



## MEMORANDUM

**Jose "Pepe" Diaz**

**Chairman**

**BOARD OF COUNTY COMMISSIONERS**

To: Honorable Daniella Levine Cava, Mayor  
Honorable Oliver G. Gilbert, III, Vice Chair and  
Members, Board of County Commissioners

Date: September 8, 2022

Cc: Basia Pruna, Director, Clerk of the Board

From: Jose "Pepe" Diaz, Chairman

Re: 2022 Florida Legislature  
End-of Session Report

This legislative session, the Florida Legislature passed a state budget totaling approximately \$112 billion, a substantial increase from last year's \$101.5 billion budget. Upon review, the Governor vetoed just over \$3.1 billion, leaving the approved state budget at \$109.9 billion. The budget includes reserves in the amount of \$8.9 billion.

The information compiled was provided by Miami-Dade's County Attorney's Office, the Office of Intergovernmental Affairs, and the contract lobbyists.

The sections are broken down as follows: Section A addresses Miami-Dade County Priorities as set by the Board of County Commissioners and other issues of significance; Sections B through I address issues in various policy areas.

### **A. Miami-Dade Priorities & Other Key Issues**

1. **General Appropriations Act -APPROVED-** HB 5001 was signed by the Governor and is effective July 1, 2022, the beginning of the new fiscal year.

The conference report on HB 5001 is the general appropriations act and is the state budget for the fiscal year beginning July 1, 2022. It is the only bill the Legislature is required to pass each year.

Here are some of the individual Miami-Dade County projects funded as line items in the conference report, as well as statewide funding of particular interest to Miami-Dade County:

#### Miami-Dade County Funding

- Biscayne Bay- \$20 million **(APPROVED)**
- Senior Housing Assistance Repair - \$2 million **(APPROVED)**
- South Dade Trail- \$3 million **(APPROVED)**
- Ludlam Trail - \$2 million **(VETOED)**
- The Underline - \$3 million **(APPROVED)**
- Strategic Miami Area Rapid Transit Priority Projects -\$1.7M **(APPROVED)**
- Strategic Miami Area Rapid Transit Priority Projects (2) - \$1.4M **(APPROVED)**
- Miami International Agriculture, Horse & Cattle Show- \$98,850 **(VETOED)**
- Project Silver/Mia Casa - \$1.27 million **(APPROVED)**
- Bay of Pigs Museum - \$2.6 million **(APPROVED)**
- K-9 Behavioral Enrichment and Training - \$250,000 **(VETOED)**
- Miami River Commission - \$150,00 **(VETOED)**
- Housing First Mental Health - \$562,000 **(APPROVED)**
- Model Lands North Canal Everglades Wetlands Restoration Program - \$300,000 **(APPROVED)**
- Zoo Miami Animal Hospital - \$500,000 **(VETOED)**
- Meals for the Elderly Program, Stirrup Congregate Meals Site - \$250,000 **(APPROVED)**
- Memorial for Champlain Towers South, Surfside - \$1 million **(APPROVED)**
- Jewish Community Services, Surfside Counseling - \$252,760 **(APPROVED)**
- Miami-Dade County/ Surfside condominium collapse pass through from federal government - \$31.1 million **(APPROVED)**
- Freedom Tower Restoration, Miami Dade College - \$25 million **(APPROVED)**

#### Statewide Funding

- Affordable Housing/Florida Housing Finance Corporation (FHFC) - \$362.7 million **(APPROVED)**
- State Apartment Incentive Loan Program (SAIL) - \$53 million **(APPROVED)**
- Local Government State Housing Initiative Program (SHIP) - \$209 million **(APPROVED)**
- Florida Hometown Hero Housing Program (down payment/closing cost assistance to first responders, healthcare workers and teachers buying a home) – \$100 Million **(APPROVED)**
- Urban Search and Rescue Teams Training and equipment Grants/Fire Rescue - \$10 million **(APPROVED)**
- Beach Renourishment - \$50 million **(APPROVED)**
- Everglades Restoration - \$885.9 million **(APPROVED)**
- Flooding and Sea Level Rise Resilience Plan Grant Program (years1-3) - \$270.9 million **(APPROVED)**
- Resilient Florida Grant Program/Flooding and Sea Level Rise Resilience Plan - \$200 million **(APPROVED)**
- Septic to Sewer Upgrade Incentive Program (incentivizes homeowners in priority focus areas) – \$10 million **(APPROVED)**

- Wastewater Grant Program (eligibility requires basin management action plan (BMAP) or alternative restoration plan adopted by final order of FDEP) -\$125 million **(APPROVED)**
- Water Projects (includes Model Lands North Canal Everglades Wetlands Restoration Program) - \$368.4 million **(APPROVED with some project vetoes)**
- Petroleum Tank Cleanups - \$180 million **(APPROVED)**
- Derelict Vessel Removal - \$19.9 million **(APPROVED)**
- Alternative water supply projects - \$50 million **(APPROVED)**
- FDOT Work Program (full funding) - \$11.6 billion **(APPROVED)**
  - Seaport projects and programs - \$135.9 million **(APPROVED)**
  - Aviation development grants -\$314.5 million **(APPROVED)**
  - Public transit development grants -\$525.9 million **(APPROVED)**
- Transportation Disadvantaged -\$60.4 million **(APPROVED)**
- Visit Florida - \$50 million **(APPROVED)**
- Libraries Maintenance of Effort - \$23.9 million **(APPROVED)**
- Cultural and Museum Grants Program (funds 556 projects on ranked list) -\$46 million **(APPROVED)**
- Culture Builds Florida (fund all 131 projects on ranked list) -\$3.1 million
- Historic Preservation Special Category -\$21.5 million **(APPROVED)**
- Historic Preservation Small Matching Grants list (funds all 58 projects on ranked list) -\$1.6 million **(APPROVED)**
- African American Cultural and Historical Grants (funds part of ranked list) -\$30.3 million **(APPROVED)**
- Cybersecurity technical assistance to local governments, grant program - \$30 million **(APPROVED)**
- Cybersecurity training for state and local government staff, Florida Center for Cybersecurity, University of South Florida - \$30 million **(APPROVED)**

2. **Miami-Dade Expressway Authority (MDX)/Greater Miami Expressway Agency (GMX)/Transportation Projects/State Transportation Trust Fund/Transit/Airport/Seaport/Tri-Rail -DIED-** SB 398 by Senator Ed Hooper (R – Palm Harbor) died on the Senate floor calendar when the Senate never took up the bill. The House companion bill was HB 157 by Representative Alex Andrade (R - Pensacola). HB 157 previously had passed the House but died in messages to the Senate.

HB 157 included an amendment that would have reestablished the Greater Miami Expressway Agency (GMX) and expanded the geographic area that GMX serves to include the portion of northeast Monroe County which includes County Road 94, which is a partially unpaved road, and the portion of Monroe County bounded on the north and east by the borders of Monroe County and on the south and west by County Road 94. The amendment also would have revised the appointment to and membership of the governing body of GMX to reduce the Miami-Dade County Board of County Commissioners appointment from two to one and provide that the Monroe County Board of County Commissioners appoints one member. Similar language surfaced earlier in the session as an amendment to SB 1038 but was later withdrawn.

SB 398 included language that would have revised the current requirement for an annual minimum commitment by the Florida Department of Transportation (FDOT) of at least 15 percent of revenues deposited into State Transportation Trust Fund (STTF) for specified

public transportation projects, by imposing a maximum commitment of no more than 25 percent of such revenues, excluding state revenues used for matching federal grants, unless otherwise specified in the General Appropriations Act. Public transportation projects include transit, airport and seaport projects. This language had been removed from HB 157.

Had the Senate taken up SB 398 and substituted HB 157 for SB 398, Senator Annette Taddeo had an amendment filed to HB 157 that would remove the GMX language from HB 157. SB 398 died on the Senate floor calendar and HB 157 died in messages to the Senate.

3. **Building Safety/Surfside Condominium Collapse/Roof Repair, Replacement, Recovering Requirements/Florida Building Code – APPROVED-** SB 4D by Senator Jim Boyd (R-Bradenton) was signed by the Governor and is effective immediately.

SB 4D consists of one provision relating to roof damage and the balance of the bill relates to condominium building safety. Here are the key provisions of SB 4D:

a. *Property insurance/roof damage*

SB 4D provides that when 25 percent or more of a roofing system or roof section is being repaired, replaced, or recovered, only the portion of the roofing system or roof section undergoing such work must be constructed in accordance with the Florida Building Code in effect at that time. Currently, the Florida Building Code requires that not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced, or recovered in any 12-month period unless the entire existing roofing system or roof section is replaced to conform to requirements of the code. SB 4D creates an exception to this provision, which applies to roof systems and roof sections built, repaired, or replaced in accordance with the requirements of the 2007 Florida Building Code or subsequent editions.

b. *Mandatory statewide condominium structural inspection program*

SB 4D:

- Creates a mandatory statewide structural inspection program for condominium and cooperative buildings three stories or more in height.
- Defines a "milestone inspection" to mean a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems by a licensed architect or engineer for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building.
- If the building is located three or more miles from the coastline, requires a condominium or cooperative to have a milestone inspection performed for each building that is three stories or more in height by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

- If the building is located within three miles of the coastline, requires the condominium or cooperative to have a milestone inspection performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. “Coastline” is defined as the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606.
- Requires a condominium or cooperative to arrange for the milestone inspection to be performed and provides that a condominium or cooperative is responsible for ensuring compliance and all costs associated with the inspection.
- Exempts a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.
- If a milestone inspection is required and the building's certificate of occupancy was issued on or before July 1, 1992, requires the building's initial milestone inspection to be performed before December 31, 2024.
- Requires the local enforcement agency, upon determining that a building must have a milestone inspection, to provide written notice of such required inspection to the condominium or cooperative by certified mail.
- Requires the condominium or cooperative to complete phase one of the milestone inspection within 180 days after receiving such written notice.
- Provides that a milestone inspection consists of two phases:
  - For phase one of the milestone inspection, a licensed architect or engineer must perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection is not required.
  - A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building.
- Requires that upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium or cooperative and to the building official of the local government which has jurisdiction.
- Requires a condominium or cooperative to:
  - Distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report;
  - Post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and
  - Publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

- Provides that a local enforcement agency may prescribe timelines and penalties with respect to compliance with these provisions.
- Provides that a board of county commissioners may adopt an ordinance requiring that a condominium or cooperative schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If a condominium or cooperative fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for occupancy.
- Provides that if a community association manager or firm has a contract with a condominium or cooperative association with a building that is subject to a milestone inspection, the community association manager or firm has a duty to comply with the requirements for inspection as directed by the board.

c. *Structural integrity reserve studies*

SB 4D:

- Requires a condominium to have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height.
- Requires that condominium associations existing on or before July 1, 2022 must have a structural integrity reserve study completed by December 31, 2024 for each building on the condominium property that is three stories or higher in height.
- Defines a structural integrity reserve study as a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas.
- Requires that the structural integrity reserve study include, at a minimum, a study of the following items as related to the structural integrity and safety of the building:
  - Roof.
  - Load-bearing walls or other primary structural members.
  - Floor.
  - Foundation.
  - Fireproofing and fire protection systems.
  - Plumbing.
  - Electrical systems.
  - Waterproofing and exterior painting.
  - Windows.
  - Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed above as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.
- Provides that a structural integrity reserve study may be performed by any person qualified to perform such study, provided, however, that the visual inspection portion of the structural integrity reserve study must be performed by an engineer or an architect.
- Provides that at a minimum, a structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and

the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area.

- Requires that before a developer turns over control of an association to unit owners, the developer must have a structural integrity reserve study completed for each building on the condominium property that is three stories or higher in height.
- Provides that if an association fails to complete a structural integrity reserve study, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners.

*d. Condominium reserves*

SB 4D:

- Provides that the amount of funds placed in reserve is determined by the condominium or cooperative association's most recent structural integrity reserve study.
- Provides that effective December 1, 2024, a unit-owner controlled association may not waive collecting reserves or collect less reserve funds than required for items that are required to be inspected in a structural integrity reserve study for an association building that is three stories or higher in height.
- Prohibits associations from using such reserve funds for purposes other than their intended purpose.
- Repeals the ability of a developer-controlled association to waive collecting reserves or reduce the funding of reserves, and repeals the ability of a developer-controlled association to use reserve funds for purposes other than their intended purposes.

*e. Condominium official records*

SB 4D provides that structural integrity reserve studies and phase one and phase two milestone inspection reports are part of a condominium or cooperative association's official records. Condominium and cooperative associations must permanently maintain written phase one and phase two milestone inspection reports and must maintain structural integrity reserve studies for at least 15 years, and also post such documents on the associations' websites.

*f. Sale of condominium units*

SB 4D:

- Provides that prior to the sale of a condominium unit, a prospective buyer is entitled to the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.
- If the unit is in a building which has been required to have a milestone inspection or have a phase two inspection, provides that the prospective buyer is entitled to a copy of the association's most recent written inspection report or phase two inspection report or a statement that the association has not completed the required milestone inspection or phase two inspection.
- Requires the prospectus or offering circular to include the association's most recent structural integrity reserve study, or a statement that the association has not completed a structural integrity reserve study.

- If the unit is in a building that is required to have a milestone inspection, requires the prospectus to include a copy of the association’s most recent written milestone inspection report or a statement that the association has not completed the required milestone inspection.

*g. Enforcement*

SB 4D:

- Provides that the Florida Division of Condominiums, Timeshares and Mobile Homes (“Division”), within the Florida Department of Business and Professional Regulation (“DBPR”), has authority to investigate condominium and cooperative complaints related to the procedural completion of milestone structural inspections and structural integrity reserve studies.
- Provides that condominium associations existing on or before January 1, 2023 must provide the Division with:
  - The number of buildings in the association that are three stories or higher in height,
  - The number of units in such buildings,
  - The address of such buildings, and
  - The counties in which all buildings are located.
- Requires the Division to compile and post on its website a list searchable by county of the number of buildings on condominium property that are three stories or higher in height.

*This is the subject of Ordinance No. 22-57*

*h. Provisions not included in SB 4D*

*1. Certification/education requirements for condominium and cooperative association board members*

During the regular session, the Senate condominium bill, SB 1702, included provisions revising the post-election certification requirements for condominium and cooperative association board members. SB 1702 incorporated language from SB 394 by Senator Ana Maria Rodriguez (R – Doral) and HB 547 by Representative David Borrero (R – Miami), which provided that a board member must certify by affidavit that he or she has read the declaration of condominium, articles of incorporation, and cooperative proprietary lease, as applicable, and must complete an education curriculum administered by an education provider approved by the Florida Division of Florida Condominiums, Timeshares, and Mobile Homes. Under current law, a board member must certify in writing, as opposed to “by affidavit” as required in the bill, that he or she has read the applicable documents of the association or completed the approved education curriculum. This provision was not included in SB 4D.

*This is the subject of Resolution No. R-143-22.*

*2. Residential building owners’ obligation to residents when a residential building is deemed unsafe/preemption*



During the regular session, SB 1702 included a provision providing that a condominium association is not liable for alternative housing costs, lost rent, or other expenses if a resident must vacate a unit or is denied access to a common element for necessary maintenance, repair, or replacement of condominium property. This provision was not included in SB 4D.

*This was the subject of Ordinance No. 22-24.*

4. **Public Records Exemption/Identity of a Witness to Murder -APPROVED-** HB 7015, a committee bill by the House Government Operations Subcommittee was signed by the Governor with an effective date of October 1, 2022.

In 2017, the Legislature created a public record exemption for criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder for two years after the date on which the murder is observed by a witness. Such records are confidential and exempt from public record requirements. HB 7015 saves from repeal the public record exemption, which would have stood stand repealed on October 2, 2022 if HB 7015 had not been signed into law.

*This is the subject of Resolution No. R-826-21 (County Priority).*

5. **House Tax Package: Property Tax Exemptions for Widows, Widowers, Blind Persons, or Persons Totally and Permanently Disabled -APPROVED-** HB 7071, a committee bill submitted by the Appropriations Committee was passed and signed by the Governor with an effective date of July 1, 2002.

HB 7071 is the House tax package, and includes property tax, sales tax and other tax reductions and modifications.

Among other provisions, HB 7071 includes the following:

1. **Miami-Dade Affordable Housing Surtax Preemption**

HB 7071 prohibit a class of counties that includes Miami-Dade County from imposing requirements on borrowers who benefit from homeownership assistance other than requiring proof that the borrower's income does not exceed 140 percent of the area median income. HB 7071 also prohibits such counties from creating requirements that restrict participation by eligible borrowers. HB 7071 provides that borrowers are only subject to loan qualifications of lenders licensed to provide mortgage financing. This provision was added to HB 7071 in the conference report on HB 7071 in the final days of the session.

