urbanized areas to develop and implement plans and programs consistent with the comprehensively planned development of the metropolitan area;

WHEREAS, 23 USC § 134, 49 USC § 5303, and Section 339.175, Florida Statutes (F.S.), provide for the creation of metropolitan planning organizations to develop transportation plans and programs for urbanized areas;

WHEREAS, 23 Code of Federal Regulations (CFR) § 450 requires that the State, the Metropolitan Planning Organization, and the operators of publicly owned transportation systems shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning (including multimodal, systems-level corridor and subarea planning studies pursuant to 23 CFR § 450) and programming;

WHEREAS, pursuant to Section 20.23, F.S., the Department has been created by the State of Florida, and the Department has the powers and duties relating to transportation, as outlined in Section 334.044, F.S.;

WHEREAS, pursuant to 23 USC § 134, 49 USC § 5303, 23 CFR § 450, and Section 339.175 F.S., the Polk Transportation Planning Organization (TPO), herein after referred to as the MPO, has been designated and its membership apportioned by the Governor of the State of Florida, with the agreement of the affected units of general purpose local government, to organize and establish the Metropolitan Planning Organization;

WHEREAS, pursuant to Section 339.175 F.S., the MPO shall execute and maintain an agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the Metropolitan Planning Area;

WHEREAS, the agreement must describe the means by which activities will be coordinated and specify how transportation planning and programming will be part of the comprehensively planned development of the Metropolitan Planning Area;

WHEREAS, pursuant to Section 186.505, F.S., the RPC is to review plans of metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government comprehensive plans adopted pursuant to Chapter 163, F.S.;

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WHEREAS, the RPC, pursuant to Section 186.507, F.S., is required to prepare a Strategic Regional Policy Plan, which will contain regional goals and policies that address regional transportation issues;

WHEREAS, based on the RPC statutory mandate to identify inconsistencies between plans of metropolitan planning organizations and applicable local government comprehensive plans, and to prepare and adopt a Strategic Regional Policy Plan, the RPC is appropriately situated to assist in the intergovernmental coordination of the transportation planning process;

WHEREAS, pursuant to Section 186.509, F.S., the RPC has adopted a conflict and dispute resolution process;

WHEREAS, the purpose of the dispute resolution process is to reconcile differences in planning and growth management issues between local governments, regional agencies, and private interests;

WHEREAS, the Parties hereto have determined that the voluntary dispute resolution process can be useful in resolving conflicts and disputes arising in the transportation planning process;

WHEREAS, pursuant to 23 CFR § 450 and Section 339.175, F.S., the MPO must execute and maintain an agreement with the operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, and seaport planning (including multimodal, systems-level corridor and subarea planning studies pursuant to 23 CFR § 450) and programming will be part of the comprehensively planned development of the Metropolitan Planning Area;

WHEREAS, it is in the public interest that the MPO, operators of public transportation systems, including transit systems, commuter rail systems, port and aviation authorities, jointly pledge their intention to cooperatively participate in the planning and programming of transportation improvements within this Metropolitan Planning Area;

WHEREAS, the Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement, dated August 10, 2017, is hereby replaced and superseded in its entirety by this Agreement.

WHEREAS, the undersigned Parties have determined that this Agreement satisfies the requirements of and is consistent with 23 CFR § 450 and Section 339.175, F.S.; and

WHEREAS, the Parties to this Agreement desire to participate cooperatively in the performance, on a continuing basis, of a cooperative, and comprehensive transportation planning process to assure that highway facilities, transit systems, bicycle and pedestrian facilities, rail systems, air transportation, and other facilities will be located and developed in relation to the overall plan of community development.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the Parties desiring to be legally bound, do agree as follows:

## **ARTICLE 1**

### **RECITALS AND DEFINITIONS**

1.01. **Recitals.** Each and all of the foregoing recitals are incorporated herein and acknowledged to be true and correct. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement.

1.02. **Definitions.** The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

- (a) **Agreement** means this instrument, as may be amended from time to time.
- (b) **Corridor or Subarea Study** means studies involving major investment decisions or as otherwise identified in 23 CFR § 450.
- (c) **Department** means the Florida Department of Transportation, an agency of the State of Florida, created pursuant to Section 20.23, F.S.
- (d) **FHWA** means the Federal Highway Administration.
- (e) **Long Range Transportation Plan (LRTP)** means the 20-year transportation planning horizon which identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities; indicates proposed transportation activities; and, in ozone/carbon monoxide nonattainment areas is coordinated with the State Implementation Plan, all as required by 23 USC § 134, 49 USC § 5303, 23 CFR § 450, and Section 339.175, F.S.
- (f) **Metropolitan Planning Area** means the planning area as determined by agreement between the MPO and the Governor for the urbanized areas designated by the United States Bureau of the Census as described in 23 USC § 134, 49 USC § 5303, and Section 339.175, F.S., and including the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, which shall be subject to the Metropolitan Planning Organization's planning authority.
- (g) **Metropolitan Planning Organization (MPO)** means the Polk Transportation Planning Organization (TPO) formed pursuant to Interlocal Agreement as described in 23 USC § 134, 49 USC § 5303, and Section 339.175, F.S. This may also be referred to as a Transportation Planning Organization (TPO).
- (h) **Regional Planning Council (RPC)** means the Central Florida Regional Planning Council (CFRPC) created pursuant to Section 186.504, F.S., and identified in Rule insert F.A.C. Rule citation, F.A.C.
- (i) **Transportation Improvement Program (TIP)** means the staged multi-year program of transportation improvement projects developed by a Metropolitan Planning Organization consistent with the Long Range Transportation Plan, developed pursuant to 23 USC §§ 134 and 450, 49 USC § 5303, and Section 339.175, F.S.

- (j) **Unified Planning Work Program (UPWP)** means a biennial program developed in cooperation with the Department and public transportation providers, that identifies the planning priorities and activities to be carried out within a metropolitan planning area to be undertaken during a 2-year period, together with a complete description thereof and an estimated budget, as required by 23 CFR § 450.308(c), and Section 339.175, F.S.

## **ARTICLE 2**

### **PURPOSE**

2.01. Coordination with public transportation system operators. This Agreement is to provide for cooperation between the Parties in the development and preparation of the UPWP, the TIP, the LRTP, and any applicable Corridor or Subarea Studies.

2.02. Intergovernmental coordination; Regional Planning Council. Further, this Agreement is to provide a process through the RPC for intergovernmental coordination and review and identification of inconsistencies between proposed MPO transportation plans and local government comprehensive plans adopted pursuant to Chapter 163, F.S., and reviewed by the Division of Community Development within the Florida Department of Economic Opportunity.

2.03. Dispute resolution. This Agreement also provides a process for conflict and dispute resolution through the RPC.

## **ARTICLE 3**

### **COOPERATIVE PROCEDURES FOR PLANNING AND PROGRAMMING WITH OPERATORS OF PUBLIC TRANSPORTATION SYSTEMS**

3.01. Cooperation with operators of public transportation systems; coordination with local government approved comprehensive plans.

- (a) The MPO shall cooperate with the Lakland Area Mass Transit District; Polk Transit Authority (LAMTD); Bartow Municipal Airport Development Authority (BMADA) (collectively, "Transportation Authorities") to optimize the planning and programming of an integrated and balanced intermodal transportation system for the Metropolitan Planning Area.
- (b) The MPO shall implement a continuing, cooperative, and comprehensive transportation planning process that is consistent, to the maximum extent feasible, with port and aviation master plans, and public transit development plans of the units of local governments whose boundaries are within the Metropolitan Planning Area.
- (c) As a means towards achievement of the goals in paragraphs (a) and (b) and in an effort to coordinate intermodal transportation planning and programming, the MPO may include, but shall include if within a transportation management area, as part of its membership officials of agencies that administer or operate major modes or systems of transportation, including but not limited to transit operators, sponsors of major local airports, maritime ports, and rail operators per Federal regulations. The representatives of the major modes or systems of transportation may be accorded voting or non-voting advisor status. In the Metropolitan Planning Area if authorities or agencies are created by law to perform transportation functions and are not under the jurisdiction of a general purpose local government represented on the MPO, the MPO may request the Governor to designate said authority or agency as a voting member

of the MPO in accordance with the requirements of Section 339.175, F.S. If the new member would significantly alter local government representation in the MPO, the MPO shall propose a revised apportionment plan to the Governor to ensure voting membership on the MPO to be an elected official representing public transit authorities which have been, or may be, created by law.

The MPO shall ensure that representatives of ports, transit authorities, rail authorities, and airports within the Metropolitan Planning Area are provided membership on the MPO Technical Advisory Committee.

### 3.02. Preparation of transportation related plans.

- (a) Although the adoption or approval of the UPWP, the TIP, and the LRTP is the responsibility of the MPO, development of such plans or programs shall be viewed as a cooperative effort involving the Parties to this Agreement. In developing its plans and programs, the MPO shall solicit the comments and recommendations of the other Parties to this Agreement in the preparation of such plans and programs.
- (b) When preparing the UPWP, the TIP, or the LRTP, or preparing other than a minor amendment thereto (as determined by the MPO), the MPO shall provide notice to all other Parties to this Agreement to advise them of the scope of the work to be undertaken and inviting comment and participation in the development process. The MPO shall ensure that the chief operating officials of the other Parties receive written notice at least 15 days prior to the date of all public workshops and hearings, or within the specified number of days per MPO bylaws or public participation plan, relating to the development of such plans and programs.
- (c) Local government comprehensive plans.
  - (1) In developing the TIP, the LRTP, or Corridor or Subarea studies, or preparing other than a minor amendment thereto (as determined by the MPO), the MPO and Transportation Authorities shall review for consistency for each local government in the Metropolitan Planning Area:
    - (i) each comprehensive plan's future land use element;
    - (ii) the goals, objectives, and policies of each comprehensive plan; and
    - (iii) the zoning, of each local government in the Metropolitan Planning Area.
  - (2) Based upon the foregoing review and in consideration of other relevant growth management plans, the MPO and Transportation Authorities shall provide written recommendations to local governments in the Metropolitan Planning Area in the development, amendment, and implementation of their comprehensive plans. A copy of the recommendations shall be sent to the RPC.
  - (3) The MPO agrees that, to the maximum extent feasible, the LRTP and the projects and project-phases within the TIP shall be consistent with the future land use element and the goals, objectives, and policies of each comprehensive plan of the local governments in the Metropolitan Planning Area. If the MPO's TIP is inconsistent with a local government's comprehensive plan, the MPO shall so

indicate, and the MPO shall present, as part of the TIP, justification for including the project in the program.

(d) Multi-modal transportation agency plans.

- (1) In developing the TIP, the LRTP, or Corridor or Subarea studies, or preparing other than a minor amendment thereto (as determined by the MPO), the MPO shall analyze the master plans of the Transportation Authorities. Based upon the foregoing review and a consideration of other transportation related factors, the MPO, shall from time to time and as appropriate, provide recommendations to the other Parties to this Agreement as well as local governments within the Metropolitan Planning Area, for the development, amendment, and implementation of their master, development, or comprehensive plans.
- (2) In developing or revising their respective master, development, or comprehensive plans, the Parties to this Agreement shall analyze the draft or approved UPWP, TIP, LRTP, or Corridor or Subarea studies, or amendments thereto. Based upon the foregoing review and a consideration of other transportation related factors, the Parties to this Agreement shall as appropriate, provide written recommendations to the MPO with regard to development, amendment, and implementation of the plans, programs, and studies.
- (3) The MPO agrees that, to the maximum extent feasible, the TIP shall be consistent with the affected growth management and other relevant plans of the other Parties to this Agreement.

**ARTICLE 4**  
**INTERGOVERNMENTAL COORDINATION AND REVIEW**

4.01. Coordination with Regional Planning Council. The RPC shall do the following:

- (a) Within 30 days of receipt, the RPC shall review the draft TIP, LRTP, Corridor and Subarea studies, or amendments thereto, as requested by the MPO, to identify inconsistencies between these plans and programs and applicable local government comprehensive plans adopted pursuant to Chapter 163, F.S., for counties and cities within the Metropolitan Planning Area and the adopted Strategic Regional Policy Plan.
  - (1) The Parties recognize that, pursuant to Florida law, the LRTP and the TIP of the MPO must be considered by cities and counties within the Metropolitan Planning Area in the preparation, amendment, and update/revision of their comprehensive plans. Further, the LRTP and the projects and project phases within the TIP are to be consistent with the future land use element and goals, objectives, and policies of the comprehensive plans of local governments in the Metropolitan Planning Area. Upon completion of its review of a draft TIP or LRTP, the RPC shall advise the MPO and each county or city of its findings;
  - (2) The RPC shall advise the MPO in writing of its concerns and identify those portions of the submittals which need to be reevaluated and potentially modified if the RPC review identifies inconsistencies between the draft TIP or LRTP and local comprehensive plans; and

- (3) Upon final adoption of the proposed TIP, LRTP, Corridor and Subarea studies, or amendments thereto, the MPO may request that the RPC consider adoption of regional transportation goals, objectives, and policies in the Strategic Regional Policy Plan implementing the adopted TIP, LRTP, Corridor and Subarea studies, or amendments thereto. If the proposed plan, program, or study, or amendments thereto, was the subject of previous adverse comment by the RPC, the MPO will identify the change in the final adopted plan intended to resolve the adverse comment, or alternatively, the MPO shall identify the reason for not amending the plan as suggested by the RPC.
- (b) Provide the availability of the conflict and dispute resolution process as set forth in Article 5 of this Agreement.

