



March 5, 2021

## First Week of the 2021 Legislative Session

Welcome back to the start of the 2021 Legislative Session! A rainy Tuesday marked the opening day of Session with Speaker Sprowls, President Simpson, and Governor DeSantis addressing their top priorities including, liability protections for businesses and healthcare providers, enhanced penalties for riots, restricting powers of Big Tech, boosting education spending and keeping schools open, focusing on unemployment, and continuing efforts to restore the Everglades and other environmental priorities, such as Resilient Florida. Week one started out strong, yet busy, as several preemption bills were heard and ending the week with COVID-19 legislation, HB 7 and HB 9 passing through the House.

To stay up to date this Session, check out our Bill Tracker and Preemption Tracker updated weekly on FAC's website under "Advocacy." To follow along with our priorities for the week our Legislative Bulletin and podcast, FAC-ish, will be released on Fridays.

[ACCESS BILL TRACKER](#)

[ACCESS PREEMPTION TRACKER](#)

This Session, the House will notice meetings two weekdays in advance, while the Senate will notice meetings three weekdays in advance. If you plan on attending a committee hearing or testifying on a bill, please see the updated COVID-19 protocols in the House and Senate.

## House Protocols Update

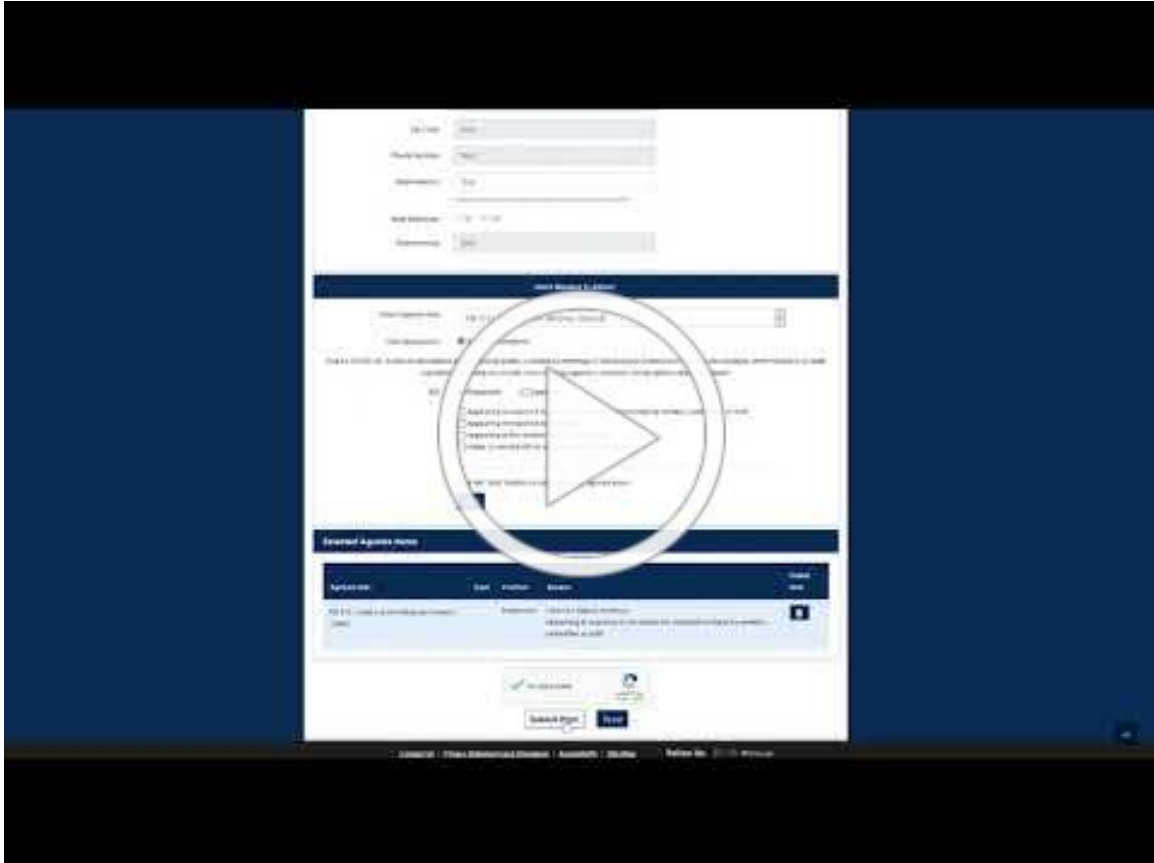
- Capital Complex is closed to the public and only open to visitors in the legislative process. Access to the House is based on registration for committee meetings or scheduled appointments that require the visitor to be escorted around the building.
- East plaza entrance to the Capitol (double doors facing the old Capitol) is the main entrance into the building.
- All individuals registered to testify in person will need to print their appearance record or save a digital copy and bring it with them when picking up a pass at the Legislative Welcome Center on the 4th Floor of the Capitol. Passes will be available beginning one hour before the start of a committee meeting.
- Seating in committee meetings will continue to be electronic reservation on a first-come, first-served basis for meetings and visitors can register online. Once a committee meeting is noticed, electronic committee appearance records will serve as the registration for in-person testimony.
- Due to the return of in-meeting amendments, space may be limited in meeting spaces and there

will be no on-site testimony.