2. **Increased property tax exemptions for widows, widowers, blind, disabled**

HB 7071 increases property tax exemptions for residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000. Similar language appeared in SB 154 by Senator Ana Maria Rodriguez (R – Doral) and HB 13 by Representative Michael “Mike” Gottlieb (D – Sunrise).

*This is the subject of Resolution No. R-216-21 (County Priority).*

3. One-year sales tax exemption on children's diapers

HB 7071 creates a one-year sales tax exemption from July 1, 2022, to June 30, 2023 on the retail sale of children's diapers, including single-use diapers, reusable diapers, and reusable diaper inserts. SB 246 by Senator Lauren Book (D - Plantation) and HB 85 by Representative Anna V. Eskamani (D - Orlando) would have created a permanent sales tax exemption on both child and adult diapers, incontinence undergarments, incontinence pads, or incontinence liners.

*This was the subject of Resolution No. R-1069-21.*

4. Property tax relief, Surfside condominium collapse

HB 7071 provides property tax relief for homeowners affected by a sudden and unforeseen collapse of a residential building. HB 7071 requires the tax collector to abate all taxes for destroyed parcels, and the property appraiser must notify the owners of the abatement retroactive to January 1, 2021. Similar language appeared in SB 1610 by Senator Ana Maria Rodriguez (R – Doral) and HB 71 by Representative Marie Paule Woodson (D - Pembroke Pines).

5. Property tax relief, residential property rendered uninhabitable due to a hurricane or other catastrophic event

HB 7071 provides for the prorated refund of property taxes on residential properties rendered uninhabitable by a hurricane or other catastrophic event, defined as a calamity or misfortune not caused by the property owner. If a residential property is rendered uninhabitable for 30 days or more, the owner may be refunded a portion of their property taxes for the time the property was uninhabitable. This provision first applies to the 2023 property tax roll. This provision may have a significant fiscal impact on Miami-Dade County and other local governments.

6. Property tax relief, production of aquaculture products

HB 7071 modifies the assessment methodology for land used in the production of aquaculture products. Similar language appeared in SB 404 by Senator Ana Maria Rodriguez (R – Doral) and HB 149 by Representative Kaylee Tuck (R – Sebring). This provision is estimated to have a \$4.7 million annual negative fiscal impact on counties and cities with most of this impact being to Miami-Dade County based on a facility in South Dade.

7. Sales tax exemptions, Formula One, FIFA World Cup, Daytona 500

HB 7071 exempts from sales tax on admissions to Formula One Grand Prix, FIFA World Cup and the Daytona 500.

8. Gas tax holiday, month of October

HB 7071 creates a one-month gas tax holiday for the month of October 2022. The holiday will reduce the tax on motor fuel by \$0.25 per gallon. \$200 million was included

in the state budget from general revenue funds so that the fuel tax holiday does not adversely affect the FDOT work program.

#### 9. Sales tax holidays

HB 7071 creates the following sales tax holidays:

- A 14-day back-to-school sales tax holiday from July 25 to August 7, 2022, for clothing, footwear, and backpacks costing \$100 or less, school supplies and learning aids costing \$50 or less, and personal computers or computer-related accessories, including non-recreational software costing \$1,500 or less.
- A 14-day disaster preparedness/pet evacuation sales tax holiday from May 28 to June 10, 2022, for disaster preparedness supplies. Some examples of tax-free items include flashlights and lanterns costing \$40 or less; radios costing \$50 or less; tarps costing \$100 or less; coolers costing \$60 or less; batteries costing \$50 or less; smoke detectors, fire extinguishers, and carbon monoxide detectors costing \$70 or less; and generators costing \$1,000 or less. The holiday also includes several items related to the safe evacuation of household pets, such as portable kennels or pet carriers selling for \$100 or less per item, bags of dry pet food weighing 15 or fewer pounds and selling for \$30 or less per item, and cans or pouches of wet pet food selling for \$2 or less per can or pouch or the equivalent if sold in a box or case.
- A freedom week sales tax holiday during the week of July 1 to 7, 2022, on purchases of admissions to music, sports, and cultural events; tickets to movies and museums; single admission or season tickets to theatre and dance performances; state park admissions and annual passes; and use of fitness facilities will be tax free. Tickets, memberships and passes, purchased during the Freedom Week Sales Tax Holiday for use from July 1 to December 31, 2022, are tax free. The Freedom Week Sales Tax Holiday also applies to sales of boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, and sports equipment.
- A skilled worker tools sales tax holiday from September 3 to 9, 2022, for certain tools used by skilled trade workers. Tax-free items include certain hand and power tools, work boots, safety equipment, shop lights, toolboxes, and belts, plumbing and electrical equipment, and industry textbooks and codebooks.

#### 10. Longer-term sales tax relief

HB 7071 provides the following longer-term sales tax relief:

- A two-year sales tax exemption from July 1, 2022 to June 30, 2024 on the retail sales of hurricane impact-resistant windows, doors, and garage doors.
- A one-year sales tax exemption from July 1, 2022 to June 30, 2023, on the retail sale of baby and toddler clothing and shoes primarily intended for children age five or younger.
- A three-month sales tax exemption from May 14 to August 14, 2022 on the retail sale of all children's books.
- A one-year sales tax exemption from July 1, 2022 to June 30, 2023 on the retail sale of certain ENERGY STAR appliances including refrigerator/freezer units selling for \$3,000 or less, and water heaters, washers or dryers selling for \$1,500 or less.
- A permanent sales tax exemption relating to production and use of green hydrogen, defined to mean hydrogen created using an electrolytic process powered from renewable energy sources, including solar energy, wind energy, and geothermal

energy. The term also includes hydrogen created using the pyrolytic decomposition of methane gas.

- A permanent sales tax exemption for fencing materials used to replace, repair or build farm fences on agricultural land and trailers used for agricultural and farm work.
- A permanent reduction in the sales tax to three percent on the sale of new mobile homes. Currently, mobile homes are subject to a six percent sales tax and classified as tangible personal property prior to being permanently affixed to land.

6. **FRS Employer Contribution Rates/DROP Extension/Law Enforcement, Corrections Officers/Investment Plan -APPROVED-** HB 5007, a committee bill by the House Appropriation Committee was signed by the Governor with an effective date of July 1, 2022.

HB 5007:

- Modifies the Deferred Option Retirement Program (DROP) to allow a member of the Special Risk Class who is a law enforcement officer and who is a DROP participant on or after July 1, 2022 to participate for up to 36 calendar months beyond the 60-month period if he or she enters DROP on or before June 30, 2028. This change extends the DROP from five years to eight years for eligible law enforcement officers. A Senate floor amendment was filed to expand the bill to include corrections officers in the DROP extension, but the final version of HB 5007 did not include corrections officers.
- Increases the allocation to investment plan accounts by three percent for each membership class in the investment plan.
- Revises the employer contribution rates for the FRS based on the actuarial valuation and actuarial studies. The rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. The modifications to employer contribution rates will result in the FRS Trust Fund receiving approximately \$438 million more in revenue on an annual basis beginning July 1, 2022. Based on the FRS employer contribution rate changes, HB 5007 will have a negative fiscal impact on Miami-Dade County and other FRS employers.

**B. Education, Library, Cultural Affairs and Parks & Recreation**

7. **Early Childhood Music Education Incentive Pilot Program -APPROVED-** SB 638 by Senator Keith Perry (R – Gainesville) was signed by the Governor and effective upon signing.

SB 638 extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2022, to June 30, 2023.

In 2017, the Florida Legislature established the Early Childhood Music Education Incentive Pilot Program to assist selected school districts in implementing a comprehensive music education program for students in kindergarten through grade

2. Three school districts are currently participating in the program: Alachua, Marion, and Miami-Dade.

8. **Parental Rights in Education/Instruction on Sexual Orientation, Gender Identity - APPROVED-** HB 1557 by Representative Joe Harding (R – Ocala) was signed by the Governor with an effective date of July 1, 2022.

HB 1557 prohibits instruction on sexual orientation or gender identity in kindergarten through grade 3 or in a manner that is not “age-appropriate” or “developmentally appropriate” for students.

HB 1557 prohibits school districts from maintaining procedures that withhold information, or encourage students to withhold information, related to a student’s mental, emotional, or physical health or well-being from parents. A school district may only withhold information if a prudent person would reasonably believe that disclosure would subject the student to abuse, abandonment, or neglect.

HB 1557 requires that school districts adopt procedures for notifying parents if there is a change in their student’s services or monitoring related to a student’s mental, emotional, or physical health or well-being. All procedures adopted under the bill must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage students to discuss issues related to his or her well-being with his or her parent.

At the beginning of each school year, a school district must notify parents of all health care services offered at their student’s school and provide the parent the opportunity to individually consent to, or decline, each service. Additionally, schools may not administer a questionnaire or health screening form to a student in kindergarten through grade 3 without first receiving consent from the student’s parent.

HB 1557 is scheduled to be heard on the Senate floor on March 7.

*This was the subject of Resolution No. R-81-22*

9. **Individual Freedom -APPROVED-** HB 7 by Representative Bryan Avila (R – Hialeah) was signed by the Governor with an effective date of July 1, 2022.

HB 7 expands the Florida Civil Rights Act to provide that subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity; or subjecting any K-20 public education student or employee to training or instruction, that espouses, promotes, advances, inculcates, or compels such individual to believe the following concepts constitutes an unlawful employment practice or unlawful discrimination:

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person’s moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.

- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex. However, training or instruction may include a discussion of such concepts if they are presented in an objective manner without endorsement.

HB 7 further provides that required instruction, instructional materials, and professional development in public schools must be consistent with the following principles of individual freedom:

- No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.
- No race is inherently superior to another race.
- No person should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.
- Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.
- A person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.
- A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, committed in the past by other members of the same race or sex.

HB 7 authorizes discussion and curricula, in an age-appropriate manner, regarding topics such as sexism, slavery, racial oppression, racial segregation, and racial discrimination. However, the bill specifies that instruction and curricula may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles of individual freedom or state academic standards.

HB 7 requires the State Board of Education to develop or adopt a “Stories of Inspiration” curriculum. This curriculum must consist of stories of American history that demonstrate important life skills and the principles of individual freedom that enabled individuals to prosper even in the most difficult circumstances.

HB 7 expands required instruction in the history of African Americans and requires that African American history instruction develop in students an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine

what it means to be a responsible and respectful person, for the purpose of encouraging tolerance of diversity and for nurturing and protecting democratic values and institutions.

HB 7 shifts the character development requirements for grades 9 through 12 and the mental and emotional health component of health education into newly required education on life skills, which specifies content intended to build confidence, support mental and emotional health, and enable students to overcome challenges.

### **C. Transportation, Tourism & Economic Development Issues**

10. **Airport Funding -APPROVED-** HB 631 by Representative Erin Grall (R - Vero Beach) was signed by the Governor with an effective date of July 1, 2022.

HB 631 expands the public airports eligible for higher funding levels for master planning and eligible aviation development projects by the Florida Department of Transportation (FDOT). The bill appears to be targeted at the Vero Beach Regional Airport. Currently, the higher funding is dependent on the availability of federal funds. If federal funds are not available, the FDOT may fund up to 80 percent of such projects and a 20 percent local match is required. If federal funds are available, the FDOT may fund up to 80 percent of the non-federal share of such projects, or 80 percent of the local match requirement. This funding is currently limited to airports that have no scheduled commercial service.

The bill revises this restriction so that the 80 percent funding levels are limited to:

- General aviation airports, or
- Commercial service airports that have fewer than 100,000 passenger boardings per year as determined by the Federal Aviation Administration.

11. **Florida Department of Highway Safety and Motor Vehicles/Toll Violations/Vehicle Registration/License Plates/Motor Vehicle Titles -APPROVED-** SB 914 by Senator Gayle Harrell (R-Stuart) was signed by the Governor with an effective date of July 1, 2022.

SB 914 is the Florida Department of Highway Safety and Motor Vehicles (DHSMV) legislative package. Among other provisions, SB 914:

- Prohibits individuals who have registration stops associated with toll violations from either renewing their registrations or replacing their license plates until satisfying the toll violation;
- Requires an operator of a motor vehicle to provide proof of insurance upon the request of a law enforcement officer;
  - Any operator who is the owner or registrant of the vehicle being operated and who fails to provide proof of insurance commits a nonmoving traffic infraction and will be required to furnish proof of insurance that was in effect at the time of the violation at or before a scheduled court appearance or have their driver license suspended.
  - Any operator who is not the owner or registrant of the vehicle being operated and fails to provide proof of insurance commits a nonmoving traffic infraction.

- Provides a fee exemption for a surviving spouse transferring a motor vehicle title solely into their name when only the deceased spouse is named on the title; and
- Provides that beginning November 1, 2023, each distinguishing number assigned to an original, renewal, or replacement driver license and identification card must have a minimum of four randomly generated digits.

**12. Turnpike Toll Increase Freeze/Florida State Guard/Prohibition on Cultural Agreements, Grants re: Russian Federation -APPROVED-** HB 5003, which is the budget implementing bill by the House Appropriations Committee was signed by the Governor and effective July 1, 2022.

Among other provisions, HB 5003:

- Provides that for state fiscal year 2022-2023, toll rates may not be increased for inflation on the Florida Turnpike and other state toll roads. State law requires the Florida Department of Transportation, including the Turnpike Enterprise, to index toll rates on existing toll facilities to the annual Consumer Price Index or similar inflation indicators. Toll rate adjustments for inflation must be made no less frequently than once every 5 years as necessary to accommodate cash toll rate schedules. This provision prohibits Turnpike toll rates from increasing between July 1, 2022 and June 30, 2023.
- Prohibits a state agency, county, city, public school, state college, or state university from entering into a cultural agreement or accepting a grant from the Russian Federation.
- Authorizes the creation of the Florida State Guard to be used exclusively within the state, separate and apart from the Florida National Guard, and further provides that:
  - The maximum number of personnel that may be commissioned, enrolled, or employed as members of the Florida State Guard is 400; and
  - The Florida State Guard may be activated when the Florida National Guard is in active federal service and the Governor has declared a state of emergency.
- Requires the Florida Department of Juvenile Justice (DJJ) to ensure that counties are fulfilling the county juvenile justice cost share required under state law and to report any deficiencies to the Florida Department of Revenue (DOR). If DJJ determines that a county has not met its obligations, it must direct DOR to deduct the amount owed to DJJ from revenue sharing provided to the county to be deposited into the Shared County/State Juvenile Detention Trust Fund in DJJ.

**13. Florida Seaport Transportation and Economic Development Council/Port of Putnam County – APPROVED-** SB 1038 by Senator Keith Perry (R – Gainesville) was signed by the Governor and is effective July 1, 2022.

SB 1038 revises the membership of the Florida Seaport Transportation and Economic Development (FSTED) Council to include as a member the port director or designee of the Port of Putnam County. The bill increases the total number of members on the FSTED Council from 17 to 18.



Until July 1, 2024, SB 1038 also authorizes Putnam County to apply for a grant through the FSTED Council to perform a study examining the economic, technical, and operational viability of the establishment of a port in Putnam County.

14. **Road Codesignation/98 Points of Light Road/Surfside Building Collapse - APPROVED-** HB 1469 by Representative Michael Grieco (D – Miami Beach) was signed by the Governor with an effective date of July 1, 2022.

HB 1469 codesignates S.R. A1A/Collins Avenue between 87th Terrace and 88th Street in the Town of Surfside as "98 Points of Light Road" in honor of the 98 victims of the June 24, 2021, collapse of the Champlain Towers South condominium in Surfside, Florida

15. **Road Codesignations/Arturo Diaz Artiles Plaza/Oswaldo Payá Way/Anthony Reznik Boulevard/Soul of Miami Avenue/Bellas Artes Way -APPROVED-** SB 160 by Senator Gayle Harrell (R – Stuart) was signed by the Governor with an effective date of July 1, 2022.

SB 160 is an omnibus road codesignation bill that includes the following honorary road codesignations in Miami-Dade County:

- The portion of S.R. 953/NW 42nd Avenue/Le Jeune Road from N.W. 11th Street to N.W. 14th Street in Miami-Dade County as "Oswaldo Payá Way."
- The intersection of SW 23rd Avenue and SW 8th Street in Miami-Dade County as "Arturo Diaz Artiles Plaza." Senator Ana Maria Rodriguez (R – Doral) also filed SB 1008 re: this codesignation.
- The portion of S.R. 826/Sunny Isles Boulevard between N.E. 35th Avenue and S.R. A1A in Miami-Dade County as "Anthony Reznik Boulevard."
- The portion of N.W. 12th Avenue/John Henry Peavy Jr. Avenue between N.W. 62nd Street and N.W. 71st Street in Miami-Dade County as "Soul of Miami Avenue."
- The portion of U.S. 41/S.W. 8th Street between S.W. 21st Avenue and S.W. 22nd Avenue in Miami-Dade County as "Bellas Artes Way."

