



March 26, 2021

WEEK FOUR NEARING THE HALFWAY POINT OF THE 2021 LEGISLATIVE SESSION

Happy Spring Season! This week bills were moving quickly with 35 days left until the end of Session. FAC followed a variety of bill subjects ranging from, Impact Fees, Emergency Management, Broadband, Documentary Stamp Tax Distribution changes, and Preemptions. As the momentum picks up and we near half-way through Session, thank you to everyone who has remained engaged with the Association here in Tallahassee.



The American Rescue Plan Resource Webpage is officially launched on the FAC website!

Here you will be able to access all things “American Rescue Plan” such as details of the plan, NACo’s county-by-county allocation estimates, and questions sent by NACo to the U.S. Treasury. You can even share how your county plans to use the federal relief funding in your communities! The website will be updated as new information comes forth about the implementation of funds from the U.S. Department of Treasury.

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!



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COVID-19 AD HOC

COVID-19 Fraud Safeguard Bill Ready for Senate Floor

[CS/HB 9-Protecting Consumers Against Pandemic-related Fraud](#) by Rep. Zika was up in Senate Rules on Thursday. After debate, Sen. Bean replaced his identical Senate version (SB 1608) with HB 9. HB 9 protects the public from fraudulent activity, or false misleading information relating to the availability and effectiveness of personal protective equipment (PPE) and fraudulent activity against COVID-19 vaccination availability and access. The legislation will prevent the creation of websites, social media, emails, phone calls with false information with the intent to steal personal identification or to receive money. The bill will make these actions a third-degree felony. HB 9 passed unanimously and is now ready for the Senate Floor.

COVID-19 Liability Protections Heads to the Governor for Final Approval

[CS/SB 72- Civil Liability for Damages Relating to COVID-19](#) by Sen. Brandes was on the House Floor on Friday for a vote (83-31). A combination of SB 72 and SB 74, CS/SB 72 now provides heightened liability protections against COVID-19-related claims due to the threat of unknown and potentially unbounded liability claims that may arise as a result of the pandemic. The protections are extended vastly to all persons, businesses, or other entities, including healthcare providers.

The bill defines a COVID-19-related claim, against a person, business, or other entity, but generally not a health care provider, as a claim that arises from or is related to COVID-19. For claims against a person other than a health care provider, the bill establishes preliminary requirements that a plaintiff must complete before the case can proceed. A court must determine whether:

- The complaint was pled with particularity.
- A physician's affidavit was simultaneously submitted stating that, within a reasonable degree of medical certainty, the physician believed that the defendant caused, through acts or omissions, the plaintiff's damages, injury, or death. If the plaintiff did not meet these requirements, the court must dismiss the action, but the plaintiff is not barred from correcting the deficiencies and refile the claim.
- The defendant made a "good faith" effort to substantially comply with authoritative or controlling health standards when the action accrued. If the court determines that the defendant made the requisite good faith effort, the defendant is immune from civil liability.

Liability Protections for Health Care Providers

The liability protections for COVID-19-related claims against a health care provider primarily focuses on claims:

- The diagnosis or treatment of a person for COVID-19
- The provision of an experimental COVID-19 treatment
- The transmission of COVID-19
- The delay or cancellation of a medical procedure

A claim by a person other than a patient or resident stating that the health care provider caused the person to contract COVID-19 may be pursued under the provisions of the bill that primarily relate to claims against persons other than a health care provider.

A COVID-19-related lawsuit against any defendant must be brought within 1 year after a cause of action arises unless the cause of action occurred before the effective date of the bill. However, if a cause arises before the effective date of the bill, the plaintiff has 1 year from the effective date of the act to bring the claim. The bill takes effect upon becoming a law and applies retroactively. However, the bill does not apply in a civil action against a particular defendant if the suit is filed before the bill's effective date.

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“Home Sweet Home Act” Clears Second Senate Committee

[SB 1294- Cottage Food Operations](#) by Sen. Brodeur was heard in Senate Commerce and Tourism on Monday. Often referred to as the Home Sweet Home Act, SB 1294 increases annual gross sales of cottage food products from \$50,000 to \$250,000 and authorizes the sale and delivery of cottage food products by mail. Furthermore, the bill preempts the regulation of cottage food products to the state and prohibits any local law, ordinance, or regulation from regulating the preparation, processing, storage, and sale of these products. SB 1294 passed favorably (7-2) and heads to its last committee stop, Senate Rules. The House companion, [CS/HB 663- Cottage Food Operations](#) by Rep. Salzman and Rep. Botana has been placed on the special-order calendar for next week.

Bill Allowing Faith-Based Volunteer Ambulance Services Passes House Committee

[CS/HB 805- Volunteer Ambulance Services](#) by Rep. Caruso was heard in its first committee of reference, House Professions & Public Health Subcommittee this week. The bill allows privately owned vehicles, of certain faith-based volunteer ambulance services to operate emergency lights when responding to an emergency. Furthermore, the bill prohibits counties and municipalities from limiting or prohibiting certain faith-based volunteer ambulance services from responding to emergencies through medical services and transportation. Under the bill, counties may not require faith-based volunteer ambulance services to obtain a license/certificate or pay a fee. An amendment was adopted that requires volunteer ambulance services to be licensed as a basic life support service or an advanced life support service. CS/HB 805 passed unanimously. Senate companion, [SB 1084-Volunteer Ambulance Services](#) by Sen. Pizzo is waiting to be heard in its last committee stop, Senate Appropriations.

Pedestrian Safety Legislation Moves Through First Senate Committee

[SB 1412- Traffic and Pedestrian Safety](#) by Sen. Perry was heard for the first time in Senate Transportation on Wednesday. The bill requires state and local governments to convert flashing signals at crosswalks not located at intersections to traffic signals before 2024. By October 1, 2022, DOT must seek approval from the federal government to allow red rectangular rapid flash beacon (RRFB) instead of yellow RRFBs. If approved by the federal government, all entities with jurisdiction over mid-block crosswalks must replace yellow RRFBs with red RRFBs within a year. If the request is denied by the federal government, all entities with jurisdiction over mid-block crosswalks must remove all yellow RRFBs or retrofit with acceptable equipment by October 1, 2025. Furthermore, a traffic engineering study must be conducted that recommends the installation of a mid-block crosswalk. SB 1412 passed unanimously and heads to Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. The companion, [HB 1113-Traffic and Pedestrian Safety](#) by Rep. Fine is now in its second committee, House Infrastructure & Tourism Appropriations Subcommittee.