## **ARTICLE 5**

### **CONFLICT AND DISPUTE RESOLUTION PROCESS**

5.01. Disputes and conflicts under this Agreement. This process shall apply to conflicts and disputes relating to matters subject to this Agreement, or conflicts arising from the performance of this Agreement. Except as otherwise provided in this Article 5, only representatives of a party to this Agreement with conflicts or disputes shall engage in conflict resolution.

5.02. Initial resolution. The affected parties to this Agreement shall, at a minimum, ensure the attempted early resolution of conflicts relating to such matters. Early resolution shall be handled by direct discussion between the following officials:

Department: District Director for Planning and Programs

MPO: Polk Transportation Planning Organization (TPO): Parag Agrawal, Executive Director

RPC: Central Florida Regional Planning Council (CFRPC): Jennifer Codo-Salisbury, Executive Director

Polk Transit Authority (PTA): Tom Phillips, Executive Director

Lakeland Area Mass Transit Authority (LAMTA): Tom Phillips, Executive Director

Bartow Municipal Airport Development Authority (BMADA): John Helms, Executive Director

5.03. Resolution by senior agency official. If the conflict remains unresolved, the conflict shall be resolved by the officials listed on section 5.02 of this Agreement, with the exception of the Department's listed official, which for purposes of this section 5.03 shall be the District Secretary.

5.04. Resolution by the Office of the Governor. If the conflict is not resolved through conflict resolution pursuant to sections 5.01, 5.02, and 5.03 of this Agreement, the affected parties shall petition the Executive Office of the Governor for resolution of the conflict pursuant to its procedures. Resolution of the conflict by the Executive Office of the Governor shall be binding on the affected parties.

## **ARTICLE 6**

### **MISCELLANEOUS PROVISION**

6.01. Constitutional or statutory duties and responsibilities of parties. This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the Parties. In addition, this Agreement does not relieve any of the Parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one or more of the Parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

6.02. Amendment of Agreement. Amendments or modifications of this Agreement may only be made by written agreement signed by all Parties hereto with the same formalities as the original Agreement.

6.03. Duration; withdrawal procedure.

- (a) Duration. This Agreement shall have a term of five (5) years and the Parties hereto shall examine the terms hereof and agree to amend the provisions or reaffirm the same in a timely manner. However, the failure to amend or to reaffirm the terms of this Agreement shall not invalidate or otherwise terminate this Agreement.
- (b) Withdrawal procedure. With the exception of the MPO, any party to this Agreement may withdraw after presenting in written form a notice of intent to withdraw to the other Parties to this Agreement, at least ninety (90) days prior to the intended date of withdrawal; provided, that financial commitments made prior to withdrawal are effective and binding for their full term and amount regardless of withdrawal.

6.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested, to the officials identified for each party in section 5.02 of this agreement.

A party may unilaterally change its address or addressee by giving notice in writing to the other Parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

6.05. Interpretation.

- (a) Drafters of Agreement. All Parties to this Agreement were each represented by, or afforded the opportunity for representation by legal counsel, and participated in the drafting of this Agreement and in the choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.
- (b) Severability. Invalidation of any one of the provisions of this Agreement or any part, clause or word hereof, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.
- (c) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:



- (1) The singular of any word or term includes the plural;
- (2) The masculine gender includes the feminine gender; and
- (3) The word “shall” is mandatory, and “may” is permissive.

6.06. Attorney’s Fees. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own costs and attorney’s fees in connection with such proceeding.

6.07. Agreement execution; use of counterpart signature pages. This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

6.08. Effective date. This Agreement shall become effective on the date last signed by the Parties hereto.

6.09. Other authority. In the event that any election, referendum, approval, permit, notice, or other proceeding or authorization is required under applicable law to enable the Parties to enter into this Agreement or to undertake the provisions set forth hereunder, or to observe, assume or carry out any of the provisions of the Agreement, said Parties will initiate and consummate, as provided by law, all actions necessary with respect to any such matters as required.

6.10. Parties not obligated to third parties. No party hereto shall be obligated or be liable hereunder to any party not a signatory to this Agreement. There are no express or intended third-party beneficiaries to this Agreement.

6.11. Rights and remedies not waived. In no event shall the making by the Department of any payment to the MPO constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the MPO, and the making of any such payment by the Department while any such breach or default exists shall in no way impair or prejudice any right or remedy available to the Department in respect of such breach or default.

6.12. Data, records, reports and other documents. Subject to the right to claim an exemption from the Florida Public Records Law, Chapter 119, F.S., the Parties, excluding the Department, shall provide to each other such data, reports, records, contracts, and other documents in its possession relating to the MPO as is requested. Charges are to be in accordance with Chapter 119, F.S.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**INTERGOVERNMENTAL COORDINATION AND REVIEW  
AND  
PUBLIC TRANSPORTATION COLLABORATIVE PLANNING AGREEMENT**

525-010-03  
POLICY PLANNING  
OGC – 10/20  
Page 10 of 12

**Signed, sealed and delivered in the presence of:**

**FLORIDA DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

Name: L.K. Nandam

Title: District Secretary

Date: \_\_\_\_\_

Approved as to form and legal sufficiency

Attorney: \_\_\_\_\_

Name: \_\_\_\_\_

**POLK TRANSPORTATION PLANNING ORGANIZATION**

By: \_\_\_\_\_

Name: Parag Agrawal

Title: Executive Director

Date: \_\_\_\_\_

Approved as to form and legal sufficiency

Attorney: Elizabeth Voss

Name: \_\_\_\_\_

## CENTRAL FLORIDA REGIONAL PLANING COUNCIL

By: \_\_\_\_\_

Name: Jennifer Codo-Salisbury

Title: Executive Director

Date: \_\_\_\_\_

Approved as to form and legal sufficiency

Attorney: \_\_\_\_\_

Name: \_\_\_\_\_

## POLK TRANSIT AUTHORITY

By: \_\_\_\_\_

Name: Tom Phillips

Title: Executive Director

Date: \_\_\_\_\_

Approved as to form and legal sufficiency

Attorney: Ben Darby

Name: \_\_\_\_\_

## LAKELAND AREA MASS TRANSIT DISTRICT

By: \_\_\_\_\_

Name: Tom Phillips

Title: Executive Director

Date: \_\_\_\_\_

Approved as to form and legal sufficiency

Attorney: Ben Darby

Name: \_\_\_\_\_

**BARTOW MUNICIPAL AIRPORT DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_

Name: John Helms

Title: Executive Director

Date: \_\_\_\_\_

Approved as to form and legal sufficiency

Attorney: Sean R. Parker

Name: \_\_\_\_\_

Agenda Item #6  
**Adopt Resolutions Authorizing Executive Director to Sign, Administer, and  
 Approve Modifications to Florida Commerce Community Planning  
 Technical Assistance Grant Agreements for FY 2023 2024**

Actions Requested:	Authorize Executive Director to Sign, Administer and Approve Modifications to the Grant Agreements
Exhibits:	#6A: Resolution 2023-8B #6B: Resolution 2023-8C

**Background:** Staff applied for two Community Planning Technical Assistance Grants for the Heartland Region prior to the June 2023 deadline through the State of Florida, Florida Commerce (formally the Department of Economic Opportunity). Staff requests authorization to execute grant agreements and administer the grants. The timeframe of the grants is from July 1, 2023 to June 30, 2024.

**Description of Grant Applications:**

Development of a Natural Resources Emergency Response Element & Guidebook

This grant will allow for the development of a Natural Resources Emergency Response Element (NRERE) and Guidebook in coordination with the Coastal & Heartland National Estuary Partnership. The primary deliverable will be a streamlined, easy-to-use document that will outline the impacts of extreme events on natural resources and the preparation, response, and recovery actions needed to protect and manage those resources in the event of an emergency or disaster. This will provide guidance to local authorities, response teams, and other stakeholders to understand and mitigate the impact of natural disasters on natural resources and ensure a coordinated and effective response.

- **Resolution 2023-8B**

Authorizes the Executive Director to sign, administer, and approve modifications to the grant agreement between the CFRPC and the State of Florida, Florida Commerce to develop a Natural Resource Emergency Response Element and Guidebook.

Connecting Central Florida to Manufacturing and Emergency Preparedness

This grant will facilitate the connection of Central Florida to Manufacturing and Emergency Preparedness. The Central Florida Regional Planning Council and the East Central Florida Regional Planning Council will coordinate with FloridaMakes to provide outreach and engage the economic development and emergency preparedness community. The products from this effort will include:

- A partnership and outreach database for each county within the respective regions.
- Creation of informational materials to support the outreach and engagement activities for FloridaMakes –including a video showcasing success stories.
- Information from host informational/feedback sessions within each RPC region for the manufacturing and emergency preparedness communities (in person or virtual) as evidenced by an agenda, sign-in sheet/invite list, and an event summary.
- An Implementation Framework” based on feedback from the information sessions to be used by FloridaMakes, the manufacturers, and the emergency preparedness community to integrate the utilization of disaster response scenarios.

- **Resolution 2023-8C**

Authorizes the Executive Director to sign, administer, and approve modifications to the grant agreement between the CFRPC and the State of Florida, Florida Commerce to facilitate connection of Central Florida to Manufacturing and Emergency Preparedness.

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Exhibit #6A

## RESOLUTION 2023-8B

### **A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL APPROVING THE EXECUTIVE DIRECTOR TO SIGN, ADMINISTER, AND APPROVE MODIFICATIONS TO A GRANT AGREEMENT WITH THE STATE OF FLORIDA, FLORIDA COMMERCE TO DEVELOP A NATURAL RESOURCES EMERGENCY RESPONSE ELEMENT AND GUIDEBOOK.**

**WHEREAS**, in 2022, Hurricane Ian caused historic devastation for the counties in the service area, with the Peace River surging 10 feet in a 2-day period in Arcadia, soaring past the previous 20-foot record and reaching a record-breaking height of 25 feet, extending 300 yards beyond its banks; and

**WHEREAS**, while trying to respond to this emergency, it became clear that increased preparation and clarification of roles, county to county assistance, and help from other government and non-government organizations was necessary; and

**WHEREAS**, to ensure that the safety of residents and protection of natural resources is more effectively and efficiently addressed during future emergency events, the CFRPC will work in coordination with the Coastal & Heartland National Estuary Partnership, government entities, private sector organizations and Emergency Response personnel to develop a Natural Resources Emergency Response Element and Guidebook to outline the impacts of extreme events on natural resources and the preparation, response, and recovery actions needed to protect and manage those resources in the event of an emergency or disaster; and

#### **NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL:**

- The CFRPC Executive Director is authorized to sign, administer, and approve modifications to the grant agreement between the CFRPC and the State of Florida, Florida Commerce to develop a Natural Resources Emergency Response Element and Guidebook.

**DULY PASSED AND ADOPTED THIS 2<sup>nd</sup> DAY OF AUGUST, 2023.**

#### **CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**

By: \_\_\_\_\_  
Keith Keene, Chair

ATTEST: \_\_\_\_\_

COUNCIL ATTORNEY: \_\_\_\_\_

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## RESOLUTION 2023-8C

Exhibit #6B

**A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL APPROVING THE EXECUTIVE DIRECTOR TO SIGN, ADMINISTER, AND APPROVE MODIFICATIONS TO A GRANT AGREEMENT WITH THE STATE OF FLORIDA, FLORIDA COMMERCE TO FACILITATE CONNECTION OF CENTRAL FLORIDA TO MANUFACTURING AND EMERGENCY PREPAREDNESS.**

**WHEREAS**, The Central Florida Regional Planning Council and the East Central Florida Regional Planning Council will coordinate with FloridaMakes to provide outreach and engage the economic development and emergency preparedness community; and

**WHEREAS**, a partnership and outreach database will be developed for each county within the respective regions; and

**WHEREAS**, informational materials will be developed to support the outreach and engagement activities for FloridaMakes –including a video showcasing success stories; and

**WHEREAS**, - an Implementation Framework based on feedback from the information sessions will be used by FloridaMakes, the manufacturers, and the emergency preparedness community to integrate the utilization of disaster response scenarios; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL:**

- The CFRPC Executive Director is authorized to sign, administer, and approve modifications to the grant agreement between the CFRPC and State of Florida, Florida Commerce to facilitate connection of Central Florida to Manufacturing and Emergency Preparedness.

**DULY PASSED AND ADOPTED THIS 2<sup>nd</sup> DAY OF AUGUST, 2023.**

**CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**

By: \_\_\_\_\_  
Keith Keene, Chair

ATTEST: \_\_\_\_\_

COUNCIL ATTORNEY: \_\_\_\_\_

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Agenda Item #7  
Heartland Regional Resiliency Action Plan Project Update

Actions Requested:	Information Only
Exhibits:	None

**Background:** Staff will provide an update regarding the development of the Heartland Regional Resiliency Action Plan including an overview of the draft plan goals.

The Regional Resiliency Action Plan, when complete, will:

- 1) Create a vision of resilient inland communities encompassing urban, suburban and rural communities.
- 2) Define both local and regional goals, objectives, strategies, and actions to support alignment of critical issues.
- 3) Consider federal and state planning requirements.
- 4) Define best practices, national metrics, and certification requirements.
- 5) Include a scorecard to measure progress and achievements.
- 6) Develop actionable strategies for the next five years.

Staff facilitated the Heartland Resiliency Action Forum on June 15, 2023. An overview of the forum and input received will also be provided.

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Agenda Item #9  
Florida Wildlife Corridor

Actions Requested:	Information Only
Exhibits:	None

**Background:** The Florida Wildlife Corridor Act was signed into law on June 30, 2021 and became effective on July 1, 2021. The Act creates “incentives for conservation and sustainable development while sustaining and conserving the green infrastructure that is the foundation of Florida’s economy and quality of life.” The Florida Wildlife Corridor encompasses nearly 17.7 million acres in Florida. Of that area, 9.6 million acres (54%) are already protected and 8.1 million acres (46%) of remaining opportunity areas that do not have conservation status.

