

2023 Legislative Summaries

CS/CS/SB 250 - Natural Emergencies

By: Fiscal Policy; Community Affairs; Martin

Tied Bills: None

Companion Bills: CS/HB 7057

Committee(s) of Reference: Community Affairs; Fiscal Policy

Category: Business and Professional Regulation; Commerce; Emergency Management; Local

Government; Natural Disasters; Utilities and Communications

The bill:

- requires the Division of Emergency Management (DEM) to post on its website a model debris removal contract for the benefit of local governments and encourages local governments to create emergency financial plans in preparation for major natural disasters.
- provides that counties and municipalities cannot prohibit a resident from placing a temporary residential structure on their property for certain periods of time following a natural emergency under certain circumstances.
- encourages local governments following a natural disaster to expedite the issuance of certain permits, create specialized building inspection teams, and enter into interlocal agreements for inspection services.
- requires certain local governments following a natural emergency to approve special processing procedures to expedite certain permits that do not require technical review.
- increases the extension of certain permits following a declaration of a state of emergency in certain circumstances.
- prohibits counties and municipalities within areas of a disaster declaration for Hurricane Ian or Hurricane Nicole from increasing building fees until October 1, 2024.
- allows registered contractors to work outside the local jurisdiction during a state of emergency.
- prohibits counties and municipalities within 100 miles of landfall of Hurricane Ian or Hurricane Nicole from adopting more restrictive land development regulations under certain circumstances.

- extends certain portions of the Consultants' Competitive Negotiation Act through December 31, 2023.
 - provides clarification regarding abandoned vessels and their destruction.
 - directs DEM to administer a revolving loan program for local government hazard mitigation projects, and appropriates \$1,000,000 in nonrecurring funds from the General Revenue Fund and \$10,000,000 in nonrecurring funds from the Federal Grants Trust Fund for such activity.
 - extends the date for fire control districts within 50 miles of where Hurricane Ian made landfall to submit performance reviews in certain circumstances.
 - makes the Local Government Emergency Bridge Loan Program a "revolving" program and appropriates \$50 million in nonrecurring funds to the program.
 - provides that public utilities are not liable for damages based on changes in the reliability of utility services arising out of an emergency or disaster.
- Subject to the Governor's veto powers, the effective date of this act is July 1, 2023, except as otherwise provided.

CS/CS/CS/HB 799 - Property Insurance

By: Commerce Committee; State Administration & Technology Appropriations Subcommittee;

Insurance & Banking Subcommittee; Griffiths and others

Tied Bills: None

Companion Bills: CS/CS/SB 594

Committee(s) of Reference: Insurance & Banking Subcommittee; State Administration & Technology

Appropriations Subcommittee; Commerce Committee

Category: Insurance; Resiliency

The bill makes changes related to property insurance.

Windstorm Coverage – establishes that a property insurer's residential rate filing with the Office of

Insurance Regulation (OIR) must allow for appropriate discounts for mitigation measures that reduce the potential for windstorm losses; provides a \$750,000 nonrecurring appropriation to OIR to conduct a wind-loss mitigation study; adds wind uplift prevention to the list of fixtures or construction techniques for which an actuarially reasonable discount, credit, or other rate differential, or appropriate reduction in deductibles, must be included in a rate filing for residential property insurance. Citizens Property Insurance Corporation (Citizens) – provides that the "glidepath" normally imposed on Citizens rates does not apply to policies where coverage for the risk insured by Citizens was last provided by an insurer determined by OIR to be unsound or placed into receivership due to impairment or insolvency; makes certain that a limitation on Citizens rates for non-primary residences and policies assumed from unsound insurers applies on a year-over-year basis, rather than based on a fixed date; eliminates the requirement that condominium owners insured by Citizens purchase flood insurance; makes technical changes to the statutory language establishing when certain Citizens policyholders must obtain flood coverage so that Citizens can implement the flood coverage requirements; establishes that, in addition to any other method of alternative dispute resolution authorized by law, Citizens may adopt policy forms that allow both Citizens and Citizens' policyholders to request a hearing by the Division of Administrative Hearings to resolve claims disputes. Flood Coverage Required by Windstorm Policies – requires that if an insurer requires an insured or applicant to have flood coverage when issuing a policy providing wind coverage, the insurer must verify that the insured or applicant has flood coverage; provides that an insurer may deny a wind claim where