Emergency Management Legislation Introduced as Committee Bill in the House

[HB 7047 - Emergency Management](#) was heard as a committee bill by Chair Leek in House Pandemics &

Public Emergencies Committee. The bill amends the State Emergency Management Act to address the threat posed by a future pandemic or other public health emergency. Additionally, the bill specifies that the State Emergency Management Act applies to pandemics and other public health emergencies; requires the State Health Officer to develop a state comprehensive emergency management plan provisions addressing public-health-emergency preparedness, response, recovery, and mitigation. Also, the State Health Officer will oversee and report on the number of cases and deaths during a public health emergency. All emergency proclamations must be posted online, and financial reporting and audits must be conducted. Additionally, the Emergency Management division must maintain an inventory of state-owned personal protective equipment. The language in HB 945-Emergency Management Powers of Political Subdivisions by Rep. Rommel was incorporated into the committee bill and reads emergency orders automatically expire after 7 days but may be extended in 7-day increments up to 42 days. Furthermore, a substantially similar order cannot be adopted during the same emergency. Rep. Carlos Guillermo Smith expressed his concern with the bill's language that preempts local government emergency powers and referred to it as a "poison pill." FAC waived in opposition against the bill. The committee bill passed favorably (14-4).

Bill Prohibiting Anonymous Complaints by Code Inspectors Passes on Senate Floor

[CS/SB 60-County and Municipal Code Enforcement](#) by Sen. Bradley was entertained on the Senate Floor on Thursday. The bill prohibits county and municipal code inspectors from opening an investigation into violations of city or county codes or ordinances through an anonymous complaint. However, the bill excludes code inspectors who find a violation that presents an imminent threat to the public health, safety, or welfare of a community. An individual who files a complaint must provide their name and address to county or city officials before an investigation occurs. SB 60 passed favorably (27-11) on the Floor. The House companion, [CS/HB 883- County and Municipal Code Enforcement](#) by Rep. Overdorf is in its second committee, House Public Integrity and Elections Committee and expected to be heard next week.

House Passes Anti-Riot Legislation

[CS/HB 1- Combating Public Disorder](#) by Fernandez-Barquin passed on the House Floor Friday (76-39) after many hours of debate. HB 1 continues to bring in heavy opposition and emotions remain high. The bill defines crimes related to rioting and enhances penalties for aggravated rioting, including, but not limited to, acts of assault, battery, mob intimidation, destroying a memorial or historic property, and cyber intimidation. A committee substitute was adopted to narrow the eligibility to appeal a budget reduction of a municipal law enforcement agency to the state attorney of the judicial circuit, requires a pedestrian violation for obstructing a roadway to be committed willfully, rather than intentionally, and revises the crime of mob intimidation to require a threat to use force to be imminent. Senate companion, [SB 484-Combating Public Disorder](#) has been referenced to committees but not heard.

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COMMUNITY & URBAN AFFAIRS

Elections Overhaul Legislation Filed in House

The House Public Integrity and Elections Committee considered Proposed Committee Bill PIE 21-05 relating to elections. The bill increases security in elections by:

- Improving security and reliability of registration records and voter changes; requiring signature matches be to most recent signature in registration records; and eliminating voter solicitation of any kind within 150 feet of polling places.
- Improving security and integrity of vote-by-mail (VBM) requests; requiring better monitoring of all VBM drop boxes; and making it a misdemeanor for anyone to possess VBM ballots without an authorized designation of the one casting that ballot.

The bill increases transparency by:

- Requiring all election records be retained 22 months; requiring duplicate ballots and VBM envelope signatures to be digitally imaged and available for review prior to counting such ballots; and making it a second-degree felony to use misuse voter signatures accessed from election records;
- Requiring name and residence address on VBM return envelopes; requiring a record of identity of

- designees requesting VBM ballots for another; recording the address to which VBM ballots are mailed; requiring supervisors to report on VBM ballots received remaining uncounted; and
- Requiring publication of canvassing board members on official website and each board meeting notice.

The bill cleans up statutes that have been ruled unconstitutional including:

- Third party voter registration regulations, which under the bill:
- Registration applications will have to be delivered to election supervisors within 14 days after their collection; and
- Organizations must inform applicants of the possible registration delay and the opportunity to register online or to deliver the application themselves.
- Cleans up the voter registration application checkbox regarding felony convictions.

The bill improves election administration by:

- Clarifying that when a vacancy in nomination for United States Representative, state senator, state representative, state attorney, or public defender occurs, the state party chair calls a meeting of the state executive committee members residing in the affected district or circuit to consider the designation of a nominee to fill the vacancy;
- Extending the time allowed for the Department of State to validate new voting equipment and by consolidating certain post-election reports; and
- Prohibits any agency, state, or local official responsible for conducting elections from soliciting, accepting, using, or disposing of any donation in the form of money, grants, property, or personal services from an individual or nongovernmental entity for the purpose of funding election-related expenses or voter education or registration programs.

Finally, the bill provides that in the next election following each constitutionally required, decennial redistricting, a commissioner for each district must be elected again and terms will be staggered as provided in s. 100.041. This will divide in half the four-year terms of certain single-district commissioners in each county, with even or odd numbered districts affected depending on the redistricting year. The change will not affect at-large commissioners or district commissioners elected county-wide.

Before approving the bill, the Committee adopted seven amendments to PCB PIE 21-05 which made the following revisions to the bill:

- Instead of requiring DHSMV to notify each supervisor of an address change, DHSMV is only required to assist DOS in gathering residence address change information from DHSMV to DOS for DOS to provide the information to election supervisors.
- Clarifies current law to require a duplication of a ballot when there is an underrated race.
- Removed unnecessary language regarding the canvassing board voting on the validity of a duplicate ballot.
- Preserves the current term of every VBM request received prior to the effective date of the act.
- Preserves current law exemptions that allows for VBM ballots to be provided to disable voters, overseas voters, and when local referenda elections conducted by VBM ballot.
- Removes the specific purpose requirement for encoded mark on VBM ballot envelopes and clarifies that any encoded markings may be used by the supervisor's office.
- Clarifies that a signature may only be invalidated by the canvassing board if there is no reasonable doubt that it is invalid.

