



February 5, 2021

## Fourth Committee Week of the 2021 Legislative Session

After a Super Bowl victory, Legislators gathered in Tallahassee for the fourth committee week of the year, with one final week to go until the start of the 2021 Legislative Session. Although a slow week, two anticipated bills were heard including Vacation Rentals (HB219) and COVID-19 Claims Against Healthcare Providers (SB74). As we near the last committee week, several bills FAC has covered throughout committee weeks are on the committee agenda. Stay tuned for next week's coverage.

*Upcoming committee meetings will be held on the weeks of February 8th and 15th. During committee weeks, the House and Senate will notice meetings seven days in advance with a full agenda of bills and topics to be discussed.*

*All members of the House and Senate and Staff will be tested for COVID-19 prior to committee week commitments.*

## ACTION NEEDED: Overview of State & Local Coronavirus Fiscal Recovery Funds Announced

### ***Call on Congress to Support Local COVID-19 Relief for Counties***

This week, the U.S. House Committee on Oversight and Reform released its FY 2021 Reconciliation Act bill, which includes funding for the Coronavirus State and Local Fiscal Recovery Funds. The purpose of these funds is to cover costs incurred by COVID-19 and its negative impacts. The highly anticipated Act includes \$350 billion for state, counties, cities, and tribal governments. Local governments will receive \$130.2 billion evenly split between counties and municipalities. The county allocations will be based off population, for a total \$65.1 billion in direct federal aid. Counties that are CDBG (Community Development Block Grants) recipients will receive the larger share, based on its population or calculated share under the CDBG allocation method. The funds will be distributed by the U.S. Department of Treasury and there is no deadline associated with the funds. If passed, Florida is estimated to receive a little over \$4 billion in county allocations.

**FAC urges counties to contact their Florida Congressional delegation members to indicate their support and need for this local allocation.**

U.S. House Committee on Oversight & Reform: State and Local Coronavirus Fiscal Recovery Funds

State and Local Coronavirus Fiscal Recovery Funds: NACo Legislative Analysis for Counties

# IN A HURRY?

Click [here](#) to listen to this week's FAC-ish Podcast: Legislative Update - all of the same legislative announcements, faster and easier than ever before!



## COMMUNITY & URBAN AFFAIRS

### ***Vacation Rentals Passes First Hurdle in House***

[HB219-Vacation Rentals](#) by Representative Fischer was heard for the first time in the House Regulatory Reform Subcommittee. As originally filed, the bill preempts local governments from prohibiting or regulating vacation rentals, including regulating the duration or frequency of such rentals. Local vacation rental regulations enacted before June 1, 2011, are not, however, subject to this preemption. The bill defines the term “advertising platform”; preempts to the state the regulation of advertising platforms; requires that users of advertising platforms include license and tax identification information in a vacation rental listing and regularly provide certain information to the Department of Business and Professional Regulations’ Division of Hotels and Restaurants (DHR), which licenses and inspects vacation rentals; requires advertising platforms to collect and remit taxes due under pursuant to Chapters 125 and 212, F.S.; and grants to DHR specified enforcement mechanisms relating to unlicensed activities.

In addition, the bill clarifies the scope of the state’s preemption of vacation rentals, and prohibits local laws, ordinances, or regulations that permit or require the inspection or licensure of public lodging establishments, vacation rentals, and public food service establishments. Local regulations which apply uniformly to all residential properties are not subject to preemption. The bill does not supersede the authority of condominiums, cooperatives, or homeowners’ associations to restrict the use of their properties. Vacation rental operators must display license and tax identification information and requires that advertising platforms to adopt an antidiscrimination policy.

The Subcommittee took public testimony, which was largely against the bill. FAC is on record as opposing the bill. The Subcommittee also adopted a strike-all amendment which clarified certain parts of the bill and added language changing the definition of “temporary residence” in Florida’s Sexual Predator Act to cover sex offenders when lodging in a vacation rental for 24 hours or more. The Subcommittee approved the bill as committee substitute on a 10-7 vote, and the bill next goes to the House Ways and Means Committee. The Senate companion, SB522 by Senator Diaz, is on the committee agenda in Regulated Industries next Tuesday (2/16).





