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## 2022 Legislative Review – FGFOA

# Florida House of Representatives



**Speaker**  
Chris Sprowls



**Speaker  
*pro tempore***  
Bryan Avila



**Majority  
Leader**  
Michael Grant



**Minority  
Leader**  
Evan Jenne

**120 members (78 Republican/42 Democrat)**

# Florida Senate



**President**  
Wilton Simpson



**President  
*pro tempore***  
Aaron Bean



**Majority  
Leader**  
Debbie  
Mayfield



**Minority  
Leader**  
Lauren Book

**40 members (24 Republican/16 Democrat)**

## 2022 Session Statistics

- 3,685 total bills filed
- 2,693 House bills (including 1,729 appropriations project bills)
- 992 Senate bills filed
- 285 bills passed both chambers (7.7% of total)
- 1 proposed constitutional amendment passed
- 1 bill vetoed (CS/SB 102)

## Redistricting

- The Florida Constitution directs the Legislature to redraw district boundaries at its Regular Session in the second year following each decennial census.
- On March 29, 2022, the Governor vetoed CS/SB 102 and issued a proclamation calling the Florida Legislature into Special Session, from April 19-22, 2022, to consider legislation relating to the establishment of congressional districts.

# The Budget HB 5001

## Total Funding

- \$112.1 billion (record)
- \$43.7 billion General Revenue; \$68.4 billion Trust Funds

## Affordable Housing

- State Housing Initiatives Partnership (SHIP): \$209.5 million
- State Apartment Incentive Loan (SAIL): \$53.3 million
- Florida Hometown Hero Housing Program: \$100 million

## Broadband Funding

- Broadband Opportunity Program: \$400 million

# The Budget (continued)

## HB 5001

### Cybersecurity Funding

- State Cybersecurity Risk Assessment: \$7 million
- State and Local Government Employee Cybersecurity Training: \$30 million
- Local Government Cybersecurity Technical Assistance Grants: \$30 million

### Economic Development Funding

- Florida Job Growth Grant Funding: \$50 million
- VISIT Florida: \$50 million
- Enterprise Florida: \$12 million

# The Budget (continued)

## HB 5001

### Education Funding

- FEFP - \$8,142.80 per student (4.96% increase)
- Required Local Effort (RLE) increase of \$633.2 million; RLE millage maintained at 3.606 mills
- Teacher Salary Increase Allocation - \$800 million
- Funding Compression & Hold Harmless Allocation - \$68.2 million



# The Budget (continued)

## HB 5001

### Environmental Funding

- Florida Forever & Land Acquisition: \$168.7 million
- Flood & Sea Level Rise Program: \$470.9 million
- Beach Management Funding Assistance: \$50 million
- Springs Restoration: \$75 million
- Local Water Projects: \$368.4 million
- Drinking Water Revolving Loan: \$202.6 million
- Wastewater Revolving Loan: \$264.8 million
- Wastewater Grant Program: \$125 million
- Local Parks: \$58.2 million

# The Budget (continued)

## HB 5001

### Law Enforcement Funding

- Law Enforcement Recruitment Bonus Program: \$20 million
- Law Enforcement \$1,000 one-time bonus: \$125 million

### Transportation Funding

- Small County Resurface Assistance Program (SCRAP): \$27.6 million
- Small County Outreach Program (SCOP): \$85.1 million
- Five-year Work Program: \$1.1 billion

## Question 1:

- The total amount of the pre-veto State budget for fiscal year 2022-2023 is \$112.1 billion.

A. True

B. False



# Key bills that *passed* this session

## Tax Package CS/HB 7071 (Payne)

- Increases the value of property exempt from ad valorem taxes for residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000.
- Provides property tax abatement for residential property rendered uninhabitable for 30 days or more due to a catastrophic event.
- Provides one-month holiday reducing certain motor fuel taxes.

## FRS Employer Contribution Rates HB 5007 (Appropriations)

- Establishes contribution rates paid by employers participating in the Florida Retirement System beginning July 1, 2022.
- Modifies DROP to allow a member of the Special Risk Class who is a law enforcement officer 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.