*This was the subject of Resolution No. R-605 and R- 66-22.*

16. **Recreational Off-Highway Vehicles – APPROVED-** SB 474 by Senator Keith Perry (R – Gainesville) was signed by the Governor with an effective date of July 1, 2022.

SB 474 increases the weight allowed for recreational off-highway vehicles from 2,500 pounds to 3,500 pounds.

Current law defines an off-highway vehicle as any all-terrain vehicle (ATV), two-rider ATV, recreational off-highway vehicle, or off-highway motorcycle that is used off the roads or highways of this state and that is not registered and licensed for highway use under chapter 320, Florida Statutes. The definition of recreational off-highway vehicle (ROV) found in Florida law distinguishes these vehicles by width, weight, and number of non-highway tires.

Some ROV manufacturers are adding hydrogen and electric models to their ROV lineup. The weight of these new models has the potential to be greater than the traditional combustion engine models, which led to the passage of SB 474.

**D. Public Safety, Regulatory, Animal Services & Procurement**

17. **Emergency Orders Prohibiting Religious Services or Activities** – **APPROVED**- SB 254 by Senator Jason Brodeur (R – Lake Mary) was signed by the Governor with an effective date of July 1, 2022.

SB 254 relates to religious institutions when an emergency order has been issued and provides that an emergency order issued cannot directly or indirectly prohibit religious services or activities. However, a general provision in an emergency order which applies uniformly to all entities in the jurisdiction may be applied to a religious institution if:

- The provision is in furtherance of a compelling governmental interest; and
- The provision is the least restrictive means of furthering that compelling governmental interest.

18. **Firesafety Inspectors/Human Trafficking** - **APPROVED**- HB 615 by Representative Toby Overdorf (R – Stuart) was signed by the Governor with an effective date of July 1, 2022.

HB 615 requires the Statewide Council on Human Trafficking to:

- Develop training for firesafety inspectors related to recognizing and reporting human trafficking and allows such training to be eligible for the continuing education credits for a firesafety inspector to renew his or her certification;
- Assess the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking within the state;
- Establish a process to detect such use on a consistent basis; and
- Make recommendations on how to stop, reduce, or prevent social media platforms from being used for such purposes.

HB 615 requires foster parents and all residential child-care or child placement agency staff to complete specified training related to recognizing, preventing, and reporting human trafficking, including, at a minimum:

- Basic information on human trafficking;
- Factors and knowledge on how to identify children at risk of human trafficking; and
- How to prevent children from becoming victims of human trafficking.

HB 615 also requires foster parents, before licensure renewal, and agency staff, during each full year of employment, to complete in-service training related to human trafficking. The Florida Department of Children and Families must develop the training materials or outsource the development to an agency-approved trainer.

19. **Protective Injunctions/Clerk/Police/Domestic Violence** -**APPROVED**- HB 905 by Representative Elizabeth Fetterhoff (R – DeLand) was signed by the Governor with an effective date of October 1, 2022.

HB 905 requires the clerk of court to electronically submit to the sheriff in the county where the respondent resides or may be found a copy of a protective injunction and any other required documents within 24 hours after the court issues an injunction for protection against: was signed by the Governor with an effective date of July 1, 2022.

- Domestic violence;
- Repeat violence;
- Sexual violence;
- Dating violence; and
- Stalking.

Under current law, a clerk of court may not provide electronic copies of the documents to a sheriff unless they are requested by the sheriff. By facilitating the use of electronic copies of domestic violence injunctions and similar injunctions, the bill will likely enable sheriffs to serve the injunctions on the respondents more quickly after the injunctions are issued by the court.

20. **Law Enforcement Officer, Firefighter Physical Examination Requirements and Records/Employing Agency/Workers Compensation Presumption -APPROVED-** HB 453 by Representative Cord Byrd (R – Jacksonville Beach) was signed by the Governor with an effective date of July 1, 2022.

HB 453 amends section 112.18, Florida Statutes, which provides for a presumption relevant to workers' compensation. Specifically, this statute provides that any condition or impairment of health of a firefighter, law enforcement officer, correctional officer, or correctional probation officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death is presumed to have been accidental and to have been suffered in the line of duty unless the contrary is shown by competent evidence. A necessary precondition to the presumption is that the firefighter or officer successfully passed a physical examination upon entering into service, which examination failed to reveal any evidence of such condition.

HB 453 provides that if a firefighter did not undergo a pre-employment physical examination, the medical examination required for firefighter certification is deemed to satisfy the medical examination requirement if the medical examination failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

HB 453 also provides that if the firefighter underwent a pre-employment physical examination, the employing fire service provider must maintain records of the examination for at least five years after the employee's separation from the employing fire service provider. If the employing fire service provider fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption.

HB 453 requires that the employing agency of a law enforcement officer, correctional officer, or correctional probation officer maintain records of the pre-employment physical examination for at least five years after the employee's separation from the employing agency. If the employing agency fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption.

**21. School Safety/Marjory Stoneman Douglas High School Public Safety Commission - APPROVED**- HB 1421 by Representative Fred Hawkins (R- Saint Cloud) was signed by the Governor and is effective July 1, 2022.

HB 1421 addresses school safety and security recommendations made by the Marjory Stoneman Douglas High School Public Safety Commission (MSD Commission). HB 1421 improves transparency around school safety and security and addresses student mental health by:

- Requiring the State's Office of Safe Schools (OSS) to develop a model family reunification plan that guides family reunification when K-12 public schools are closed or unexpectedly evacuated due to natural or manmade disasters and requiring district school boards and charter school governing boards to adopt a reunification plan.
- Requiring that the State Board of Education adopt rules setting requirements for emergency drills including timing, frequency, participation, training, notification, and accommodations, and requiring that law enforcement officers responsible for responding to schools in the event of an assailant emergency be physically present and participate in active assailant drills.
- Requiring the Florida Department of Education (DOE) to annually publish school safety and environmental incident reporting data in a uniform, statewide format that is easy to read and understand.
- Requiring safe-school officers that are sworn law enforcement officers to complete mental health crisis intervention training and requiring safe-school officers that are not sworn law enforcement officers to receive training on incident response and de-escalation.
- Requiring that school district and local mobile response teams use the same suicide screening tool approved by the DOE.
- Requiring that school districts annually certify, beginning July 1, 2023, that at least 80 percent of school personnel received the mandatory youth mental health awareness training.
- Requiring the OSS to maintain a directory of public school diversion programs, providing to school districts information on the proper use of the School Safety Awareness Program, including the consequences of knowingly submitting false information.

HB 1421 also extends the sunset date of the MSD Commission until July 1, 2026 for the purpose of monitoring implementation of school safety legislation and specifies additional duties. HB 1421 also requires the Florida Commissioner of Education to oversee and enforce school safety and security compliance in the state.

**22. Florida Department of Health/Special Needs Shelters/Medical Marijuana/Medical Examiner -APPROVED**- SB 768 by Senator Ana Maria Rodriguez (R – Doral) relating to the Florida Department of Health was signed by the Governor with an effective date of July 1, 2022.

SB 768 addresses health care-related issues regulated by the Florida Department of Health (DOH). Among other provisions, the bill:

- Removes Children’s Medical Services as a party required to coordinate in the development of local emergency management plans for special needs shelters. Instead, the bill specifies that the DOH is the lead agency to coordinate local medical and health care providers for the staffing and management of the shelters and is the decision-making authority for determining the medical supervision in each special needs shelter.
- Allows the DOH to collect samples of marijuana and marijuana delivery devices, in general, from a medical marijuana treatment center (MMTC) for specified testing, rather than only samples of edibles.
- Expands MMTC recall requirements to all marijuana products and delivery devices, rather than only edibles.
- Requires the DOH to adopt rules by negotiated rulemaking to establish acceptable marijuana potency variations of no more than 15 percent and prohibits the DOH from issuing a recall of marijuana for product potency as it relates to labeling until such rules are adopted.
- Effective upon the bill becoming law, allows an MMTC applicant that applies for the MMTC license reserved for a class member of *Pigford v. Glickman* or *In Re Black Farmers* litigation to transfer its initial application fee to one subsequent opportunity to apply for licensure as an MMTC if that applicant is determined through the application process to be a class member of the *Pigford v. Glickman* or *In Re Black Farmers* litigation and is not awarded that license.
- Prohibits the DOH from renewing the license of an MMTC that has not begun to cultivate, process, and dispense marijuana by the time its license must be renewed.
- Provides an exception from criminal laws for DOH employees to acquire, possess, test, transport, and lawfully dispose of marijuana and marijuana delivery devices.
- Increases the number of rare disease caregiver appointees to the Rare Disease Advisory Council that may be appointed by the President of the Senate and the Speaker of the House of Representatives from one each, to two each, and permits the appointees to be either current or previous caregivers of individuals with a rare disease.
- Remove the requirement that medical examiners “certify the death,” in addition to determining the cause of death, when a person dies under certain circumstances.
- Authorize the administrative services organization representing all Healthy Start Coalitions to use any method of telecommunications to conduct meetings for an authorized function, with proper public notice and reasonable access.
- Requires that every applicant for licensure or renewal of licensure as a medical doctor or osteopathic physician must furnish to the DOH proof of payment of his or her assessment relating to the Florida Birth-Related Neurological Injury Compensation Plan at the time of initial application or renewal.
- Deletes the requirement that graduates from an approved nursing program who do not take the licensure examination within six months after graduation, must successfully complete and pay for a licensure examination preparatory course approved by the Board of Nursing.

**23. Interstate Compact on Educational Opportunity for Military Children -APPROVED-**  
 SB 430 by Senator Tom A. Wright (R – Port Orange) was signed by the Governor is effective upon signing.

SB 430 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children and provides for future legislative review and repeal of the compact on July 1, 2025. Participation in the Compact enables member states to address educational transition issues faced by military families as they transfer from a state or school district pursuant to official military orders.

24. **PTSD/Workers Compensation for Law Enforcement, Correctional Officers - APPROVED**- HB 689 by Representative Mike Giallombardo (R - Cape Coral) was signed by the Governor with an effective date of July 1, 2022.

HB 689 makes the notice of injury due within 90 days of a qualifying event or diagnosis of posttraumatic stress disorder (PTSD)(rather than a manifestation of the disorder), whichever is later. HB 689 also extends the claim filing deadline to either one year after the qualifying event or diagnosis of the disorder, whichever is later. Extending the claim deadline to one year after a PTSD diagnosis allows for claims to address symptoms of PTSD that may not appear until more than a year after the event.

HB 689 also extends workers' compensation benefits to a correctional officer with PTSD without requiring a link to a compensable physical injury. The provisions that apply to PTSD benefits for first responders apply to correctional officers except that the qualifying events are different to reflect the different nature of the employment.

25. **Nursing Homes -APPROVED**- HB 1239 by Representative Lauren Melo (R – Naples) was signed by the Governor and is effective immediately.

HB 1239 makes several changes to Florida Statutes related to nursing home staffing and changes of ownership.

HB 1239 amends multiple sections of the Florida Statutes to modify and reduce nursing home staffing requirements. Among other provisions, the bill allows the 3.6 hours of direct care required under preexisting law to be met with direct care staff rather than requiring certified nursing assistant (CNA) and nurse staffing to provide all of those hours of care. The bill also reduces the requirement that a nursing home must provide a minimum of 2.5 hours of CNA staffing per resident per day to 2.0 hours of CNA staffing per resident per day.

HB 1239 specifies that complying with the minimum requirements is not admissible as evidence of compliance with certain federal regulations. The bill also specifies that the required 3.6 weekly average of direct care staffing hours includes hours provided by paid feeding assistants who have completed a feeding assistant training program, that feeding assistance provided by CNAs and nurses may count toward their respective required minimum hours, that staffing hours do not include time spent on certain administrative tasks, and that nursing assistants employed under CNA training and personal care attendant programs may count toward providing such hours of care. The bill requires nursing homes to document compliance with staffing standards, to maintain records for five years, and to report staffing in accordance with specified federal law.

**26. Administration of Vaccines -APPROVED-** HB 1209 by Representative Kaylee Tuck (R – Sebring) was signed by the Governor with an effective date of July 1, 2022.

HB 1209 expands the scope of practice of registered pharmacy technicians by authorizing a qualified pharmacy technician to administer certain immunizations and vaccines to adults under the supervision of a certified pharmacist. The bill requires pharmacy technicians seeking to administer vaccines and immunizations to be certified to do so pursuant to a certification program approved by the Florida Board of Pharmacy (BOP) in consultation with the Florida Board of Medicine and the Florida Board of Osteopathic Medicine. The certification program must have at least six hours of immunization-related training approved by the BOP that must, at a minimum, have a curriculum of instruction concerning the safe and effective administration of such vaccines, including, but not limited to, potential allergic reactions. As a condition of registration renewal, the bill also requires registered pharmacy technicians seeking to administer vaccines and immunizations to have at least two hours of continuing education approved by the BOP in addition to the biennial continuing education required under preexisting law.

HB 1209 also updates the statutory list of immunizations and vaccines that pharmacists, registered pharmacy interns, and registered pharmacy technicians may become certified to administer, in terms of the dates that immunizations and vaccines have been included in the Adult Immunization Schedule published by the U.S. Centers for Disease Control and Prevention (CDC), have been recommended by the CDC for international travel, or have been authorized for emergency use by the U.S. Food and Drug Administration. The bill revises such dates to March 31, 2022, instead of April 30, 2021.

**27. Telehealth/Controlled Substances -APPROVED-** SB 312 by Senator Manny Diaz (R – Hialeah Gardens) was signed by the Governor with an effective date of July 1, 2022.

SB 312 provides that a telehealth provider may not use telehealth to prescribe a Schedule II controlled substance, unless the Schedule II controlled substance is prescribed for the following:

- The treatment of a psychiatric disorder;
- Inpatient treatment at a licensed hospital
- The treatment of a patient receiving hospice services; or
- The treatment of a resident of a nursing home facility.

A Schedule II substance has a high potential for abuse, a currently accepted but severely restricted medical use in treatment in the United States, and abuse may lead to severe psychological or physical dependence. Examples include raw opium, fentanyl, codeine and morphine.

In practice, SB 312 allows a telehealth provider to issue a renewal prescription for a Schedule III, IV, or V controlled substance, through telehealth, within the scope of his or her practice and in accordance with other state and federal laws. Under existing law, Florida’s telehealth providers were prohibited from prescribing any controlled substances through telehealth unless the prescription met one of the exceptions listed above. SB 312 narrows this prohibition to the prescribing of Schedule II controlled substances through telehealth, except under those specific circumstances.

28. **911 Public Safety Telecommunicator/Cardiopulmonary Resuscitation -APPROVED-** HB 593 by Representatives Lawrence McClure (R – Plant City) and Dana Trabulsy (R – Fort Pierce) was signed by the Governor with an effective date of July 1, 2022.

HB 593 requires that all 911 public safety telecommunicators (PST) who make telephone calls and provide dispatch functions for emergency medical conditions must complete telecommunicator cardiopulmonary resuscitation (TCR) training and continuing education every two years. The bill defines TCR training and allows a public safety agency (PSA), or any other agency that receives or dispatches calls for emergency medical conditions, to enter into a reciprocal agreement with another PSA, a dedicated telephone line, or a call center to provide TCR as long as the PSA or other agency receiving the call has PSTs who are trained in TCR.

29. **Independent Hospital Districts -VETOED-** SB 1260 by Senator Joe Gruters (R – Sarasota) was vetoed by the Governor.

SB 1260 would have provided a procedure for an independent hospital district to convert into a private non-profit entity by following the steps specified in the bill.

30. **Compensation for Business Damages Caused by County/City Ordinance, Charter Provision -VETOED-** SB 620 by Senator Travis Hutson (R – Palm Coast) was vetoed by the Governor.

SB 620, named the “Local Business Protection Act,” would have created a cause of action for an established business to recover loss of business damages from a county or municipality ordinance or regulatory action that has caused a significant impact on the business.

31. **Controlled Substances -APPROVED-** HB 95 by Representative Scott Plakon (R – Longwood) was signed by the Governor with an effective date of October 1, 2022.

HB 95 includes two legislative recommendations relating to law enforcement of the Statewide Task Force on Opioid Abuse Task Force empaneled in 2019. HB 95:

1. Adds methamphetamine to the list of specified controlled substances which, if the substance is the proximate cause of the victim’s death, can subject the person who distributed the controlled substance to a conviction for first-degree felony murder. Under the bill, a person convicted of first-degree felony murder involving the unlawful distribution of methamphetamine commits a capital felony, punishable by a sentence of death or life imprisonment without the possibility of parole; and
2. Increases the penalties for sale of a controlled substance from a third-degree felony to a second-degree felony, and from a second-degree felony to a first-degree felony when the offense is committed within 1,000 feet of a substance abuse treatment facility.