The CFRPC staff is working in partnership with Archbold Biological Station on a statewide Florida Wildlife Corridor Planning and Development Data Project. The Study identifies development activities that have occurred within and near Florida Wildlife Corridor Opportunity Areas between 2019 and 2022 that present potential near-term development threats to future connectivity and protection of the corridor. Data collected and analyzed to inform the report includes building permits, zoning changes, land suitability, generalized future land use, existing infrastructure relevant to future development, and development entitlements. Activities includes coordination with State agencies, non-profit organizations, and landowners to assist in identifying Opportunity Areas potentially available for acquisition, voluntary conservation easements, or those requiring coordination to support new development or redevelopment projects.

Staff will provide an update on this work.

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# Legislative Bill Summaries

Exhibit #11A

## 01 - SPOTLIGHT BILLS

### **Prohibition on Open Primaries and Nonpartisan Elections (Oppose) – Failed**

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 ...

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 affiliation to the electors and may not be prohibited from campaigning or qualifying for office based on party affiliation. (O'Hara)

### **Sovereign Immunity (Oppose) – Failed**

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) ...

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)

### **Constitutional Amendment: Revised Limitation on Increases of Homestead Property Tax Assessments (Oppose) – Failed**

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 ...

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 require the approval of the Florida Legislature and the voters of Florida. (Chapman)

## **Solid Waste Management (Oppose) – Failed**

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 ...

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 providing its own solid waste or recycling services. Current contracts and franchises in place as of January 2023 would be permitted to continue to their date of expiration, but the bills specify that a local government may not recognize an "evergreen" contract or additional renewal or extension of a contract or agreement. CS/HB 975 was amended to provide that the bill does not apply to a local government that is the sole provider of solid waste collection services in its jurisdiction performed by employees of a municipality or county using municipal or county-owned equipment. (O'Hara)

## **Municipal Electric Utilities (Oppose) – Failed**

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) ...

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)

## **Municipal Utilities (Oppose) – Failed**

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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## **Residential Building Permits (Oppose) – Failed**

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) – Passed**

CS/CS/SB 1604 (Ingoglia) makes a variety of changes relating to comprehensive plans and land development regulations. ...

CS/CS/SB 1604 (Ingoglia) makes a variety of changes relating to comprehensive plans and land development regulations. **Required Planning Periods for Comprehensive Plans** The bill revises the two statutory required planning periods that must be covered in a local government comprehensive plan from five to 10 years and from 10 to 20 years. **Evaluation and Appraisal Reports, EAR-based Amendments and Population Projections** With respect to Evaluation and Appraisal Reports (EAR), the bill requires that when local governments notify the state land planning agency of a determination whether EAR-based plan amendments are needed, the notification must include a separate affidavit signed by the Chair or Mayor of the governing body, attesting that all elements of its comprehensive plan comply with section 163.3191, Florida Statutes. The affidavit must also certify that the adopted plan covers the minimum 10-year planning period and cite the source and date of the population projections used in establishing the 10-year planning period. The bill requires, rather than encourages, local governments to update plans to reflect changes in local conditions and specifies that updates to the required elements and optional elements of the plan be processed in the same amendment cycle. It specifies that if a local government fails to submit the letter and affidavit to the state land planning agency or fails to transmit the update to its plan within one year after the date the letter was transmitted to the state, the local government may not initiate or adopt any publicly initiated plan amendments until such time it complies with the requirements. It provides that the failure of a local government to timely update its plan may not be the basis for the denial of privately initiated plan amendments. If a local government fails to update its plan pursuant to state law, the state land planning agency must provide the required population projections to the local government. The local government must initiate an update to its plan within three months following receipt of the projections and shall transmit the update within 12 months. The bill authorizes local governments to provide alternative population projections based on professionally accepted methodologies, but only if those projections exceed the projections provided by the state. **Regulation of Single-Family Residential Design Elements** In 2022, the Legislature amended section 163.3202 to prohibit local governments from regulating building design elements for single-family and two-family homes, with specified exceptions. The bill narrows two of the current law exceptions relating to planned unit developments and architectural review boards by specifying the exception applies only to planned unit developments approved before July 2023 and architectural review boards created before January 2020. **Substation Approval Process** The bill amends the electric substation approval process in section 163.3208, Florida Statutes, by changing the definition of “distribution electric substation” to “electric substation” and expands the scope of the definition to include accessory administration, maintenance buildings and related accessory uses and structures. In addition, the new language specifies that new and existing substations shall be a permitted use in all land use and zoning categories. **Mobility Fees** The bill clarifies that if a local government adopts an alternative mobility funding system under section 163.3180(5)(i), Florida Statutes, the holder of any transportation or road impact fee credits previously granted is entitled to the full benefit of the density or intensity prepaid by the credit balance as of the date the impact fee was established. **Development Agreements of Independent Special Districts** Finally, the bill authorizes the review of a development agreement by an independent special district executed within three months preceding the effective date of a law modifying the makeup of the special district’s governing board. It requires the new governing board to review any development agreements within the initial four months of taking office. Effective date: July 1, 2023, except as otherwise provided. (Chapman)

Articles in this section: 8

## **BUILDING CODE/CONSTRUCTION**

### **Building Construction (Monitor) – Passed**

CS/CS/HB 89 (Maggard) specifies that if a building code administrator, plans examiner or inspector requests another local enforcing agency employee or person contracted by the local enforcing agency to review building plans and that person or employee identifies specific plan features that do not comply with the Florida Building Code, the Florida Fire Code, Life Safety Code or applicable local amendments thereto, the building code administrator, plans examiner, inspector or fire official must provide this information to the local enforcing agency. In addition, the bill prohibits a local government from making or requiring substantive changes to building plans ...

CS/CS/HB 89 (Maggard) specifies that if a building code administrator, plans examiner or inspector requests another local enforcing agency employee or person contracted by the local enforcing agency to review building plans and that person or employee identifies specific plan features that do not comply with the Florida Building Code, the Florida Fire Code, Life Safety Code or applicable local amendments thereto, the building code administrator, plans examiner, inspector or fire official must provide this information to the local enforcing agency. In addition, the bill prohibits a local government from making or requiring substantive changes to building plans or specifications after a permit has been issued except for changes required for compliance with applicable codes. 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 Building Code, the Florida Fire Prevention Code or the Life Safety Code or any local amendments thereto. The specific code chapters and sections upon which the finding is based must be provided to the permitholder. A plans examiner, inspector, building code administrator or fire official who fails to comply with these requirements will be subject to disciplinary action. Effective date: July 1, 2023. (Branch)

### **Building Permit Applications to Local Governments (Monitor) – Failed**

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) – Passed**

CS/CS/HB 327 (Bell) provides that a Contractor I or II may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers and the addition of 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated or deleted does not exceed 249. The bill also creates an expedited permitting process for certain “fire sprinkler system projects.” A contractor must submit a completed application and payment to the local enforcement agency but is not required to submit plans or specifications as a ...

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system component in an existing commercial, residential, apartment, cooperative or condominium building. Effective date: July 1, 2023. (Branch)

### **Public Construction (Support) – Passed**

CS/CS/SB 346 (DiCeglie) requires contracts for construction services between a local government and a contractor to include a “punch list” of items to render complete, satisfactory and acceptable the construction services contracted for, which outlines the estimated cost of each item necessary to complete the work. The bill requires the local government to pay the entire contract balance, except for 150% of the portion attributed to those projects on the list, within 20 days after the list is created. It limits a local government’s ability to withhold certain amounts under the contract to only those subject to a ...

CS/CS/SB 346 (DiCeglie) requires contracts for construction services between a local government and a contractor to include a “punch list” of items to render complete, satisfactory and acceptable the construction services contracted for, which outlines the estimated cost of each item necessary to complete the work. The bill requires the local government to pay the entire contract balance, except for 150% of the portion attributed to those projects on the list, within 20 days after the list is created. It limits a local government’s ability to withhold certain amounts under the contract to only those subject to a written good faith dispute or claims against public surety bonds. A local government must pay the undisputed portions of a contract within 20 days. It requires the local government to pay the contractor for the remaining list of projects upon their total completion. The bill makes similar changes to requirements for construction contracts with public entities. Lastly, the bill amends the definition of “public works project” by preempting any local preference requirements in competitively procured public construction projects when any state funds are used for the project. Effective date: July 1, 2023. (Branch)

### **Residential Building Permits (Oppose) – Failed**

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)

Articles in this section: 5

## **CYBERSECURITY**

### **Cybersecurity (Monitor) – Failed**

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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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 who has jurisdiction. The bills establish an operations committee within the Florida Digital Service to assist with collaboration between state agencies and local governments. The bills also provide municipalities with a presumption from liability in connection with a cybersecurity incident for entities that are substantially compliant with the Act. The bills do clarify that they do not establish a private cause of action, and failure of a municipality to implement a cybersecurity program does not constitute negligence. (Taggart)

### **State Cybersecurity Operations (Monitor) – Failed**

SB 2508 (Appropriations) transfers the Cybersecurity Operations Center (CSOC) and its associated duties, responsibilities, contracts, unexpended balances of appropriations, allocations, and positions from the Florida Digital Service (FDS) within the Department of Management Services (DMS) to the Florida Department of Law Enforcement (FDLE). In accordance with the recommendations of the February 1, 2021, Florida Cybersecurity Task Force Final Report, the bill also requires state agencies to conduct comprehensive risk assessments on an annual basis instead of once every three years. (Taggart) ...

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Articles in this section: 2

## **ECONOMIC DEVELOPMENT**

### **Rural Development (Support) – Passed**

CS/CS/CS/HB 1209 (Shoaf) specifies that an agency agreement that provides state or federal financial assistance to local government entities within a rural area of opportunity (RAO) must allow the agency to provide for the payment of invoices to the county, municipality or RAO for verified and eligible performance that has been completed in accordance with the terms and conditions in the agreement. The bill amends the Rural Infrastructure Fund to: ...

CS/CS/CS/HB 1209 (Shoaf) specifies that an agency agreement that provides state or federal financial assistance to local government entities within a rural area of opportunity (RAO) must allow the agency to provide for the payment of invoices to the county, municipality or RAO for verified and eligible performance that has been completed in accordance with the terms and conditions in the agreement. The bill amends the Rural Infrastructure Fund to: •Increase the maximum grant award from 50% to 75% of the total infrastructure cost, or up to 100% of the total infrastructure project cost for a project that is located in a rural community that is also located in a fiscally constrained county or in a RAO; •Remove the requirement that projects must be linked to specific job-creation or job-retention opportunities; •Remove the currently permitted use of funds for improving access, availability and improvement of broadband internet service; •Increase the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects and remove the limitation that the grant not exceed 30% of the total project cost; and •Remove the 33% local match requirement for grants for surveys, feasibility studies and the preclearance review of land for projects in an RAO. Effective date: July 1, 2023. (Taggart)

### **Economic Programs (Monitor) – Passed**

CS/CS/HB 5 (Esposito) eliminates Enterprise Florida, Inc. (EFI) and transfers all its duties, functions, records, existing contracts, administrative authority and unexpended balances of appropriations and allocations relating to its programs to the Department of Commerce, which is created in the bill by the renaming of the Department

of Economic Opportunity (DEO). Duties related to international trade and development are transferred to a new direct-support organization under the Department. The transition must be completed by December 1, 2023. The bill appropriates \$5 million to the new international trade direct-support organization created in the bill, \$5 million and 20 FTE ...

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### **Financial Assistance for Rural Areas of Opportunity (Support) – Failed**

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) – Failed**

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 ...

HB 473 (Eskamani) – Agreement for Best Practices in Economic Development SB 1664 (Hooper) – Economic Development

Articles in this section: 5

## **ETHICS & ELECTIONS**

### **Conflicting Employment or Contractual Relationships for Public Officers or Employees (Monitor) – Passed**

CS/HB 199 (Hunschofsky, Daley) addresses ethical conflicts of officers of independent taxing districts. The bill clarifies that certain conduct by such officers, such as misuse of public position and disclosure of information for personal benefit, is prohibited despite the current law exemption relating to the officers' conflicting employment and contractual relationships. The bill also requires elected local officers of independent special districts to undergo four hours of annual ethics training. ...

CS/HB 199 (Hunschofsky, Daley) addresses ethical conflicts of officers of independent taxing districts. The bill clarifies that certain conduct by such officers, such as misuse of public position and disclosure of information for personal benefit, is prohibited despite the current law exemption relating to the officers' conflicting employment and contractual relationships. The bill also requires elected local officers of independent special districts to undergo four hours of annual ethics training. Effective date: July 1, 2023. (O'Hara)

### **Financial Disclosures for Elected Local Officers (Oppose) – Passed**

CS/CS/SB 774 (Brodeur) requires elected mayors and elected members of the governing body of a municipality, as well as candidates for such offices and members of the Florida Commission on Ethics, to file an annual full disclosure of financial interests (Form 6), beginning January 1, 2024. These individuals are currently required to file simple financial disclosures (Form 1). The bill also addresses requirements for e-filing of financial disclosures. It maintains the requirement that Form 6 filers submit their disclosures to the Commission on Ethics' electronic filing system beginning January 1, 2023, and requires Form 1 filers to submit ...