### ***Proposed Building Design Restrictions Passes Subcommittee***

[HB55-Building Design](#) by Representative Overdorf was heard in its first committee Regulatory Reform Subcommittee. As originally filed, the bill prohibited local governments from adopting zoning and development regulations that require specific building design elements for residential dwellings, unless: 1) the dwelling is a historic property or a contributing property to a historic district; or 2) the regulations are adopted in order to implement the National Flood Insurance Program. Building design elements are defined to mean exterior color, type or style of exterior cladding, style or material of roof structures or porches, exterior nonstructural architectural ornamentation, location or architectural styling of windows or doors, and number, type, and layout of rooms. However, the term does not include the height, bulk, orientation, location on a zoning lot, or the use of buffering or screening to minimize potential adverse physical or visual impacts or protect the privacy of neighbors.

- Before approving the bill as a committee substitute, the Subcommittee adopted a strike-all amendment that made the following changes:
- Clarified that residential dwellings are limited to single- and two- family dwellings.
- Added additional types of dwellings that local governments may apply building design restrictions to, including:
  1. Single- and two- family dwellings located in historic districts instead of only dwellings that contribute to historic districts.
  2. Single- and two- family dwellings located in community redevelopment areas.
  3. When the regulations are adopted in accordance with and in compliance with the process for adopting local amendments to the Florida Building Code.
- Clarified that building design restrictions include the location and orientation of a garage.

The Subcommittee approved the committee substitute on a 12-6 vote, and it now moves to the House Local Administration and Veterans Affairs Subcommittee.

### ***Senate Subcommittee Hears from FDOT on Expected Revenue Shortfalls in Work Program***

On Tuesday, the Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee heard a presentation from Stacy Miller, FDOT Assistant Secretary of Finance and Administration, about revenue impacts to the state's 5-year transportation work program. The work program is funded through various sources including 51% from the State Transportation Trust Fund (STTF), 25% from federal aid available through the U.S. DOT (primarily the Federal Highway Administration) and 18% from the Turnpike Enterprise and Tolls. The remaining funds (6%) come from certain bonds (4%) and local funds (2%). Taxes and fees that feed the STTF include gas taxes, vehicle title fees, tag registration fees, motor vehicle license fees, rental car surcharge fees, and documentary stamp taxes.

Unlike other state agencies, FDOT is the only agency that is funded using a cashflow to commitment process. This means that multi-year transportation projects can begin before all money for a project is available. The department's finance plan and cash forecast are used to measure the anticipated future revenues in comparison to the total and planned project commitments. Future revenues are used to pay a project as actual expenditure. Shortfalls in expected future revenues requires that FDOT adjust the work program.

In August 2020, the Revenue Estimating Conferences (REC) projected a loss of almost \$1.5 billion in

state transportation revenues from fiscal year 2021-2026, including over \$430 million in the current fiscal year (2021). This projected loss required that FDOT defer or delete \$760.3 million in the 5-year work program. In rebuilding the work program, the FDOT focused on keeping safety related projects, active construction projects, preservation-related projects and debt service and P3 payments. While the REC revenue estimates improved as to the STTF, they reelected a revenue loss of almost \$1.6 billion in non-turnpike and turnpike toll revenues.

The projected revenue impacts in fiscal year 2021 require FDOT to defer to delete 77 projects including airport, seaport and transit projects, of the 77 projects, 23 were deferred until a future year, and 54 projects were deleted -mostly local projects for which the local sponsor would not have the required funding commitments to start and complete the project. Overall, the projected revenue reductions for fiscal years 2021-2026 is about 2.91 billion which includes revenue reductions as follows: 1) State funds - \$1.097 billion; 2) Non-turnpike toll facilities - \$425 million; 3) Turnpike Tolls - \$1.133 billion; and 4) Federal funds - \$258 million. The reduction in federal funds results a lower obligation authority from the 1-year extension of the FAST Act included in the Consolidated Appropriation Act of 2021, approved by Congress and signed into law by President Trump on December 28, 2020. FDOT received \$470 million in federal relief funds from the COVID relief package contained in the Act, and an additional \$39 million in non-recurring federal Highway Infrastructure Program funds for 2021.