a policyholder fails to maintain his or her flood insurance policy after the insurer verifies the existence of the flood policy, but before making a wind claim; establishes that a master flood policy issued to someone other than the insured or applicant, and that includes the insured or applicant as an intended third-party beneficiary is acceptable proof of flood coverage. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023, except as otherwise provided.

CS/HB 881 - My Safe Florida Home Program

By: Insurance & Banking Subcommittee; LaMarca and others

Tied Bills: None

Companion Bills: CS/CS/SB 748

Committee(s) of Reference: Insurance & Banking Subcommittee; State Administration & Technology

Appropriations Subcommittee; Commerce Committee

Category: Insurance; Resiliency

The My Safe Florida Home (MSFH) Program was created in 2006, within the Department of Financial

Services (DFS), with the intent that the Program provide inspectors to perform inspections of site-built, single-family, residential properties (inspections), and mitigation grants (grants) to eligible applicants.

The bill makes various changes to the MSFH Program, including changes to inspection and grant eligibility requirements, program management, and technical, conforming, and statutory structure.

The bill requires that eligible properties be homesteaded. It increases the value of mitigation granteligible homes from \$500,000 to \$700,000. It also permits funds from the MSFH Program to be used to inspect townhouses to determine if opening protection mitigation would help decrease the risk of

hurricane damage. If an inspection determines that opening protection mitigation would decrease the risk, grant funds from the MSFH Program may be used to pay for the mitigation. The bill removes the designation of a specific portion of the grant funds for low-income recipients, but increases the overall grant award for low-income recipients from \$5,000, to \$10,000. The bill makes the MSFH Program statewide instead of limited to homes in the wind-borne debris region. The bill also eliminates two types of home improvements from the list of those home improvements for which MSFH Program grant funds may be used because they are no longer recognized by the Florida Building Code. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

CS/CS/HB 89 - Building Construction

By: Commerce Committee; Regulatory Reform & Economic Development Subcommittee; Maggard and others

Tied Bills: None

Companion Bills: CS/SB 512

Committee(s) of Reference: Regulatory Reform & Economic Development Subcommittee; Local

Administration, Federal Affairs & Special Districts Subcommittee; Commerce Committee

Category: Business and Professional Regulation; Local Government

The bill:

- prohibits a local government from making substantive changes to building plans after a building permit has been issued unless such changes are required under the Building Code, or Fire Prevention Code.
- requires any changes a local government makes to building plans after a permit has been issued to identify the specific parts of the plan that do not conform to the applicable code in writing.

- requires a building official or inspector who asks another person or employee other than a building official, plans examiner, or inspector to review the building plans to notify the local government if such person or employee determines the plans do not comply with the Building Code.
 - requires a local fire official to notify the permit applicant of specific reasons why plans do not comply with the Fire Prevention Code.
 - allows a plans examiner, inspector, building official, or fire safety inspector to have their certificate disciplined for failure to notify the appropriate person of the reasons for making substantive changes to building plans.
- Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

CS/CS/HB 327 - Fire Sprinkler System Projects

By: Commerce Committee; Regulatory Reform & Economic Development Subcommittee; Bell and others

Tied Bills: None

Companion Bills: SB 408

Committee(s) of Reference: Regulatory Reform & Economic Development Subcommittee; Commerce Committee

Category: Business and Professional Regulation; Commerce

The bill provides that a Fire Protection System Contractor I or II may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, and the addition of 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249.