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### **Local Redistricting (Monitor) – Failed**

CS/SB 444 (Ingoglia), SB 1080 (Yarborough), and HB 7069 (State Affairs Committee) specify criteria for redistricting for school boards, cities, and counties. The bills prohibit county commission districts, municipal districts, and school board member residence areas from being drawn with the intent to favor or disfavor a candidate for the governing body or an incumbent member of the governing body. They require county commission districts to be as nearly equal in population as possible. Current law does not address requirements for municipal redistricting, but the bills would impose such requirements and override any local charter provisions that conflict ...

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impose such requirements and override any local charter provisions that conflict with the bills. The bills require municipalities to fix the boundaries of their districts to keep them as nearly equal in proportion to their respective populations as practicable and provide that they may only do so in odd-numbered years. The bills void any ordinance adopted by a county, municipality, or school district on or after July 1, 2023, that conflicts with the bills. (O'Hara)

### **Political Advertisements for Nonpartisan Office (Monitor) – Failed**

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 ...

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 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) – Failed**

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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### **Elections (Monitor) – Passed**

CS/SB 7050 (Ethics and Elections Committee) makes numerous changes to the state's election laws relating to voter registration, voter signature verification, candidate oaths, candidate disclosures, candidate name designations, vote-by-mail requirements, canvassing boards, issuance of "voter guides," third-party voter registration organizations, voter address records, post-election reports, precinct boundary data, early voting, campaign finance reporting and penalties for violations of elections laws. Of interest to municipal governments, the bill amends Section 100.342, Florida Statutes, relating to notices of special elections. Current law requires 30 days' notice of a special election or referendum to be published in a local newspaper, and ...

CS/SB 7050 (Ethics and Elections Committee) makes numerous changes to the state's election laws relating to voter registration, voter signature verification, candidate oaths, candidate disclosures, candidate name designations, vote-by-mail requirements, canvassing boards, issuance of "voter guides," third-party voter registration organizations, voter address records, post-election reports, precinct boundary data, early voting, campaign finance reporting and penalties for violations of elections laws. Of interest to municipal governments, the bill amends Section 100.342, Florida Statutes, relating to notices of special elections. Current law requires 30 days' notice of a special election or referendum to be

published in a local newspaper, and CS/SB 7050 would authorize this notice to instead be published on the county's website, the municipality's website or the supervisor of election's website. The bill also revises requirements for precinct boundary data by deleting requirements relating to the use of census blocks and removing specified "visible features" and boundaries from the types of boundaries that may be used as a precinct boundary. In addition, the bill revises the schedule for campaign finance, electioneering, and political committee reporting from monthly to quarterly, except for the third quarter immediately preceding a general election. It preempts local governments from enacting a campaign finance reporting schedule that differs from the schedule required by state law. Effective date: July 1, 2023. (O'Hara) Articles in this section: 6

## **FINANCE & TAXATION**

### **Ad Valorem Tax Exemption for Nonprofit Homes for the Aged (Monitor) – Failed**

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) ...

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)

### **Communication Services Tax (Oppose) – Failed**

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%. HB 1153 was included in the Ways and Means Committee tax package (HB 7063) with the language relating to the 1.44% reduction in the ...

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%. HB 1153 was included in the Ways and Means Committee tax package (HB 7063) with the language relating to the 1.44% reduction in the state tax rate removed. (Chapman)

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

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) – Failed**

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)

### **Constitutional Amendment: Revised Limitation on Increases of Homestead Property Tax Assessments (Oppose) – Failed**

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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### **Florida Main Street Program and Historic Preservation Tax Credit (Monitor) – Failed**

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 ...

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### **Homestead Exemption for First Responders (Monitor) – Failed**

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. These provisions were included in the 2023 tax package (HB 7063). (Cruz) ...

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. These provisions were included in the 2023 tax package (HB 7063). (Cruz)

**Homestead Tax Exemptions (Monitor) – Failed**

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

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

**Implementing Bill: Homestead Assessments (Oppose) – Failed**

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) – Failed**

CS/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 to extend or increase millage may only be held once during the 48-month period preceding the effective ...

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**Property Tax Administration (Monitor) – Failed**

CS/SB 474 (Garcia) and CS/HB 1131 (Fernandez-Barquin) would 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 ...

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**Tax Package (Monitor) – Passed**

HB 7063 (Ways and Means Committee/McClain) is the annual comprehensive tax package. The bill contains various provisions concerning sales taxes and exemptions, the state corporate income taxes, documentary stamp taxes, intangible personal property taxes, ad valorem taxes, and various other tax provisions affecting county, municipal and state revenues. Among the many tax provision, the bill: ...

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### **Taxation of Affordable Housing (Support) – Failed**

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) – Failed**

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) – Failed**

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: 16

## GENERAL GOVERNMENT

### Local Ordinances – Passed

CS/CS/SB 170 (Trumbull) imposes new requirements on municipalities for adopting and enforcing ordinances. First, the bill requires 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 bill exempts the following ordinances from this requirement: ordinances required to comply with federal or state laws or regulations; ordinances relating to the issuance or refinancing of debt; ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget; ordinances required to implement a contract or agreement, including grants ...

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permits; ordinances enacted to implement Sections 190.005 and 190.046 (CDDs); ordinance enacted to implement the Florida Building Code; and ordinances enacted to implement the Florida Fire Prevention Code. 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 bill requires a municipality to suspend enforcement of an ordinance that is the subject of a civil action challenging the ordinance's validity on the grounds that it is arbitrary or unreasonable or expressly preempted by state law. This requirement applies only if: the action was filed within 90 days of the ordinance's effective date, suspension of the ordinance was requested in the complaint and the municipality was served with a copy of the complaint. If the municipality prevails in the civil action, the municipality may enforce the ordinance unless the plaintiff appeals the decision and obtains a stay of enforcement from the court. Third, the bill authorizes the award of attorney fees, costs and damages to a prevailing plaintiff in a civil action commenced after October 1, 2023, in which an ordinance is alleged to be arbitrary or unreasonable. Attorney fees, costs and damages are capped at \$50,000. The bill authorizes a court to impose sanctions upon a party for filing a paper, pleading or motion for an improper purpose (such as to harass or delay). The bill requires courts to prioritize and expedite the disposition of cases in which enforcement of an ordinance is suspended. The bill exempts ordinances listed above from the stay of enforcement provision. Additionally, the bill clarifies current law relating to notice and publication of ordinances by specifying that consideration of an ordinance properly noticed may be continued to a subsequent meeting if the date, time and place of the subsequent meeting is publicly stated. This provision is retroactive. Effective date: October 1, 2023, except as otherwise specified. (O'Hara)

Articles in this section: 1

## HOUSING

### Condominium Associations (Monitor) – Passed

CS/CS/SB 154 (Bradley) revises the milestone inspection requirements for condominium and cooperative buildings that are three or more stories in height. In addition, the bill makes other changes concerning condominium and cooperative associations and reserve and structural integrity reserve study requirements. With respect to milestone inspection, the bill revises requirements to: ...

CS/CS/SB 154 (Bradley) revises the milestone inspection requirements for condominium and cooperative buildings that are three or more stories in height. In addition, the bill makes other changes concerning condominium and cooperative associations and reserve and structural integrity reserve study requirements. With respect to milestone inspection, the bill revises requirements to: •Limit the milestone inspection requirements to buildings that include a residential condominium or cooperative; •Provide that the milestone inspection requirements apply to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings; •Clarify that all owners of a mixed-ownership building in which portions of the building are subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection; •Require a building that reaches 30 years of age before December 31, 2024, to have a milestone inspection before December 31, 2024; •Delete the 25-year milestone inspection requirements for buildings that are within three miles of the coastline; •Authorize the local enforcement agencies that are responsible for enforcing the milestone inspection requirements the option to set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater; •Authorize the local enforcement agency to extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the building have entered into a contract with an architect or engineer to perform the milestone inspection services and the milestone inspection cannot reasonably be completed before the deadline; and permit local enforcement agencies to accept an inspection and report that was completed before July 1, 2022, if the inspection and report substantially complies with the milestone requirements; •Provide that the inspection services may be provided by a team of design professionals with an architect or engineer acting as a registered design professional in responsible charge; and •Clarify that an association must distribute a copy of the summary of the inspection reports to unit owners within 30 days of its receipt. The bill requires the Florida Building Commission (FBC) to establish by rule a building safety program to implement the milestone inspection requirements within the Florida Building Code. The FBC must specify the minimum requirements for the building safety program by December 31, 2024, including inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority having jurisdiction. Effective date: Except for the dispute resolution provisions that take effect on July 1, 2027, the bill takes effect upon becoming law. (Branch)

## Housing (Support) – Passed

CS/SB 102 (Calatayud) creates the Live Local Act to address Florida’s affordable housing needs. The Act uses a combination of funding, tax credits, tax exemptions and land use controls to create incentives for affordable housing. ...

CS/SB 102 (Calatayud) creates the Live Local Act to address Florida’s affordable housing needs. The Act uses a combination of funding, tax credits, tax exemptions and land use controls to create incentives for affordable housing. Zoning and Land Use Controls and Local Government Requirements: •For a 10-year period, the bill requires cities and counties to allow multifamily rental and mixed-use residential as allowable uses in any area zoned for commercial, industrial or mixed use if at least 40% of the units are affordable to income-eligible households for at least 30 years. For mixed-use projects, at least 65% of the total square footage must be used for residential purposes. The local government may not require the proposed project to obtain a zoning or land use change, special exception, conditional use approval, variance or comprehensive plan amendment for the height, densities and zoning authorized by the bill. oA local government may not restrict the height of an eligible project below the tallest currently allowed height for a commercial or residential development in the jurisdiction within 1 mile of the proposed project or three stories, whichever is higher. oA local government may not restrict the density of an eligible project below the highest allowable density in the jurisdiction where residential development is allowed. oApplications for eligible projects must be administratively approved by the local government with no further action by the governing body if the project satisfies applicable land development regulations and comprehensive plan requirements for mixed-use residential developments (other than height, density and zoning). oA local government must consider reducing parking requirements for eligible projects if the proposal is located within half a mile of a “major transit stop” (as defined by the local government). oCities and certain counties with less than 20% of land zoned for commercial or industrial uses are only subject to these requirements for mixed-use developments (exclusively residential projects would not be eligible). oRecreational and commercial working waterfront areas are exempt. oThe proposed project must otherwise comply with applicable state and local laws. •Sections 125.01055(6) and 166.04151(6) currently authorize local governments to allow affordable housing developments on any parcel zoned residential, commercial or industrial, notwithstanding any other law to the contrary. The bill removes areas zoned residential from this provision. •Requires cities and counties, as well as independent special districts within local governments, to post annually an inventory of city- and county-owned lands appropriate for use as affordable housing on their websites. •Prohibits cities and counties from enacting rent control requirements. •Requires cities and counties to post on their websites policies for implementing state laws that require expedited processing of building permits and development orders. Tax Exemptions: •Requires a new property tax exemption for newly constructed multifamily developments of over 70 affordable units that serve up to 120% AMI and do not have a Land Use Restriction Agreement with the Florida Housing Finance Corporation (FHFC); the exemption applies only to the affordable housing units. •Authorizes cities and counties to implement additional property tax exemptions for developments that serve households at 60% AMI or below. Eligible projects must have at least 50 units and dedicate at least 20% of the units for affordable housing. •Creates a new sales tax refund on building materials for affordable housing developments subject to an agreement with FHFC. Funding and Tax Credits: •Proposes \$811 million for affordable housing programs, including \$252 million for SHIP; \$259 million for SAIL; \$100 million for the Florida Hometown Hero Housing Program; \$100 million for a competitive loan program for new construction projects that have not yet commenced construction and are experiencing verifiable cost increases due to market inflation; and up to \$100 million for a new Live Local Tax Donation Program, whereby taxpayers can direct payments to the FHFC for use as SAIL funds in exchange for tax credits against corporate or insurance premium tax. Effective date: July 1, 2023, except as otherwise specified. (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 & COMPREHENSIVE PLANNING**

### **Agricultural Lands (Monitor) – Failed**

CS/CS/CS/HB 1343 (Tuck) and CS/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 ...

CS/CS/CS/HB 1343 (Tuck) and CS/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 that requires the termination or surrender of an agricultural classification for any property. CS/CS/CS/HB 1343 and CS/CS/SB 1184 have been amended to completely prohibit counties from levying any special assessment on lands classified as agricultural that meet certain requirements. CS/CS/CS/HB 1343 was amended to clarify that the county prohibition from a county levying special assessments does not apply to nonagricultural structures, including both residential and nonresidential structures, and their curtilage. CS/CS/CS/HB 1343 was amended to remove the provisions that completely prohibit counties from levying any special assessment on lands classified as agricultural that meet certain requirements. This language was instead included in the 2023 tax package (HB 7063). (Cruz)

### **Alternative Mobility Funding Systems (Support) – Failed**

CS/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 ...

CS/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 plan. The bills would require mobility fees to be updated every five years once adopted or updated. The bills outline the comprehensive requirements a local government must follow in implementing the mobility plan and mobility fee system. In addition, the bills make a revision to the impact fee statute that was substantially amended during the 2021 Legislative Session. Current law now limits the amount impact fees can be increased by, and it requires a phase-in period depending on the amount an impact fee is increased by. However, current law also provides an exception to the impact fee increase process by allowing for increases to be greater than the requirements if the governmental entity establishes the need for the increased fee pursuant to the rational nexus test, uses a study (completed within the 12 months preceding the increase) showing that extraordinary circumstances require the additional increase, holds at least two publicly noticed workshops, and adopts the increase by a 2/3 vote. SB 350 will eliminate this exception to impact fee increases. Therefore, all impact fee increases will have to comply with the increase limits and phase-in requirements provided for in the current law, with no exception. CS/CS/HB 235 was amended to delete all provisions which would have restricted a local government's ability to increase impact fees. (Cruz)

### **Land Development Initiative and Referendum Processes (Monitor) – Failed**

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. The substance of HB 41 was later amended onto SB 718. See the summary for SB 718 for more details. (Chapman)

### **Local Government Comprehensive Plans (Monitor) – Passed**

CS/CS/SB 540 (DiCeglie) allows the prevailing party in a legal challenge to a comprehensive plan or plan amendment to recover attorney fees and costs, including reasonable appellate fees and costs. The bill resolves a split among Florida district courts of appeal by clarifying the scope of review under section 163.3215, Florida Statutes, for a local government to grant or deny a development order by providing the order may be challenged only if it would materially alter the use, density or intensity of the property in a manner not consistent with the comprehensive plan. Finally, the bill prohibits local ...

