



**fhba** FLORIDA HOME  
BUILDERS ASSOCIATION

# 2023 LEGISLATIVE REPORT

The FHBA lowers your expenses and increases your revenue by letting lawmakers and regulators know the impact of their policies on the industry environment. FHBA's mission is to fight unnecessary fees and seek ways to stop burdensome regulations. The FHBA is committed to passing laws that improve your bottom line.





## A WORD FROM YOUR **FHBA PRESIDENT**



**Frank Severino**  
President

Hello FHBA Family,

I am excited to update you on some of FHBA's achievements during the 2023 Legislative Session. This year proved to be a landmark year, particularly with the successful passage of the Construction Defects legislation that has been in the works for more than a decade. It is my pleasure to present this overview, highlighting some of our most notable accomplishments.

The FHBA's mission is to create an environment in which the construction industry can prosper, and the cornerstone of these efforts is ADCOVACY. Although this report features eight major pieces of legislation, the work of our Government Affairs team stretches far beyond both what you are reading here, and the confines of the 60-day session that took place this spring.

I would like to extend special gratitude to our Governmental Affairs Committee chaired by William Webb, our PAC Board chaired by Frank Coppola, FHBA Second Vice President Jay Bryant, and each one of you that answered the call by sending letters to the Governor, contacting your local representatives, supporting the FHB PAC, and making the trip to the Capitol during our 2023 Spring Legislative Conference in Tallahassee. I also want to express my appreciation to our local executive officers and volunteer leaders who work tirelessly to create and maintain relationships with your local delegations. Your hard work and dedication are critical to our success!

If you have any questions about the bills featured in this update, don't hesitate to reach out to our newest FHBA team members, Government Affairs Director and Staff Counsel, Ashton Mears at [amears@fhba.com](mailto:amears@fhba.com).

Enjoy the read,  
Frank

## **FHBA GOVERNMENTAL AFFAIRS TEAM**

For more information about these issues and others, please contact us.



**Rusty Payton**  
CEO / Chief Lobbyist  
O: (850) 402-1841  
M: (850) 567-1073  
[rpayton@fhba.com](mailto:rpayton@fhba.com)



**Kari Hebrank**  
Lobbyist  
O: 850-514-5183  
M: 850-566-7824  
[kari@wilsonmgt.com](mailto:kari@wilsonmgt.com)



**Ashton Mears, Esq.**  
Government Affairs Director  
Staff Council  
M: 352-843-0248  
[amears@fhba.com](mailto:amears@fhba.com)



**Causes of Action Based on Improvements to Real Property (SB 360)**  
**Senator Hutson & Rep. Snyder**

This is the biggest victory for FHBA this Legislative Session! The new legislation brings key changes, including lowering the statute of repose from 10 to 7 years. It also modifies the statute of limitations for defects, initiating the countdown from the earliest events instead of the latest. The bill mandates actions to be brought for “material” violations of the building code and clarifies that each building within a multi-building project is considered its own improvement. While we expect a large number of claims to be filed before July 1, 2024, FHBA remains optimistic about the long-term impact of this legislation on the construction industry.



**Signed by Governor on April 13, 2023**



**Local Ordinances (SB 170)**  
**Senator Trumbull & Rep. Brackett**

This comprehensive bill addresses multiple areas, but the Testa v. Town of Jupiter Island case fix stands out as a significant win for FHBA members. This fix effectively prevents activists and environmental groups from challenging local ordinances that were properly noticed during the initial meeting but subsequently passed in a recorded second meeting. Another important provision requires local governments to prepare a “business impact statement” prior to adopting specific local ordinances. Additionally, the bill allows for challenges against local ordinances that address issues preempted by the state or federal government, providing a mechanism to request court declarations of invalidity.



**Signed by Governor on June 29, 2023**



**Specialty Contractors (HB 1383)**  
**Rep. Trabulsy & Senator Hooper**

While some licensing should be handled by local governments, some municipalities and counties are requiring licensing that makes it tough for people to enter these specific trade areas. This bill requires the Construction Industry Licensing Board to create rules for voluntary licensure for several different specialty contractor specialties. It also prohibits local governments from requiring a license for a bid on a public works project if the work performed does not require a license under general law. The bill also allows counties that lie within a critical area of state concern (Collier, Miami-Dade, Monroe, Polk, Lake, and Franklin counties) to issue local licenses for areas that are under state statute, while the remaining local governments may only continue to issue local licenses until July 1, 2024. Local governments will also be able to continue to offer a license for veneer work, rooftop painting, coating, and cleaning above three stories; and fence installation and erection, if such a licensing requirement existed before January 1, 2021.