## **Additional Homestead Exemption for Critical Public Service Workforce CS/CS/HJR 1 (Tomkow)**

- Proposes amendment to Florida Constitution to authorize the creation of an additional \$50,000 homestead exemption for certain public employees.
- Exemption applies to all non-school property taxes.
- The property must be owned by: classroom teacher, law enforcement officer, correctional officer, firefighter, emergency medical technician, paramedic, child welfare service provider, active-duty member of US military or Florida National Guard.

## Law Enforcement CS/HB 3 (Leek)

- Allows sheriff to transfer funds between categories or code levels after budget has been approved.
- Provides multiple new and expanded benefits and training for first responders.
- Provides \$5,000 bonus payment to newly employed officers.
- Legislature appropriated \$20 million for bonuses.



## Local Tax Referenda Requirements CS/CS/HB 777 (W. Robinson)

- Requires local tax referenda elections to be held at general election.
- Impacts referenda related to tourist development taxes, tourist impact taxes, increases in municipal and county ad valorem tax millages, children's services and independent special district property taxes, ninth-cent fuel tax, local option fuel taxes, and certain school millages.

## Question 2:

Referenda to increase this tax must be at a state general election.

- A. Tourist Development Tax
- B. Local Option Fuel Tax
- C. School District Millage
- D. All the above

## Court Fiscal Administration CS/HB 397 (Clemons)

- Requires CCOC develop formula to estimate total cost of clerk support for circuit & county judges.
- Requires CCOC to submit funding recommendations to Legislature for reimbursement of costs of additional trial court judgeships and involuntary commitment fees.
- Clarifies minimum payment criteria for uniform payment plans.
- Ensures clerks can reinstate driver licenses that have been suspended for failure to pay court obligations.

## Workers' Comp Benefits for PTSD CS/HB 689 (Giallombardo)

- Extends workers' comp coverage qualifying time for PTSD to 52 weeks after the qualifying event OR diagnosis of the disorder, whichever is later.
- Expands coverage for PTSD for first responders to include correctional officers.

## Protective Injunctions CS/HB 905 (Fetterhoff)

- Requires clerk of court to electronically submit to sheriff a certified copy of a petition or final judgement for a protective injunction within 24 hours after the court issues an injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking.

## Guardianship Data Transparency CS/CS/CS/HB 1349 (Chaney)

- Requires Clerk of Court Operations Corporation (CCOC) to create guardianship database for use in judicial guardianship proceedings.

## **Business Damages CS/SB 620 (Hutson)**

- Allows a business that has been engaged in a lawful business for at least three years claim business damages if a local ordinance or charter provision will cause a reduction of at least 15% of profits.
- Local government has 3 opportunities to cure: repeal ordinance, amend ordinance, or grant a waiver to the business from enforcement.
- Bill provides exemptions from claims for various ordinances and charter provisions

### Question 3:

What bill is also called the Local Business Protection Act?

- A. CS/CS/HJR 1
- B. CS/SB 620
- C. HB 5007
- D. CS/HB 3



## School Concurrency CS/CS/CS/SB 706 (Perry)

- Requires developers to tender, rather than execute, a written, legally binding commitment to provide proportionate-share mitigation.
- Requires local government to issue a final decision within 60 days, or tendered commitment will be deemed approved.
- Requires school board to set aside and not spend any proportionate-share mitigation if there is no school capacity improvement identified in the 5-year plan.

## **Agritourism**

### **SB 1186 (Albritton)**

- Prohibits the denial or revocation of a property's agricultural classification due solely to the conduct of agritourism or the construction of a nonresidential structure used to conduct agritourism.

## **Fire Investigators CS/SB 838 (Wright)**

- Expands eligibility for cancer treatment benefits to include full-time, Florida-certified fire investigators.

## Law Enforcement Vehicles CS/SB 266 (Diaz)

- Requires an agency that allows officers to take home an agency-owned vehicle to maintain motor vehicle insurance that covers the time an officer spends while going to or coming from work or any other agency assignment.

## Individual Freedom CS/HB 7 (Avila)

- Provides that subjecting a person, as a condition of employment, to training, instruction, or any other required activity that contains certain concepts constitutes discrimination under the Florida Civil Rights Act.