The bill creates an expedited permitting process for certain "fire sprinkler system projects," similar to

the current process for fire alarm system projects, and prohibits local enforcement agencies from requiring a fire protection system contractor to submit plans to obtain a building permit for a fire sprinkler system project, as defined in the bill. The expedited process allows a fire protection system contractor to start work on such fire system projects without first obtaining a standard permit, and instead obtain an expedited permit electronically. The bill also requires such contractors to maintain a copy of plans and specifications at the worksite, similar to the requirements for alarm system projects. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

CS/CS/HB 869 - Department of Business and Professional Regulation

By: Commerce Committee; State Administration & Technology Appropriations Subcommittee;

McClain

Tied Bills: None

Companion Bills: CS/CS/SB 782

Committee(s) of Reference: Regulatory Reform & Economic Development Subcommittee; State

Administration & Technology Appropriations Subcommittee; Commerce Committee

Category: Business and Professional Regulation; Commerce; Real Property

The Department of Business and Professional Regulation is responsible for licensing and regulating

various businesses and professions throughout the state. The bill:

- provides a pathway for a person who holds a license in another state to obtain a Florida mold-related or asbestos professional license.
- allows certain local electrical and alarm contractors to be licensed statewide.
- removes the maximum participant weight differential requirement for all pugilistic exhibition

matches, to allow any exhibition to have participants who are not in the same weight category.

- related to public lodging establishments and public food service establishments:
- requires licensees to submit certain documents, fees, and communications online.
- allows notices to be served to the operator of a licensed establishment via email.
- allows the guest registry at a transient public lodging establishment to be kept online, and guests are no longer required to sign the registry.
- allows alcohol package stores to sell nicotine products.
- allows the Florida Building Commission to delay the effective date of the energy provisions for up to 3 months if energy code compliance software is not approved timely.
- related to timeshares:
- revises certain provisions related to incidental benefits in the sale of a timeshare plan.
- extends the period for voiding certain unlawful contracts, from one year to five years.
- provides that a developer is not required to file a separate public offering statement for any component site in the multistate timeshare plan.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

CS/CS/HB 919 - Homeowners' Associations

By: Commerce Committee; Regulatory Reform & Economic Development Subcommittee; Porras;

Fernandez-Barquin and others

Tied Bills: None

Companion Bills: CS/CS/SB 1114

Committee(s) of Reference: Regulatory Reform & Economic Development Subcommittee; Commerce

Committee

Category: Civil Justice; Commerce; Real Property

A homeowners' association (HOA) is an association of residential property owners in which voting membership is made up of parcel owners and membership is a mandatory condition of parcel ownership. HOAs are authorized to impose assessments and fines that, if unpaid, may become a lien on the parcel. In addition, Florida law requires officers and directors of an HOA to comply with certain requirements and may be removed from office under certain circumstances.

Related to HOA officers and directors, the bill:

- provides that an officer or a director must be removed from office if criminally charged with:
 - forgery of a ballot envelope or voting certificate used in an HOA election.
 - theft or embezzlement of funds of an HOA.
 - destruction of or refusing to allow inspection of HOA records in furtherance of any crime.
 - obstruction of justice.
- provides criminal penalties for certain actions of fraudulent voting activities.
- provides liability for monetary damages for accepting kickbacks.
- provides additional requirements for disclosing officer or director conflicts of interest.

Related to HOA fines and suspensions, the bill:

- requires, if a violation is found, that the proposed fine or suspension be approved by the committee by a majority vote.
- allows a member to cure a violation, as determined by the HOA.

Related to HOA funds, the bill requires that if an HOA collects a deposit from a member to pay for expenses that may be incurred as a result of construction on a member's parcel, or other reason for such deposit, such funds must not be comingled with any other HOA funds, and must be returned after an accounting.

Related to HOA official records, the bill requires an HOA to allow a member to keep an address different than the property address to be used for all required notices.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2023.