3. HB 95 also increases the minimum mandatory term of imprisonment for a person convicted of trafficking fentanyl or fentanyl analogues from three years to seven years for 4-14 grams, and from 15 years to 20 years for 14-28 grams (more than 28 grams remains at 25 years).

32. **Professional Structural Engineers -APPROVED-** HB 375 by Representative Jackie Toledo (R - Tampa) was signed by the Governor with an effective date of July 1, 2022.

HB 375 establishes the “Structural Engineering Recognition Program for Professional Engineers” (program) which requires the Florida Board of Professional Engineers (board) to recognize any licensed professional engineer who:

- Has successfully passed the National Council of Examiners for Engineering and Surveying Structural Engineering 16-hour PE Structural examination or any other examination approved by the board; and
- Specializes in structural engineering based on alternative criteria determined by the board.

Upon application to the board, a professional engineer who has the minimum program requirements must be recognized as a professional engineer who has gone above and beyond in the field of structural engineering. The board is prohibited from collecting a fee for the application or for recognition by the program.

HB 375 authorizes a professional engineer who is recognized by the program to identify the recognition in her or his professional practice, including in marketing and advertising materials.

Under the bill, recognition by the program is not required for a professional engineer to practice structural engineering. The bill requires the board to adopt rules to implement the above requirements.

33. **Swimming Pool Specialty Contracting Services/Exemption from State and Local Licensing Requirements -APPROVED-** SB 222 by Senator Joe Gruters (R – Sarasota) was signed by the Governor with an effective date of July 1, 2022.

SB 222 creates an exemption from local and state licensing requirements for persons under the supervision of a certified or registered pool contractor for the construction, remodeling, or repair of swimming pools, interactive water features, hot tubs, and spas. The supervising contractor need not employ or have a direct contract with the unlicensed person performing the specialty contracting services.

The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in current law, such as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.

34. **Online Training for Private Security Officers -APPROVED-** SB 1474 by the Senator Jennifer Bradley (R – Orange Park) was signed by the Governor with an effective date of July 1, 2022.

SB 1474 allows Class “D” unarmed Security Officers and Class “G” Statewide Firearm applicants to obtain the training required as a qualification for licensing through either in-person or online instruction. The online instruction must be provided through the secure website of a licensed school or training facility, or through the secure website of a Class “K” licensee that has a physical location in Florida. Additionally, the online training course must:

- Include security questions to ensure that the applicant is actively using the computer and is following along with the online training;
- Establish a minimum amount of time that each applicant must spend on each screen;
- Include randomized test questions; and
- Maintain a digital attendance log and keep other required records.

35. **Law Enforcement Officer, Firefighter Physical Examination Requirements and Records/Employing Agency/Workers Compensation Presumption -APPROVED-** HB 453 by Representative Cord Byrd (R – Jacksonville Beach) was signed by the Governor with an effective date of July 1, 2022.

HB 453 requires the employing agency of a law enforcement officer, correctional officer, or correctional probation officer to maintain records of the officer’s pre-employment physical examination for at least 5 years after the officer’s separation from that agency. If an employing agency fails to maintain the records of the physical examination for the 5-year period after the officer’s separation, it is presumed that the officer has met the requirement of successfully passing a pre-employment physical examination that failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

The presumption of compensability also applies to firefighters. HB 453 specifies that the medical examination required for firefighter certification pursuant to state law may serve as a physical examination upon entering service for a firefighter if the employer did not retain or conduct a physical examination upon entering service. HB 453 also corrects omissions in state law to reference “correctional officers and correctional probation officers” regarding the presumption of compensability.

36. **Law Enforcement Officer Benefits, Recruitment, and Training/County Commission Oversight of Sheriff Budget -APPROVED-** HB 3 by Representative Tom Leek (R - Daytona Beach) was signed by the Governor with an effective date of July 1, 2022.

HB 3 allows a sheriff to transfer funds between the fund and functional categories and the object and subobject code levels after the budget has been approved by the Board of County Commissioners or budget commission without further approval. In January, the Florida Supreme Court held that a sheriff must follow the budget amendment process in state law before transferring funds between object codes in his or her budget, Alachua County, FL v. Watson, Jr., No. SC19-2016 (January 27, 2022). HB 3 reverses this ruling

and allows a sheriff to move funds within his or her budget without further approval by the Board of County Commissioners.

HB 3 also provides law enforcement agencies with additional tools to bolster the recruitment and retention of qualified officers by providing financial incentives, enhanced training, expanded educational opportunities, and recognition that honors law enforcement officers. The bill:

- Creates the Florida Law Enforcement Recruitment Bonus Program to provide one-time bonus payments of up to \$5,000 to newly employed law enforcement officers in Florida;
- Designates May 1 of each year as “Law Enforcement Appreciation Day;”
- Creates the Florida Law Enforcement Academy Scholarship Program to cover tuition, fees, and up to \$1,000 of eligible education expenses for trainees enrolled in a law enforcement officer basic recruit training program;
- Creates a reimbursement program to pay for up to \$1,000 of equivalency training costs for certified law enforcement officers who relocate to Florida or members of the special operations forces who become full-time law enforcement officers;
- Provides law enforcement officers who adopt a child from within the state child welfare system with a \$25,000 benefit for adopting a child with special needs or a \$10,000 benefit for adopting a child without special needs;
- Makes dependent children of law enforcement officers eligible to receive a Family Empowerment Scholarship;
- Increases the base salary for each county sheriff by \$5,000;
- Exempts veterans and applicants with an associate degree or higher from taking the basic skills test as a prerequisite to entering a law enforcement officer basic recruit training program;
- Requires that law enforcement officers receive training in health and wellness principles as part of their initial certification training and continued employment training;
- Allows law enforcement officers or former law enforcement officers to receive postsecondary credit at Florida public postsecondary educational institutions for training and experience acquired while serving;
- Encourages each district school board to establish public safety telecommunication training programs and law enforcement explorer programs in public schools.

The \$5,000 recruiting bonus in HB 3 does not include corrections officers in the counties that have a separate corrections department from police, including Miami-Dade County. Efforts to include corrections officers in HB 3 were unsuccessful.

**37. Evidentiary Standards for Actions Arising During an Emergency/Workers Compensation/Civil Actions -APPROVED- SB 542 by Senator Ana Maria Rodriguez (R – Doral) was signed by the Governor with an effective date of July 1, 2022.**

SB 542 specifies that the following actions taken by a business during a declared public health emergency or a declared state of emergency may not be used as evidence against the business in certain enumerated civil causes of action to establish the existence of an employer-employee relationship:

- Providing financial assistance to individuals who are unable to work because of health and safety concerns;

- Directly providing benefits related to health and safety, including medical or cleaning supplies, personal protective equipment, health checks, or medical testing;
- Providing training or information related to health and safety; or
- Taking any action, including action required or suggested by any federal, state, or local law, ordinance, order, or directive intended to protect public health and safety.

SB 542 applies to civil actions relating to workers' compensation, retaliatory personnel actions, state minimum wage, labor pool violations, devices used in payment for labor, and unclaimed wages. Additionally, the bill applies to civil actions to recover lost wages, salary, employment benefits, or other compensation.

**38. Service as a Law Enforcement Officer/Travel in Agency-Issued Vehicle/Motor Vehicle Insurance -APPROVED-** SB 266 by Senator Manny Diaz (R – Hialeah Gardens) was signed by the Governor with an effective date of July 1, 2022.

SB 266 provides that if an employing agency authorizes a law enforcement officer to travel to his or her place of residence in an official law enforcement vehicle, the employing agency must maintain current and valid motor vehicle insurance coverage, including bodily injury, death, and property damage liability coverage that covers the period in which an officer travels to or from work in an official law enforcement vehicle and covers the time an officer travels to and from any other employing agency assignment in such vehicle.

Such motor vehicle insurance is not required to provide coverage if:

- The law enforcement officer makes a distinct deviation for a nonessential personal errand unless a collective bargaining agreement permits such deviation; or
- The officer acts in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

SB 266 also provides that any suit or action brought or maintained against an employing agency for damages arising out of tort pursuant to this statute, including, without limitation, any claim arising upon account of an act causing loss of property, personal injury, or death, is subject to the limitations on tort claims or judgments against the state and its agencies and subdivisions provided in s. 768.28(5), Florida Statutes.

SB 266 also provides that the requirements of the bill may be met by any method authorized by s. 768.28(16), Florida Statutes, which authorizes the state and its agencies and subdivisions to be self-insured, to enter into risk management programs, or purchase whatever coverage they may choose, or any combination thereof.

**39. Property Insurance/Roof Claims/Lawsuits – APPROVED-** SB 2D by Senator Jim Boyd (R – Bradenton) was signed by the Governor is effective immediately.

Here are some of the key provisions of SB 2D:

*a. Separate roof deductible*

SB 2D:

- Allows property insurers to include in the policy a separate roof deductible of up to two percent or 50 percent of the cost to replace the roof.
- Requires a policyholder to offer the option to decline the roof deductible by signing a form approved by the Florida Office of Insurance Regulation (OIR). If a roof deductible is added to the policy at renewal, the insurer must provide a notice of change in policy terms and allow the policyholder to decline the separate roof deductible.
- Requires that policyholders that select a roof deductible must receive an actuarially sound premium credit or discount.
- Provides that the roof deductible does not apply to:
  - A loss caused by a hurricane.
  - A total loss to the primary structure caused by a covered peril.
  - A roof loss resulting from a tree fall or other hazard that damages the roof and punctures the roof deck.
  - A roof loss requiring the repair of less than 50 percent of the roof.
- Specifies that when a roof deductible is applied, no other deductibles under the policy may be applied.
- Authorizes an insurer to limit the claim payment for a roof to the actual cash value of the loss to the roof until the insurer receives reasonable proof of payment by the policyholder of the roof deductible.
- Requires a roof deductible provision to be clear and unambiguous and requires the inclusion of the following disclosures:
  - On the page immediately behind the declarations page, notice that a roof deductible may result in high out-of-pocket expenses to the policyholder.
  - On the policy declarations page, prominent display of the actual dollar value of the roof deductible at issuance and renewal.

*b. Insurer underwriting re: roofs*

SB 2D:

- Prohibits an insurer from refusing to issue or refusing to renew a homeowner's insurance policy insuring a residential structure with a roof that is less than 15 years old solely because of the age of the roof.
- Requires that, if the roof is at least 15 years old, an insurer must allow a homeowner to have a roof inspection performed by an authorized inspector at the homeowner's expense before requiring the replacement of the roof as a condition of issuing or renewing a homeowner's insurance policy. The insurer may not refuse to issue or refuse to renew a homeowner's insurance policy solely because of roof age if an inspection of the roof of the residential structure performed by an authorized inspector indicates that the roof has five years or more of useful life.

*c. Contractor solicitation of roof claims*

SB 2D prohibits contractors from making written or electronic communications that encourage or induce a consumer to contact a contractor or public adjuster for the purposes of making a property insurance claim for roof damage unless such solicitation provides notice that:

- The consumer is responsible for the payment of any deductible.
- It is insurance fraud punishable as a third-degree felony for a contractor to pay or waive an insurance deductible.

- It is insurance fraud punishable as a third-degree felony to intentionally file an insurance claim containing false, fraudulent, or misleading information.

*d. My Safe Florida Home Program*

SB 2D:

- Appropriates \$150 million for the My Safe Florida Home Program to provide hurricane mitigation inspections and matching grants for the performance of hurricane retrofitting on homestead single family homes with a value of \$500,000 or less located in the wind-borne debris region set forth in the Florida Building Code. The My Safe Florida Home Program will provide financial incentives for Florida residential property owners to obtain free home inspections that would identify mitigation measures and provide grants to retrofit such properties, thereby reducing their vulnerability to hurricane damage and helping decrease the cost of residential property insurance.
- Requires that grants awarded under the program provide \$2 in grant funds for every \$1 provided by the homeowner, with exceptions for low-income homeowners and a cap of \$10,000 in program funds per applicant.
- Establishes the following eligibility criteria:
  - Requires that a homeowner who participates in the program must agree to make his or her home available for inspection after the mitigation project is completed.
  - Requires that a building permit for initial construction of the home must have been made before January 1, 2008.
  - Requires the home to have undergone an acceptable hurricane mitigation inspection after July 1, 2008.
- Allocates appropriated funds as follows:
  - \$25 million for hurricane mitigation inspections.
  - \$115 million for hurricane mitigation grants.
  - \$4 million for education and consumer awareness.
  - \$1 million for public outreach to contractors, real estate brokers, and sales associates.
  - \$5 million for administrative costs.

*e. Reinsurance to Assist Policyholders Program*

SB 2D:

- Creates the Reinsurance to Assist Policyholders (RAP) Program and authorizes a \$2 billion dollar reimbursement layer of reinsurance for hurricane losses directly below the mandatory layer of the Florida Hurricane Catastrophe Fund (FHCF).
- Requires the RAP program to reimburse 90 percent of each insurer's covered losses and 10 percent of their loss adjustment expenses up to each individual insurer's limit of coverage for the two hurricanes causing the largest losses for that insurer during the contract year.
- Specifies that each insurer's limit of the \$2 billion in RAP coverage is their pro-rata market share among all insurers that participate in the RAP program.
- Requires all eligible insurers to participate in the RAP program for one year. Insurers that do not have private reinsurance within the RAP layer of coverage for the 2022-2023 contract year must participate during the 2022-2023 contract year.

- Specifies that insurers must reduce rates to reflect savings from RAP coverage.
- Provides the RAP program expires July 1, 2025, if no General Revenue funds have been transferred to fund the RAP program. If such funds were transferred, the program expires July 1, 2029.

*f. Handling of property insurance claims*

SB 2D:

- Requires property insurers to conduct any physical inspection of the property related to a claim within 45 days of receiving proof of loss statements, with an exception for hurricane claims.
- Requires insurers to notify policyholders of their right to receive any detailed report generated by an insurer's adjuster that estimates the amount of the loss.
- Requires that the report must be provided to the requesting policyholder within the later of seven days after the policyholder requests the report or the completion of the report.
- Specifies insurers must provide a reasonable explanation of the claim decision in relation to the insurance policy, facts, and law. If the insurer makes a claim payment that is less than contained in the insurer's adjuster estimate of the loss, the insurer must explain the discrepancy.

*g. Limits on bad faith claims*

SB 2D:

- Requires a claimant to establish a property insurer breached the insurance contract for the claimant to prevail in a bad faith claim and applies to civil remedy actions based upon a property insurer:
  - Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for his or her interests;
  - Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or
  - Except as to liability coverages, failing to settle claims promptly, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy

*h. Attorney fee awards*

- Limits attorney fee multipliers in property insurance litigation by only allowing them to be awarded in rare and exceptional circumstances.
- Eliminates attorney fee awards in litigation involving a property insurance claim that is assigned to a third party (usually a contractor).
- Bans transfers or assignment of the right to receive attorney fees in property insurance litigation.

*i. Insurance company oversight and review*

- Requires an analysis of why an insurance company failed within two months after the insurer is referred to the Florida Department of Financial Services (DFS).
- Requires DFS to review the Office of Insurance Regulation's (OIR) regulatory oversight related to the failed insurance company.
- Strengthens OIR regulatory oversight by:
  - Creating a new insurance company stability unit to increase regulatory oversight.
  - Requiring an investigation when consumer complaints suggest a trend in the marketplace rather than an isolated incident.
  - Requiring referrals to the insurance company stability unit when certain provisions of the Insurance Code are triggered.
  - Requiring the review of causes of insolvency and a report of recommendations to prevent similar failures in the future.
  - Directing OIR to publish insurance information that is not a trade secret and any report that is not confidential on its website in a timely fashion.

*This is the subject of Resolution No. R-168-22*

**40. Hurricane Loss Mitigation Program – APPROVED- HB 837 by Representative Matt Willhite (D – Wellington) was signed by the Governor with an effective date of July 1, 2022.**

HB 837 saves the Hurricane Loss Mitigation Program (HLMP) from repeal by extending its expiration date for ten years from June 30, 2022 to June 30, 2032. HB 837 also establishes that funds currently appropriated through the HLMP for the retrofitting of hurricane shelters may also be used for the construction of hurricane shelters. The bill maintains the annual \$10 million transfer of investment income from the Florida Hurricane Catastrophe Fund to the Division of Emergency Management to support the expenditures associated with the HLMP.