## Juvenile Detention Limits CS/HB 7029 (Brannan)

- Extends the time limit for which a juvenile may be detained in a supervised release program from 21 days to 60 days.
- Potentially increases the burden on county cost sharing for counties that are required to split the costs of detention with DJJ.

## Election Administration CS/CS/SB 524 (Hutson)

- Creates Office of Election Crimes and Security.
- Requires County Commissioners of single-member districts to run for election after each decennial redistricting.
- Prohibits and preempts the use of ranked-choice voting.
- Expands prohibition against the use of private donations for elections-related expenses.
- Increases frequency for conducting voter list maintenance.

## Campaign Financing CS/CS/HB 921 (Drake)

- Prohibits local government from expending public funds for any communication that is sent to electors concerning an issue that subject to a vote of the electors (e.g., charter or constitutional amendment)
- Applies to any communication initiated by local government, regardless of whether the communication is limited to factual information.



## Legal Notices CS/HB 7049 (Fine)

- Gives governmental agencies the option to publish legal notices on a county website instead of print newspaper.
- Requires a local government that chooses this option to notify individuals that they may elect to receive public notices by first-class mail or email.
- Require agencies with a population under 160,000 to first hold a public hearing and determine that there is sufficient internet access.

# Statewide Flooding & Sea Level Rise Resilience CS/HB 7053 (Busatta Cabrera)

- Establishes Office of Resiliency and provides for appointment of Chief Resilience Officer.
- Requires Department of Transportation to develop resilience action plan for the State Highway System.
- Makes various revisions to current law relating to statewide resiliency funding and planning.

## Waste-to-Energy Grant Program CS/SB 1764 (Albritton)

- Creates Municipal Solid Waste-to-Energy Program.
- Provides \$100 million in recurring funds to provide financial assistance grants and incentive grants.

# Cybersecurity

## CS/HB 7055 (Giallombardo)

- Provides cybersecurity training requirements for local government employees.
- Requires local governments to adopt cybersecurity standards that are consistent with best practices.
- Requires local governments to report cybersecurity and ransomware incidents to State Watch Office.
- Prohibits state agencies and local governments from paying ransom demand.
- CS/HB 7057 provides public records exemption for information related to insurance coverages protecting IT systems or information related to agency's critical infrastructure.

## Emergency Preparedness & Response Fund CS/SB 96 & SB 98 (Burgess)

- Creates Emergency Preparedness and Response Fund within Executive Office of the Governor.
- Provides for the immediate transfer of \$500 million from General Revenue.
- Authorizes Legislative Budget Commission to convene to transfer or appropriate funds.

## Charter Schools (Impact Fees) CS/CS/SB 758 (Diaz)

- Creates Charter School Review Commission with Florida Department of Education.
- Expands class of facilities eligible to provide space for charter school operations.
- Provides a proportionate share of costs per student station as it pertains to educational impact fees for charter schools specifically created to mitigate the education impact of a new residential development.
- Provides that any entity that contributes toward construction of charter school shall receive a credit towards any impact fees imposed for public educational facilities.

## Question 4:

How long is the Gas Tax Holiday that is in the tax package?

- A. One day
- B. One week
- C. One month
- D. One year



# Key bills that *failed* this session



## Sovereign Immunity

### CS/CS/HB 985 (Beltran) & CS/CS/CS/SB 974 (Gruters)

- Both bills went through many iterations, but the common elements were:
- Increasing sovereign immunity caps.
- Indexing caps to Consumer Price Index for periodic increases.
- Authorizing an agency or subdivision to settle in excess of the caps and/or prohibiting insurance policies from conditioning payment on a claims bill.
- Allowing claims related to sexual battery of a victim under 16 to commence at any time.

## Local Ordinances

### CS/HB 403 (Giallombardo) & CS/CS/SB 280 (Hutson)

- Requires local governments to prepare a business impact estimate before adopting an ordinance.
- Requires local government to suspend enforcement of an ordinance that is subject of a civil action challenging the validity on the grounds that it is arbitrary or unreasonable or expressly preempted by state law.

## **Withholding Funds from the Return of Cash Bonds CS/HB 97 (Andrade) & SB 1462 (Stewart)**

- Allows clerk of the court to withhold funds from the return of a cash bond only when posted by a criminal defendant or his or her spouse.