HB 1091 (ch. 2023-68, L.O.F.) - Licensing Fee Relief

By: Alvarez and others

Tied Bills: None

Companion Bills: SB 7046

Committee(s) of Reference: Regulatory Reform & Economic Development Subcommittee; State

Administration & Technology Appropriations Subcommittee; Commerce Committee

Category: Business and Professional Regulation; Commerce

The Florida Department of Business and Professional Regulation (DBPR) regulates and licenses

businesses and professionals in Florida under the Divisions of Professions, Regulation, Real Estate, and

Certified Public Accounting. For each professional licensed, DBPR charges an initial license fee and

license renewal fee set by statute and the applicable board, or by DBPR if there is no board for the profession.

The bill requires DBPR to waive, for the 2023-2024 and 2024-2025 fiscal years:

- 50% of the initial licensing fee for an applicant applying for an initial license, with such waiver

limited to a maximum of \$200 per year per license.

- 50% of a licensee's license renewal fee, with such waiver limited to a maximum of \$200 per year per license.

Such fee waivers may not include any applicable unlicensed activity or background check fees. This waiver expires July 1, 2025.

The bill provides an appropriation for such waiver in the sum of \$50 million in nonrecurring funds from

the General Revenue Fund to DBPR to be deposited into the Professional Regulation Trust Fund for the

2023-2024 fiscal year. Any unexpended balance of funds from this appropriation remaining on June 30, 2024, shall revert and is appropriated to DBPR for the 2024-2025 fiscal year for the same purpose.

The bill became law on May 11, 2023, chapter 2023-68, Laws of Florida, and becomes effective on July 1, 2023.

CS/CS/HB 1383 - Specialty Contractors

By: Commerce Committee; State Administration & Technology Appropriations Subcommittee;

Trabulsy; Mooney

Tied Bills: None

Companion Bills: CS/CS/SB 1570

Committee(s) of Reference: Regulatory Reform & Economic Development Subcommittee; State

Administration & Technology Appropriations Subcommittee; Commerce Committee

Category: Business and Professional Regulation; Commerce; Local Government

In 2021, HB 735 was enacted, which expressly preempted occupational licensing to the state and

provided that any local licensing of an occupation not specifically authorized by general law may not be

enforced, effective July 1, 2023. HB 735 specifically preempted local construction licensing that is

outside the scope of state construction contractor licensing provisions regulated by the Construction

Industry Licensing Board (CILB) under the Department of Business and Professional Regulation.

The bill:

- extends the expiration date for local licensing without general law authority to July 1, 2024.
- requires the CILB, by July 1, 2024, to, by rule, establish certified specialty contractor categories for voluntary licensure for all of the following:
 - structural aluminum or screen enclosures.

- marine seawall, bulkhead, dock, and pile driving work.
 - structural masonry; steel; carpentry; and prestressed, precast concrete work.
 - rooftop solar heating installation.
 - window and door installation.
 - plaster and lath.
 - prohibits local governments from requiring a license to obtain a permit for a job scope outside of the practice of contracting.
 - allows a county in an area designated as an area of critical state concern to continue to offer a license for any job scope which requires a statewide contractor license, if such a licensing requirement existed before January 1, 2021.
 - allows a local government to continue to offer a license for veneer work; rooftop work above three stories; and fence installation and erection; if such a licensing requirement existed before January 1, 2021.
 - provides that a local government may not require a license as a prerequisite to submit a bid for public works projects if the work to be performed does not require a license under general law.
- Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

CS/CS/HB 331 - Liens and Bonds

By: Regulatory Reform & Economic Development Subcommittee; Civil Justice Subcommittee; Overdorf

Tied Bills: None

Companion Bills: CS/CS/SB 624

Committee(s) of Reference: Civil Justice Subcommittee; Regulatory Reform & Economic Development

Subcommittee; Judiciary Committee

Category: Business and Professional Regulation; Civil Justice; Real Property

Persons who provide services, labor, or materials for improving, repairing, or maintaining real property

may generally place a construction lien on the property if they are not paid for their services in certain situations and if they follow certain procedures set forth in Florida's construction lien law.