[Watch the Presentation](#)

[View the PowerPoint Meeting Packet](#)

**FAC Contact:**

For additional information, please contact Eddy Labrador at [elabrador@fl-counties.com](mailto:elabrador@fl-counties.com).

## COVID-19 AD HOC

### ***COVID-19 Liability Protections for Health Care Providers Bill Clears First Committee***

[SB74-COVID-19-related Claims Against Health Care Providers](#) by Senator Brandes was heard for its first committee in Senate Judiciary on Wednesday. SB74 limits civil claims against healthcare providers related to COVID-19. Under this bill, a COVID-19 claim alleges that a healthcare provider failed to follow clinical or governmental issued health guidelines, to interpret or apply these standards, or in the provision of a novel or experiment COVID treatment. The bill provides that a healthcare provider is immune from liability if supplies, materials, equipment, or personnel were not readily available or at a reasonable cost to comply with guidelines.

An initial complaint in a COVID-19 claim requires a plaintiff must:

- Plead its complaint with particularity
- Prove, by the greater weight of evidence, that a healthcare provider was grossly negligent
- Prove that a healthcare provider committed intentional misconduct by failing to comply with guidelines

A COVID-19 related claim must be brought within one year after the action accrues, unless the claim accrued before the bill's effective date, which then allows the plaintiff to bring the civil action within one year after the bill takes effect. SB74 passed by a vote of 6-4 and moves to its next committee stop, Health Policy.

### ***COVID-19 Fraud Safeguard Bill Glides through Second Committee***

[HB9-Protecting Consumers Against Fraud During a Pandemic](#) by Representative Zika was heard for its second committee in the House Criminal Justice & Public Safety Subcommittee. HB 9 protects fraudulent activity against COVID-19 vaccination availability and access. As vaccines have become available in Florida, this legislation will prevent the creation of websites, social media, emails, phone calls with false information as to the availability to receive the vaccine or with the intent to steal personal identification or to receive money. This bill will make these actions a third-degree felony. The bill passed unanimously and heads to its last committee, House Judiciary.

**FAC Contact:**

For additional information, please contact Tonnelle Graham at [tgraham@flcounties.com](mailto:tgraham@flcounties.com).



# HEALTH, SAFETY, & JUSTICE

## ***Overview of Florida Medicaid with Deputy Secretary Kidder***

The Senate Appropriations Subcommittee on HHS convened on Tuesday to hear one piece of legislation and have a presentation from the Agency for Health Care Administration (AHCA). Deputy Secretary Beth Kidder gave an overview of Medicaid, sharing that nearly 4.5 million of Florida's most vulnerable citizens receive Medicaid. While the program enrollment and expenditures have grown over time, growth had decreased prior to the pandemic. Deputy Secretary Kidder went on to share that enrollment has increased from approximately 826,000 to roughly 4.5 million since last March. Although the pandemic has caused a significant caseload increase, AHCA remains committed to delivering quality service and looks forward to supporting the new Secretary, Simone Marstiller.

### **FAC Contact:**

For additional information, please contact Tonnelle Graham at [tgraham@flcounties.com](mailto:tgraham@flcounties.com).

# FINANCE, TAX, & ADMINISTRATION

## ***January Revenue Collections Report***

Two revenue sources administered by the Department of Revenue (DOR) were significantly over the recently adopted monthly estimates. Sales Tax Collections for January were \$214.7 million over the estimate adopted January 6. January sales tax collections represent December economic activity. Documentary Tax Collections were \$110.4 million over the monthly estimate. Total DOR General Revenue collections are expected to be \$235 million over the monthly estimate. The Office of Economic and Demographic Research will likely release the official numbers for January revenues in the last week of February.

### **FAC Contact:**

For additional information, please contact Bob McKee at [bmckee@fl-counties.com](mailto:bmckee@fl-counties.com).