The Committee approved filing the bill (11-6). The bill has been designated as [HB 7041- Elections](#) by Rep. Ingoglia and is awaiting committee references.

Property Rights Legislation Moves through Senate Committee

On Monday, the Senate Judiciary Committee favorably considered [CS/SB 1876 Relief from Burdens on Real Property Rights](#) by Sen. Albritton, which modifies the Bert Harris Private Property Rights Protection Act to:

- Reduce the timeframe under which a claimant must notify the government before filing a civil action from 150 days to 90 days;
- Specify that written settlement offers are presumed to protect the public interest;
- Allow the claimant to have the court, rather than a jury, determine damages;
- Extend the point from which a prevailing claimant may recover attorney fees and costs to the date in which a claimant presents his or her claim to the government, instead of the date he or she files the civil action; and
- Authorize a property owner, under specified conditions, to notify the government that he or she deems a law or regulation's impact on his or her real property to be restrictive of allowable uses.

The bill include provisions from SB 1380, including:

- Expanding the definition of "action of a governmental entity" to include government actions that affect real property including the adoption or enforcement of "any ordinance, resolution regulation,

rule, or policy.”

- Revising the term “real property” to include any legal interest in land, including surface, subsurface, and mineral estates and any other interest held by a property owner in the land.
- Revising the definition of “land or real property” in the Florida Land Use and Environmental Dispute Resolution Act to match, by cross-reference, the newly amended definition of real property in the Bert Harris Act.

The bill defines the term “imposed” or “imposition”, as it relates to a prohibited exaction or condition of approval, to refer to the time at which a property owner must comply with the prohibited exaction or condition of approval. The bill further allows a property owner to challenge an unlawful government exaction when the prohibited exaction is imposed or when the property owner is required in writing to comply with a final condition of approval to use the subject property. Additionally, the bill provides that changes made to the Bert Harris Act and to the exaction statute, §70.45, apply only to claims in response to government actions taken on or after July 1, 2021.

The Committee passed the bill (7-4), as a committee substitute. SB 1876 is scheduled to be heard in the Community Affairs Committee on Tuesday, March 30. The House companion measure, [CS/HB 421- Governmental Actions Affecting Private Property Rights](#) by Rep. Tuck, remains in the House Local Administration and Veterans Affairs Subcommittee awaiting its next hearing.

State Preemption of Seaport Moves Forward in Senate

[CS/CS/SB 426-State of Preemption of Seaport Regulations](#) by Sen. Boyd, relating to state preemption of seaport regulations, was taken up by the Senate Community Affairs, amended, and passed on a (5-3) vote.

As passed, the bill prohibits a local ballot initiative or referendum from restricting maritime commerce in Florida’s seaports. The prohibition applies, but is not limited, to restricting such commerce based on any of the following:

- Vessel type, size, number, or capacity
- Number, origin, nationality, embarkation, or disembarkation of passenger or crew or their entry into this state of any local jurisdiction.
- Source, type, loading, or unloading of cargo.
- Environmental or health records of a particular vessel or vessel line.

The bill prohibits and voids any local ballot initiative or referendum, or any local law, charter amendment, ordinance, resolution, regulation, or policy in a local ballot initiative or referendum in violation of the prohibition, adopted before, on, or after the effective date of the act.

A municipality or political subdivision thereof, or a special district other than one established for port management by special act of the Legislature, is prohibited from restricting maritime commerce at Florida’s seaports with respect to any federally authorized passenger cruise vessel based on any of the following:

- Vessel type, size, number, or capacity, except when the port is physically unable to accommodate a passenger cruise vessel pursuant to applicable federal or state laws or regulations.
- Number, origin, nationality, embarkation, or disembarkation of passengers or crew or their entry into this state or any local jurisdiction.
- Source, type, loading, or unloading of cargo related or incidental to its use as a passenger cruise vessel.
- Environmental or health records of a particular passenger cruise vessel or cruise line.

The bill prohibits and voids any conflicting provision of a law, a charter, an ordinance, a resolution, a regulation, a policy, an initiative, or a referendum existing before, on, or after the effective date of the act. In addition, the bill exempts municipalities that have been consolidated with a county (i.e., the City of Jacksonville) and municipal governments that are also a county as defined in s. 125.011(1), F.S., (i.e., Miami-Dade County) from the prohibitions and restrictions imposed by the bill. Finally, the bill provides that the restrictions imposed by the bill do not otherwise limit the authority of a municipal government governmental, a political subdivision thereof, or a special district, to manage seaport commerce as provided by Florida law, issue and enforce tariffs filed with the Federal Maritime Commission, and enter into contracts relating to its port facilities. The bill next goes to Senate Rules. The House companion, [CS/HB 267 - State Preemption of Seaport Regulations](#) by Rep. Roach is in its second committee of reference, House Local Administration and Veterans Affairs Subcommittee.

Construction Permitting Bill Moves to House Floor

[CS/CS/HB 1059- Construction Permits](#) by Rep. Robinson (W) was heard in its last committee of reference, House Commerce. The Committee adopted an amendment clarifying that notices to permit applicants must state that a building permit applicant has 10 business days to remedy deficiencies in their application or it will be denied.