In 1999, the Legislature created the HLMP and directed that the funds be used as follows:

- \$3 million for retrofitting public facilities for use as hurricane shelters.
- \$7 million for programs to improve the wind resistance of residences and mobile homes, education concerning the Florida Building Code's cooperative programs with local governments and the Federal Government, and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster. These funds are further directed as follows:
  - \$2.8 million to the Mobile Home Tie-Down Program (MHTDP);
  - \$700,000 to the Florida International University center for hurricane research; and
  - \$3.5 million to the Hurricane Loss Mitigation Program Retrofit Grant for the purpose of improving community resiliency.

**41. Building Safety/Surfside Condominium Collapse/Roof Repair, Replacement, Recovering Requirements/Florida Building Code – APPROVED- SB 4D by Senator Jim Boyd (R-Bradenton) was signed by the Governor and is effective immediately.**



SB 4D consists of one provision relating to roof damage and the balance of the bill relates to condominium building safety. Here are the key provisions of SB 4D:

*i. Property insurance/roof damage*

SB 4D provides that when 25 percent or more of a roofing system or roof section is being repaired, replaced, or recovered, only the portion of the roofing system or roof section undergoing such work must be constructed in accordance with the Florida Building Code in effect at that time. Currently, the Florida Building Code requires that not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced, or recovered in any 12-month period unless the entire existing roofing system or roof section is replaced to conform to requirements of the code. SB 4D creates an exception to this provision, which applies to roof systems and roof sections built, repaired, or replaced in accordance with the requirements of the 2007 Florida Building Code or subsequent editions.

*j. Mandatory statewide condominium structural inspection program*

SB 4D:

- Creates a mandatory statewide structural inspection program for condominium and cooperative buildings three stories or more in height.
- Defines a "milestone inspection" to mean a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems by a licensed architect or engineer for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building.
- If the building is located three or more miles from the coastline, requires a condominium or cooperative to have a milestone inspection performed for each building that is three stories or more in height by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.
- If the building is located within three miles of the coastline, requires the condominium or cooperative to have a milestone inspection performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. "Coastline" is defined as the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606.
- Requires a condominium or cooperative to arrange for the milestone inspection to be performed and provides that a condominium or cooperative is responsible for ensuring compliance and all costs associated with the inspection.
- Exempts a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.
- If a milestone inspection is required and the building's certificate of occupancy was issued on or before July 1, 1992, requires the building's initial milestone inspection to be performed before December 31, 2024.

- Requires the local enforcement agency, upon determining that a building must have a milestone inspection, to provide written notice of such required inspection to the condominium or cooperative by certified mail.
- Requires the condominium or cooperative to complete phase one of the milestone inspection within 180 days after receiving such written notice.
- Provides that a milestone inspection consists of two phases:
  - For phase one of the milestone inspection, a licensed architect or engineer must perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection is not required.
  - A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building.
- Requires that upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium or cooperative and to the building official of the local government which has jurisdiction.
- Requires a condominium or cooperative to:
  - Distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report;
  - Post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and
  - Publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.
- Provides that a local enforcement agency may prescribe timelines and penalties with respect to compliance with these provisions.
- Provides that a board of county commissioners may adopt an ordinance requiring that a condominium or cooperative schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If a condominium or cooperative fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for occupancy.
- Provides that if a community association manager or firm has a contract with a condominium or cooperative association with a building that is subject to a milestone inspection, the community association manager or firm has a duty to comply with the requirements for inspection as directed by the board.

*k. Structural integrity reserve studies*

SB 4D:

- Requires a condominium to have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height.
- Requires that condominium associations existing on or before July 1, 2022 must have a structural integrity reserve study completed by December 31, 2024 for each building on the condominium property that is three stories or higher in height.
- Defines a structural integrity reserve study as a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas.
- Requires that the structural integrity reserve study include, at a minimum, a study of the following items as related to the structural integrity and safety of the building:
  - Roof.
  - Load-bearing walls or other primary structural members.
  - Floor.
  - Foundation.
  - Fireproofing and fire protection systems.
  - Plumbing.
  - Electrical systems.
  - Waterproofing and exterior painting.
  - Windows.
  - Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed above as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.
- Provides that a structural integrity reserve study may be performed by any person qualified to perform such study, provided, however, that the visual inspection portion of the structural integrity reserve study must be performed by an engineer or an architect.
- Provides that at a minimum, a structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area.
- Requires that before a developer turns over control of an association to unit owners, the developer must have a structural integrity reserve study completed for each building on the condominium property that is three stories or higher in height.
- Provides that if an association fails to complete a structural integrity reserve study, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners.

*I. Condominium reserves*

SB 4D:

- Provides that the amount of funds placed in reserve is determined by the condominium or cooperative association's most recent structural integrity reserve study.

- Provides that effective December 1, 2024, a unit-owner controlled association may not waive collecting reserves or collect less reserve funds than required for items that are required to be inspected in a structural integrity reserve study for an association building that is three stories or higher in height.
- Prohibits associations from using such reserve funds for purposes other than their intended purpose.
- Repeals the ability of a developer-controlled association to waive collecting reserves or reduce the funding of reserves, and repeals the ability of a developer-controlled association to use reserve funds for purposes other than their intended purposes.

*m. Condominium official records*

SB 4D provides that structural integrity reserve studies and phase one and phase two milestone inspection reports are part of a condominium or cooperative association's official records. Condominium and cooperative associations must permanently maintain written phase one and phase two milestone inspection reports and must maintain structural integrity reserve studies for at least 15 years, and also post such documents on the associations' websites.

*n. Sale of condominium units*

SB 4D:

- Provides that prior to the sale of a condominium unit, a prospective buyer is entitled to the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.
- If the unit is in a building which has been required to have a milestone inspection or have a phase two inspection, provides that the prospective buyer is entitled to a copy of the association's most recent written inspection report or phase two inspection report or a statement that the association has not completed the required milestone inspection or phase two inspection.
- Requires the prospectus or offering circular to include the association's most recent structural integrity reserve study, or a statement that the association has not completed a structural integrity reserve study.
- If the unit is in a building that is required to have a milestone inspection, requires the prospectus to include a copy of the association's most recent written milestone inspection report or a statement that the association has not completed the required milestone inspection.

*o. Enforcement*

SB 4D:

- Provides that the Florida Division of Condominiums, Timeshares and Mobile Homes ("Division"), within the Florida Department of Business and Professional Regulation ("DBPR"), has authority to investigate condominium and cooperative complaints related to the procedural completion of milestone structural inspections and structural integrity reserve studies.
- Provides that condominium associations existing on or before January 1, 2023 must provide the Division with:
  - The number of buildings in the association that are three stories or higher in height,

- The number of units in such buildings,
- The address of such buildings, and
- The counties in which all buildings are located.
- Requires the Division to compile and post on its website a list searchable by county of the number of buildings on condominium property that are three stories or higher in height.

*This is the subject of Ordinance No. 22-57*

*p. Provisions not included in SB 4D*

*1. Certification/education requirements for condominium and cooperative association board members*

During the regular session, the Senate condominium bill, SB 1702, included provisions revising the post-election certification requirements for condominium and cooperative association board members. SB 1702 incorporated language from SB 394 by Senator Ana Maria Rodriguez (R – Doral) and HB 547 by Representative David Borrero (R – Miami), which provided that a board member must certify by affidavit that he or she has read the declaration of condominium, articles of incorporation, and cooperative proprietary lease, as applicable, and must complete an education curriculum administered by an education provider approved by the Florida Division of Florida Condominiums, Timeshares, and Mobile Homes. Under current law, a board member must certify in writing, as opposed to “by affidavit” as required in the bill, that he or she has read the applicable documents of the association or completed the approved education curriculum. This provision was not included in SB 4D.

*This is the subject of Resolution No. R-143-22.*

*2. Residential building owners’ obligation to residents when a residential building is deemed unsafe/preemption*

During the regular session, SB 1702 included a provision providing that a condominium association is not liable for alternative housing costs, lost rent, or other expenses if a resident must vacate a unit or is denied access to a common element for necessary maintenance, repair, or replacement of condominium property. This provision was not included in SB 4D.

*This was the subject of Ordinance No. 22-24.*

**42. Consumer Finance Loans/Prepayment Penalties -APPROVED-** SB 546 by Senator Joe Gruters (R – Sarasota) was signed by the Governor with an effective date of October 1, 2022.

SB 546 prohibits prepayment penalties for consumer finance loans.

SB 546 also authorizes an applicant for licensure as a consumer finance lender or a licensee to provide a surety bond, certificate of deposit, or letter of credit issued by a financial institution in the amount of \$25,000, in lieu of the current \$25,000 liquid asset requirement.

43. **Tenant Safety/Miya's Law -APPROVED-** SB 898 by Senator Linda Stewart (D – Orlando) was signed by the Governor with an effective date of July 1, 2022.

SB 898 provides that an operator of a public lodging establishment may not offer an hourly rate for an accommodation, provided, however, that an operator may charge an hourly rate for late checkout fees.

The balance of SB 898, designated as “Miya’s Law,” is an effort to strengthen residential tenant safety, and is named after Miya Marcano, who was killed in her apartment in 2021. The bill makes changes to Florida’s Residential Landlord and Tenant Act as well as public lodging establishment laws to provide safety and security to apartment tenants.

SB 898 directs landlords or licensees of transient and nontransient apartments to require that all employees undergo a background screening performed by a consumer reporting agency done in accordance with the federal Fair Credit Reporting Act (FCRA) as a condition of employment. A person may be disqualified from employment based on the background screening if the person has been found guilty or plead no contest to certain offenses including those involving violence and disregard for safety.

Under the bill, operators of apartments must maintain a log accounting for the issuance and return of all keys for each dwelling unit and establish policies for the issuance and return of unit keys, as well as storage and access to unissued keys. An apartment’s key logs and employee background screening files are subject to annual inspection by the Florida Department of Business and Professional Regulation.

SB 898 changes from 12 hours to 24 hours the “reasonable notice” that a landlord must give a tenant for entry of a unit for the purpose of repair for all tenancies.

SB 898 has an effective date of July 1, 2022, although one section of the bill is effective immediately and another section is effective January 1, 2023.

44. **Towing Vehicles/Investigating Agencies/Liens/Preemption -DIED-** SB 990 by Senator Manny Diaz (R – Hialeah Gardens) died on 2<sup>nd</sup> reading on the Senate calendar.

Among other provisions relating to towing, SB 990 would have preempted to the state regulation of claiming a lien for the recovery, removal, towing, or storage of a vehicle or vessel and supersedes any county or municipal ordinance, resolution, rule, regulation, or otherwise to the contrary.

45. **County Detention Facilities/Treatment of Defendants Adjudicated Incompetent to Stand Trial - APPROVED-** HB 1249 by Representative Jenna Persons-Mulicka (R – Fort Myers) was signed by the Governor with an effective date of July 1, 2022.

HB 1249 authorizes the Florida Department of Children and Families (DCF) to contract with a community mental health provider to operate a forensic facility co-located within a county jail.

The state forensic system is a network of state facilities and community services for persons who have mental health issues, an intellectual disability, or autism and who are involved with the criminal justice system. A forensic facility is a secure facility established by DCF to service forensic clients.

**46. Legal Challenges to Local Ordinances/Suspension of Ordinances/Preemption/ Business Impact -DIED-** HB 403 died on 2<sup>nd</sup> reading on the House calendar.

HB 403 by Representative Mike Giallombardo (R – Cape Coral) related to lawsuits brought by any party to challenge the legal validity of an ordinance passed by a local government on the ground that it is preempted by state law, arbitrary, or unreasonable. HB 403 would have required a business impact estimate to be prepared prior to passage of an ordinance.

Specifically, HB 403:

- Requires a local government to suspend enforcement of an ordinance that is being challenged in court as being preempted by state law, arbitrary, or unreasonable. Certain types of ordinances are exempt from this provision, see below. When the plaintiff appeals a final judgment finding that an ordinance is valid and enforceable, the county may enforce the ordinance 30 days after the entry of the order unless the plaintiff files a motion for a stay of the lower tribunal's order which is granted by the appellate court.
- Requires the court to give those cases in which enforcement of the ordinance is suspended priority over other pending cases, and to render a preliminary or final decision as expeditiously as possible.
- Outlines specific factors the court must consider in determining if an ordinance is arbitrary or unreasonable.
- Provides up to \$50,000 in attorney fees to a complainant who successfully challenges an ordinance as arbitrary or unreasonable.

Certain types of ordinances are exempt from the requirement that they be suspended or challenged in court:

- Emergency ordinances.
- Growth policy, county and municipal planning, and land development regulations.
- Building code ordinances.
- Fire prevention code ordinances.
- Ordinances establishing or terminating Community Development Districts.
- Ordinances required to comply with federal or state law or regulation.
- Ordinances relating to financial obligations or issuance and refinancing of debt.
- Ordinances related to the adoption of county or municipal budgets or budget amendments.
- Ordinances required to implement a contract or agreement, to include federal, state, local, or private grants and other financial assistance.

**47. Regulation of Smoking by Counties, Municipalities/Public Beaches/Parks – APPROVED-** HB 105 by Representative Thad Altman (R – Indian Harbour Beach) was signed by the Governor with an effective date of July 1, 2022.

HB 105 amends the “Florida Clean Indoor Air Act,” which regulates vaping and tobacco smoking in Florida. HB 105 renames the act the “Florida Clean Air Act” and expressly authorizes counties and municipalities to restrict smoking within the boundaries of any of the public beaches and public parks they own, except with regard to the smoking of unfiltered cigars.

**48. Two-Way Radio Communication Enhancement Systems/Local Fire Authority’s Minimum Radio Signal Strength Requirements/Preemption-APPROVED- SB 1190 by Senator Jim Boyd (R – Bradenton) was signed by the Governor with an effective date of July 1, 2022.**

As amended, SB 1190 provides that two-way radio communication enhancement systems may be used to comply with a local authority’s minimum radio signal strength requirements, but may not be required by local fire authorities in apartment buildings that are 75 feet or less in height that are constructed using wood framing, provided that the building has less than 150 dwelling units and all dwelling units discharge to the exterior or to a corridor that leads directly to an exit as defined by the Florida Building Code.

Existing high-rise buildings as defined by the Florida Building Code and high-rise apartment buildings are not required to comply with minimum radio strength for fire department communications and two-way radio communication enhancement systems as required by the Florida Fire Prevention Code until January 1, 2025. However, by January 1, 2024, an existing high-rise building or high-rise apartment building that is not in compliance with the requirements for minimum radio strength for fire department communications must apply for an appropriate permit for the required installation with the local government agency having jurisdiction and must demonstrate that the building will become compliant by January 1, 2025.

**49. Alarm Systems -APPROVED- SB 1140 by Senator Keith Perry (R – Gainesville) was signed by the Governor with an effective date of July 1, 2022.**

SB 1140 establishes an expedited permitting process for fire alarm system alterations of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or cooperative building.

A local enforcement agency:

- May require a contractor to submit a completed application and payment, as a condition of obtaining a permit for an eligible fire alarm system project;
- May not require a contractor to submit plans or specifications as a condition of obtaining a permit for an eligible fire alarm system project;
- Must issue a permit for an eligible fire alarm system project in person or electronically;
- Must require at least one inspection of an eligible fire alarm system project to ensure compliance with applicable codes and standards; if an eligible fire alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.



A contractor must keep a copy of the plans and specifications at a fire alarm system project worksite and make them available to the inspector at each inspection.

SB 1140 also reduces the initial training and continuing education requirements for fire alarm system agents with certain specialized certifications or training relating to fire alarm systems. Eligible agents need only meet a requirement for two hours of training in false alarms prevention required by section 489.5185(1)(b), Florida Statutes.

SB 1140 amends the definition of a low-voltage alarm system project to include video cameras and closed-circuit television (CCTV) systems used to signal or detect a burglary, fire, robbery, or medical emergency. Such systems use a closed circuit for the signal rather than the typical open transmission used in broadcast television.

**50. Construction Liens/Existing Heating, Air-Conditioning System/Notice of Commencement -APPROVED-** SB 352 by Senator Ed Hooper (R - Palm Harbor) was signed by the Governor with an effective date of July 1, 2022.

Current law exempts from the notice of commencement requirement a direct contract valued at \$2,500 or less and a direct contract for the repair or replacement of an existing heating or air-conditioning system (“HVAC system”) in an amount less than \$7,500.

SB 352 increases the HVAC exception limit from \$7,500 to \$15,000, meaning that a notice of commencement would not be required for a direct contract for HVAC system repair or replacement for less than \$15,000. The exception would not apply where an HVAC contractor is acting as a subcontractor on a larger project that includes HVAC system repair or replacement or where the project involves the installation of a new HVAC system.

**51. Temporary Underground Power Panels/Preemption -APPROVED-** HB 481 by Representative Wyman Duggan (R – Jacksonville) signed by the Governor with an effective date of July 1, 2022.