# PREEMPTION TRACKER

## ***Among Other, Some Preemptions to Look out for This Session***

[HB 215 Prohibition of Public Funds for Lobbying by Local Governments](#) by Representative Sabatini, among other things, prohibits a local government from using public funds to retain a lobbyist to represent the local government before the legislative or executive branch. However, a full-time employee of the local government may register as a lobbyist and represent that local government before the legislative or executive branch. Except as a full-time employee, a person may not accept public funds from a local government for lobbying. HB215 has been referenced to committees but not heard. As of yet, there is no Senate companion and the bill has not been scheduled for any committee agendas.

[HB219/SB 522 Vacation Rentals](#) by Representative Fischer and Senator Diaz preempts the regulation of vacation rentals to the state. This bill prohibits a local law, ordinance, or regulation from allowing or requiring inspections or licensing of vacation rentals and preempts the regulation of advertising platforms for vacation rentals. HB219 passed favorably with a vote of 10-7 this week in its first committee, House Regulatory Reform Subcommittee. The Senate companion, SB522 by Senator Diaz, is on the committee agenda in Regulated Industries for Tuesday, February 16 at 12:30PM.

[HB 267/SB426 State Preemption of Seaport Regulations](#) by Representatives Roach and Sirois and Senator Boyd preempts to the state the regulation of commerce in state seaports. The bill prohibits a local government from regulating commerce in seaports in the state, including but not limited to, regulating or restricting a vessel's type or size, source or type of cargo, or the number, origin, or nationality of passengers, all matters will be preempted to the state. Under the bill, any provision of a county or municipal charter, ordinance, resolution, regulation, or policy that is preempted by bill and that existed before, on, or after the effective date of the bill, will be automatically voided. Both bills have been referenced to committees but not yet heard.

[SB268/HB735 Preemption of Local Occupational Licensing](#) by Senator Perry preempts licensing of occupations to the state and prohibits local government from imposing or modifying additional licensing requirements unless specified. Under the bill, "licensing" means any training, education, test, certification, registration, or license that is required for a person to perform an occupation. Any licensing of occupations authorized by general law is exempt from the preemption. Also, the bill authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical, electrical, alarm system, or HVAC trades. SB268 has been referenced to committees but not yet heard. A similar bill, HB735 by Senator Harding, was filed but has not been referenced to committees.

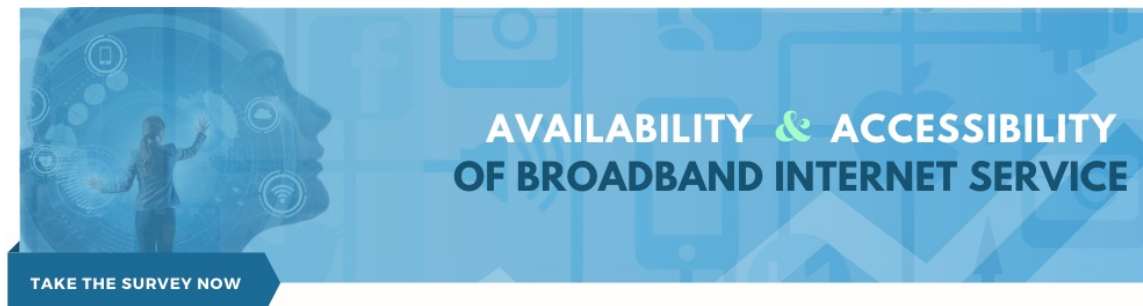
[SB856/HB839 State Preemption of Energy Infrastructure Regulations](#) by Senator Hutson provides that regulation of the construction of energy infrastructure is preempted to the state. Local governments cannot implement any regulations that restrict new construction or that expands, repairs, or updates existing energy infrastructure. SB856 has been referenced to committees but not heard. A similar bill, HB839 by Representative Fabricio, was filed this week but has not been referenced to committees.

[View the Full 2021 Preemption Tracker Online](#)

**FAC Contact:**

For additional information, please contact Eddy Labrador at [elabrador@fl-counties.com](mailto:elabrador@fl-counties.com).