As passed, the committee substitute:

- Provides that if a county or municipality makes requests for additional information from a permit applicant, the county or municipality must:
 1. Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 30 days after receiving the information if the request is the county or municipality's first request.
 2. Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 10 days after receiving the information if the request is the county or municipality's second request.
 3. Deem the application complete within 10 days of receiving the information or proceed to process the application for approval or denial unless the applicant waived the county or municipality's time limitations in writing if the request is the county or municipality's third request.
- Clarifies that local enforcement agencies must:
 1. Post each type of building permit application on their website, including a list of all required attachments, drawings, and any other requirements that are required for each type of application.
 2. Post the status of received building permit applications online, and update the status of the application unless the permit has been issued.
 3. Allow building permit applicants to electronically submit applications, including all attachments, payments, drawings, and any other requirements that are required as part of the application; however, applications, including attachments, payments, drawings, and any other requirements or parts that are required as part of the application, may also be submitted in person at the discretion of the building official.
 4. Post their procedures for processing, reviewing, and approving submitted building permit applications on their websites.
- Requires that local governments reduce permit fees for any building permit application, including for single-family residential dwellings, by 10 percent of the original permit fee for each business day the local government fails to meet the current statutory time-period for reviewing a building permit application or a time-period established by the local government.
 1. A local government does not have to reduce the permit fee if the local government and applicant agree to an extension of time.
 2. A government entity does not have to reduce the fee for a single-family residential dwelling building permit, if: 1.) It provides written notice to the applicant, by email or USPS mail within 30 business days of receiving the application; 2.) The written notice specifically states how the application fails to satisfy the Building Code, or the government entity's laws or ordinances; and 3.) That the applicant has 10 business days after receiving the notice to remedy the deficiencies in their application or it will be denied.
- Provides that if the applicant submits revisions to the government entity within 10 business days of receiving the notice, the government entity must approve or deny the permit within 10 business days of receiving the applicant's revisions.
- Requires that if a government entity fails to approve or deny the permit within 10 business days of receiving the applicant's revisions, it must:
 1. Reduce the permit fee by 20 percent of the original permit fee for the first business day that it fails to meet the deadline; plus
 2. An additional 10 percent of the original permit fee for each business day that it fails to meet the deadline, for up to five business days.
- Requires that if any permit fees are refunded because a local government fails to meet an established deadline for reviewing a building permit application, the DBPR surcharges for funding the Building Commission, the Building Code Administrators and Inspectors Board (BCAIB), and the Florida Homeowners' Recovery Fund must be recalculated based on the amount of the permit fees after the refund.
- Prohibits a government entity from requiring a contract between an owner and a contractor or a contract between a contractor and a subcontractor or material supplier as a condition to apply for or obtain a building permit for construction work on a commercial property. However, this does not apply to any construction projects for improvements that are owned or leased by a government entity.

The Committee passed the bill (21-0) as a committee substitute and CS/CS/HB 1059 has been placed on the Special Order Calendar for action on the House Floor on Wednesday, March 31. A similar bill, [CS/SB 1788- Construction Permits](#) by Sen. Boyd is in its second committee of reference, Senate Governmental Oversight and Accountability.

Building Design Legislation Moves in Second Senate Committee

[CS/SB 284-Building Design](#) by Sen. Perry was heard for the second time in Senate Regulated Industries,

relating to building design.

The bill prohibits local governments from adopting land development regulations that require specific building design elements for single- and two- family dwellings, except when:

- The dwelling is a historic property or located in a historic district;
- The regulations are adopted in order to implement the National Flood Insurance Program;
- The regulations are adopted in accordance and compliance with the procedures for adopting local amendments to the Florida Building Code;
- The dwelling is located in a community redevelopment area; or
- The dwelling is located in planned unit development or a master planned community created by a local government ordinance that is enacted on or before July 1, 2021.

The bill defines the term “building design elements” 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, location and orientation of the garage, and number, type, and layout of rooms. However, the term does not include setback including 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.

The bill further defines the term “planned unit development” and “master planned community” as an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

SB 284 passed favorably (8-1) and goes to the last committee stop, Senate Rules. The companion measure, [CS/CS/HB 55- Building Design](#) by Rep. Overdorf is on the Special Order Calendar for consideration on the House Floor next Wednesday, March 31.

Growth Management Legislation Ready for Senate Floor

[CS/CS/SB 496- Growth Management](#) by Sen. Perry was heard in Senate Rules on Thursday. SB 496 amends various sections of Florida law concerning growth management. The bill amends various sections of Florida law concerning growth management, including the following changes:

- Provides that a comprehensive plan for a newly incorporated municipality which becomes effective after January 1, 2016, must incorporate development orders existing before the plan's effective date. The plan may not impair the completion of a development with such a development order and must vest the density and intensity approved by the development order.
- Requires a local comprehensive plan to have a property rights element, which requires the local government to consider certain private property rights in its decision-making process. Local governments must adopt this element during the next proposed plan amendment initiated after July 1, 2021, or the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191, F.S.
- Specifies that a party, or its successor in interest, may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, as long as the amendment or cancellation does not directly modify the allowable uses or entitlements of such owner's property.
- Requires the Department of Transportation, when selling a parcel of land that was acquired within the last 10 years, to provide a right of first refusal to the prior owner of the land and provides a process for implementing this right of first refusal. This provision was added back into the bill after it was removed when the bill was heard in the Senate Judiciary Committee.
- Allows agreements pertaining to existing developments of regional impact that are classified as essentially built out, and were valid on or before April 6, 2018, to be amended, including amendments exchanging land uses under certain circumstances. The bill provides a declaration that the act fulfills an important state interest.

SB 496 passed unanimously. The companion measure, [CS/CS/CS/HB 59-Growth Management](#) by Rep. McClain is on the House Special Order for Wednesday, March 31.

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WATER & ENVIRONMENTAL
SUSTAINABILITY

Bill Addressing PFAS Cleanup Passes First Senate Committee

[CS/SB 1054- Brownfield Site Rehabilitation](#) by Sen. Broxson was heard in Senate Environment and Natural Resources. The bill requires the Department of Environmental Protection to adopt statewide rules for cleanup target levels for perfluoroalkyl and polyfluoroalkyl substances (PFAS) in soils and groundwater. The bill creates liability limitations until DEP's rules have been ratified, from actions brought by local or state government entities to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation of environmental contamination, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that PFAS constituent. The Office of Program Policy Analysis and Government Accountability must conduct an analysis of the programs used in other states for the cleanup of soil and groundwater contamination, including brownfields, petroleum, dry cleaning solvents, and other chemical contaminations. SB 1054 passed unanimously and heads to Senate Appropriations Subcommittee on Agriculture, Environment, and General Government. A comparable bill, [HB 705- Soil and Groundwater Contamination](#) by Rep. Andrade has not been heard.