CS/CS/SB 540 (DiCeglie) allows the prevailing party in a legal challenge to a comprehensive plan or plan amendment to recover attorney fees and costs, including reasonable appellate fees and costs. The bill resolves a split among Florida district courts of appeal by clarifying the scope of review under section 163.3215, Florida Statutes, for a local government to grant or deny a development order by providing the order may be challenged only if it would materially alter the use, density or intensity of the property in a manner not consistent with the comprehensive plan. Finally, the bill prohibits local governments from enforcing any land development regulations, other than those relating to density and intensity, against any of the institutions within the Florida College System. Effective date: July 1, 2023. (Chapman)

### **Land Use and Development Regulations (Oppose) – Passed**

CS/CS/SB 1604 (Ingoglia) makes a variety of changes relating to comprehensive plans and land development regulations. ...

CS/CS/SB 1604 (Ingoglia) makes a variety of changes relating to comprehensive plans and land development regulations. Required Planning Periods for Comprehensive Plans The bill revises the two statutory required planning periods that must be covered in a local government comprehensive plan from five to 10 years and from 10 to 20 years. Evaluation and Appraisal Reports, EAR-based Amendments and Population Projections With respect to Evaluation and Appraisal Reports (EAR), the bill requires that when local governments notify the state land planning agency of a determination whether EAR-based plan amendments are needed, the notification must include a separate affidavit signed by the Chair or Mayor of the governing body, attesting that all elements of its comprehensive plan comply with section 163.3191, Florida Statutes. The affidavit must also certify that the adopted plan covers the minimum 10-year planning period and cite the source and date of the population projections used in establishing the 10-year planning period. The bill requires, rather than encourages, local governments to update plans to reflect changes in local conditions and specifies that updates to the required elements and optional elements of the plan be processed in the same amendment cycle. It specifies that if a local government fails to submit the letter and affidavit to the state land planning agency or fails to transmit the update to its plan within one year after the date the letter was transmitted to the state, the local government may not initiate or adopt any publicly initiated plan amendments until such time it complies



with the requirements. It provides that the failure of a local government to timely update its plan may not be the basis for the denial of privately initiated plan amendments. If a local government fails to update its plan pursuant to state law, the state land planning agency must provide the required population projections to the local government. The local government must initiate an update to its plan within three months following receipt of the projections and shall transmit the update within 12 months. The bill authorizes local governments to provide alternative population projections based on professionally accepted methodologies, but only if those projections exceed the projections provided by the state. Regulation of Single-Family Residential Design Elements In 2022, the Legislature amended section 163.3202 to prohibit local governments from regulating building design elements for single-family and two-family homes, with specified exceptions. The bill narrows two of the current law exceptions relating to planned unit developments and architectural review boards by specifying the exception applies only to planned unit developments approved before July 2023 and architectural review boards created before January 2020. Substation Approval Process The bill amends the electric substation approval process in section 163.3208, Florida Statutes, by changing the definition of “distribution electric substation” to “electric substation” and expands the scope of the definition to include accessory administration, maintenance buildings and related accessory uses and structures. In addition, the new language specifies that new and existing substations shall be a permitted use in all land use and zoning categories. Mobility Fees The bill clarifies that if a local government adopts an alternative mobility funding system under section 163.3180(5)(i), Florida Statutes, the holder of any transportation or road impact fee credits previously granted is entitled to the full benefit of the density or intensity prepaid by the credit balance as of the date the impact fee was established. Development Agreements of Independent Special Districts Finally, the bill authorizes the review of a development agreement by an independent special district executed within three months preceding the effective date of a law modifying the makeup of the special district’s governing board. It requires the new governing board to review any development agreements within the initial four months of taking office. Effective date: July 1, 2023, except as otherwise provided. (Chapman)

### **Local Regulation of Nonconforming or Unsafe Structures (Oppose) – Failed**

CS/CS/HB 1317 (Roach) and CS/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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Articles in this section: 6

### **OTHER**

### **Actions Against Public-use Airports (Monitor) – Failed**

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) – Passed**

CS/CS/HB 935 (Giallombardo, Jacques) prohibits a municipality from terminating a chief of police without providing the chief a written notice of the termination. After a chief receives a notice of termination, a municipality must provide an opportunity for the chief to appear at the next regularly scheduled public meeting of the governing body of the municipality and provide a response to the termination. The bill also prohibits an employment contract between a municipality and a chief of police from waiving or modifying any requirements of the bill or including a nondisclosure clause that prohibits a chief from responding ...

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### **Department of Business and Professional Regulation (Monitor) – Passed**

CS/CS/HB 869 (McClain) addresses various regulatory functions of the Department of Business and Professional Regulation. Two sections of the bill may be of interest to local governments. First, section 6 of the bill requires each licensee issued a license or licensed agent managing a license classified as a vacation rental to submit any change in the street or unit address or number of houses or units included under the license within 30 days after the change. Second, section 8 of the bill amends section 553.73, Florida Statutes, relating to the Florida Building Code, to authorize the Florida Building ...

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### **Drones (Support) – Passed**

CS/CS/CS/SB 1068 (Collins) prohibits a political subdivision from withholding the issuance of a business tax receipt or development permit, or enacting or enforcing an ordinance or resolution prohibiting a drone delivery service's operation based on the location of the delivery service's drone port, but does allow political subdivisions to enforce generally applicable minimum setback and landscaping regulations. The bill exempts drone ports, except for their stairwells, from the Florida Building Code, as well as from provisions concerning fire protection systems of the Florida Fire Prevention Code. The bill defines "drone delivery service" as a person engaged in the ...

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### **Enforcement of School Zone Speed Limits (Monitor) – Passed**

CS/CS/CS/SB 588 (Rodriguez) and CS/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 when 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) – Failed**

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) ...

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### **Flood Damage Prevention (Support) – Failed**

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) ...

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### **Governmental Agency Drone Use (Monitor) – Failed**

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)

### **Government and Corporate Activism (Monitor) – Passed**

CS/CS/HB 3 (Rommel) attempts to eliminate the consideration of environmental, social and governance (ESG) from government investment strategies, procurements, bond issuances and use of banks. Provisions relevant to local governments include: ...

CS/CS/HB 3 (Rommel) attempts to eliminate the consideration of environmental, social and governance (ESG) from government investment strategies, procurements, bond issuances and use of banks. Provisions relevant to local governments include: •Requires fiduciaries of all government retirement plans to make investment decisions that consider only pecuniary factors that 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. •Prohibits local governments from the issuance of bonds used to further an ESG purpose. The bill defines 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. •Requires that any contract between a government entity and an investment manager include provisions requiring a disclaimer be included in any communications discussing ESG interests from the investment manager. The disclaimer must state: “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.” •Amends 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. •Amends 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. Effective date: July 1, 2023. (Cruz)

### **License or Permit to Operate Vehicle for Hire (Monitor) – Failed**

CS/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. CS/CS/HB 807 was amended to exclude public-use airports and vehicles used to transport handicap individuals. (Branch) ...

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### **Licensed Counseling for First Responders (Oppose) – Failed**

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 ...

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### **Local Floodplain Management (Oppose) – Failed**

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) ...

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### **Local Occupational Licensing (Monitor) – Passed**

CS/CS/HB 1383 (Trabulsy) addresses occupation licensing by local governments, which the Legislature passed in 2021. The bill extends by one year (from July 1, 2023, to July 1, 2024) the authority of local governments to continue licensing local occupations that were licensed on or before January 1, 2021. The bill requires the state's Construction Industry Licensing Board (CILB) to establish, by July 1, 2024, voluntary certified specialty contractor licensing in the following categories: ...

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to one of the state's contractor or specialty contractor categories. A local government may continue to offer licensing for veneer, including aluminum or vinyl gutters, siding, soffit or fascia; rooftop painting, coating and cleaning above three stories in height; or fence installation and erection, if the local government imposed such a licensing requirement before January 1, 2021. In addition, the bill allows a county located in an area designated as an area of critical state concern (e.g., Monroe County) to offer licensing for any job scope that requires a contractor license under this part if the county imposed such a licensing requirement before January 1, 2021. Lastly, a local government may not require a license as a prerequisite to submit a bid for public work projects if the work to be performed does not require a license under general law. Effective date: July 1, 2023. (Branch)

### **Monuments and Memorials (Monitor) – Failed**

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) – Passed**

CS/CS/SB 718 (Yarborough) revises procedures for municipal annexation and contraction and local government initiatives and referenda. It identifies the "report" that must be prepared prior to annexation or contraction as a "feasibility" study conducted by qualified staff or consultants and provides that such study must analyze the economic, market, technical, financial and management feasibility of a proposed annexation or contraction. The bill removes the requirement for contractions that a municipality provide specific findings when rejecting a petition from voters requesting exclusion from municipal boundaries. It also specifies that a governing body's rejection of a petition for contraction is ...

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### **Natural Emergencies (Monitor) – Passed**

CS/CS/SB 250 (Martin) makes various changes to existing Florida law regarding the preparation and response activities of state and local government to natural emergencies. Specifically, the bill provides that following a declared natural emergency as defined in section 252.34(8), a county or municipality may not prohibit the placement of a temporary shelter (including but not limited to a recreational vehicle, a trailer or similar structure

on a residential property) for up to 36 months or until a certificate of occupancy is issued on the permanent residential structure, on the property, whichever occurs first, if certain conditions are met ...

CS/CS/SB 250 (Martin) makes various changes to existing Florida law regarding the preparation and response activities of state and local government to natural emergencies. Specifically, the bill provides that following a declared natural emergency as defined in section 252.34(8), a county or municipality may not prohibit the placement of a temporary shelter (including but not limited to a recreational vehicle, a trailer or similar structure on a residential property) for up to 36 months or until a certificate of occupancy is issued on the permanent residential structure, on the property, whichever occurs first, if certain conditions are met including: •The resident makes a good faith effort to rebuild or renovate the damaged property, such as applying for a building permit, submitting a plan or design to the county or municipality, or applying for a construction loan; •The temporary shelter is connected to water and electric utilities and does not present a danger to health or human safety; and •The resident lives in the temporary shelter. The bill requires the Division of Emergency Management (DEM) to post on its website a model debris removal contract for the benefit of local governments (this provision is effective upon becoming law). In addition, the bill requires DEM to prioritize technical assistance and training to fiscally constrained counties on aspects of preparedness, response, recovery, and mitigation (also effective upon becoming law). The bill encourages local governments to create emergency financial plans in preparation for major natural disasters. The bill also 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. Local governments are required to expedite the issuance of building permits following a natural disaster. The bill 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. Effective upon becoming law, the bill prohibits counties and municipalities within the disaster declaration for Hurricane Ian or Hurricane Nicole from increasing building fees until October 1, 2024. Effective upon becoming law, registered contractors can engage in contracting for the types of work covered by their registration within areas for which a state of emergency has been declared. The bill prohibits counties and municipalities within 100 miles of Hurricane Ian or Hurricane Nicole's landfall from adopting more restrictive or burdensome procedures to their comprehensive plans or land development regulations concerning review, approval or issuance of a site plan, development permit or development order before October 1, 2024. Furthermore, such counties and municipalities may not propose or adopt a moratorium on construction, reconstruction or redevelopment of any property damaged by Hurricane Ian or Nicole. The bill also extends the date for fire control districts within 50 miles of Hurricane Ian's landfall to submit statutorily required performance reviews. The amends the Consultants' Competitive Negotiation Act to allow for additional disaster-related construction projects relating to Hurricane Ian to utilize the "continuing contracts" provision through December 31, 2023. The bill makes the Local Government Emergency Bridge Loan Program a revolving program and makes funds available for local governments impacted by federally declared disasters until July 1, 2038, appropriates \$50 million in nonrecurring funds from the General Revenue Fund to the program for the 2023-2024 fiscal year, and authorizes \$50 million of funds appropriated in special session to a previous version of the program to be transferred and used for this program. The bill clarifies the 45-day grace period following a hurricane in which owners must bring a derelict vessel into compliance before being charged with a violation. The bill directs DEM to administer a revolving loan program for local government hazard mitigation projects and appropriates \$1 million in nonrecurring funds from the General Revenue Fund and \$10 million in nonrecurring funds from the Federal Grants Trust Fund for such activity during the 2023-2024 fiscal year. Finally, the bill shields public utilities from liability for damages arising from changes in reliability, continuity or quality of services stemming from an emergency or disaster. Effective date: July 1, 2023, except as otherwise provided. (Branch)

### **Preemption of the Regulation of Tobacco and Nicotine Products (Support) – Failed**

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) – Failed**

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) – Passed**

CS/CS/SB 258 (Burgess) requires governmental entities to block all prohibited applications on government-issued devices (e.g., cell phones, laptops or other electronic devices), restrict access to prohibited applications on a government-issued device, and retain the ability remotely wipe and uninstall any prohibited application from a compromised government-issued device. The term “prohibited application” is defined as any internet application that is created, maintained or owned by a foreign principal of a foreign county of concern and that participates in activities that endanger cybersecurity or any internet application that the Department of Management Services (DMS) deems to present a security risk ...

