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MEMORANDUM

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**FROM:** KRISTIN D. HUAL, DEPUTY COUNTY ATTORNEY  
**SUBJECT:** LEGISLATIVE SUMMARY 2022  
**DATE:** JUNE 28, 2022

**HB 1B (2021): COVID-19 Mandates** (Chapter No. 2021-272) Effective 11/18/21.  
Creating FS § 112.0441 prohibiting governmental entities from imposing a COVID-19 vaccine mandate for any FT, PT, or contract employee. Any existing ordinance/rule/policy imposing such mandate is null and void. Any governmental entity that imposes such a mandate may be fined by the FDOH in an amount not to exceed \$5,000 per violation.

**HB 3: Law Enforcement** (Chapter No. 2022-23) Effective July 1, 2022.  
Amending FS § 30.49 to include a provision allowing a sheriff to transfer funds between the fund/functional categories and object/sub-object codes.

**HB 31: Firefighter Bill of Rights** (Chapter No. 2022-110) Effective July 1, 2022.  
Amending FS § 112.82 to expand the rights of firefighters during an informal inquiry as well as an interrogation and further providing that a firefighter may not be threatened with disciplinary action during any such informal inquiry or interrogation.

**HB 105: Regulation of Smoking** (Chapter No. 2022-213) Effective July 1, 2022.  
Amending FS § 386.209 to authorize counties to restrict smoking within the boundaries of any public beach and public park they own, except smoking of unfiltered cigars.

**HB 197: Public Records Exemption** (Chapter No. 2022-112) Effective July 1, 2022.  
Amending FS § 943.0582 to provide an exemption from the Public Records Act for a nonjudicial record of the arrest of a minor who has successfully completed a diversion program which is sealed or expunged.

**SB 254: Religious Institutions** (Chapter No. 2022-208) Effective July 1, 2022.  
Creating FS § 252.64 to prohibit issuance of an Emergency Order under the State Emergency Management Act which prohibits a religious organization from conducting religious services or activities unless such restriction is applied uniformly to all entities and serves a compelling governmental interest. Counties that may issue local emergency orders are prohibited from issuing orders more restrictive or inconsistent with this provision.

**HB 423: Building Regulation** (Chapter No. 2022-132) Effective July 1, 2022.  
Amending FS § 553.79 to include a provision prohibiting the county from enacting a local law/ordinance prohibiting/restricting the ability of a property owner to obtain a demolition permit for single family residential structures located in a coastal high-hazard area, moderate flood zone or special flood hazard area if the lowest finished floor elevation is at or below base flood elevation. An application for such a demolition permit may only be reviewed administratively for compliance with FBC, FPC and LSC and any regulations applicable to a similarly situated parcel and may not be subject to additional local land development regulations or public hearings. In addition, if a structure is demolished pursuant to a demolition permit, a local government may not impose additional regulatory/building requirements on the structure constructed on the same site which would not otherwise be applicable to a similarly situated vacant parcel.

Amending FS § 553.791 to include a provision requiring the local building official to issue a certificate of occupancy/completion or provide notice to the applicant of any deficiencies within two business days for single or two family dwellings or, otherwise, within 10 business days of the request and presentation of a certificate of compliance and approval of all other government approvals, including payment of all outstanding fees. If notice is not provided within the applicable time periods, the request is automatically granted and deemed issued as of the next business day, and the building official must provide the applicant with the written certificate of occupancy/completion within 10 days after it is automatically granted and issued.

Amending FS § 553.792 to include a provision prohibiting a local government from requesting additional information from an applicant more than three times when reviewing an application for a building permit, unless the applicant waives the limitation in writing. If additional information is requested and the applicant submits the information within 30 days after receiving the request, the local government must, within 15 days, determine if the application is complete and approve or deny the application, or advise the applicant of information that is required to determine the sufficiency of the application. If the local government makes a second request for additional information and the applicant submits the information within 30 days after receiving the request, the local government must, within 10 days, determine if the application is complete and approve or deny the application, or advise the applicant of information that is required to determine the sufficiency of the application. Before the local government makes a third request, the applicant must be offered the opportunity to meet with the local government to attempt to resolve outstanding issues. If the local government makes a third request for additional information and the applicant submits the information within 30 days after receiving the request, the local government must, within 10 days, determine if the application is complete and approve or deny the application. If the applicant believes the request for additional information is not authorized by ordinance/rule/statute, the local government, at the applicant's request, must process the application and either approve or deny.