Central Florida Water Initiative Ratification Clears First Senate Committee

[SB 7062- Central Florida Water Initiative](#) was heard in Senate Environment and Natural Resources. The bill ratifies the Department of Environmental Protection's rules for the Central Florida Water Initiative. The bill establishes: Uniform processes for conducting permit reviews, setting minimum flows and minimum water levels within the boundaries of the CFWI Area, and establishing a variance process; Uniform methods for calculating residential per capita water use; A uniform definition of the term "harmful to water resources;" and Annual conservation and residential per capita water use goals for consumptive use permits. Additionally, the bill requires DEP to report to the Legislature by December 31, 2025, and December 31, 2030, detailing methods DEP has used to address practical and economic barriers to implementing the requirements of the CFWI rules. The bill provides that these rules do not apply to areas where existing recovery strategies within the Central Florida Water Initiative Area adopted before July 1, 2016, contain supplemental irrigation allocation requirements. SB 7062 establishes a grant program within DEP, subject to appropriation, for the CFWI, which will promote alternative water supply and protect groundwater resources. The bill passed unanimously. Currently, there is no House companion legislation.

Bill Preempting Public Utility Services Moves Through House Committee

[CS/HB 919 - Preemption Over Restriction of Utility Services](#) by Rep. Tomkow was heard by the House Local Administration & Veterans Affairs Subcommittee on Tuesday. HB 919 prevents counties, municipalities, special districts, or other political subdivisions from enforcing a resolution, ordinance, or code restricting or prohibiting the types of fuel sources of energy that can be used, delivered, converted, or supplied by a public utility. HB 919 passed favorably (14-4) and head to its last committee stop, House Commerce. The Senate companion, [CS/CS/SB 1128-Preemption on Restriction of Utility Services](#) by Sen. Hutson is in its last committee, Senate Rules.

Bill Allowing Renewable Energy Sources on Business Property Clears First Committee

[SB 208- Renewable Energy](#) by Sen. Brandes was heard for the first time in Senate Regulated Industries. The bill authorizes owners of commercial or industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device on or about the structure in which the business operates or on a property the business owns or leases. Furthermore, the bill authorizes owners or contracted third parties to sell electricity generated from the device to adjacent businesses. The bill allows a utility to seek cost recovery from customers if rates are significantly impacted by renewable energy use, however, rebates or incentives are exclusive to the sole property owner of the renewable energy source device. SB 208 passed unanimously and is now in Senate Commerce and Tourism. An identical House companion, [HB 775- Renewable Energy](#) by Rep. Omphroy has not been heard.

Sewer Lateral Program Legislation Advances in Second Senate Committee

[CS/SB 1058 – Sanitary Sewer Lateral Inspection Programs](#) by Sen. Burgess was heard in Senate Appropriations Subcommittee on Agriculture, Environment, and General Government on Wednesday. Last session, the Legislature passed HB 1091 which encouraged counties to establish a voluntary sanitary sewer lateral inspection program. A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system. SB 1058 requires local governments, who set up the voluntary program, to repair/replace the defective, damaged, or deteriorated pipes to eliminate extraneous flow on residential and commercial properties. The bill establishes: A property owner notice process; Shifts costs to the county for any repair work and indemnifies property owner; Sets prescriptive requirements for the repair of the sanitary sewer lateral system; and Authorizes counties to access state funds for water quality improvements.

SB 1058 passed unanimously and heads to its last committee stop, Senate Appropriations. House companion, [HB 773- Sanitary Sewer Laterals](#) by Rep. McClure and Rep. Overdorf is in its second committee, House Local Administration & Veterans Affairs Subcommittee

A Governor Priority, Establishing the Resilient Florida Trust Fund, Ready for House Floor

[HB 7019-Statewide Flooding and Sea Level Rise Resilience](#) and [HB-7021 Resilient Florida Trust Fund](#) by Rep. Busatta Cabrera were heard in its last committee in House State Affairs.

The bills create the Resilient Florida Grant Program within the Department of Environmental Protection to provide grants to a county to fund resiliency planning. This includes vulnerability assessments and mitigation plans to prepare for the threats of flooding and sea level rises. The bill authorizes counties to enter into agreements to form regional resilience coalitions for the purpose of planning for the resilience needs of communities and coordinating intergovernmental solutions. By July 1, 2022, the DEP must complete the development of a comprehensive statewide flood vulnerability and sea level rise data set. By July 1, 2023, the DEP will use the data to complete a comprehensive statewide flood vulnerability and sea level rise assessment. The bill creates the Florida Flood Hub for Applied Research and Innovation within the University of South Florida College of Marine Science. The hub must organize existing data needs, coordinate research funds, establish community-based programs to improve flood monitoring and prediction, and develop opportunities to partner with other flood and sea level rise research and innovation leaders.

Both bills cleared each committee unanimously and is ready for consideration on the House Floor. The Senate companion, [SB 1954- Statewide Flooding and Sea-level Rise Resilience](#) by Sen. Ray Rodrigues is in its last committee stop, Senate Appropriations.

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OTHER TECH INDUSTRIES

Drones Use Legislation Flies Through First House Committee

[CS/HB 1049-Use of Drones by Government Agencies](#) by Rep. Giallombardo was heard for the first time in House Criminal Justice & Public Safety Subcommittee. The bill provides exemptions for law enforcement use of drones for traffic management and collection of evidence at a crime or traffic scene. In the committee meeting, the bill was amended to specify for drone use on a crowd of 50 people guidelines must be followed including, specified use for the drone, appropriate release storage and release of images or videos collected by the drone, and the head of law enforcement must have written authorization for drone use. Additionally, the bill allows state agencies and local governments to assess damage due to flood, wildfire, or any other natural disaster as well as monitoring vegetation or wildlife management on publicly land or water. HB 1049 passed unanimously. The House companion, [CS/SB 44-Drones](#) by Sen. Wright passed on the House Floor (39-0).

Broadband Industry Bill Passes First House Committee

[HB 1239- Broadband Internet Infrastructure](#) by Rep. Tomkow was heard in the House Tourism, Infrastructure, & Energy Subcommittee. Known as the "Florida Broadband Deployment Act of 2021," the bill exempts from the sales and use tax the purchase, lease, or sale of equipment used by providers of communication services or Internet access services. The bill does not specify that tax incentives be linked to additional investments in broadband deployment to underserved or unserved areas. This is a potential negative fiscal impact to local government revenues. Furthermore, the bill provides a procedure for access by broadband providers for attachments to utility poles of municipal electric utilities and the adoption of rates, terms, and conditions for the access to the poles consistent with federal requirements. This includes prohibitions on municipal electric utilities from preventing or requiring a broadband provider to use certain techniques or comply with specifications when installing poles. HB 1239 passed favorably (15-1) and moves to its second committee, House Ways & Means. The Senate companion measure, [SB 1592-Broadband Internet Infrastructure](#) by Sen. Burgess is in its second committee, Senate Finance and Tax.