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### **Public Meetings (Support) – Failed**

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) – Failed**

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) – Failed**

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) – Failed**

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) – Failed**

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) – Passed**

CS/CS/HB 783 (Caruso) creates the Statewide Council on Opioid Abatement (Council) within the Department of Children and Families (DCF) for the purpose of enhancing the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims of the opioid crisis and their families. The bill amends the definitions of “authorized health care practitioner” and “caregiver” in section 381.887, Florida Statutes, to clarify that caregivers need not have recurring contact with persons at risk of an opioid overdose to meet the definition and to include health care practitioners who dispense drugs in ...

CS/CS/HB 783 (Caruso) creates the Statewide Council on Opioid Abatement (Council) within the Department of Children and Families (DCF) for the purpose of enhancing the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims of the opioid crisis and their families. The bill amends the definitions of “authorized health care practitioner” and “caregiver” in section 381.887, Florida Statutes, to clarify that caregivers need not have recurring contact with persons at risk of an opioid overdose to meet the definition and to include health care practitioners who dispense drugs in the definition of “authorized health care practitioner.” The bill allows pharmacists to prescribe as well as dispense emergency opioid antagonists within the constraints of that section of statute. Additionally, the bill adds emergency opioid antagonists that are delivered through a prefilled injection device delivery system to the types of opioid antagonists that may be prescribed, dispensed, and administered under the section. The bill further requires each Florida College System institution and state university to store a supply of emergency opioid antagonists in each residence hall or dormitory residence owned or operated by the institution. The emergency opioid antagonists must be easily accessible to campus law enforcement officers who are trained in their administration. The bill provides civil or criminal immunity for campus law enforcement officers trained to administer the opioid antagonist as well as for the employing institution when the officer administers or attempts to administer the antagonist in accordance with the bill. Effective date: July 1, 2023. (Taggart)

### **Substance Abuse Providers (Monitor) – Passed**

CS/SB 210 (Harrell) modifies requirements for licensed substance abuse service providers offering treatment to individuals living in recovery residences. The following substances may not be used on the premises of a provider licensed by the Department of Children and Families (DCF): ...

CS/SB 210 (Harrell) modifies requirements for licensed substance abuse service providers offering treatment to individuals living in recovery residences. The following substances may not be used on the premises of a provider licensed by the Department of Children and Families (DCF): •Alcohol; •Marijuana, including marijuana certified by a qualified physician for medical use; •Illegal drugs; and •Prescription drugs when used by persons other than for whom the medication is prescribed. The bill further prohibits referrals from licensed service providers to recovery residences that allow the use of such substances on the premises and requires service providers to provide proof of a prohibition on the use of such substances in applications for licensure with the DCF. Moreover, referrals to a recovery residence must include placement into the licensed housing component of a service provider’s day or night treatment program, regardless of whether the housing component is affiliated with the service provider. This will ensure that all patients referred to a recovery residence are also referred into licensed community housing as part of treatment. The bill makes it a second-degree misdemeanor for any person discharged from a recovery residence to willfully refuse to depart after being warned by an owner or authorized employee of the residence. Additionally, the bill requires the DCF to establish a mechanism for imposing and collecting fines arising from failed recovery residence inspections and improper referrals made by licensed service providers, no later than January 1, 2024. Effective date: July 1, 2023. (Taggart)

### **Technology Transparency (Monitor) – Passed**

CS/CS/SB 262 (Bradley) prohibits employees of a governmental entity from using their position or any state resources to communicate with a social media platform to request that it remove content or accounts. In addition, a governmental entity may not initiate or maintain any agreements with a social media platform for the purpose of content moderation. The prohibitions do not apply to routine account maintenance, attempts to remove accounts or content pertaining to the commission of a crime, or efforts to prevent imminent bodily harm, loss of life or property damage. These provisions take effect on July 1, 2023. ...

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entity may not initiate or maintain any agreements with a social media platform for the purpose of content moderation. The prohibitions do not apply to routine account maintenance, attempts to remove accounts or content pertaining to the commission of a crime, or efforts to prevent imminent bodily harm, loss of life or property damage. These provisions take effect on July 1, 2023. The bill creates a new statute (section 501.1735, Florida Statutes) to provide protection to children in online spaces. Specifically, the bill prohibits online platforms that provide online services, products, games or features that are likely to be predominantly accessed by children from processing or collecting the personal information of children in the various methods described in the bill. A violation of the statute is an unfair and deceptive practice actionable and enforceable by the Department of Legal Affairs (DLA). The bill creates the “Florida Digital Bill of Rights” to allow the state’s consumers to control the digital flow of their personal information, including the right to:

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

The bill prohibits a device that has a voice or facial recognition feature, video or audio recording features, or other electronic, visual, thermal or olfactory features that collect data from such features from engaging in surveillance when the features are not in active use by a consumer or expressly authorized by the consumer. The bill’s privacy provisions generally apply to “controllers,” businesses that collect Florida consumers’ personal information, make more than \$1 billion in gross revenues and meet one of the following thresholds:

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

The bill specifies several actions that controllers must take in regard to the processing and collection of personal data, including disclosure of the main parameters used in collecting data from an online search engine, assessment of processing activities involving personal data, providing a privacy notice to consumer, and other certain actions relating deidentified data maintained by a controller. The bill also prohibits certain businesses from selling sensitive personal data without receiving prior consent of the consumer, or if the sensitive data is of a known child, without an affirmative authorization for processing that child’s data. The bill requires that a person who engages in the sale of sensitive personal data post a notice on its website of such a potential sale. Finally, the bill provides exemptions for the use of certain data and expresses that restrictions on the collection or retention of data for a particular purpose is prohibited. Effective date: July 1, 2024, except as otherwise provided. (Taggart)

### **Temporary Commercial Kitchens (Monitor) – Passed**

CS/CS/SB 752 (Calatayud) preempts the regulation of licenses, registrations, permits and fees for temporary commercial kitchens to the state. The bill defines the term “temporary commercial kitchen” to mean “any kitchen that is a public food service establishment, used for the preparation of takeout or delivery-only meals housed in portable structures that are movable from place to place by a tow or are self-propelled or otherwise axle-mounted, that include self-contained utilities, including, but not limited to, gas, water, electricity or liquid waste disposal.” The term does not include a tent. The bill requires an operator of a public ...

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- On site for the purpose of supplementing its kitchen operations for 60 consecutive days, with an additional 60-day extension.
- During a period of

renovation, repair or rebuilding, on site or off premises within line of sight not exceeding 1,320 feet from the licensed permanent food service establishment, for 120 consecutive days. An extension may be granted if the licensed permanent food service establishment demonstrates that additional time is necessary to complete the renovation, repair or rebuilding. •If a licensed permanent food service establishment is rendered uninhabitable because of a natural disaster, the establishment may operate a temporary commercial kitchen on site or nearby as reasonably practicable to the establishment's location, subject to notification to DBPR every 90 days. Effective date: July 1, 2023. (Taggart)

### **Towing Vehicles (Monitor) – Failed**

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) – Passed**

CS/CS/HB 645 (Brackett) amends Florida's Unmanned Aircraft Systems Act to add the following items to the state's definition of "critical infrastructure facility": ...

CS/CS/HB 645 (Brackett) amends Florida's Unmanned Aircraft Systems Act to add the following items to the state's definition of "critical infrastructure facility": •A water intake structure, water treatment facility, wastewater treatment plant or pump stations; •A refinery; •A gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas; •A seaport listed in section 311.09(1), Florida Statutes, which need not be completely enclosed by a fence or other physical barrier or be marked with a sign or signs indicating that entry is forbidden; •An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport; •An airport as defined in section 330.27, Florida Statutes; •A spaceport territory as defined in section 331.303(18), Florida Statutes; •A military installation as defined in 10 United States Constitution section 2801(c)(4); •An armory as defined in section 250.01, Florida Statutes; and •A dam as defined in section 373.403(1), Florida Statutes, or other structures, such as locks, floodgates or dikes, which are designed to maintain or control the level of navigable waters. The bill also modifies existing items under the definition to include any liquid natural gas or propane gas terminal or storage facility, regardless of size, and any power generation or transmission facility, station or electrical control center. Except for the specified deepwater ports, the revised and added structures and facilities must be completely enclosed by a fence or other physical barrier or be clearly marked with a sign or signs indicating that entry is forbidden, which must be posted on the property in a manner reasonably likely to come to the attention of intruders. Any person who knowingly and willfully operates a drone over the specified additional facilities and structures is subject to a definite term of imprisonment not exceeding 60 days, plus a possible additional \$500 fine, except for those actions committed by the identified entities, agencies or persons to which these provisions do not apply. In addition, the bill removes the current provision mirroring federal law, requiring a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the Federal Aviation Administration (FAA) for the designation pursuant to section 2209 of the FAA Extension, Safety and Security Act of 2016. The bill also strikes the provision making the definition of "critical infrastructure facility" inapplicable to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations or exemptions. Operation of these drones would be restricted as provided in state law unless the state law conflicts with a federal definition of what constitutes a "fixed-site facility" or with any other federal law, regulation or authorization. The bill provides that effective on the same date that

CS/CS/SB 264 takes effect (that date being July 1, 2023), the definition of “critical infrastructure facility,” if the facility employs measures such as fences, barriers or guard posts that are designed to exclude unauthorized persons, will also include: •A chemical manufacturing facility; •An electrical power plant as defined in section 403.031(20), Florida Statutes; •A liquid natural gas terminal; •A telecommunications central switching office; •A seaport list in section 311.09, Florida Statutes; and •An airport as defined in section 333.01, Florida Statutes. Effective date: July 1, 2023, except as otherwise provided. (Branch)

### **Workers' Compensation Benefits for Posttraumatic Stress Disorder (Monitor) – Failed**

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**

HJR 129 (Roth) and SB 1410 (Gruters) – Requiring Broader Public Support for Constitutional Amendments or Revisions ...

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 2504 (Appropriations) – State Employees 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 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  
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## PERSONNEL

### **Cost-of-living Adjustment of Retirement Benefits (Monitor) – Failed**

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) – Failed**

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) ...

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### **Rights of Law Enforcement Officers and Correctional Officers (Monitor) – Failed**

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 (Monitor) – Passed**

CS/HB 95 (Duggan) amends section 112.532, Florida Statutes, to prohibit a law enforcement or correctional officer's employing agency from discharging, suspending, demoting or otherwise disciplining an officer solely as a result of a prosecuting agency determining the officer withheld exculpatory evidence or because their name was included in a Brady identification system. It does not prevent the employing agency from taking disciplinary action based on the underlying actions of the officer. The bill creates section 112.536, Florida Statutes, which requires a prosecuting agency that maintains a Brady identification system to adopt policies outlining protections for officers, which must ...

CS/HB 95 (Duggan) amends section 112.532, Florida Statutes, to prohibit a law enforcement or correctional officer's employing agency from discharging, suspending, demoting or otherwise disciplining an officer solely as a result of a prosecuting agency determining the officer withheld exculpatory evidence or because their name was included in a Brady identification system. It does not prevent the employing agency from taking disciplinary action based on the underlying actions of the officer. The bill creates section 112.536, Florida Statutes, which requires a prosecuting agency that maintains a Brady identification system to adopt policies outlining protections for officers, which must include the right of an officer to receive written notice that a prosecuting agency has included the officer in a Brady identification

system and the right of an officer to request reconsideration of the prosecuting agency's decision to include the officer in a Brady identification system and their right to submit evidence in support of the request for reconsideration. If the prosecuting agency determines the officer should not be included in the Brady identification system, the agency must remove the officer's name and send notice to the officer's employing agency confirming the removal. If an officer's name was previously included in a Brady identification system and their name was disclosed in a pending criminal case, the prosecuting agency must notify all parties to the pending case of the officer's removal from the system. An officer may petition the court for a writ of mandamus to compel the prosecuting agency to comply with the bill's requirements. Effective date: July 1, 2023. (Cruz)

## **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) – Failed**

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) – Passed**

CS/CS/HB 1123 (Casello/Gossett-Seidman) revises legislation enacted in 2020 relating to commercial service airport transparency and accountability. As passed, the bill: ...

CS/CS/HB 1123 (Casello/Gossett-Seidman) revises legislation enacted in 2020 relating to commercial service airport transparency and accountability. As passed, the bill: •Defines the term “consent agenda;” •Revises the website location on which a commercial service airport must provide a link to its airport master plan; •Amends the requirement for posting a contract to the airport's website to provide that any contract or contract amendment in excess of \$325,000 (increased from \$65,000) must be posted on the airport's website and expressly limits the requirement to contracts for the purchase of commodities or contractual services; •Requires that commercial service airports use competitive solicitation processes for purchases of commodities and contractual services that exceed the threshold amount of \$325,000 (increased from \$65,000); and •Specifies that governing bodies of certain categories of commercial service airports must approve, award or ratify any contract for commodities or contractual services, depending on the airport size and contract amount, as a separate line item on the governing body's agenda with a reasonable opportunity for public comment, and prohibits approval, award or ratification of such contracts as part of a consent agenda. Effective date: July 1, 2023. (Taggart)

### **Energy (Monitor) – Passed**

CS/CS/SB 284 (Brodeur) revises vehicle procurement requirements for the state purchasing plan. It requires vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs rather than on the greatest fuel efficiency available. Emergency response vehicles are exempt from this requirement. The bill requires, when available, the use of ethanol and biodiesel blended fuels and natural gas fuel when a state agency purchases an internal combustion engine vehicle. It requires the Department of Management Services to make recommendations to state agencies and local governments before July 1, 2024, regarding the procurement ...