Amending FS § 553.780 to include a provision authorizing an owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the same state that has members with valid building permits issued for a fee, to bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph (requiring a local government to use any excess fees that may not carry forward to rebate or reduce fees collected to enforce the FBC or to pay for the construction of a building to house code enforcement or training programs for building officials).

**SB 518: Property Rights to Prune Trees** (Chapter No. 2022-121) Effective July 1, 2022. Amending FS § 163.045 to prohibit a local government from requiring a notice/application/approval/permit/fee/mitigation for the pruning/trimming/removal of a tree on residential property if the owner possesses documentation from an arborist or a licensed landscape architect that the tree poses an *unacceptable risk* to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in BMP – Tree Risk Assessment.

**SB 524: Election Administration** (Chapter No. 2022-73) Effective upon becoming law. Among other significant amendments, the act creates FS § 101.019 prohibiting a ranked choice voting method in determining the election or nomination of any candidate to any local, state or federal elective office. Any existing or future ordinance enacted or adopted by a county which is in conflict with this provision is void.

**SB 620: Local Business Protection Act** (Vetoed 6/24/22) Effective upon becoming law.

Creating FS § 70.91 authorizing a private for-profit business to claim business damages from a county if it enacts/amends an ordinance (with certain exceptions noted) that has or will cause a reduction of at least 15% of the business' profit as applied on a per location basis of a business operated in the jurisdiction and the business has engaged in lawful business in the jurisdiction for the preceding 3 years. Damages may not exceed the present value of future lost profits for the lesser of 7 years or the number of years the business has been in operation in the jurisdiction before the ordinance was enacted.

Pre-suit Requirements: At least 180 days before filing suit and within 180 days after the effective date of the relevant ordinance, the business must provide the county with a written settlement offer and copies of business records to substantiate the claim. The county must accept or reject the settlement offer with 120 days after receipt. The business must file suit within 1 year after the effective date of the relevant ordinance. In any such action, the court may award reasonable attorney's fees and costs to the prevailing party. The county will not be liable for damages if, within the 120-day timeframe, it repeals the ordinance, amends the ordinance to avoid any damages, publishes notice of the intent to repeal/amend, and repeals/amends within 30 days, or grants the business a waiver. \*The Act only applies to ordinances enacted/amended on or after the effective date of the law.

**SB 706: School Concurrency** (Chapter No. 2022-122) Effective July 1, 2022.  
Amending FS § 163.3180 to revise provisions specifying when school concurrency is satisfied. Currently, a local government is prohibited from denying an application for residential development for failure to achieve/maintain school concurrency where adequate facilities will be in place within 3 years after development approval. As amended, school concurrency is deemed satisfied when the developer tenders a written legally binding commitment to provide mitigation proportionate to the demand for school facilities to be created by the proposed development. In addition, the school board is required to notify the local government that capacity is available for a proposed residential development within 30 days after receiving the developer's legally binding commitment.

**HB 777: Local Tax Referenda Require.** (Chapter No. 2022-214) Effective October 1, 2022.  
Referenda elections related to the following must be held on the day of a general election- FS § 125.0104, related to the levy of tourist development taxes; FS § 200.901 related to increasing ad valorem tax millage; FS §§ 336.021 and 336.025 relating to the levy of the ninth cent fuel tax and the local option fuel tax.

**HB 921: Campaign Financing** (Chapter No. 2022-56) Effective July 1, 2022.  
Amending FS § 106.08 to prohibit use or acceptance of public funds for political advertisements or any other communication sent to electors concerning an impending referendum, amendment or ballot initiative irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue/referendum/amendment, but a local government is not prohibited from providing factual information.

**SB 1236: County Detention Facilities** (Chapter No. 2022-108) Effective July 1, 2022.  
Amending FS § 951.23 to establish the (seven member) Florida Model Jail Standards Working Group to develop and maintain standards for detention facilities and requiring entities operating a detention facility to adopt, at a minimum, the standards approved by the Working Group with reference to nine criteria.

Creating FS § 951.2302 to require (per the jail standards developed by the Working Group) that each facility be inspected, at a minimum, twice annually with each occurring at least 120 days

apart. If a facility is noncompliant for a notable violation, the facility must correct the issue within 30 days and must be reinspected within 10 days after the 30-day period. If a facility is noncompliant for a serious violation, the facility must correct the issue within 24 hours and must be reinspected within 48 hours. If a facility fails to timely correct the violation, the facility must pay a daily fine/penalty into the facility's inmate welfare fund based upon the severity of the violation until the violation is corrected. In addition, if a facility is deemed noncompliant upon a second reinspection for a notable violation or a subsequent reinspection for a serious violation then the facility must cease operations within 14 days and house the inmates elsewhere until the facility is determined to be in compliance.