## UPDATE ON ACCESS 67 AND THE LOCAL GOVERNMENT EFFICIENCY TASK FORCE



***The Florida Office of Broadband within the Department of Economic Opportunity (DEO) is conducting a survey on the availability and accessibility of broadband internet service.***



Broadband, or high-speed internet access, is becoming increasingly vital to businesses and residents in the state of Florida as being online has become an important part of our everyday lives – from email and tele-medicine to online banking and virtual schooling. Broadband provides a faster, more convenient way of accessing a huge range of services.

The Florida Office of Broadband works with local and state government agencies, community organizations, and private businesses to increase the availability and effectiveness of broadband internet throughout the state, specifically in small and rural communities. Through these partnerships, the Office encourages investment in grant funding opportunities for the broadband program that focus on the expansion of broadband.

Please help to complete the Office of Broadband's short, three-minute survey to better understand the



availability and accessibility of broadband internet service across the state. Your response will assist the office in identifying the goals, challenges, and the outlook of broadband internet service in your area.

The survey is available until March 1 and can be accessed at [Access 67 | Florida Association of Counties \(fl-counties.com\)](#).

**CLICK HERE TO ACCESS THE SURVEY**

### ***Local Government Efficiency Task Force***

The 2020 Legislature created the Local Government Efficiency Task Force via Ch. 2020-114, Laws of Florida. The law directs the Office of Program Policy Analysis and Governmental Accountability to provide the task force research support. The purpose of the task force is to review the governance structure and function of local governments and determine if changes are necessary to make such governments more efficient. The task force's final report is due by June 1, 2021.

Monday, February 22nd Meeting Agenda

#### **FAC Contact:**

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## DATA POINT #4: COVID-19 IMPACTS ON FLORIDA CLERKS & COURTS

### ***Clerk Responsibilities and Innovation***

The COVID-19 pandemic has impacted many of our local government services, one hard hit service is our County Clerks of the Courts. Clerks are responsible for numerous duties ranging from attending court hearings and trials, processing civil and criminal cases, collecting fines, court cost, fees, issuing marriage licenses, handling investments of county funds, and many more duties. Due to the pandemic, our courts adapted to new procedures, while funding remained tight. The Clerk's office established new courthouse entry procedures, mask enforcements, health screenings, social distancing, and innovation through technology. Clerks found innovation through drop boxes for payments and filings. Particularly, in Alachua County drive-thru windows for marriage licenses and ceremonies.

Through hardships, Clerks found the means to use existing technology, like self-help pages and online payment; developed new technology, such as telework for employees, remote technology for customer service and hearings, virtual lines via text messages, and online customer support chats; and collaborated with partners in the community to ensure services continued throughout the pandemic.

### ***Legislation to Address Budget Reductions***

Over the past few years, the Clerks budget has steadily decreased, leading to staff shortages, funding dilemmas, and delays in services. Clerk services are funded through fines, fees, court costs, and service charges. As these revenues are decreasing, the duties of Clerk's are increasing. The Florida Clerks are urging lawmakers to create statewide reserves to plan for emergencies (natural disasters/pandemics), more payment options, and improved procedures for funding request outside of normal revenue streams and to carry forward revenues yearly.

### ***Long-Term Impacts into 2021***

COVID-19 has created a burden on our court systems as cases are delayed and are expected to be into the future. Due to the additional caseloads caused by delays and new cases filed because of the health and economic crisis, courts are expected to see high volume of new cases. The accumulation of cases, new and old, will equal more responsibilities on our Clerks of the Court. Clerks are calling for additional funding and resources to support their local communities.

For more information on the 2021 Clerk Legislative Priorities, visit [At Your Service - Florida Court Clerks & Comptrollers \(flclerks.com\)](#).