Electric Vehicles Legislation Clears Second Senate Committee

Two linked bills relating to electric vehicle fees by Sen. Brandes were heard in Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on Tuesday.

[CS/SB-138 Electric Fees](#) requires the Florida Department of Transportation to establish the Electric Vehicle Infrastructure Grant Fund to encourage the installation of publicly available electric vehicle charging infrastructure for electric vehicles, electric semi-trucks, and electric aircraft on public or private property. The bill allows local governments to apply to the FDOT for grants for the development of local or regional plans to establish charging infrastructure and to assist with the purchase of equipment and installation expenses.

[CS/SB140- Fees/Electric Vehicles](#) creates an additional fee/license tax (\$135) for all electric vehicles weighing under 10,000 pounds on top of current fee. Beginning on January 1, 2025, this fee will increase to \$150. Additionally, the bill creates an additional fee/license tax (\$235) for all electric vehicles weighing over 10,000 pounds on top of current fee, this fee will also increase on January 1, 2025, to \$250. The proceeds of the additional fees will be deposited to the State Transportation Trust Fund. An amendment supported by FAC was adopted giving a portion of the additional flat fees to counties. Of the additional flat fees, 64% will be allocated to the State Transportation Trust Fund and 36% will be allocated to the county where the vehicle was registered. For the next three years, until June 30, 2024, the funds allocated to the county will be used for electric vehicle infrastructure and equipment by the County Commission. Beginning July 1, 2024, the funds allocated to a county will be transferred to the Department of Revenue and then distributed to the County Commission and municipalities within the county in proportion to the previous month's distribution of the 1 to 6 cent local option fuel taxes, to use for transportation expenditures.

As linked bills, if SB 140 is passed into law, SB 138 allocates the increased license revenues to DOT from the registration of electric and hybrid vehicles to fund the EV Infrastructure Grant Programs. Both bills passed unanimously and await their last committee stop, Senate Appropriations. The House companions, [HB 817-Electric Vehicles](#) and [HB 819-Fees/Electric Vehicles](#) have not been heard.

Autonomous Vehicles Legislation Passes First Senate Committee

[CS/SB 1620-Autonomous Vehicles](#) by Sen. Brandes was heard in its second committee, Senate Community Affairs. The bill allows autonomous delivery vehicles to operate on streets or roads where the posted speed limit is 35 miles per hour or less. A low-speed autonomous delivery vehicle may operate on a street or road with a posted speed limit of more than 35 miles per hour, but no more than 45 miles per hour, under certain conditions. All provisions within this bill are replaced by conflicting federal regulations. The bill was amended to include that a low-speed autonomous delivery vehicle must be covered by automobile insurance policy. SB 1620 passed unanimously and heads to the last committee stop, Senate Rules. The House companion, [HB 1289-Autonomous Vehicles](#) by Rep. McFarland has been referenced to committees but not yet heard.

FAC Contact:

For additional information, please contact Jeff Scala at jscala@fl-counties.com.

FINANCE, TAX, & ADMINISTRATION

Impact Fees Addressing Cap Increases Passes First Senate Committee

[CS/SB 750- Impact Fees](#) by Sen. Gruters was heard for the first time in Senate Community Affairs. A strike-all amendment was adopted to match the House companion. The amendment revises the cap for impact fee increases and removed the provision that required projects to be planned or funded within the same assessment district in order to be able to collect the impact fee. In regards to a cap increase, there are six provisions which include: An impact fee may be increased only pursuant to a plan for the imposition, collection and use of the increased impact fee that complies with this section; Any increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual installments; An increase to a current impact fee that exceeds 25 percent but not more than 50% of the current rate must be implemented in four equal annual installments; No current impact fee increase may exceed 50 percent of the current impact fee rate; An impact fee may not be increased more than once every 4 years; and an impact fee may not be increased retroactively for a previous or current fiscal or calendar year. A local government, school district, or special district may increase an impact fee rate by establishing the need for such increase in full compliance with the requirements of a dual rational nexus test. SB 750 passed favorably (5-3) as a committee substitute and will move to the second committee stop, Senate Finance and Tax. The House companion, CS/HB 337- Impact Fees by Rep. DiCeglie passed favorably last week and is in its second committee stop, House Ways & Means.

Documentary Stamp Distribution Revised Hurting Affordable Housing and Providing Dedicated Funding for Water Protection

and Sustainability Program and Resilient Florida

[HB 5401- Documentary Stamp Tax Distributions](#) passed as a proposed committee bill by the House Agriculture and Natural Resources Appropriation Subcommittee on Thursday. The bill revises the distributions from the Documentary Stamp tax that are deposited into the Local Government Housing Trust Fund and State Housing Trust fund to reduce those distributions by two-thirds. The bill also provides for distributions to the Water Protection and Sustainability Trust Fund and Resilient Florida Trust Fund with each distribution being a third of the total amount that is distributed to the affordable housing trust funds under current law. The staff analysis indicates that under current law, \$423.2 M is distributed into the two housing trust funds, and under the bill language, the two housing trust funds will receive \$141.1 M combined, and the two new trust funds will each receive \$141.1 M. Other distributions from Documentary Stamp tax were not affected. The bill also specified that the Local Government Housing Trust Fund and the State Housing Trust Fund revenues may not be transferred to the General Revenue Fund in the General Revenue Act. The bill is contingent upon the passage of HB 7019-Statewide Flooding and Sea Level Rise Resilience and HB 7021-Resilient Florida Trust Fund/DEP. Originally a committee bill, the bill passed by a vote of (9-5) and now wait for committee references. The tables below compare amounts distributed under current law, the appropriations from the housing trust funds, and the amount the proposed bill would have distributed to the housing trust funds had this law been in place for the last five years.