The bill modifies and clarifies Florida's construction lien law and related provisions in various ways, including by:

- modifying the notice of commencement, notice of termination, and notice of nonpayment forms and requiring the building permit issuing authority to accept a recorded notice of commencement if it is in the statutorily-specified form.
- allowing licensed general or building contractors providing construction or program management services to claim construction liens for such services.
- modifying recording and service requirements.
- modifying the available alternative forms of security that may be filed in lieu of a payment bond for public projects.
- specifying that the methods for discharging a lien may also be used to release a lien.
- increasing the bond amount and documentation necessary to deposit or file with the clerk's office to transfer a lien to a security.
- entitling the prevailing party in an action to enforce a lien transferred to a security to recover reasonable attorney fees.
- increasing the contract amount which excuses a building permit applicant from filing a copy of the notice of commencement with the issuing authority, from \$2,500 to \$5,000.
- providing a method for computing time periods for recording a document or filing an action under the construction lien law and tolling such time periods in emergency circumstances.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2023.

CS/SB 360 (ch. 2023-22, L.O.F.) - Causes of Action Based on Improvements to Real Property

By: Judiciary; Hutson

Tied Bills: None

Companion Bills: CS/CS/CS/HB 85

Committee(s) of Reference: Judiciary; Rules

Category: Civil Justice; Real Property

The bill relates to causes of action relating to construction defects and:

- Modifies the time periods within which a construction defect cause of action must be brought

by:

- Changing the point from which the four-year statute of limitations begins to run for

patent defects to the date of the earliest of the following events:

- Issuance of a temporary certificate of occupancy.
- Issuance of a certificate of occupancy.
- Issuance of a certificate of completion.
- Construction's abandonment, if not completed.
- Decreasing the statute of repose from ten years to seven years, generally running from

the earliest of the listed triggering events for the statute of limitations.

- Specifying how to determine the limitations period for each building in a multi-building improvement and for a single-dwelling residential building used as a model home.
- Giving plaintiffs a set period of time to file suit if these changes by the bill would otherwise cut off their rights.
- Limits the statutory Building Code violation cause of action to a "material" violation.

The bill became law on April 13, 2023, chapter 2023-22, Laws of Florida, and took effect on that date.

CS/SB 102 (ch. 2023-17, L.O.F.) - Housing

By: Appropriations; Calatayud and others

Tied Bills: None

Companion Bills: CS/CS/HB 627; includes part(s) of SB 220, HB 229, HB 771, and SB 772

Committee(s) of Reference: Community Affairs; Appropriations

Category: Budget; Local Government; Real Property

The bill provides additional annual funding to the State Apartment Incentive Loan (SAIL) program for

certain purposes, establishes a dedicated revenue source for the funding, and provides a 2033 sunset

for certain provisions. It also provides a sales tax refund of up to \$5,000 for building materials used for

units funded by the Florida Housing Finance Corporation (FHFC), creates a tax donation program to

allow corporate taxpayers to direct up to \$100 million annually to the SAIL program, and codifies and

revises the Florida Hometown Hero Program. The bill increases the membership of the FHFC Board of

Directors and revises certain FHFC processes and procedures.

The bill revises the State Housing Strategy to align with current best practices and goals, updates policies

concerning state-owned lands to increase the availability of lands for affordable housing, expands

eligibility for the Job Growth Grant Fund, increases tax credits available through the Community

Contribution Tax Credit Program, and creates new ad valorem property tax exemptions related to

affordable housing.

The bill preempts certain local government requirements to allow for streamlined development of

affordable housing in commercial, industrial, and mixed-use zoned areas under certain circumstances;

removes a local government's ability to approve affordable housing on residential parcels by bypassing

state and local laws that may otherwise preclude such development; removes the ability of local

governments to impose rent controls; requires local governments to electronically publish on their

websites the inventory of publicly-owned properties that may be appropriate for affordable housing and

policies for issuing expedited building orders and development permits; and provides an exception to evacuation time requirements for the Keys Workforce Housing Initiative. The bill became law on March 29, 2023, chapter 2023-17, Laws of Florida, and becomes effective July 1, 2023, except as otherwise provided.