CLERKS REDUCED THEIR BUDGETS  
BY 13% IN SUMMER 2020

50% REDUCTION IN EXPENDITURES  
IN THE 4TH QUARTER

**CLERKS BUDGET**

- FISCAL YEAR: 13-14, \$472 MILLION
- FISCAL YEAR: 20-21, \$422 MILLION

**\$50.6 MILLION  
DECLINE IN  
OVER 8 YEARS**

## COVID IMPACTS ON TRIAL CASES:

- ESTIMATED 2.8 MILLION CASES IN 2021
- ESTIMATED 1.1 MILLION MORE PENDING CASES BY JULY 1, 2021, THAN WOULD OTHERWISE BE PENDING BECAUSE OF THE PANDEMIC
- ESTIMATED 170,000 CASES NOT FILED FROM MARCH-NOVEMBER DUE TO PANDEMIC
- ESTIMATED 145,000 CASES BROUGHT ON BY THE PANDEMIC (EVICTIONS, FORECLOSURES, CONTRACT ISSUES)

**FAC Contact:**

For additional information, please contact Sara Henley at [shenley@fl-counties.com](mailto:shenley@fl-counties.com).

## OTHER ANNOUNCEMENTS

### ***Florida Health Policy Leadership Academy***

Exciting health, science and tech advances are happening across Florida and the nation. These advancements are creating a steep learning curve for community leaders and locally elected officials who may bear responsibility for basic health care policy.

The Bob Graham Center and UF Health have now partnered to create a new initiative, the Florida Health Policy Leadership Academy, to empower communities with leaders who are knowledgeable and skilled in public health policy making. Participants will learn skills to measure and monitor population health, gain understanding of pressing issues in public health, and make enduring connections with other community leaders.

The three-month course is virtual. Submit a nomination now for the inaugural Florida Health Policy Leadership Academy class. Nominations close Feb. 19, 2021.

Academy faculty will meet weekly with current and future community leaders over a three-month semester. Topics include fundamentals of health policy making, mapping disease, infectious diseases, tobacco regulation, chronic disease control, how to write health policy briefs, the power for disease registries, global health, and many topics others.

**Who Should Attend**



The Academy faculty are seeking current or future executives, elected officials, business leaders, policymakers, nonprofit executives, journalists and other community leaders who have limited experience in health policy and a desire to learn about health policy.

Each week participants will spend seven hours made up of one hour preparing for the class by reading or watching preparatory materials and six hours of interaction with instructors.

There is no cost to participate in the Academy. Participants will receive a \$1000 stipend for professional development. Participants qualify for up to 3.95 CEUs upon completion of academy coursework.

### **Course Agenda**

The Academy classes will be held via videoconference and breakout rooms each Friday from 9 am – 3 pm beginning March 5, 2021 and ending on May 14, 2021. Field trips are anticipated when public safety is secured.

March 5, 2021 – Fundamentals of Health Policy

March 12, 2021 – Emerging Infectious Disease and Disasters

March 19, 2021 – Tobacco

March 26, 2021 – Field Trip to Local County Health Department (Tobacco Prevention & Cessation Clinic)

April 2, 2021 – Healthcare Financing

April 9, 2021 – Chronic Diseases and Leading Causes of Death

April 16, 2021 – Mental Health and Substance Use Disorder

April 23, 2021 – Criminal Justice and Health

April 30, 2021 – Field Trip to Low-Income Housing

May 7, 2021 – Environmental and Occupational Health

May 14, 2021 – Maternal and Child Health

May 2021 – Participate in a Town Hall

### **About The Instructors**

The core instructors include UF faculty with degrees in M.D., Ph.D., M.P.H., M.H.A., and M.B.A. and experience in developing and implementing health policy. In addition, state and national experts will teach select classes and activities. Importantly, the fellows will participate in group activities and panels that will serve as peer-teaching.

### **How To Apply**

Please nominate yourself and/or others at this

link: [https://ufl.qualtrics.com/jfe/form/SV\\_71UBbcc8e8TndqZ](https://ufl.qualtrics.com/jfe/form/SV_71UBbcc8e8TndqZ).

The nomination deadline is Friday, February 19, 2021 at 5 pm.

If you have any questions, please contact the Academy Director, Dr. Christopher R. Cogle, at [christopher.cogle@medicine.ufl.edu](mailto:christopher.cogle@medicine.ufl.edu).

The Florida Health Policy Leadership Academy receives additional funding from the Florida Department of Health and the Merck Foundation.