HB 481 prohibits counties and municipalities from enacting ordinances, regulations, or policies preventing an electric utility from installing a temporary underground (TUG) power panel during construction. The TUG power panel must meet the requirements of Article 590 of the 2020 National Electrical Code.

After an initial inspection of a TUG power panel, a county or municipality is prohibited from requiring a subsequent inspection as a condition for issuance of a certificate of occupancy.

HB 481 does not apply to a municipality that owns or operates an electric utility with 100,000 customers or less if the municipality’s ordinance, regulation, or policy applies only to its own operations as an electric utility.

Under the bill, “temporary underground power panel” is defined as a permanent meter base including a meter socket, meter, and downpipe, to which power is provided through an underground service line by an electric utility pursuant to the utility’s tariffs or service standards. The TUG power panel must be permanently attached to a block residential structure, provide temporary power for construction of the residential structure, and be

intended for use in providing permanent service to the residential structure upon issuance of the certificate of occupancy

**52. Property Insurance Claims for Roof Damage/Citizens Property Insurance Corporation/Residential Policies/Rates -DIED-** SB 1728 by Senator Jim Boyd (R – Bradenton) died on 2<sup>nd</sup> reading.

As amended and among other provisions, SB 1728 would have provided for a separate roof deductible for roof losses to residential property, addresses contractor solicitations related to property insurance roof claims, and addresses various aspects of Citizens Property Insurance Corporation.

SB 1728 would have allowed property insurers to require a separate roof deductible as a condition of eligibility or renewal of a residential property insurance policy, given the following conditions:

- The roof deductible may not exceed two percent of the policy’s dwelling coverage limit.
- The premium for such coverage includes an actuarially sound premium discount or credit for the impact of the roof deductible.
- If the roof deductible is added to the policy at renewal, the insurer must provide a notice of change in policy terms pursuant to section 627.43141, Florida Statutes.
- The roof deductible does not apply to:
  - A total loss to a primary structure in accordance with the valued policy law;
  - A roof loss caused by a hurricane; or
  - A roof loss that can be repaired without replacement of the roof.
- If a roof deductible is applied, no other policy deductible may be applied to the loss. If, however, a roof deductible is not applied, the all-other-perils deductible or the hurricane deductible may be applied.
  - The separate roof deductible language replaced earlier language in SB 1728 that would have allowed residential property insurers to offer only homeowners’ insurance policies that reimburse roof losses on a depreciated value or actual cash value basis rather than on the basis of replacement costs.
  - SB 1728 also made the following changes relating to Citizens Property Insurance Corporation:
- Establishes that when Citizens’ policyholders receive take-out offers from private insurers that include premiums that are not more than a set percentage greater than Citizens’ premium for comparable coverage, they are no longer eligible for Citizens’ coverage. This percentage begins at 4 percent and increases incrementally to 20 percent by 2027. The bill also requires that Citizens notify policyholders of the fact that they have received such an offer and that the offer renders their risk ineligible for Citizens coverage.
- Establishes that when Citizens personal lines residential or commercial lines residential policyholders receive offers of coverage at renewal from authorized insurers, the risks are not eligible for coverage from Citizens unless the premiums from the authorized insurers are more than a set percentage greater than the renewal premiums for comparable coverage from Citizens. This percentage begins at 4 percent and increases incrementally to 20 percent by 2027.

- Establishes that for new applications for commercial lines residential risks, the risk is not eligible for coverage by Citizens unless the premium for coverage from an authorized insurer is more than 20 percent greater than the premium for Citizens. SB 76 (2021) made the change from 15 percent to 20 percent for personal lines residential risks, but the change was not made for commercial lines residential risks in that bill.

*This was the subject of Resolution No. R-168-22.*

**53. Derelict/At-Risk Vessels/Gopher Tortoises -APPROVED-** SB 494 by Senator Travis Hutson (R – Palm Coast) was signed by the Governor with an effective date of July 1, 2022.

SB 494 revises laws administered by the Florida Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities. Among other provisions, SB 494:

- Expands the types of vessels that may be considered at-risk vessels by authorizing an FWC or law enforcement officer to determine that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure.
- Provides the circumstances in which law enforcement may destroy or dispose of a vessel and places liability for costs of vessel removal, storage, destruction, and disposition on the owner or responsible party after notice is given.
- Provides that a certificate of title may not be issued for a public nuisance vessel and adds public nuisance vessels to the definition of abandoned property.
- Specifies that grants provided to local governments for the removal, storage, destruction, and disposal of derelict vessels may also be used for the removal, storage, destruction, and disposal of vessels declared a public nuisance (the state budget, HB 5001, includes \$19.9 million for derelict vessel removal; the Legislature has not yet transmitted HB 5001 to the Governor for action).
- Specifies that such grants may be funded from the Florida Coastal Protection Trust Fund.
- Preempts a local government from creating a public bathing beach or swim area in the marked channel of the Florida Intracoastal Waterway or within 100 feet of the marked channel.
- Authorizes operation of human-powered vessels in the marked channel of the Florida Intracoastal Waterway when participating in interscholastic, intercollegiate, intramural, or club athletic teams or sports affiliated with an educational institution if the adjacent area outside of the marked channel is not suitable for practices or competition.
- Amends the Florida Forever Act to require each lead land managing agency, in consultation with FWC, to consider the feasibility of using a portion of state lands as a gopher tortoise recipient site for all state lands under the management of the agency that are greater than 40 contiguous acres.
- Directs FWC to improve the public and private gopher tortoise recipient site application review process by December 31, 2022.

*This is the subject of Resolution No. R-675-21.*

54. **Boating Safety/Illegal Boating Strike Team/Vessel Liveries/Vessel Lease, Rental - APPROVED-** SB 606 by Senator Ileana Garcia (R – Miami) was signed by the Governor with an effective date of July 1, 2022.

SB 606 creates the “Boating Safety Act of 2022” and addresses jet ski and other vessel issues that have arisen on Biscayne Bay and other water bodies in Florida. SB 606:

- Requires that liveries obtain a no-cost, annual livery permit and implement certain safety requirements and broadly defines a livery as a person who advertises and offers a livery vessel for use by another in exchange for consideration, when such person does not also provide a captain, crew, or any type of personnel to operate, oversee, maintain, or manage the vessel;
- Provides penalties for violations of livery requirements and requires that a livery obtain and carry in full force and effect an insurance policy that insures the livery and the renter, but exempts canoes, kayaks and other human-powered vessels from the insurance requirement.
- Adds required components to the boating safety education courses and temporary certificate examinations approved by the Florida Fish and Wildlife Conservation Commission;
- Requires the operator of a vessel used in water sport or activity instruction to use an engine cutoff switch when a participant is in the water;
- Increases or adds penalties for noncriminal infractions of vessel safety laws;
- Increases the additional civil penalty for noncriminal infractions of vessel laws from \$50 to \$100;
- Directs certain penalties to the Marine Resource Conservation Trust Fund to supplement law enforcement activities;
- Requires the Florida Fish and Wildlife Conservation Commission to maintain a program to ensure compliance with mandatory boating safety education requirements; and
- Requires a physical residential or business address for vessel registration applicants, with a limited exception for live-aboard vessel owners.

SB 606 has an effective date of July 1, 2022, however the requirement that the operator of a vessel used in water sport or activity instruction to use an engine cutoff switch when a participant is in the water will take effect October 1, 2022 and the amendments to the livery regulations take effect January 1, 2023.

*This is the subject of Resolution No. R-1189-21.*

55. **Excessive Noise/Motor Vehicles/Code and Traffic Enforcement/Spontaneous Events/Traffic Flow Disruption -APPROVED-** HB 1435 by Representative Tom Leek (R - Daytona Beach) was signed by the Governor and is effective immediately.

HB 1435 updates the types of soundmaking devices that are subject to noise limitations and authorizes a local authority to impose more stringent regulations than those currently provided in statute. Additionally, HB 1435 amends section 316.3045, Florida Statutes, which prohibits excessive noise emanating from a motor vehicle, by removing the portion of statute which the Florida Supreme Court deemed invalid in 2012.

HB 1435 also provides the sheriff or chief administrative officer of a county or municipality the authority to designate an area as a special event zone in response to a special event, defined as an unpermitted activity or event organized or promoted via a social media platform which is attended by 50 or more persons and substantially increases or disrupts the normal flow of traffic on a roadway, street, or highway. HB 1435:

- Provides notice requirements for a special event zone and requires a specified warning sign be posted at each point of ingress and egress at least 24 hours prior to enforcement;
- Doubles the statutory fine for any noncriminal traffic infraction that occurs within a special event zone;
- Allows a law enforcement officer to impound a vehicle for up to 72 hours for any criminal traffic violation or noncriminal traffic infraction that occurs in a special event zone, but requires the vehicle to be released immediately upon payment of any impoundment costs or fees;
- Authorizes a law enforcement officer to enforce occupancy limits in a special event zone; and
- Provides for the recovery of costs associated with designating and enforcing a special event zone from the organizer or promoter of the special event.

**56. Motor Vehicle/Drag Races/Street Takeover/Stunt Driving/Displaying Red, Red and White, Blue Lights/Impersonating Law Enforcement -APPROVED-** HB 399 by Representative Anthony Rodriguez (R – Miami) was signed by the Governor is effective October 1, 2022.

HB 399 provides that a person commits a first degree misdemeanor by operating a vehicle displaying red, red and white, or blue lights if in displaying such lights he or she effects or attempts to effect a stop of another vehicle; and provides that a court or jury may consider any relevant evidence, including, but not limited to whether a defendant used certain prohibited lights, in determining if a defendant committed an offense of false personation of an officer.

HB 399 also adds additional types of vehicles and additional prohibited conduct including a street takeover, stunt driving, and operating a vehicle to film or record prohibited activities or to carry fuel for other vehicles involved in prohibited activities. The bill defines the terms “burnout,” “doughnut,” “drifting,” “motor vehicle,” “street takeover,” “stunt driving,” and “wheelie.” The bill also amends the current definition of “spectator” to include a person who is knowingly present at and views a street takeover and provides that evidence of filming or recording such an event or posting the event on social media are factors to be considered in determining whether a person qualifies as a spectator. Under the bill, a person commits a noncriminal traffic infraction if he or she is found to be a spectator at a race or street takeover.

HB 399 amends the first-degree misdemeanor crimes under state law to add drag race, street takeover, and stunt driving to each type of prohibited conduct. HB 399 also adds street takeovers and stunt driving to the list of violations which require an offender to pay a \$65 penalty. Under the bill, if an officer has probable cause to believe that a person has committed a violation relating to a street takeover or stunt driving, the officer may arrest the person without a warrant.

**57. Immigration Enforcement/Sanctuary City Policies/Corrections/Common Carriers/Transportation of Unauthorized Aliens/Contracting/Preemption/Criminal Justice Data Collection -APPROVED-** SB 1808 by Senator Aaron Bean (R – Jacksonville) was signed by the Governor with an effective date of June 17, 2022.

SB 1808 was amended on the Senate floor to add immigration status to the type of data required to be reported by county detention facilities, among other entities as part of the criminal justice data collection already required under state law.

In addition, and as amended, SB 1808 provides for enhanced cooperation between law enforcement agencies and United States Immigration and Customs Enforcement (ICE), and creates additional contracting requirements for governmental entities. Specifically, HB 1355:

- Amends the definition of “sanctuary policy” to prohibit any policy adopted or allowed by a state or local government that impedes or prohibits a law enforcement agency from providing information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency.
- Requires each law enforcement agency that operates a county detention facility to enter into a written agreement with ICE, by January 1, 2023, to participate in the 287(g) program, in which ICE trains local law enforcement officers to perform specified immigration enforcement functions.
- Prohibits a state, regional, or local governmental entity from entering into, amending, or renewing a contract, including a grant agreement or economic incentive program payment agreement, with a common carrier or contracted carrier if the carrier is willfully providing any service in furtherance of transporting a person into Florida knowing that the person is an unauthorized alien, except to facilitate the detention of the person, or the removal or departure of the person from Florida or the United States.
- Requires any contract between a state, regional, or local governmental entity and a common carrier or contracted carrier which is executed, amended, or renewed on or after October 1, 2022, to require the common carrier or contracted carrier to attest, under penalty of perjury, that it will not willfully provide any service in furtherance of transporting a person into Florida during the contract term knowing that the person is an unauthorized alien, except to facilitate the detention of the person, or the removal or departure of the person from Florida or the United States, and a provision allowing for termination of the contract for cause if the common carrier or contracted carrier is found to be knowingly transporting an unauthorized alien into Florida.

SB 1808 defines an “unauthorized alien” as a person who is unlawfully present in the United States according to the terms of the Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The bill requires the term “unauthorized alien” to be interpreted consistently with any applicable federal statutes, rules, or regulations.

SB 1808 may have a negative fiscal impact on Miami-Dade County and other local governments that are not currently participating in a 287(g) agreement by requiring the local government to spend funds enforcing immigration laws in partnership with ICE.

Having passed the Senate, SB 1808 next goes to the House.

58. **Care for Retired Law Enforcement/Corrections Dogs -APPROVED-**SB 226 Senator Bobby Powell (D – West Palm Beach) was signed by the Governor and is effective July 1, 2022.

SB 226 creates the Care for Retired Police Dogs Program. The program will provide reimbursement for up to \$1,500 of annual veterinary costs associated with caring for a retired police or corrections dog incurred by the former handler or adopter. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the Florida Department of Law Enforcement after a competitive grant award process. A “retired police dog” is defined as a dog that was previously in the service of or employed by a law enforcement agency or correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders that has been certified in obedience and apprehension work.

SB 226 requires that the program receive valid documentation of the dog’s retirement from a law enforcement agency or correctional agency and that the dog served for 5 years or more. If the dog served more than one agency during its career, documentation from two or more law enforcement agencies or correctional agencies showing a total of at least 5 years of service is acceptable. Valid documentation is also required if the dog served 3 years or more with one or more law enforcement or correctional agencies, was injured in the line of duty while serving with a law enforcement or correctional agency and retired from the agency the dog was serving with at the time of the injury due to injury. A valid paid invoice from the veterinarian for veterinary care is required in order for reimbursement of veterinary costs to occur.

SB 226 includes an appropriation of \$300,000 in recurring funds for the purpose of implementing and administering the program.

We were successful at amending SB 226 during the 2022 regular session to include corrections dogs based on input from the Department of Corrections and Rehabilitation.

*This is the subject of Resolution No. R-967-21.*

59. **Dangerous Dogs/Breed Specific Regulation/Pit Bulls/Preemption -DIED-** The Senate passed SB 614 by Senator Ileana Garcia (R – Miami) but died in messages.

SB 614 would have made two changes to Florida’s Dangerous Dogs law. First, the bill removed the grandfather provision in the statute, which allows local governments to enforce dog breed-specific regulations, if the ordinance enacting such regulations was adopted before October 1, 1990. This change preempted the Miami-Dade County ordinance prohibiting pit bulls.

Second, SB 614 incorporated “public housing authorities” into the statute that authorizes counties and municipalities to address safety and welfare concerns caused by attacks on persons or domestic animals by dogs by ordinance, provided such regulation is not specific to the breed of the dog. Thus, the bill authorizes a public housing authority to enact a rule or a policy to address dangerous dogs, but such rule or policy may not be breed specific. This change effectively nullifies any existing restrictions imposed by housing authorities pertaining to specific breeds of dogs on housing authority property.

60. **Municipal Solid Waste-to-Energy Grant Program -APPROVED-** SB 1764 by Senator Ben Albritton (R – Bartow) was signed by the Governor with an effective date of July 1, 2022.

SB 1764 establishes the Municipal Solid Waste-to-Energy (MSWE) Program, within the Florida Department of Agriculture and Consumer Services (DACS), comprised of a financial assistance grant program and an incentive grant program. The program is intended to incentivize the production and sale of energy and reduce waste disposed of in landfills. The program is limited to publicly owned MSWE facilities.

The financial assistance program will provide two cents per kilowatt-hour (kWh) purchased by an electric utility from the facility during the preceding state fiscal year, with specified limitations on the amount based on the terms of power purchase agreements entered into by the facility with an electric utility. If funds are insufficient to cover every qualifying kWh, available funds must be prorated on an equitable basis, with specified considerations. The Public Service Commission (PSC) is required to assist the DACS with verifying eligibility and the amount of energy purchased from the facility.

The incentive program will provide facilities with matching funds on a dollar-for-dollar basis to assist with planning and design for constructing, upgrading, or expanding MSWE facilities. To qualify, a facility owner must demonstrate the project is cost-effective, permissible, implementable, and complies with existing review requirements for new waste-to-energy facilities. The Florida Department of Environmental Protection (DEP) must assist DACS with determining eligibility and establishing requirements ensuring long-term and efficient operation and maintenance of facilities. These funds may not be used to promote, establish, or convert a residential collection system that does not provide for the separate collection of residential solid waste from materials that have recycling potential.