**Signed by Governor on June 20, 2023**



## **Department of Environmental Protection Stormwater Rule Ratification**

FHBA, along with a coalition of aligned organizations, diligently collaborated with the Florida Department of Environmental Protection (DEP) over the past year to achieve a resolution on the Stormwater Rule. Unfortunately, despite our persistent efforts, we were unable to attain a favorable outcome with the agency. However, given the significant financial implications of the rule, its implementation required legislative approval. In light of this, FHBA and the coalition effectively advocated for the legislature to reject the proposed rule, thereby safeguarding Floridians from another potential surge in home prices stemming from the necessity of acquiring additional land for stormwater ponds or resorting to expensive chemical treatments that are not widely accessible.



## **Local Government/Contraction (SB 718) Senator Yarbrough & Rep. Garcia**

The Local Government bill has significant provisions that aim to regulate land development regulations and streamline the contraction or de-annexation process. Notably, the bill prohibits local governments from enacting land development regulations through initiatives or referendums, ensuring a more controlled and standardized approach to such regulations. Moreover, the legislation introduces a parallel process for contraction that mirrors the annexation process, allowing municipalities to annex contiguous unincorporated properties via ordinance or referendum. Additionally, the bill mandates municipalities to conduct a feasibility study within six months before proceeding with the contraction process. In cases where over 70 percent of the proposed contracted acres are owned by non-registered electors, the bill requires approval from owners holding more than 50 percent of the total acres in the contraction area. These provisions aim to bring clarity and efficiency to land development and contraction processes while upholding the interests of stakeholders involved.



**Signed by Governor on June 28, 2023**



## **Natural Emergencies (SB 250) Senator Martin & Rep. Giallombardo**

The Natural Emergencies bill addresses the critical need for effective rebuilding and recovery after natural disasters that have recently impacted Florida, including incidents in 2022. This legislation encompasses various provisions aimed at supporting citizens and communities during such challenging times. Notably, the bill prohibits local governments from restricting residents from placing temporary structures on their properties under specific conditions following a natural disaster. It also extends the timeframe for permit completion and prohibits local governments from increasing permitting fees during these emergencies. Furthermore, the bill enables registered contractors to engage in their authorized work anywhere in the state during a state of emergency caused by a natural disaster. Additionally, the legislation appropriates \$50 million to the Local Government Emergency Bridge Loan Program, facilitating expedited community rebuilding efforts. The Natural Emergencies bill is a crucial step in bolstering resilience and fostering swift recovery in the face of natural disasters, ensuring the well-being and stability of Florida's communities.



**Signed by Governor on June 28, 2023**





**Live Local Act (SB 102)**  
**Senator Calatayud & Rep. Busatta Cabrera**

Senate President Kathleen Passidomo played a pivotal role in championing a historic housing bill that aims to enhance access to affordable housing for more individuals in their local communities. The Live Local Act demonstrates a commitment to this cause by allocating a substantial investment of \$711 million across various programs. Notably, \$150 million is designated for the SAIL program, while the SHIP program receives \$252 million. The bill also includes a provision of \$100 million for the implementation of the Florida Hometown Heroes Program. Furthermore, it expands the Job Growth Grant Fund's eligibility to encompass public infrastructure projects and raises the tax credits available in the Community Contribution Tax Credit Program to \$25 million. The legislation also preempts specific local governments, allowing affordable housing in commercial, industrial, and mixed-use zoning areas, while prohibiting local governments from imposing rent controls. Additionally, the bill mandates local governments to identify and publish their property inventory lists by October 1, 2023, among other initiatives geared towards improving affordable housing throughout the state.



**Signed by Governor on March 28, 2023**



**Land Use and Development Regulation (SB 1604)**  
**Senator Ingoglia & Rep. McClain**

Under the new state law, counties and municipalities have a mandated obligation to update their comprehensive plans for future development within specific timeframes of ten and twenty years. However, local governments still retain the option to adopt additional planning periods as needed. To ensure compliance, municipalities must submit an affidavit every seven years confirming that all comprehensive plan requirements have been fulfilled. Failure to submit the evaluation and affidavit to the state land planning agency will result in the local government being unable to initiate or adopt any publicly initiated plan amendment until the submission requirements are met. Moreover, this bill eliminates the authority of local governments to enforce certain design elements in single-family or planned unit developments created after July 1, 2023. These measures aim to streamline the planning process, enhance accountability, and provide greater flexibility for future development initiatives at the local level.



**Signed by Governor on May 20, 2023**