Historic Distributions and Appropriations for SHIP and SAIL compared to proposed PCB ANR 21-01, had it been in effect (Millions)

	Doc Stamp Distribution to Local Government Housing Trust Fund (LGHTF)	Doc Stamp Distribution to State Housing Trust Fund (SHTF)	Total Doc Stamp Distribution to State and Local Housing Trust Funds
2016-17	\$197.30	\$84.64	\$281.94
2017-18	\$208.40	\$88.85	\$297.25
2018-19	\$221.10	\$95.16	\$316.26
2019-20	\$244.80	\$105.13	\$349.93
2020-21	\$284.70	\$121.60	\$406.30

	Appropriation from LGHTF to SHIP	Appropriation from SHTF to SAIL	Total Appropriations for SHIP and SAIL
2016-17	\$135.50	\$64.60	\$200.10
2017-18	\$109.00	\$28.00	\$137.00
2018-19	\$86.80	\$36.80	\$123.60
2019-20	\$111.56	\$81.00	\$192.56
2020-21	\$30.00	\$115.00	\$145.00

	Amount that would have been distributed to LGHTF had proposed law been in place	Amount that would have been distributed to STHF had proposed law been in place	Amount that would have been distributed to State and Local Government Housing Trust Funds had proposed law been in place
2016-17	\$72.02	\$29.32	\$101.35
2017-18	\$74.85	\$30.48	\$105.33
2018-19	\$79.10	\$32.21	\$111.30
2019-20	\$85.80	\$34.93	\$120.74
2020-21	\$96.87	\$39.44	\$136.32

* The Conference Report on the Fiscal Year 2020-21 General Appropriations Act provided a total appropriation of \$255 M from the Local Government Housing Trust Fund. The Governor vetoed \$225 M of the appropriation and replaced state funds with federal Coronavirus Relief Funds. See Specific Appropriation 2282 of Chapter 2020-111, Laws of Fla.

LGHTF

Local Government Housing Trust Fund

SHTF

State Housing Trust Fund

SHIP

State Housing Initiative Partnership

SAIL

State Apartment Incentive Loan Program

Tourism Development and Convention Development Tax Expansion Passes House Committee

[CS/CS/HB 1429- Tourist and Convention Development Taxes](#) by Rep. Avila was heard in House Ways & Means. The bill authorizes counties imposing the Tourist Development Tax (TDTs) or Convention Development Tax (CDTs) the option to use of tax revenues for finance flood mitigation projects or improvements. A strike-all amendment was adopted that removed language requiring a five-year renewal of TDTs and CDTs by referendum and ensures that all new or increased TDTs and CDTs will be subject to voter referendum. FAC spoke in opposition to the bill with concerns regarding the requirement of a referendum for any new or extended levy, as well as requirement for a referendum to pledge the additional or 3rd cent of tourist development tax. HB 1429 passed unanimously and awaits its last committee stop, House State Affairs. The Senate companion, [SB 2008- Tourist and Convention Development Taxes](#) by Sen. Diaz is on the agenda in Senate Community Affairs next week.

Online Sales Tax Bill Passes on Senate Floor

[CS/CS/SB 50- Taxation](#) by Sen. Gruters was finally heard on the Senate Floor on Thursday. A strike-all amendment was adopted naming the act the "Park Randall 'Randy' Miller Act." The bill applies Florida's sales and use tax to online/e-commerce sales from out of state retailers regardless of whether the entity has a physical presence within the state. Currently, 43 of 45 states that collect sales tax have authorized sales tax on out-of-state vendors since the 2018 SCOTUS decision, *Wayfair v. South Dakota*, authorizing the practice. Last week, the Revenue Estimating Conference determined that in FY20-21 the bill would increase the General Revenue Fund by \$937.6 million and \$1.08 billion each year after. Furthermore, in FY21-22 local government revenues will increase by \$229.5 million and \$253.7 million each year after. Local option surtax revenues collected from remote sellers and marketplaces would be distributed using the current distribution formula provided in s.12.054 (4)(c), F.S. SB 50 passed (30-10) off the Floor. The House companion bill, [CS/HB 15-Sales and Use Tax](#) by Rep. Clemons is in its second and final committee of reference, House Commerce.



Bill Prohibiting Declaratory Relief in Response to Record Requests Heads to House Floor

[CS/HB 913- Requests for Public Records](#) by Rep. McClure was heard in its last committee, House State Affairs. The bills prohibit an agency from responding to a request to inspect or copy a record by filing an action for declaratory relief against the requester to determine whether the record is a public record as defined in s. 119.011, F.S., or the status of the record as confidential or exempt from the provisions of s. 119.07(1), F.S. HB 919 passed unanimously and heads to the House Floor. [CS/SB 400- Public Records](#) by Sen. Rodrigues is waiting to be heard in its last committee, Senate Rules.

Legal Notices Legislation Moves in First Senate Committee

[CS/SB 402- Legal Notices](#) by Sen. Rodrigues was heard for the first time in Senate Judiciary. The bill gives governmental agencies the option to publish legal notices on a publicly accessible website in lieu of print newspaper publication. There must be an additional notice in a print edition of a local newspaper to inform the public that the notices can be found on the statewide legal notice website maintained by the Florida Press Association. The legal notice must also be published on the statewide legal notice website, www.FloridaPublicNotices.com. Specifically, the bill must require the newspaper:

- Printed and published at least once a week;
- Contain at least 25% of its words in the English language; and
- Be available to the public for the publication of notices or of interest of value to the residents or owners in the county where published.

SB 402 passed favorably (8-3) and head to the next committee, Senate Appropriations Subcommittee on Criminal and Civil Justice. A comparable House bill, [CS/HB 35- Legal Notices](#) by Rep. Fine passed off the House Floor (85-34) last week.

FAC Contact:

For additional information, please contact Bob McKee at 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 Rep. 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.

CS/HB 219 / CS/CS/SB 522 Vacation Rentals by Rep. Fischer and Sen. 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. On SB 522, an amendment was adopted removed the bill's preemptive language that: Added licensing to the list of regulations of public lodging establishments and public food service establishments that would be expressly preempted to the state; Added language providing that a local law, ordinance, or regulation may not require local inspection or licensing of the public lodging or public food service establishments; Provided a local government may regulate activities that arise when a property is used as a vacation rental if the regulation applies uniformly to all residential properties. SB 522 continues to expressly preempt the regulation of vacation rental advertising platforms to the state. On March 11, the Senate companion, SB 522 by Sen. Diaz passed favorably in its second committee, Senate Appropriations and is now in its last committee stop, Senate Rules. This week, HB 219 by Rep. Fischer was temporarily postponed in House Ways & Means.