**SB 1380: Real Property Rights** (Chapter No. 2022-171) Effective upon becoming law. Creating FS § 715.075 to authorize the owner/operator of private property used for parking to establish rules and rates that govern parking on such property and prohibit a county from enacting an ordinance/regulation restricting or prohibiting the right of such owner/operator.

**HB 7049: Legal Notices** (Chapter No. 2022-103) Effective January 1, 2023. Amending FS § 50.011 to authorize the publication of legal notices by the following:

- 1) Publication in a newspaper that is published at least once a week, contains at least 25% of the words in English, available to the public generally for publication of official/other notices, and containing information of public interest, which a) has an audience of at least 10% of the households in the county, of which at last 25% of the print copies are delivered to individuals' home/business address, and is available at no less than 10 publicly accessible outlets or b) is entered as periodical class mail at a post office in the county where published; or
- 2) Publication on a publicly accessible website.

Creating FS § 50.0311 regarding publication of legal notices on a publicly accessible website. Defining a "governmental agency" as a county, municipality, school board, or other unit of local government, and defining a "publicly accessible website" as a county's official website or other website designated by the county for the publication of legal notices

A governmental agency may publish legal notices on the publicly accessible website of the county in which it lies if the cost is less than the cost to publish in the newspaper. All advertisements and notices published on the website must be in searchable form and indicate the date on which the notice was first published.

The governmental agency must provide notice at least once a year in a newspaper of general circulation that is mailed/delivered to all residents/property owners throughout the government's jurisdiction with notice that residents/owners may receive legal notices by first class mail or email upon registering. The governmental agency shall maintain a registry of those who have requested in writing that they receive legal notices by mail/email. In addition, a link to all legal notices must be conspicuously placed on the website's homepage or on a page accessible from a link on the homepage and on the homepage of the website of each governmental agency publishing notices on the publicly accessible website or on a page accessible from a link on the homepage. A governmental agency may also include a summary of all legal notices on its governmental access channel.

A public bid advertisement published on a publicly accessible website must include a method to accept electronic bids.

**HB 7055: Cybersecurity** (Chapter No. 2022-220) Effective July 1, 2022. Amending FS § 282.0041 to revise definition of "incident" and define "ransomware incident".

Creating FS § 282.3185 creating the *Local Government Cybersecurity Act* requiring all local government employees with access to the network to complete basic cybersecurity training within 30 days of commencing employment and annually thereafter and requiring all technology professionals and employees with access to highly sensitive information to complete advanced cybersecurity training within 30 days of commencing employment and annually thereafter. (Training shall be developed by the Florida Digital Service.) The Act also requires local governments to adopt cybersecurity standards consistent with the National Institute for Standards and Technology and provide notification to FLDS when such standards are adopted. (Counties with population of 75K or more must adopt standards by 1/1/24.)

The Act further requires a local government to provide notification of a cybersecurity incident or ransomware incident to the Cybersecurity Operations Center (COC), the FDLE, and the sheriff of the relevant jurisdiction. A local government must report an incident of severity level 3-5 to the COC, FDLE and sheriff and may report an incident of severity level 1-2. Within 1 week after the remediation of an incident, the local government must submit an after-action report to FLDS. (FLDS will establish guidelines by 12/1/22.)

Creating FS § 282.3186 prohibiting a county experiencing a ransomware incident from paying or otherwise complying with a ransom demand.

**HB 7057: Public Records/Meetings Exemption- Cybersecurity (Chapter No. 2022-221)**

Creating FS § 119.0725 establishing a public records exemption for the following information: insurance coverages acquired for protection of IT systems, operational technology systems, or data; information relating to critical infrastructure; cybersecurity incident information reported pursuant to the Act; and network schematics, software configurations, or encryption information, or information that identifies detection, investigation, or response practices for such incidents if disclosure would facilitate unauthorized access to or unauthorized modification/disclosure/destruction of data/information or IT resources. Such information may be disclosed to law enforcement, FDLE, FLDS, and agencies under the executive branch and may be disclosed by an agency in the furtherance of its official duties to another agency.

In addition, any portion of a meeting that would reveal such information is exempt from the requirements of the Sunshine Law. An exempt portion of a meeting must be recorded and transcribed, and the recordings and transcript are confidential and exempt from disclosure under the Public Records Act.