## Reinstatement of Suspended Driver Licenses CS/HB 1461 (Driskell)

- Creates Drive for Success Pilot Program to assist persons whose driver licenses were suspended and who have unpaid fines and fees.

## Homestead Property Exemption CS/HJR 923 (Fischer) & SJR 1266 (Brandes)

- Proposes an amendment to the Florida Constitution for the periodic increase of the \$25,000 exemption on a homestead property's assessed value that is greater than \$50,000.

## Infrastructure Project Funding HB 621 (Fine) & SB 1162 (Broxson)

- Prohibits disbursement of state funds for local government infrastructure, water and resiliency projects if local government transfers utility revenues to general fund.

## Financial Disclosures CS/HB 301 (Roach) & CS/CS/SB 510 (Brodeur)

- Requires all city elected officials and city managers to file Form 6.
- CS/CS/SB 510 requires Florida Ethics Commission members to file Form 6.

# Local Government Solid Waste & Recycling Collection Services

## CS/CS/HB 1241 (Hawkins) & SB 1944 (Baxley)

- Addresses local governments' contractual remedies against a solid waste or recycling vendor who fails to perform under the contract.
- CS/CS/HB 1241 prohibits local government from assessing liquidated damages against a vendor that misses a scheduled collection during a declared emergency, so long as the vendor provides such service within 36 hours.



## Property Appraisers

### CS/HB 417 (Fernandez-Barquin) & SB 572 (Garcia)

- Increases the variance percentages which must be met for a property appraiser to challenge a Value Adjustment Board decision in circuit court.
- SB 572 revises factors that a property appraiser must consider in deriving just valuation for a property

## Rental of Homestead Property CS/HB 1345 (McFarland) & SB 1056 (Hutson)

- Revises criteria of homestead property tax exemption to state that the rental of a portion of a dwelling while it is physically occupied by the owner does not constitute abandonment of the dwelling as a homestead.

## Ad Valorem Exemption - Nonprofit Homes for the Aged CS/HB 401 (Smith) & SB 362 (Rodriguez)

- Expands options that would allow a nonprofit home for the aged to qualify for an exemption from ad valorem taxation.
- Allows the sole general partner to be another entity wholly owned by a not-for-profit corporation.

## Government Property Tax Exemption SB 1890 (Hutson)

- Revises types of lessees whose purpose and functions are deemed to be governmental, municipal or public purpose in determining the exemption from ad valorem taxes for certain real property.

# Homestead Assessments Following Change in Ownership

## HB 283 (Duran) & SB 460 (Rodriguez)

- Provides exception from assessment of homestead property at just value upon transfer of property if the property is transferred to a child or a grandchild of the deceased owner.

## Property Tax Discounts

### HB 839 (Fischer) & SB 1152 (Rodriguez)

- Increases the property tax discount percentage rates for early payment of all property taxes assessed on the county tax rolls.

## Property Tax Exemption for Affordable Housing HB 495 (Rodriguez) & CS/SB 1150 (Rodriguez)

- Authorizes municipalities and counties to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for governmental or public purpose of providing affordable housing.

## Question 5:

- The Florida Legislature is currently in Special Session.
  - A. True
  - B. False



# Property Taxation of Construction Equipment HB 751 (Clemons)

- Revises definition of the term “inventory” to include construction equipment by a heavy equipment rental dealer for sale or short-term rental in the normal course of business on the annual assessment date.
- Change only applies to non-school levies.

## Property Tax Exemption for Educational Properties HB 243 (Roth) & SB 1126 (Harrell)

- Provides property tax exemption for property used by educational institutions that hold a leasehold interest in certain leases that exceed 98 years.

## Public Deposits

### HB 1559 (Harding) & SB 1318 (Hutson)

- Allows state's Chief Financial Officer to designate credit unions as qualified public depositories after meeting certain criteria.

## **Tax on Rental of Real Property** **HB 6093 (Gregory) & SB 1558 (Gruters)**

- Repeals s. 212.031, F.S., which subjects the renting, letting or granting a license for the use of any real property to sales and use tax.