SB 1764 requires termination or repayment of incentive grant funds if DACS determines that program requirements are not being met. Rules for the financial assistance grant program must be developed by DACS in consultation with the PSC. Rules for the incentive grant program must be developed by DACS in consultation with the DEP.

SB 1764 requires appropriated funds to be used first for financial assistance grants and then for incentive grants. Funds may be carried forward for up to five years after the effective date of the original appropriation. Funds are prohibited from being used to support, subsidize, or enable the sale of electric power generated by a MSWE to an electric utility eligible to petition for rate relief using the proposed agency action procedure.

Earlier versions of SB 1764 included an appropriation in the amount of \$100 million in recurring funds beginning with the 2022-2023 fiscal year to fund the grant program, but this language was removed from the bill.

61. **Net Metering/Renewable Energy Generation -VETOED-** HB 741 by Representative Lawrence McClure (R – Plant City).

HB 741 would have established a revised net metering program that credits excess energy delivered to an investor-owned electric utilities (IOUs) system by customer-owned renewable generation in accordance with a graduated schedule as described in the



bill. Under the bill, the value of credit a customer who owns or leases renewable generation receives would have been determined by the date a net metering application is approved for the customer-owned or leased renewable generation, with credits netted on a monthly basis.

HB 741 would have provided that if the Florida Public Service Commission (PSC) found that the penetration rate of customer-owned or leased renewable generation across all IOU service territories in the state exceeded a certain threshold, the PSC would have initiated rulemaking to adopt a new rule. HB 741 also stated that the program requirements referenced in the bill establish minimum requirements for IOU customer-owned or leased renewable generation programs. An IOU may petition the PSC at any time for approval to offer a program that is not less favorable to customers who own or lease renewable generation.

HB 741 would have permitted an IOU to petition the PSC for approval to recover, through its fuel and purchased power cost recovery charge, lost revenue resulting from the incremental addition of residential customer-owned or leased solar photovoltaic generation within the IOU's service territory between July 1, 2022 and December 31, 2023.

A Regulatory and Economic Resources Department legislative request approved by the Board as part of the 2022 state legislative package opposed any actions weakening existing net metering policies or practices.

## **E. Housing, Health & Human Services**

### **62. Reducing Fetal and Infant Mortality - APPROVED-** HB 5 by Representative Erin Grall (R – Vero Beach) was signed by the Governor and is effective July 1, 2022.

HB 5 prohibits a physician from performing an abortion after the fetus has reached 15 weeks of gestational age and redefines the term “gestation” to measure gestational age as the time period starting on the first day of the pregnant woman’s last menstrual period.

HB 5 applies exceptions found in preexisting law to the 15-week provision, including to save the pregnant woman’s life or to prevent a serious risk of substantial and irreversible physical impairment of a major bodily function, which must be certified in writing by two physicians, or by one physician in the case of an emergency if a second physician is not available. The bill also adds a new exception to the 15-week provision that applies if two physicians certify in writing that the fetus has a fatal fetal abnormality and has not reached viability. The bill defines “fatal fetal abnormality” as a terminal condition that, in reasonable medical judgement, regardless of the provision of life-saving medical treatment, is incompatible with life outside the womb and will result in death upon birth or imminently thereafter.

Additionally, HB 5 amends provisions related to the reporting of abortions to the Florida Agency for Health Care Administration (AHCA). The bill requires AHCA, the Board of Medicine, and the Board of Osteopathic Medicine to adopt by rule a form for reporting abortions. The form must include information that is required to be reported under preexisting law as well as additional information, specifically:

- The number of drug regimens dispensed or prescribed for a medical abortion, defined under the bill as the administration or use of an abortion-inducing drug to induce an abortion; and
- If a woman has provided evidence of human trafficking under a separate provision of law, human trafficking must be reported on the form as a reason for the abortion.

HB 5 adds a requirement to the Comprehensive Statewide Tobacco Education and Use Prevention Program to target information towards pregnant women and women who may become pregnant. HB 5 also requires the Florida Department of Health (DOH) to contract with local Healthy Start coalitions to establish fetal and infant mortality review committees (FIMR) in all regions of the state and appropriates \$1.6 million in recurring funds for State Fiscal Year 2022-23 for this purpose; and requires all hospitals that provide birthing services to participate in at least two quality initiatives developed in collaboration with the Florida Perinatal Quality Collaborative within the University of South Florida College of Public Health.

Specific to the FIMRs, HB 5 requires that each FIMR:

- Review and analyze rate trends, causes, and other data related to fetal and infant mortality and morbidity in a geographic area.
- Develop findings and recommendations for interventions and policy changes to reduce fetal and infant mortality and morbidity rates.
- Engage with local communities and stakeholders to implement recommended policies and procedures to reduce fetal and infant mortality and morbidity.

The bill also requires that each local Healthy Start coalition report the findings and recommendations developed by each FIMR to the DOH annually and that, beginning on October 1, 2023, the DOH must compile the findings and recommendations into a report that must be submitted to the Governor and to the Legislature each year.

**63. Alzheimer’s Disease and Related Forms of Dementia Education and Public Awareness -APPROVED-** SB 806 by Senator Keith Perry (R – Gainesville) was signed by the Governor with an effective date of July 1, 2022.

SB 806 establishes the “Ramping up Education of Alzheimer’s Disease and Dementia for You (READY) Act.” The bill requires the Florida Department of Health (DOH) to use preexisting, relevant public health and community outreach programs to educate medical doctors, osteopathic physicians, and nurses on Alzheimer’s disease and dementia-related disorders. Specifically, the bill requires the DOH to provide education on the following topics:

- The importance of early detection and timely diagnosis of Alzheimer’s disease and related forms of dementia.
- Using a validated cognitive assessment tool.
- The value and effectiveness of the Medicare annual wellness visit in detecting Alzheimer’s disease and related forms of dementia.
- Using Medicare advance care planning billing codes for persons with Alzheimer’s disease and related forms of dementia.
- Reducing the risk of cognitive decline, particularly among persons in diverse communities who are at greater risk of developing Alzheimer’s disease and related forms of dementia.

**64. Patient Visitation Rights -APPROVED-** SB 988 by Senator Ileana Garcia (R – Miami) was signed by the Governor and is effective immediately.

SB 988 establishes the “No Patient Left Alone Act” and protects patient visitation rights. Specifically, the bill directs health care providers to establish policies and procedures within 30 days of SB 988 becoming law for in-person visitation. SB 988 requires that, no later than 30 days from today, each provider must establish visitation policies and procedures that:

- Address specified topics including infection control and education protocols and policies for visitors, permissible lengths of visits, and numbers of visitors;
- May not be more stringent than what the provider requires for staff;
- May not require proof of vaccine or immunization;
- Must allow consensual physical contact between the resident, client, or patient and the visitor; and
- Must allow in-person visitation under specified circumstances including:
  - End-of-life situations.
  - A resident, client, or patient who was living with his or her family before being admitted to the provider’s care is struggling with the change in environment and lack of in-person family support.
  - The resident, client, or patient is making one or more major medical decisions.
  - A resident, client, or patient is experiencing emotional distress or grieving the loss of a friend or family member who recently died.
  - A resident, client, or patient needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
  - A resident, client, or patient who used to talk and interact with others is seldom speaking.
  - For hospitals, childbirth, including labor and delivery.
  - Pediatric patients.

The provider must provide its visitation policy to the Agency for Health Care Administration (AHCA) on initial licensure, license renewal, or change of ownership. The provider must also make the policy available to AHCA upon request and make the policy available on its website within 24 hours of establishing the policy. AHCA must dedicate a stand-alone page to explain visitation rights under the Act and provide a link to AHCA’s webpage to report complaints.

SB 988 also allows each resident, client, or patient to designate an essential caregiver who must be allowed to visit the resident, client, or patient in-person for at least two additional hours daily in addition to other visitation requirements. SB 988 authorizes a provider to require that a visitor agree in writing to the visitation policy and to suspend a visitor who has violated the policy.

**65. Florida Housing Finance Corporation/Bond Issuance/Affordable Housing Development -APPROVED-** SB 196 by Senator Ana Maria Rodriguez (R – Doral) was signed by the Governor and is effective July 1, 2022.

SB 196 designates the Florida Housing Finance Corporation (FHFC) as the state fiscal agency authorized to make constitutional determinations of fiscal sufficiency in connection with their issuance of bonds to finance the development of affordable housing. Currently, such determinations must be made by the State Board of Administration.

SB 196 also codifies certain definitions and regulations related to the qualified contract process by which FHFC seeks a purchaser for an affordable housing development to maintain its affordable housing status. Additionally, the bill proscribes what happens to the affordable housing development's extended use period if a qualified contract does not close. If the reason is generally due to actions by the owner, then the extended use period continues. If contract does not close for other reasons, and FHFC is unable to find another purchaser within a 1-year period, then the extended use period ends.

SB 196 also repeals provisions that limit Elderly Housing Community Loan program loans to \$750,000 per housing community and contain certain requirements for such loans.

66. **Farm Share Program -APPROVED-** \$5M in statewide funding.

67. **Mixed-Use Residential Development Projects for Affordable Housing-APPROVED-** SB 962 by Senator Jennifer Bradley (R – Orange Park) was signed by the Governor and is effective immediately.

SB 962 authorizes a county or municipality, regardless of zoning ordinances or the locality's comprehensive plan, to approve the development of any residential development project, including a mixed-use residential development project, on any parcel zoned for commercial or industrial use if 10 percent of the project's units are reserved for affordable housing. Current law authorizes a county or municipality to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use regardless of zoning ordinances or the locality's comprehensive plan but does not specifically address mixed-use residential projects or the portion of units that must be reserved for affordable housing.

SB 962 clarifies that the new and existing provisions allowing affordable housing projects to bypass comprehensive plans and other ordinances are self-executing and do not require further action by local governments before using this approval process.

68. **Interstate Compact on Educational Opportunity for Military Children -APPROVED-** SB 430 by Senator Tom A. Wright (R – Port Orange) was signed by the Governor with an effective date of June 9, 2022.

SB 430 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children and provides for future legislative review and repeal of the compact on July 1, 2025. Participation in the Compact enables member states to address educational transition issues faced by military families as they transfer from a state or school district pursuant to official military orders.

69. **Military Occupational Licensure -APPROVED-** SB 562 by Senator Janet Cruz (D – Tampa) was signed by the Governor and is effective July 1, 2022.

SB 562 requires the Florida Department of Health (DOH) or the applicable board or program to:

- Expedite applications submitted by a spouse of an active-duty member of the U.S. Armed Forces; and
- Issue a temporary professional license valid for the duration of the application review process.

SB 562 also revises the DOH temporary professional licensure requirements for military spouses who hold a license to practice in another state as follows:

- Requires the immediate issuance of a full professional license, instead of a temporary license, to such applicants that submit certain information with their application.
- Requires DOH to waive the \$65 application fee for such licenses and removes the 12-month timeframe for such licenses.
- Specifies that such applicants are still required to follow license renewal requirements.

70. **Statewide Medicaid Managed Care Program -APPROVED-** SB 1950 by Senator Jason Brodeur (R – Lake Mary) was signed by the Governor with an effective date of July 1, 2022.

SB 1950 makes changes to the Statewide Medicaid Managed Care (SMMC) program in anticipation of the next competitive procurement of managed care plans for the 2025 plan year.

SB 1950:

- Requires provider service networks (PSNs) to be reimbursed on a prepaid basis by removing the option for fee-for-service reimbursement.
- Authorizes the Florida Agency for Health Care Administration (AHCA) to select eligible managed care plans to provide services through a single statewide procurement and deletes the requirement that AHCA conduct separate and simultaneous procurements for each Medicaid region.
- Outlines a new regional structure for plan selection under the SMMC program's Managed Medical Assistance (MMA) and Long-Term Care Managed Care (LTCMC) programs with a minimum and maximum number of plans designated for each region.
- Provides for nine regions named by letters (Regions A-I), rather than the 11 regions named by numbers (Regions 1-11) in preexisting law.
- Maintains the preexisting requirement for the AHCA to award a contract to at least one PSN in each of the nine regions under the MMA and LTCMC programs.
- Requires managed care plans to contract with Florida cancer hospitals that meet specified federal criteria as statewide essential providers and provides a payment rate for services provided by those hospitals without a contract.
- Revises MMA plan healthy behaviors program requirements to include tobacco cessation programs, rather than smoking cessation programs, and to clarify that substance abuse programs must include opioid abuse recovery.
- Authorizes an MMA Child Welfare Specialty Plan to serve a child in a permanent guardianship placement whose caregivers receive payments through the Guardianship Assistance Program.
- Requires the AHCA to amend existing SMMC contracts to implement specific provisions of the bill and directs the AHCA to implement the procurement-related provisions for the 2025 plan year.

71. **Child Welfare -APPROVED-** HB 7065, a committee bill by the House Children, Families and Seniors Subcommittee relating child welfare was signed by the Governor with an effective date of July 1, 2022.

HB 7065 contains provisions aimed at addressing the needs of children and young adults by:

- Requiring the Florida Department of Children and Families (DCF) and the Florida Department of Juvenile Justice (DJJ) to identify children that are dually involved with both systems of care and provide a report to the Legislature that includes actions taken by both agencies to better serve such children.
- Requiring the DJJ to be invited to participate in multidisciplinary team assessment staffings if the child is involved in both the DCF and the DJJ systems of care for open dependency and delinquency proceedings, respectively.
- Providing additional requirements related to transition plans for older children in foster care and young adults who are receiving funding through the Independent Living Program that includes an emphasis on financial literacy.
- Requires postsecondary institutions to have knowledgeable, accessible, and responsive liaisons to assist children and young adults who were formerly in foster care and those experiencing homelessness with issues related to the use of a tuition and fee exemption.
  - In addition, the bill addresses needs specific to fathers and at-risk youth by:
- Directing the DCF to contract for an initiative to promote responsible fatherhood with the goal of providing all fathers resources and inspiration to enhance their positive involvement with their children.
- Creating opportunities for not-for-profit organizations who address the needs of fathers and provide mentorships for at-risk boys to receive funding through grant programs established within the DCF.
- Providing for increased engagement with and provision of services to fathers by requiring Florida's community-based care lead agencies to hire father engagement specialists and requiring the Department of Health to include father engagement activities in the current programs that offer home visiting services.
- Requiring the Legislature to designate the month of June as "Responsible Fatherhood Month" to recognize the importance of fathers in their children's lives.
- Requiring the Florida Department of Revenue to establish a dedicated webpage on its website to provide obligors who have difficulty paying child support due to economic hardship certain information that will, in part, assist the obligor with modifying a child support order or access services from CareerSource Florida.
- Requiring the notification related to delinquent child support to be in writing and include certain information about accessing services to assist the father is satisfying his obligation.
- Requiring the Florida Department of Economic Opportunity to expand grants for organizations that assist certain noncustodial parents with becoming self-sufficient and to be better able to satisfy child support payments.
- Requiring a children's initiative to update the strategic community plan every five years to reflect the current status of the area served and providing requirements for a children's initiative to receive state funding.

72. **Child Welfare -APPROVED-** SB 7034, a committee bill by the Senate Children, Families, and Elder Affairs Committee was signed by the Governor with an effective date of July 1, 2022.

SB 7034 relating to foster care and tuition and fee exemptions provides for the following:

Tuition and fee exemption, students subject of shelter, dependency, termination of parental rights proceedings

SB 7034 expands the scope of potential students eligible for a tuition and fee exemption at a workforce education program or a state college or university to a student who has been the subject of a shelter, dependency, or termination of parental rights proceeding, and who:

- Is in a Temporary Assistance for Needy Families relative caregiver placement at the time he or she reached 18 years of age;
- After reaching 14 years of age, spent at least 18 months in out-of-home care and was then reunited with his or her parents who were the subject of the dependency proceeding before reaching 18 years of age; and
- Was placed in a permanent guardianship and remains in such guardianship until the student reaches 18 years of age or enrolls in an eligible institution before turning 18.

Foster care, childcare subsidy

SB 7034 provides a \$200 per month per child subsidy to any foster parents and relative and nonrelative caregivers who have a child placed in their home between the ages of birth to school entry regardless of whether the caregiver is licensed or not. The subsidy may be provided as long as the child is placed in out-of-home care with the caregiver and is the subject of an open dependency proceeding.

Foster care, out-of-home placements

SB 7034 increases the monthly payment amounts for foster care for a relative of a child and a nonrelative caregiver who has an existing relationship with a child. This increase achieves parity with the rates for other foster home placements. Previously, nonrelative caregivers received higher monthly payments than caregivers who were relatives or who had a relationship with a child. SB 7034 provides that relatives who do not obtain licensure as a child-specific foster placement within 6 months from the specified date will receive a lower monthly payment until the child achieves permanency or the relative or nonrelative caregiver obtains licensure as a child-specific foster placement, whichever occurs first.