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### **Interests of Foreign Countries (Monitor) – Passed**

CS/CS/SB 264 (Collins) restricts the issuance of government contracts or economic development incentives to foreign entities that are owned by, controlled by or organized under the laws of a foreign country of concern (i.e., 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, or the Syrian Arab Republic, including any agency of or other entity within significant control of such foreign country of concern). The bill further prohibits a foreign principal, as defined in the bill, from owning ...

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### **Small Business Certification Program (Monitor) – Failed**

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) – Failed**

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) ...

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)

### **Electronic Payment of Public Records Fees (Monitor) – Failed**

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) – Failed**

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) – Passed**

SB 7008 (Governmental Oversight and Accountability Committee) renews the exemption from public records requirements for building plans, blueprints, schematic drawings and diagrams that depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, health care facility, or hotel or motel development. The bill also removes language in current law relating to how an agency may disclose the exempt information. ...

SB 7008 (Governmental Oversight and Accountability Committee) renews the exemption from public records requirements for building plans, blueprints, schematic drawings and diagrams that depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, health care facility, or hotel or motel development. The bill also removes language in current law relating to how an agency may disclose the exempt information. Effective date: October 1, 2023. (Taggart)

## **OGSR/Nationwide Public Safety Broadband Network (Support) – Passed**

SB 7006 (Governmental Oversight and Accountability Committee) renews the exemption from public records requirements for information held by an agency relating to the Nationwide Public Safety Broadband Network. ...

SB 7006 (Governmental Oversight and Accountability Committee) renews the exemption from public records requirements for information held by an agency relating to the Nationwide Public Safety Broadband Network. Effective date: October 1, 2023. (Taggart)

## **OGSR/Security and Firesafety System Plans (Support) – Passed**

HB 7007 (Ethics, Elections and Open Government Subcommittee) removes the scheduled repeal date of the public record and public meeting exemptions for security or fire safety system plans under sections 119.071(3)(a) and 286.0113(1), Florida Statutes. The bill repeals section 281.301, Florida Statutes, because the information and meetings protected under this section were deemed duplicative of the exemptions in sections 119.071(3)(a) and 286.0113(1). ...

HB 7007 (Ethics, Elections and Open Government Subcommittee) removes the scheduled repeal date of the public record and public meeting exemptions for security or fire safety system plans under sections 119.071(3)(a) and 286.0113(1), Florida Statutes. The bill repeals section 281.301, Florida Statutes, because the information and meetings protected under this section were deemed duplicative of the exemptions in sections 119.071(3)(a) and 286.0113(1). Effective date: October 1, 2023. (Taggart)

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

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) – Failed**

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) ...

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)

## **Public Records Exemption for Animal Foster or Adoption (Monitor) – Failed**

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) – Failed**

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) – Passed**

CS/CS/HB 535 (Botana) authorizes the head of a law enforcement agency to grant up to eight hours of administrative leave to a law enforcement officer in order for the officer to attend a funeral service in Florida of another officer who was killed in the line of duty. Leave may be denied, if necessary, to maintain minimum or adequate staffing requirements. In addition, the head of a law enforcement agency may authorize travel expenses for a law enforcement officer to attend such funeral service. ...

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### **Law Enforcement Operations (Monitor) – Passed**

CS/CS/CS/HB 1595 (Yarkosky) addresses the duties of sheriffs and revises procedures for challenging reductions in a municipal law enforcement agency's budget. For sheriffs, the bill clarifies that the sheriff has exclusive policing jurisdiction in the unincorporated areas of each county and has concurrent jurisdiction with municipal and special district law enforcement agencies in the jurisdictions of those entities. It provides for the transfer of policing responsibility and authority to the sheriff in counties that do not currently have an elected sheriff. With respect to the budget appeal process for challenges to funding reductions in a municipal law enforcement ...

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responsibility and authority to the sheriff in counties that do not currently have an elected sheriff. With respect to the budget appeal process for challenges to funding reductions in a municipal law enforcement agency's budget, the bill only allows a challenge if the reduction is more than 5% of the prior year's budget. The bill also transfers the appeal process from the Administration Commission to the Division of Administrative Hearings and requires that a copy of the petition be provided to the affected municipality. It provides time limits for the filing of a petition, the petition hearing and the issuance of a final order on a petition. The bill requires an administrative law judge's final order to be based on whether the proposed budget reduction will impair the law enforcement agency's ability to ensure public safety. Effective date: Upon becoming law. (Taggart)

### **Impeding, Provoking or Harassing First Responders (Support) – Failed**

CS/CS/SB 1126 (Avila) and CS/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 ...

CS/CS/SB 1126 (Avila) and CS/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 first responder is prevented from performing their official duties or providing medical aid. CS/CS/SB 1126 was amended to reduce the distance to 14 feet or roughly the size of a midsize sedan vehicle. (Taggart)

### **911 Public Safety Telecommunicators Certificates (Monitor) - Passed**

CS/HB 341 (Amesty) addresses workforce shortages among 911 public safety telecommunicators (911 PSTs). The bill allows the certification of a 911 PST to automatically revert to inactive status for up to six years if not renewed at the end of the two-year certification period. Consequently, certificate holders will no longer have to request their certification to be placed on inactive status or pay the applicable \$50 fee required by current law. In addition, the bill provides for retroactive applicability to certificates that have expired or are set to expire in the six-year period preceding the effective date of ...

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### **Possession or Use of a Firearm in a Sensitive Location (Monitor) – Failed**

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) – Passed**

CS/HB 1575 (Brackett) creates a limitation on when a local authority having jurisdiction over public safety emergency communication system may require installation of an enhancement system. Two-way radio communication enhancement systems are post-construction systems that accept and amplify first responders' radio signals so that the radio strength at ground level is equal to the radio signal strength in all locations throughout a building. Unless a building undergoes a significant renovation or poses a safety threat, a local authority may only require an assessment no more often than every three years for high-rise buildings or buildings exceeding 12,000 square ...

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### **Special Persons Registry/Public Records (Monitor) – Passed**

CS/HB 1275 (Plasencia) 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. Adults may enroll themselves in the registry. Minors may be enrolled in a registry by their parent or legal guardian. The bill exempts from public records requirements all records and personal identifying information relating to enrollment of persons in a special persons registry and persons enrolled in a special persons registry held by a ...

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### **Surrendered Newborn Infants (Monitor) – Failed**

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. (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

### Short-Term Rentals (Oppose) – Failed

CS/CS/CS/SB 714 (DiCeglie) is a comprehensive bill dealing with short-term rentals. Of concern to cities, the bill does the following: ...

CS/CS/CS/SB 714 (DiCeglie) is a comprehensive bill dealing with short-term rentals. Of concern to cities, the bill does the following: Impact on Local Governments SB 714 maintains 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. Local Registration Programs 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 program may only require the owner or operator of a vacation rental to: •Pay a fee of no more than \$150 for processing an individual registration application or \$200 for a collective application up to 25 properties or units. A local government may impose a fine for failure to register. •Charge a reasonable fee for inspections to ensure compliance with the Florida Building and Fire Prevention Code. Inspections cannot be a condition of receiving a local registration number. •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). •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 24 hours a day, 7 days a week. •Pay in full all municipal or county code liens against the property being registered. •State the maximum occupancy of the short-term rental based on the number of sleeping accommodations for persons staying in the short-term rental. A municipality would first need to adopt by ordinance maximum occupancy limits for rented properties. •Provide to guests information related to health and safety concerns and applicable laws, ordinances, or regulations by posting on the property or by delivery to guests. June 1, 2011, Grandfather Provision The bill maintains the grandfathering of ordinances that were adopted prior to June 1, 2011. Additionally, the bill clarifies that cities may amend grandfathered ordinances to be less restrictive without voiding those ordinances. Impact on Advertising Platforms and DBPR Advertising platforms will now be required to: •Collect and remit all required taxes. •Require each person listing a property as a vacation rental to include in the advertisement the state license number and, if applicable, the local registration number. They will also be required to attest that the license and registration numbers are valid. •By July 1, 2024, the advertising platform will be required to check and verify the license number of all listings with DBPR prior to posting the advertisement. Additionally, license numbers must be checked at the end of each calendar quarter with the department. •Remove from public view an advertisement from their website within 15 business days after notification by DBPR in writing that a vacation rental fails to display a valid license number. •Adopt an antidiscrimination policy. DBPR will now be required to: •By July 1, 2024, maintain all vacation rental license information in a readily accessible electronic format. •Impose fines on advertising platforms that

are non-compliant with the requirements listed in this section. Termination/Denial of License A local government may terminate, refuse to issue or renew when:

- There is an unsatisfied municipal or county code lien, so long as the local government allows the owner at least 60 days before the termination to satisfy the lien.
- The premises and its owner are subject of a final order or judgment directing the termination of the premises' use as a vacation rental.
- A local government may suspend a local registration for up to 30 days if a short-term rental is found to have three or more violations of local registration requirements or for violations of another local law, ordinance, or regulation in a 90-day period. If a fourth violation occurs in the following six months, the registration may be suspended for up to six months.

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 as determined by a final order of a court or by a written decision by an arbitrator authorized to oversee the dispute.
- 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. (Taggart)

## Short-term Rentals (Oppose) – Failed

CS/CS/HB 833 (Duggan) is a comprehensive bill dealing with short-term rentals. Of concern to cities, the bill does the following: ...

CS/CS/HB 833 (Duggan) is a comprehensive bill dealing with short-term rentals. Of concern to cities, the bill does the following:

**Impact on Local Governments** CS/CS/HB 833 maintains 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.

**Local Registration Programs** 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 program may only require the owner or operator of a vacation rental to:

- Pay a fee of no more than \$150 for processing an individual registration application or \$200 for a collective application up to 75 properties or units.
- 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).
- 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.
- State the maximum occupancy of the short-term rental based on the number of sleeping accommodations for persons staying in the short-term rental. A municipality would first need to adopt by ordinance maximum occupancy limits for rented properties.

**June 1, 2011, Grandfather Provision** The bill maintains the grandfathering of ordinances that were adopted prior to June 1, 2011. Additionally, the bill clarifies that cities may amend grandfathered ordinances to be less restrictive without voiding those ordinances.

**Impact on Advertising Platforms and DBPR** Advertising platforms will now be required to have the operator who places an advertisement on the platform:

- Collect and remit all required taxes
- Require each person listing a property as a vacation rental to include in the advertisement the state license number and if applicable, the local registration number. They will also be required to attest that the license and registration numbers are valid.
- By July 1, 2024, the advertising platform will be required to check and verify the license number of all listings with DBPR prior to posting the advertisement. Additionally, license numbers must be checked at the end of each calendar quarter with the department.
- Remove from public view an advertisement from their website within 15 business days after notification by DBPR in writing that a vacation rental fails to display a valid license number.
- Adopt an antidiscrimination policy. DBPR will now be required to:

- By July 1, 2024 maintain all vacation rental license information in a readily accessible electronic format.
- Impose fines on advertising platforms that are non-compliant with the requirements listed in this section.

**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 as determined by a final order of a court or by a written decision by an arbitrator authorized to oversee the dispute.
- The owner or operator fails to provide proof of local registration if required.
- The property and property owner are subject to a final order or judgment directing termination of the property's short-term rental status.
- The division may suspend a local registration for up to 30 days if a short-term rental is found to have two or more code enforcement violations found by

the code enforcement board in a 90-day period. The division must issue a written warning and provide an opportunity to cure a violation before taking action. (Taggart)

### **Public Lodging and Food Service Establishments (Support) – Failed**

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 ...

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 property is located confirming the operation is allowed. (Taggart)

### **Vacation Rentals (Support) – Failed**

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) ...

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)

Articles in this section: 4

## **TORT LIABILITY**

### **Sovereign Immunity (Oppose) – Failed**

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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### **Statutes of Limitations for Negligence Actions (Support) – Failed**

HB 7059 (Gregory) reduces the statute of limitations from four years to two years for a negligence claim against the state or an agency or subdivision of the state (including cities). The bill also reduces the pre-suit notice period from three years to 18 months for such claims. The bill decreases from six months to four months the



amount of time a government entity has to make a final disposition of a claim during the pre-suit process, after which time the plaintiff may bring a lawsuit. (Cruz) ...

HB 7059 (Gregory) reduces the statute of limitations from four years to two years for a negligence claim against the state or an agency or subdivision of the state (including cities). The bill also reduces the pre-suit notice period from three years to 18 months for such claims. The bill decreases from six months to four months the amount of time a government entity has to make a final disposition of a claim during the pre-suit process, after which time the plaintiff may bring a lawsuit. (Cruz)

### **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: 3

## **TRANSPORTATION**

### **Vertiports (Monitor) – Failed**

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 ...

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 or more vertiport owners or operators. (Branch)

### **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) – Passed**

CS/CS/HB 1405 (Tuck) authorizes the Department of Environmental Protection to provide grants for projects that convert wastewater residuals to Class A biosolids and Class AA biosolids. ...

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### **Boating Restricted Areas (Support) – Failed**

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) ...

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)

### **Comprehensive Waste Reduction and Recycling Plan (Support) – Failed**

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 ...

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### **Construction Materials Mining Activities (Monitor) – Failed**

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) – Passed**

CS/HB 1307 (McClure) revises various provisions of law relating to the powers and duties of the Florida Department of Agriculture and Consumer Services. The bill amends 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 the preemption. In addition, ...

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### **Department of Agriculture & Consumer Services (Monitor) – Passed**

CS/CS/HB 1279 (Alvarez) amends various provisions relating to the Department of Agriculture, including provisions concerning the regulation of aquaculture. The bill expresses an intent to eliminate duplication of regulatory inspections of aquaculture products and preempts the regulatory and permitting authority of all aquaculture products to the Department. ...

