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# Don't Get Sued: How Cities Implement New Laws

David Cruz  
Matthew Kelly

# CS/HB 7049 Legal Notices

- ▶ Bill allows a local governmental agency the option to publish legal notices on the publicly accessible **COUNTY** website owned or designated by the county instead of in a print newspaper.
- ▶ It requires a governmental agency located in a county that has a population of fewer than 160,000 to first hold a public hearing and determine that its residents have sufficient access to the Internet by broadband service before publishing legally required advertisements and public notices on the government website.

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## CS/CS/HB 7001 Implementation of the Constitutional Prohibition Against Lobbying by a Public Officer

- ▶ Implementation bill for section 8(f), Article II of the state constitution, approved by voters in 2018.
- ▶ Prohibits lobbying by certain public officers both during public service and for a 6-year period following vacation of public office.
- ▶ Applies to elected municipal officers.
- ▶ Takes effect December 31, 2022.
- ▶ Defines terms that are not defined in the constitutional provision.
- ▶ Notable definitions in the bill include the following: lobby, compensation, and legislative action, issue of policy, issue of procurement, issue of appropriation, and administrative action.



# CS/HB 105 Regulation of Smoking by Counties and Municipalities

- ▶ The bill authorizes municipalities and counties to further restrict smoking within the boundaries of any public beaches and parks that they own, except that they may not further restrict the smoking of unfiltered cigars.
- ▶ The bill authorizes a municipality to restrict smoking within the boundaries of public beaches and parks that are within the jurisdiction but owned by the county, unless such restriction conflicts with a county ordinance.





## CS /SB 518 Private Property Rights to Prune, Trim, and Remove Trees

- Clarifies section 163.045, Florida Statutes, which provides that a local government may not require a notice, application, permit, fee, or mitigation for pruning, trimming, or removing a tree on a residential property if the owner obtains **documentation** from an arborist or licensed landscape architect that the tree presents a **danger** to persons or property.
- The bill defines:
  - “documentation”
  - “residential property”
- The bill removes reference to the term “danger” and replaces it with the phrase “unacceptable risk.”





## CS/CS/HB 921 Limitations on Political Expenditures

- The bill imposes additional restrictions on expenditures by local governments relating to any issue that is subject to a vote of the electors and imposes additional restrictions on contributions to political committees relating to proposed constitutional amendments.
- Prohibits a local government from expending public funds for any communication that is sent to electors concerning an issue that is subject to a vote of the electors.
- The prohibition applies to any communication initiated by the local government, regardless of whether the communication is limited to factual information.
- The prohibition does not preclude any of the following: a local government from reporting on official actions of the governing body in an accurate and impartial manner; posting factual information on a government website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law.



## CS/SB 266 - Motor Vehicle Insurance

- ▶ Creates Florida Statutes § 627.7491 which requires agencies that employ law enforcement officers to provide current and valid motor vehicle insurance when travel to a residence in an official vehicle is authorized outside the scope of employment.
- ▶ A covered entity is an entity that employs a law enforcement officer; not including support personnel.
- ▶ The required coverage does not have to cover (1) distinct deviation for a nonessential personal errand unless a collective bargaining agreement permits such deviation; or (2) when a law enforcement officer acts in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
- ▶ Sovereign immunity caps of § 768.28(5) apply to claims relating to this section against an employing agency.
- ▶ The insurance requirements may be met through self-insurance, by entering into risk management programs, or by purchasing liability insurance.
- ▶ This bill went into effect on July 1, 2022.



# CS/HB 7 – Individual Freedom

- ▶ Amends § 760.10 F.S., making it an unlawful employment practice to subject any individual, to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:
  - ▶ Members of one race, color, national origin, or sex are morally superior to members of another;
  - ▶ An individual, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
  - ▶ A individual'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.
- ▶ An individual, 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.
- ▶ An individual, 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 individual, 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, sex, or national origin.
- ▶ 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.



## CS/HB 453 - Officer and Firefighter Physical Examination Requirements and Records

- ▶ Amends §§ 112.18 and 943.13, F.S., to require the employing agency of a law enforcement officer, correctional officer, correctional probation officer and firefighter to maintain records of an employee's pre-employment physical examination for at least 5 years after he or she separates from the employing agency.
- ▶ If an Employing agency fails to maintain the pre-employment physical examination as required the officer or firefighter is entitled to the presumption that his or her disability due to tuberculosis, heart disease, or hypertension is compensable as an occupational disease under workers' compensation law.
- ▶ Explicitly expands covered individuals to include correctional officers and correctional probation officers.
- ▶ Authorizes the medical examination required for firefighter certification to satisfy the preemployment physical examination required under § 112.18, F.S.
- ▶ This bill went into effect on July 1, 2022.



## CS/HB 7055 - Cybersecurity

- ▶ Amends 282.0041 which now defines “ransomware incident” and new obligations relating to a ransomware event.
- ▶ The bill prohibits a local government experiencing a ransomware incident from paying or otherwise complying with the demanded ransom.
- ▶ The bill requires local governments to report all ransomware incidents as soon as possible, but no later than 12 hours after discovery of the incident. It also requires state agencies and local governments to report cybersecurity incidents determined to be of severity level three, four, or five as soon as possible, but no later than 48 hours after discovery of the incident.
- ▶ All local government employees with access to the local government’s network must complete the basic training curriculum, and local government technology professionals and employees with access to highly sensitive information must complete the advanced training curriculum. The trainings must be completed by employees within 30 days of commencing employment and on an annual basis thereafter.
- ▶ The bill requires local governments to adopt cybersecurity standards that safeguard the local government’s data, IT, and IT resources to ensure availability, confidentiality, and integrity.
- ▶ This bill went into effect on July 1, 2022.

## CS/HB 7057 - Public Records and Meetings/Cybersecurity

- ▶ Creates a public records exemption for: Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology systems, or data of an agency; information relating to critical infrastructure; network schematics; encryption information; and software and hardware configurations.
- ▶ Creates a public meeting exemption for any portion of a meeting that would reveal the confidential and exempt information; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record requirements.
- ▶ Requires the release of the confidential and exempt information to certain governmental entities: law enforcement agencies; Auditor General; Cybercrime Office; and Florida Digital Service.
- ▶ Information may also be released in e furtherance of the custodial agency's duties and responsibilities; or to another governmental entity in the furtherance of its statutory duties and responsibilities.
- ▶ This bill went into effect on July 1, 2022.



# Don't Get Sued



## LAWSUIT!

- ▶ Rely on your city attorney to review newly enacted legislation and how it will impact your city.
- ▶ Pay attention to the effective dates of new laws.
- ▶ Make timely amendments to city ordinances, policies or procedures if required.
- ▶ Collaborate with stakeholders, the public, and state agencies.
- ▶ Use resources such as FLC or the Florida Municipal Attorneys Association if needed.
- ▶ If all else fails, have the correct insurance coverage.