The state budget includes approximately \$44 million in funding to implement the provisions of SB 7034 (the Legislature has not yet transmitted the state budget, HB 5001, to the Governor for consideration).

73. **Acute Care At-Home Patients in Nonemergent Community Settings/Paramedics/Hospitals -APPROVED-** SB 1222 by Senator Aaron Bean (R – Jacksonville) was signed by the Governor with an effective date of July 1, 2022.

SB 1222 authorizes paramedics and a Class III institutional pharmacy, which is a type of hospital pharmacy, to serve hospital patients in their homes under specified circumstances. The bill also authorizes a paramedic, under the supervision of a physician or acting under other standing orders, to provide basic life support services and advanced life support services to a patient receiving acute and post-acute hospital care at his or her permanent residence through a program approved by the federal Centers for Medicare and Medicaid Services (CMS) and Florida's Agency for Health Care Administration (AHCA). The bill provides that a physician who supervises or provides medical direction to a paramedic under such conditions is liable for any act or omission of the paramedic when providing such services. The bill authorizes the Florida Department of Health to adopt rules to implement these provisions.

SB 1222 also authorizes a Class III institutional pharmacy to dispense, distribute, compound, and fill prescriptions for medicinal drugs for a hospital patient in his or her permanent residence through a program approved by the CMS and the AHCA.

**74. Substance Abuse Service Providers/Recovery Residences -APPROVED- SB 704 by Senator Gayle Harrell (R – Stuart) was signed by the Governor is effective immediately.**

SB 704 makes several changes to provisions governing the licensure and regulation of substance abuse treatment programs and providers, including recovery residences and recovery residence administrators.

Among other provisions, SB 704 requires by July 1, 2022 licensed substance abuse service providers to record the names and locations of recovery residences to which the applicant has referred patients, or from which the applicant has accepted patients, in the Provider Licensure and Designations System (PLADS) maintained by the Florida Department of Children and Families (DCF). Providers must update PLADS with the names and locations of any new recovery residences to which patients have been referred, or from which patients have been received, within 30 business days of referring or receiving patients. The bill subjects providers to a \$1,000 administrative fine for non-compliance beginning on July 1, 2022.

SB 704 prohibits certified recovery residence administrators from managing more than 50 patients at once without written justification and approval from a certification credentialing entity and prohibits management of more than 100 patients without exception. The bill also removes a cap on the number of recovery residences a certified recovery residence administrator can manage at any given time. The bill requires substance abuse service providers to return an individual's personal effects upon the individual's discharge from treatment. The bill also requires the DCF to include approval for contingency management programs in the triennial plan's regional funding priorities component. Contingency management is a type of behavioral therapy used as part of substance abuse treatment in which individuals are rewarded for evidence of positive behavioral change. Every three years, the DCF must create a state master plan for the delivery and financing of substance abuse and mental health services throughout Florida, including funding priorities developed by regions of the state. Currently, the master plan does not include a requirement for such regional funding priorities to include contingency management programs



**75. Mental Health and Substance Abuse/Baker Act/Marchman Act/Law Enforcement Transport -APPROVED-** SB 1844 by Senator Aaron Bean (R – Jacksonville) was signed by the Governor with an effective date of July 1, 2022.

SB 1844 revises the voluntariness provision under the Baker Act to allow a minor's voluntary admission to a receiving facility or hospital after a clinical review of the minor's assent has been conducted, rather than a hearing on the minor's consent as required under current law. The bill also requires that a clinical review be held to verify the voluntariness of a minor's assent before a minor patient's status is transferred from involuntary to voluntary status under the Baker Act. The bill requires law enforcement officers transporting an individual to a receiving facility for an involuntary examination under the Baker and Marchman Acts to restrain the individual in the least restrictive manner available and appropriate under the circumstances.

**76. Child Protective Investigative Services -APPROVED-** HB 963 by Representative Christine Hunschofsky (D – Coconut Creek) was signed by the Governor with an effective date of July 1, 2022.

HB 963 addresses a sheriff's authority to carry forward state funds specifically relating to child protective investigation services. The bill:

- Authorizes a sheriff to carry forward documented unexpended state funds re: child protective investigation services from one fiscal year to the next;
- Restricts the cumulative amount of state funds that may be carried forward to no more than 8 percent of the sheriff's office total contract or grant agreement amount;
- Requires any unexpended state funds in excess of the maximum cumulative amount and all federal funds to be returned to the Florida Department of Children and Families (DCF);
- Restricts any funds carried forward from being used to create increased recurring future obligations or for any type of program or service that is not currently authorized by the existing contract or grant award agreement with the DCF;
- Requires the expenditure of funds carried forward to be separately reported to the DCF; and
- Requires a sheriff to return all unexpended funds to the DCF if that sheriff will no longer be providing child protective investigation services.

**77. Mental Health and Substance Abuse/Baker Act/Marchman Act -APPROVED-** SB 1262 by Senator Danny Burgess (R – Zephyrhills) was signed by the Governor with an effective date of July 1, 2022.

SB 1262 makes several changes to procedures surrounding voluntary and involuntary examinations of individuals under the Baker and Marchman Acts.

SB 1262 prohibits restrictions on visitors, phone calls, and written correspondence for Baker Act patients unless certain qualified medical professionals document specific conditions are met. The bill requires law enforcement officers to search certain electronic databases for emergency contact information (ECI) of Baker and Marchman Act patients being transported to a receiving facility. The bill also expands the entities who can access

the ECI to specifically include receiving facilities, hospitals, and licensed detoxification and addictions receiving facilities.

Pursuant to SB 1262, patients subject to an involuntary Baker Act examination who do not meet the criteria for a petition for involuntary services must be released at the end of 72 hours, regardless of whether the examination period ends on a weekend or holiday, if certain discharge criteria are met. The bill also permits psychiatric advanced practice registered nurses practicing under the protocol of a psychiatrist in a nationally accredited community mental health center to conduct discharge examinations for patients held under an involuntary Baker Act.

Additionally, the bill makes it a first-degree misdemeanor for a person to knowingly and willfully:

- Furnish false information for the purpose of obtaining emergency or other involuntary admission for any person;
- Cause, or conspire with another to cause, any emergency or other involuntary mental health procedure for the person under false pretenses; or
- Cause, or conspire with another to cause, without lawful justification, any person to be denied their rights under the Baker Act statutes.

SB 1262 requires receiving facilities to offer voluntary Baker and Marchman Act patients the option to authorize the release of clinical information to certain individuals known to the patient within 24 hours of admission. The bill clarifies that telehealth may be used when discharging patients under an involuntary Baker Act examination, and directs facilities receiving transportation reports detailing the circumstances of a Baker Act to share such reports with the Florida Department of Children and Families for use in analyzing annual Baker Act data. The bill also makes several changes to the Commission on Mental Health and Substance Abuse, including:

- Authorizing the Commission to conduct meetings in person at locations throughout the state or via teleconference or other electronic means;
- Authorizing members to receive per diem and reimbursement and travel expenses;
- Authorizing the Commission to access information and records necessary to carry out its duties, including exempt and confidential information, provided that the Commission does not disclose such exempt or confidential information; and
- Modifying the due date for the Commission's interim report from September 1, 2022 to January 1, 2023.

**78. Mental Health and Substance Abuse/Baker Act/Marchman Act/Law Enforcement Transport -APPROVED-** SB 1844 by Senator Aaron Bean (R – Jacksonville) was signed by the Governor with an effective date of July 1, 2022.

SB 1844 revises the voluntariness provision under the Baker Act to allow a minor's voluntary admission to a receiving facility or hospital after a clinical review of the minor's assent has been conducted, rather than a hearing on the minor's consent as required under current law. The bill also requires that a clinical review be held to verify the voluntariness of a minor's assent before a minor patient's status is transferred from involuntary to voluntary status under the Baker Act. The bill requires law enforcement officers transporting an individual to a receiving facility for an involuntary examination

under the Baker and Marchman Acts to restrain the individual in the least restrictive manner available and appropriate under the circumstances.

79. **Drug-related Overdose Prevention/Opioids/Narcan -APPROVED-** SB 544 by Senator Jim Boyd (R – Bradenton) was signed by the Governor with an effective date of July 1, 2022.

SB 544 expands access to emergency opioid antagonists, such as naloxone or Narcan, by:

- Allowing pharmacists to order, as well as dispense, emergency opioid antagonists with an auto-injection delivery system or intranasal delivery system;
- Providing that persons who are authorized to possess, store, and administer emergency opioid antagonists are immune from civil or criminal liability resulting from the administration of such emergency opioid antagonists; and
- Adding specified personnel of a law enforcement agency or other agencies to the list of persons who are authorized to possess, store, and administer emergency opioid antagonists.

SB 544 requires hospital emergency departments and urgent care centers to report the treatment of actual or suspected overdose victims treated at those facilities who were not transported to the hospital or urgent care center by a transport service. The bill also requires the Florida Public Health Institute, Inc., to include emergency opioid antagonists as part of substance abuses in its statutorily required health awareness campaigns.

SB 544 allows a public school to purchase a supply of naloxone from a wholesale distributor or enter into an agreement with a wholesale distributor or manufacturer to receive naloxone at fair-market, free, or reduced prices. The naloxone must be maintained in a secure location on the public school's premises. The bill also exempts a school district employee from civil liability if he or she administers an approved opioid antagonist to a student in compliance with state laws relating to emergency treatment for suspected opioid overdose and the Good Samaritan Act.

80. **Care of Students with Epilepsy or Seizure Disorders -APPROVED-** HB 173 by Representative Nicholas X. Duran (D – Miami) for SB 340 by Senator Ileana Garcia (R – Miami) was signed by the Governor with an effective date of July 1, 2022.

To provide care for Florida's public-school students affected by epilepsy or seizure disorders while at school, HB 173 creates an individualized seizure action plan (ISAP) which informs school personnel of the unique health care services required by the student and how to respond in emergency situations. The bill requires a school to implement an ISAP once a parent submits it to the school principal and school nurse.

HB 173 also requires a school to provide employees whose duties include regular contact with a student with an ISAP with notice of the student's condition, information on providing care for the student in an emergency, and parental and emergency contact information.

Having passed both the House and Senate in identical form, HB 173 next goes to the Governor.

*This is the subject of Resolution No. R-142-22.*

81. **Drug-related Overdose Prevention/Opioids/Narcan -APPROVED-** SB 544 by Senator Jim Boyd (R – Bradenton) was signed by the Governor with an effective date of July 1, 2022.

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82. **Educator Certification Pathways for Veterans -APPROVED-**SB 896 by Senator Danny Burgess (R – Zephyrhills) was signed by the Governor is effective July 1, 2022.

SB 896 provides an alternative pathway for veterans seeking subject area certification by removing the requirement for a baccalaureate degree for issuance of their temporary educator certificate if certain requirements are met.

The exception for a bachelor's degree under this provision applies only to subject area specializations that require a bachelor's degree for issuance of a temporary certificate.

While teaching under a temporary certificate, the person must be assigned a teacher mentor for a minimum of 2 school years after commencing employment. The teacher mentor must hold a valid professional teaching certificate, have at least 3 years of teaching experience, and have earned an effective or highly effective performance evaluation rating.

The issuance of a temporary certificate under this pathway is valid for five school fiscal years and is nonrenewable.

**83. Substitution of Work Experience for Postsecondary Educational Requirements/Government Hiring -APPROVED-** SB 514 by Senator Danny Burgess (R – Zephyrhills) was signed by the Governor with an effective date of July 1, 2022

SB 514 authorizes governmental agencies, during the employee hiring process, to substitute equivalent work experience as an alternative to a postsecondary education if the applicant is otherwise qualified for the position. The bill specifies that work experience may not be substituted for any required licensure, certification, or registration as established by the employing agency and indicated on the position description. The bill defines employing agencies to include any agency or unit of government of the state or any county, municipality, or political subdivision. The bill requires employing agencies who opt to substitute work experience for postsecondary education, to include a notice in the advertisements for such position that substitution is authorized and a description of what education and work equivalencies apply.

**84. County and Municipal Detention Facilities/Florida Model Jail Standards Commission -APPROVED-** SB 1236 by Senator Shevrin Jones (D – Miami Gardens) was signed by the Governor with an effective date of July 1, 2022.

SB 1236 establishes the Florida Model Jail Standards (FMJS) Working Group to develop and maintain model standards for county and municipal detention facilities. The FMJS Working Group is comprised of seven members appointed by the Florida Sheriff's Association and the Florida Association of Counties.

SB 1236 requires every sheriff, county, city, or other entity that operates a county or municipal detention facility to adopt, at a minimum, the approved FMJS, which address the construction, equipping, maintenance, and operation of these facilities.

Under the bill's provisions, each county or municipal detention facility must be inspected at least twice annually by a FMJS-certified inspector. One inspection is announced, and the other inspection is unannounced. The announced inspection evaluates a facility's compliance with all the FMJS and the unannounced inspection is limited to a review for serious violations. The bill prohibits a county or municipal detention facility from refusing to be inspected or refusing access to its facility. If the officer in charge of the facility refuses, that person is subject to monetary penalties.

SB 1236 provides if, upon inspection, a facility is noncompliant with the FMJS, it has 30 days to cure the noncompliance if it is not a serious violation. If it is a serious violation, the facility has 24 days to cure the noncompliance. For notable, or non-serious violations, the facility will be re-inspected within 10 days after the 30-day correction period.

SB 1236 assigns monetary penalties for noncompliance with the FMJS if an annual inspection reveals that a detention facility is noncompliant with a notable violation and the noncompliance is not corrected within the initial 30-day correction period. Also, if a second re-inspection for a notable violation or serious violation reveals that the detention facility continues to be noncompliant, the facility must cease operation of the detention facility within 14 days and must contract with one or more other detention facilities to house its detainees until the facility is determined to be in compliance with the FMJS.

**85. Pregnant Women in Custody/County Detention Facilities/Data Requirements - APPROVED-** SB 630 by Senator Shevrin "Shev" Jones (D – Miami-Gardens) was signed by the Governor with an effective date of July 1, 2022.

SB 630 requires pregnancy testing for women who are arrested and held in custody and grants a court the discretion to stay the beginning of incarceration for pregnant women who are convicted of a crime.

SB 630 also authorizes a judge, upon sentencing a pregnant woman to incarceration, to stay the beginning of incarceration for up to 12 weeks after the woman gives birth or is no longer pregnant, if the woman requests a stay.

SB 630 requires the Florida Department of Corrections and county and municipal detention facilities to collect and gather certain data that will be published by the department each quarter on its public website. The data will include information about the number of stays granted and the outcomes of the pregnancies, miscarriages, births, stillbirths, and complications. The information may not include personally identifiable information and must comply with all state and federal confidentiality laws.

Having passed the Senate, SB 630 now goes to the House. The House companion bill is HB 363 by Representative Dianne Hart (D – Tampa). HB 363 has not yet been heard in committee.

**86. Education for Student Inmates/County Detention Facilities -APPROVED-** SB 722 by Senator Keith Perry (R – Gainesville) was signed by the Governor with an effective date of July 1, 2022.

SB 722 authorizes a county or municipal detention facility or the Florida Department of Corrections to contract with a Florida College System institution to provide education services to its inmates. SB 722 also affirmatively provides that state funds provided for the operation of postsecondary workforce programs may be expended on a state inmate with 24 months or less remaining on his or her sentence, notwithstanding section 1011.81(4), Florida Statutes, which prohibits state funds for the Florida College System Program Fund from being expended on the education of state or federal inmates.

**87. Fire Investigators/Cancer Treatment Benefits-APPROVED-** SB 838 by Senator Tom Wright (R – Port Orange) was signed by the Governor with an effective date of July 1, 2022.

SB 838 makes a fire investigator eligible for certain benefits upon diagnosis of one of 21 enumerated cancers. The benefits are an alternative to pursuing a workers' compensation claim, and entitle the fire investigator to:

1. A one-time cash payout of \$25,000;
2. Cancer treatment with the employer reimbursing the fire investigator for any out-of-pocket deductible, copayment, or coinsurance related to the cancer treatment;
3. Enhanced disability benefits under an employer-sponsored retirement plan or employer-sponsored disability retirement plan if fire investigator is totally or permanently disabled due to the cancer; and

4. A higher death benefit for the beneficiary of a fire investigator who dies from the cancer or circumstances that arise from the cancer treatment

88. **Public Records Exemption/Law Enforcement Geolocation Information -APPROVED-** SB 1046 by Senator Ed Hooper (R - Palm Harbor) was signed by the Governor and is effective immediately.