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### **Energy Regulation (Oppose) – Failed**

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) – Failed**

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) – Failed**

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) – Failed**

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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### **Floating Vessel Platforms and Floating Boat Lifts (Monitor) – Passed**

CS/CS/HB 847 (Stark) amends 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. The bill provides that local governments may require only a one-time registration of floating vessel platforms where the platform owner self-certifies compliance with the statutory exemption criteria to ensure compliance with ordinances, codes, state-delegated programs or regulations relating to building or zoning, which may not be applied more stringently or inconsistently with the exemption criteria of the statute. In addition, the bill adds additional authority for municipalities and ...

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### **Florida Shared-Use Nonmotorized Trail Network (Support) – Passed**

CS/SB 106 (Brodeur) expands the state's Shared-Use Nonmotorized (SUN) Trail Network and enhances the coordination of the state's trail system with the Florida Wildlife Corridor. Among other things, the bill prioritizes the development of "regionally significant trails," which are trails that cross multiple counties, serve economic and ecotourism development, showcase wildlife areas, ecology and natural resources, and serve as main corridors for trail connectedness across the state. The bill authorizes the Florida Department of Transportation and local governments to enter sponsorship agreements with private or nonprofit entities for trails and to use associated revenues for maintenance, signage and ...

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### **Implementation of the Recommendations of the Blue-Green Algae Task Force (Monitor) – Failed**

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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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 the plan to provide strategies for mitigating or eliminating pollutant load increases for the life of the plan. They also require the Department of Environmental Protection to conduct assessments of projects included in a plan to determine whether the project is working as intended. CS/SB 1538 was amended to delete everything from the bill except for a requirement that each project listed in a basin management action plan with a total cost of \$1 million be assessed and monitored by the Department to determine whether the project is working as intended. (O'Hara)

### **Land Acquisition Trust Fund – Florida Forever (Support) – Failed**

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) – Failed**

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) – Failed**

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) – Failed**

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) – Failed**

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) – Failed**

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 ...

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 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) – Failed**

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) – Failed**

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) – Failed**

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) – Passed**

CS/CS/HB 1379 (Steele) imposes new requirements and restrictions on local governments relating to pollutant load reduction, local government comprehensive plans, basin management action plans, on-site 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/CS/HB 1379 (Steele) imposes new requirements and restrictions on local governments relating to pollutant load reduction, local government comprehensive plans, basin management action plans, on-site 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 The bill requires counties and municipalities within a BMAP area to include in their comprehensive plans' capital improvements schedules a list of projects necessary to achieve the pollutant load reductions attributable to the local



government pursuant to a basin management action plan. It also requires counties and municipalities to include within their comprehensive plans' potable water, drainage, sewer, solid waste, and aquifer recharge element a consideration of the feasibility of providing sanitary sewer services within a 10-year planning horizon to any group of more than 50 built or unbuilt residential lots with a density of more than one septic tank per acre. It further specifies that counties and municipalities should also address within that comprehensive plan element the coordination of the treatment or upgrade of facilities providing such services and to prioritize advanced waste treatment. These comprehensive plan updates must be made by July 1, 2024. Local governments within a Rural Area of Opportunity are exempted from these new requirements.

**Indian River Lagoon Protection Program** The bill establishes this program within the Department of Environmental Protection (DEP), 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 bill prohibits 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 on-site systems or distributed wastewater systems will be permitted. By July 2030, the bill requires any existing septic system within the areas subject to the Program to connect to central sewer if available or upgrade to an advanced on-site system.

**Outstanding Florida Springs** The bill requires DEP and relevant local governments and relevant public and private wastewater utilities, as part of a BMAP that contains an Outstanding Florida Spring, to develop a septic tank remediation plan for a spring if DEP determines that septic tanks within a BMAP contribute at least 20% of nitrogen pollution if DEP determines remediation is necessary to achieve the TMDL. It prohibits 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 bill requires the use of advanced treatment on-site systems.

**Basin Management Action Plans (BMAPs)** The bill requires BMAPs to include five-year implementation milestones. It specifies additional required contents for BMAPs, 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 BMAP's current five-year milestone. Each project identified must include an estimated amount of nutrient reduction that is expected. The applicable five-year milestone for new or revised BMAPs must include a list of projects that will achieve the pollutant load reductions needed to meet the TMDL or established load allocations, and each BMAP project must include a planning-level cost estimate and an estimated date of completion. Each new or revised BMAP must include a list of projects developed in connection with a cooperative agricultural regional water quality improvement element, which is part of a BMAP. The bill prohibits 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 bill requires the installation of advanced on-site septic systems on lots of 1 acre or less located within such areas if central sewer is not available.

**Grants and Loans for Septic-to-Sewer Conversions** The bill encourages local governments that receive grants or loans from DEP to offset the cost of connecting to sewer to identify the owners of septic tanks within their jurisdictions who are eligible to apply for grants or loans and notify them of such funding availability. It encourages such local governments to maintain a publicly available website with information relating to grant or loan availability.

**Wastewater Grant Program** The bill renames the Wastewater Grant Program in Section 403.0673, Florida Statutes, to the "Water Quality Improvement Grant Program" and expands funding eligibility to the following project types: connecting septic tanks to sewer; upgrading wastewater treatment facilities to advanced waste treatment or greater; repairing, upgrading, expanding or constructing stormwater treatment facilities; repairing, upgrading, expanding or constructing wastewater treatment facilities that result in improvements to water quality, including reuse and collection systems; projects identified pursuant to the development of a BMAP or a cooperative agricultural regional water quality improvement element; projects identified in a wastewater treatment plan or a septic tank remediation plan; projects listed in a city or county capital improvement element; and projects retrofitting septic tanks to enhanced nutrient-reducing systems where central sewer is unavailable. The bill specifies 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 or to a more stringent treatment standard. Finally, the bill provides that sewage disposal facilities may not dispose of any wastes in the following waters without providing advanced waste treatment or a more stringent treatment standard 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.

**Florida Forever** The bill dedicates \$100 million annually to DEP from the Land Acquisition Trust Fund for the acquisition of lands through the Florida Forever Program. Effective date: July 1, 2023. (O'Hara)

### **Preemption of Recyclable and Polystyrene Materials (Support) – Failed**

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) – Failed**

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) – Passed**

CS/CS/HB 1281 (Buchanan) prohibits 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. The bill exempts local government actions and regulations necessary to implement the Florida Building Code and the Florida Fire Prevention Code. ...

CS/CS/HB 1281 (Buchanan) prohibits 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. The bill exempts local government actions and regulations necessary to implement the Florida Building Code and the Florida Fire Prevention Code. Effective date: July 1, 2023. (O'Hara)

### **Flooding and Sea Level Rise Vulnerability Studies (Monitor) – Passed**

CS/HB 111 (Hunschofsky) revises current law provisions that require certain public-financed projects and infrastructure to undergo a Sea Level Impact Projection (SLIP) study prior to construction. The bill expands 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." This means the requirement is expanded to certain structures within any area that is at risk due to sea level rise, not just areas within the coastal building zone. It defines "at-risk due to sea-level rise" and "potentially at-risk structure or infrastructure." The bill ...

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Department of Environmental Protection in data collection and creation, modeling and the implementation of statewide standards. Effective date: July 1, 2023. (O'Hara)

### **Ratification of Rules of the Department of Environmental Protection (Monitor) – Passed**

HB 7027 (Water Quality, Supply & Treatment Subcommittee) ratifies rules relating to the standards for on-site sewage treatment and disposal systems and 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. ...

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### **Recycling of Covered Electronic Devices (Monitor) – Failed**

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) – Failed**

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 ...

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 resilience district"). The bills prohibit local governments from creating resilience districts. They provide for the process of creation of taxpayer-initiated districts and condominium owner-initiated districts, with input, review and approval by the affected local government. For taxpayer-initiated petitions, the bills specify the petition must be filed with the local government, which will serve as manager for the district unless the district hires a private individual to serve as manager. It specifies the required contents of the petition, including a description of the property to be included in the district, why the district

is needed, a proposed budget and a timeline for the expenditure of funds. The bills require the county or municipality receiving a petition to conduct a public hearing to consider its merits and whether it meets specified criteria. They authorize the local government to adopt a resolution supporting or opposing creation of the district by a supermajority vote. A local government is authorized to consider the following factors in granting or denying the petition: whether statements made in the petition are correct; whether the district boundaries comply with Section 190.1052, Florida Statutes; whether the local government has committed to funding the proposed infrastructure project, will implement the project within the next five years and it is included in the capital improvements plan; whether an engineering professional hired by the local government has determined the proposed plan would not adequately solve the problem; whether the district would primarily serve one parcel or owner; whether the projects being proposed are not within the jurisdictional boundary of any local government included as a cooperative partner in the project; whether the proposed improvements would have a significant negative impact on other property owners outside the district; whether the operation and maintenance of the proposed infrastructure would create an undue burden on the local government; and whether establishment of the district is inconsistent with the local government's comprehensive plan. If the local government denies the petition and fails to implement the infrastructure improvement within five years, the petition must be reheard and may not be subsequently denied, and the local government is responsible for any increased costs of the project and may not receive a project management fee. If the local government inappropriately denies the petition 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) – Failed**

SB 336 (Rodriguez) requires 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 bill also authorizes 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) – Failed**

CS/HB 669 (Fine) and CS/SB 950 (Rodriguez) amend current law relating to Property Assessed Clean Energy (PACE) programs, 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 ...

CS/HB 669 (Fine) and CS/SB 950 (Rodriguez) amend current law relating to Property Assessed Clean Energy (PACE) programs, 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 bills add several consumer protections to the current PACE program, including capping the total of all non-ad valorem assessments plus any mortgage debt on the property at 100% of a residential property's fair 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. CS/HB 669 was amended to expand the qualifying improvements to include wastewater treatment and flood mitigation. (O'Hara)

### **Safe Waterways Act (Monitor) – Failed**

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) – Failed**

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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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 of 50,000 or less from the cost-share requirement. (O'Hara)

### **Sanitary Sewer Lateral Inspection Programs (Monitor) – Failed**

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) – Failed**

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 ...

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 providing its own solid waste or recycling services. Current contracts and franchises in place as of January 2023 would be permitted to continue to their date of expiration, but the bills specify that a local government may not recognize an "evergreen" contract or additional renewal or extension of a contract or agreement. CS/HB 975 was amended to provide that the bill does not apply to a local government that is the sole provider of solid waste collection services in its jurisdiction performed by employees of a municipality or county using municipal or county-owned equipment. (O'Hara)

### **State Renewable Energy Goals (Monitor) – Failed**

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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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 develop a unified statewide renewable energy plan. (O'Hara)

### **Wastewater Grant Program (Support) – Failed**

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) – Passed**

CS/CS/CS/SB 162 (Collins) requires the Department of Environmental Protection to issue reciprocal licenses to public water utility workers licensed in other states who meet specified requirements, including holding an active and valid license in the other jurisdiction, passing a licensure examination in the other jurisdiction that is comparable to Florida's licensure examination, and not being subject to any disciplinary action. The Department is directed to give education and operational experience credits to license applicants who have performed comparable duties in the armed forces but do not meet other requirements for a reciprocal license. Further, the bill provides that, ...

CS/CS/CS/SB 162 (Collins) requires the Department of Environmental Protection to issue reciprocal licenses to public water utility workers licensed in other states who meet specified requirements, including holding an active and valid license in the other jurisdiction, passing a licensure examination in the other jurisdiction that is comparable to Florida's licensure examination, and not being subject to any disciplinary action. The Department is directed to give education and operational experience credits to license applicants who have performed comparable duties in the armed forces but do not meet other requirements for a reciprocal license. Further, the bill provides that, during a declared state of emergency, the Department may issue a temporary license to applicants who otherwise meet the requirements for license reciprocity, and it must waive the application fee for a temporary operator license. Finally, the bill directs the Department to adopt rules for licensure by reciprocity. Effective date: July 1, 2023. (O'Hara)

## 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 411 (Steele) – District School Board Elections 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





Exhibit #11B

## **MONTHLY ACTIVITY REPORT: June 2023**

### **RESOURCE DEVELOPMENT/CAPACITY BUILDING and OUTREACH**

- Organized and distributed the Summer 2023 Florida Regional Councils Association (FRCA) Newsletter, *FRCA Forward*. Updated the FRCA website and Facebook page.
- Updated the email lists for and maintain the email listserv for approximately 2,350 individuals who receive *FRCA Forward*.
- Maintained and updated the FRCA website: [www.flregionalcouncils.org](http://www.flregionalcouncils.org).
- To enhance partnerships and strengthen the relationship between regional planning councils and their state and federal partners, organized, participated in or attended the following meetings and webinars:
  - Florida Resilience Collaborative Coordinators Forum
  - Florida Association of Counties Annual Conference
  - Florida Wildlife Corridor Town Hall
  - Florida Division of Emergency Management State Emergency Shelter Plan Meeting
  - Coordination calls with RPC Resiliency and GIS Staff

### **ASSOCIATION MANAGEMENT**

- Hosted the June FRCA Executive Directors Advisory Committee (EDAC) and prepared for the July EDAC Meeting.
- Began coordinating for the Summer Policy Board Meeting scheduled for August 25, 2023 at the Tampa Bay Regional Planning Council.
- Continued to coordinate logistics and prepare for the 2023 summer conference schedule.
- Began preparations for the Annual EDAC Retreat scheduled for October 17 – 18, 2023.
- Distributed grant opportunities and information of interest from local, state and national organizations.