SB 268 / HB 735 Preemption of Local Occupational Licensing by Sen. Perry and Rep. Harding 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. SB 268 by Sen. Perry passed in its first committee, Senate Regulated Industries last week. HB 735 by Rep. Harding passed its second committee of reference last week, House Commerce Committee and is ready for the House Floor.

HB 761 / SB 1008 Solar Electrical Generating Facilities by Rep. Overdorf and Sen. Huston requires that solar facilities are a permitted use in all agriculture land use categories in local government comprehensive plan and all agriculture zoning districts. Under this bill, a county may adopt an ordinance to specifying buffer and landscape requirements for solar facilities with exceptions. Also, the bill modifies the Florida Electrical Power Plant Siting Act certification doubling capacity limits for solar electrical generating facilities from 75 megawatts to 150 megawatts. Both bills have not been heard.

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

FAC Contact:

For additional information, please contact Eddy Labrador at elabrador@fl-counties.com.

UPDATE ON ACCESS 67 AND THE LOCAL GOVERNMENT EFFICIENCY TASK FORCE

Access 67

FAC would like to urge all counties to adopt a resolution in support of broadband deployment. The Rural Caucus' call to action at FAC's Legislative Conference in December is more important now than ever as session begins and several broadband legislation has been filed. Please visit Access 67 at <https://www.fl-counties.com/access-67> to view county resolutions that have been adopted.



We urge your county to adopt a resolution and submit it to Sara Henley at shenley@fl-counties.com, so that we may share the resolution with legislators as broadband legislation moves through the legislative process.

FAC Contact:

For additional information, please contact Sara Henley and Jeff Scala at shenley@fl-counties.com and jscala@fl-counties.com.

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. To view more information, please visit <https://oppaga.fl.gov/TaskForce>.

FAC Contact:

For additional information, please contact Eddy Labrador at elabrador@fl-counties.com.

DATA POINT #9: LOCALS LEAD ON EMERGENCY POWERS

Locals Lead on Emergency Powers

In March 2020, local governments led the way in enacting emergency orders and creating enforcements in their communities to keep their neighborhoods safe from the unknown and highly transmissible virus, COVID-19. In response to an emergency that the United States has not seen in a century, counties quickly formed guidelines and procedures to protect their citizens through mask mandates, travel restrictions, remote meeting opportunities, and social distancing restrictions. Counties were placed on the front lines to quickly make decisions that would impact not only their residents, but their local economy. Each county had the responsibility of enforcing their own guidelines and restrictions to create a safe environment that worked for their communities, without the state government stepping in. There is no doubt that local leadership and county enforcements saved the lives of many Floridians at a time where little was known about COVID-19 and its long-term effects.

EXAMPLES OF EMERGENCIES LOCAL GOVERNMENTS MANAGE



PROTECTIONS PUT IN PLACE BY LOCAL GOVERNMENTS DURING THE COVID-19 PANDEMIC INCLUDE



FACIAL COVERING
MANDATES



SOCIAL
DISTANCING



TRAVEL
RESTRICTIONS



CURFEWS



REMOTE
MEETINGS

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LOCAL GOVERNMENTS QUICKLY RESPOND TO THE PANDEMIC

ALL 67 COUNTIES
HAD A LOCAL
STATE OF EMERGENCY
START BY
3/20/2020



AS OF MARCH 24,
MIAMI-DADE COUNTY
HAS EXTENDED THEIR
EMERGENCY ORDERS
55 TIMES
IN THE PAST YEAR



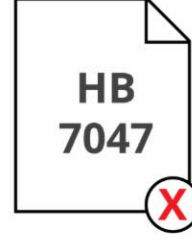
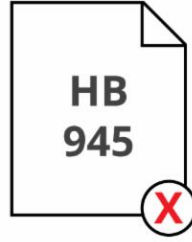
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Resource for updates: Florida: [State-by-State COVID-19 Guidance | Husch Blackwell](#)

Three bills up this year plan to strip local governments' powers on enacting emergency orders and limit the duration and language of emergency orders. We urge you to reach out to your legislators to discuss what these bills would mean for your community.

CALL TO ACTION WE OPPOSE THE FOLLOWING BILLS

These bills would create additional requirements
for local government emergency measures.



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1. SB 1924 by Senator Diaz creates additional requirements for local government emergency measures:

- Provides the Governor and/or legislature (by concurrent resolution) with the power and **AUTHORITY TO INVALIDATE** an order, an ordinance, a proclamation, a rule, or any other measure issued by a political subdivision to address a purported emergency if they determine that such order unnecessarily restricts a constitutional right, fundamental liberty, or statutory right of a citizen.
- Provides that all local emergency orders would expire after 10 days, however the order could be extended before its expiration by a majority vote of a governing body. Upon expiration of the order, a substantially similar order **CANNOT** be adopted during the same emergency.
- Provide that the **BURDEN OF PROOF LIES WITH THE POLITICAL SUBDIVISION** (local government) that a local emergency order (in addressing a purported emergency) that deprives any person of a constitutional right, fundamental liberty, or statutory right, or property. 1) serves a compelling governmental interest. 2) is narrowly tailored. 3) accomplishes the intended goal through the use of at least intrusive means

2. HB 945 by Representative Rommel and HB 7047 Emergency Management by Rep. Leek create additional requirements for local government emergency measures:

- Provides a significant emergency order must be narrowly tailored to serve a compelling public health or safety purpose.
- Provides any emergency order must be limited in duration, applicability, and scope therefore, reducing any infringement on individual liberties.
- Provides that all significant emergency orders automatically expire after 7 days after issued. Orders may be extended as necessary in 7-day increments for a total duration of no more than 42 days. A substantially similar order **CANNOT** be adopted during the same emergency.

FAC Contact:

For additional information, please contact Sara Henley at shenley@fl-counties.com.

Florida Association of Counties (fl-counties.com)