# Homestead Property Tax Limitation & Exemptions for Low-Income Seniors

## HJR 973 (Borrero) & SJR 1278 (Diaz)

- Proposes amendment to the Florida Constitution to authorize the legislature to prohibit increases in the assessed value of homestead property owned by low-income seniors.

## **Criminal Justice**

### **HB 857 (Nixon) & SB 450 (Jones)**

- Repeals multiple provisions from 2021 HB 1, including allowing specified elected officials to appeal a municipal law enforcement operating budget that contains a funding reduction.

# Firefighter Inquiries and Investigations

## HB 31 (Busatta Cabrera)

- Extends certain provisions of the Firefighters' Bill of Rights to questioning conducted under an informal inquiry.

## Law Enforcement Death Benefits HB 645 (Gottlieb) & SB 992 (Book)

- Requires employers of full-time law enforcement, corrections and corrections probation officers to extend employer-paid health insurance benefits to the officer's surviving spouse and each dependent child if the officer dies in the line of duty as a result of exposure to a pandemic disease that is the subject of a public health emergency.
- Applies retroactively to March 1, 2020.



## Preemption of Local Government Wage Mandates CS/HB 943 (Harding) & CS/SB 1124 (Gruters)

- Prohibits local wage mandates greater than the state minimum wage.

## Wage Employment Benefits

### HB 6047 (Smith, C.) & SB 446 (Taddeo)

- Repeals preemption on local governments' ability to establish minimum wage other than the state or federal minimum wage.

# Resiliency Energy Environment Florida Program CS/HB 101 (Fine) & CS/SB 228 (Rodriguez, A.)

- Adds several consumer protections to current PACE program, including:
  - Capping the total of all non-ad valorem assessments, plus any mortgage debt on the property at 97% of a residential property's fair market value;
  - Requiring a determination that property owner meets certain creditworthiness requirements; and
  - Allowing property owners to cancel a financing agreement within three day of execution.

## Prohibition of Public Funds for Lobbying HB 501 (Gregory)

- Prohibits local government from using public funds to retain a lobbyist to represent the local government before the legislative or executive branch.

## Transportation (Mobility Fee) CS/CS/HB 157 (Andrade)

- Requires local government to provide mobility fee credits to residential developers for certain capital improvements to a transportation system that DOT deems necessary.

## Condo Safety

### CS/HB 7069 (Perez) & CS/CS/SB 1702 (Bradley)

- Creates statewide structural inspection program for aging multifamily residential buildings.
- Requires residential buildings greater than three stories to have a milestone inspection in year 30 and every 10 years thereafter.
- Requires local enforcement agencies to provide written notice to condo and coop associations.

## **Municipal Water & Sewer Rates** **HB 515 (Robinson, F.) & SB 886 (Jones)**

- Requires a municipal water or sewer utility that serves customers in another recipient municipality using infrastructure located in the recipient municipality to charge consumers in the recipient municipality the same rates, fees and charges as it does the consumers inside its municipal boundaries.

## Fiduciary Standards SB 508 (Diaz)

- Establishes standards of conduct and a mandatory five hours of training relating to the "fiduciary duty of care" for appointed local public officers and executive officers of local government entities.
- The bill provides that each appointed public official and executive officer has a fiduciary duty of care to the governmental entity served and has a duty to act in accordance with laws and terms governing the office or employment, act with the care and competence normally exercised by private business professionals, act only within the scope of authority and refrain from conduct likely to damage the economic interests of the governmental entity.



## Question 6:

How many proposed constitutional amendments did the Legislature pass this year?

- A. None
- B. 1
- C. 3
- D. 5

# Additional Resource & Information

## Associations

- Florida Association of Counties ([www.fl-counties.com](http://www.fl-counties.com))
- Florida League of Cities ([www.flcities.com](http://www.flcities.com))
- Florida School Boards Association ([www.fsba.com](http://www.fsba.com))

## State & Legislative

- My Florida ([www.myflorida.com](http://www.myflorida.com))
- Online Sunshine ([www.leg.state.fl.us](http://www.leg.state.fl.us))
- Office of Economic & Demographic Research (<http://edr.state.fl.us>)

# Questions & Contact Information



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