- Visitors who want to attend House committee meetings must register no later than three hours before the start of the meeting.
- Members of the public who are not registered lobbyists and who cannot attend in person, can email their written testimony to the committee members through the electronic appearance record.
- House Rule 17.1 prohibits lobbyist from lobbying a Member through electronic communication while the House is in session or during any committee meetings.
- Preferred communication is through phone call or videoconference. If in-person meetings are necessary, visitors will be limited by office space and be appointment only. A Member's staff must escort visitors into and out of the building.

Visitors House Protocols

Members House Protocols



## Senate Protocols Update

All Senate protocols remain the same as committee weeks. All public testimony will take place at the Civic Center and appearance cards should be printed or filled out at the Civic Center. During Session, the public gallery will remain closed. In person meetings will be limited to phone calls, teleconferencing, or outdoor meetings.

[View the Full Senate Protocols](#)

**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!







## 2021 LEGISLATIVE DAY

March 17, 2021 | Leon County



Register for the 2021  
Legislative Day

Reserve Tallahassee  
Hotel Room

COVID-19 Conference  
Safety

County  
**\$130**

City/State/Federal  
**\$180**

Business/Corporate  
**\$280**



Ashley Moody  
Attorney General



Laurel Lee  
Secretary of State



Kevin Thibault  
DOT Secretary



Dane Eagle  
DEO Exec. Director



Noah Valenstein  
DEP Secretary



Nikki Fried  
Commissioner of Agriculture

### BRIEFING SPEAKERS

## COVID-19 AD HOC

### ***House Passes COVID-19 Fraud Safeguard Bill***

[CS/HB 9-Protecting Consumers Against Fraud During a Pandemic](#) by Rep. Zika passed in the House (113-0) on Friday morning. 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.

### ***COVID-19 Liability Protections for Businesses/Government Entities Advances in Both Chambers***

Both the House and Senate bills that provides liability protections for businesses, educational entities, governmental entities, and religious institutions against COVID-19 claims were heard on the floor and in committee.

[CS/HB 7- Civil Liability for Damages Relating to COVID-19](#) by Rep. McClure passed through the House on third reading (83-31) on Friday morning.

[SB 72- Civil Liability for Damages Relating to COVID-19](#) by Sen. Brandes was heard for its second

committee meeting in Senate Commerce and Tourism. Under this bill, when a covered entity proves “good faith” evidence that it substantially complied with applicable COVID-19 guidelines, they are immune from civil liability from a COVID-19-related civil action.

The bill also provides that for any COVID-19-related civil action against a covered entity, a plaintiff must:

- Plead its complaint with particularity
- Submit, at the time of filing suit, a physician's affidavit confirming the physician's belief that the plaintiff's COVID-19-related injury occurred because of the defendant's conduct
- Prove, by clear and convincing evidence, that the defendant was grossly negligent

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. This bill does not include liability protections for healthcare providers at this time. The Committee heard but defeated several amendments and passed favorably (7-4). SB 74 moves to its last committee, Senate Rules.

## ***Health Care Liability Protections for Health Care Providers Passes in Both Chambers***

Both the House and Senate bills related to COVID-19 liability protections for health care providers were heard this week.

[CS/HB 7005- Civil Liability for Covid-19-Related Claims Against Certain Health Care Providers](#) by Rep Burton was heard for its first committee in House Pandemics & Public Emergencies on Tuesday. HB 7005 limits civil claims against healthcare providers related to COVID-19. Under this bill, health care entities will be granted liability protections for negligence claims stemming from existing medical malpractice and long-term care facility litigation statutes (Chapters 400, 429 and 766). The bill was amended by the Sponsor, Rep. Burton, to include variants and mutations in the definition of COVID-19 and revises the affidavit requirement for a negligence claim to apply to the injured person and not the plaintiff. HB 7005 passed favorably (12-6) and moves to its last stop, House Judiciary.

[SB 74- COVID-19-related Claims Against Health Care Providers](#) by Sen. Brandes was heard for its second committee in Senate Health Policy. 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. SB 74 passed favorably (5-4) and moves to its last committee stop, Senate Rules, before hitting the floor.

## **COVID-19 News & Resources**

### ***The American Rescue Plan Act Clears the U.S. House, Debate Begins in the U.S. Senate this Weekend***

On February 27, 2021, the U.S. House of Representatives passed the American Rescue Plan Act of 2021 (H.R. 1319), a \$1.9 trillion bill aimed at combatting the COVID-19 pandemic based on President Biden's American Rescue Plan framework. Along with \$350 billion in direct assistance to state and local governments to respond to the pandemic, including \$65.1 billion in direct aid to counties, the House version of American Rescue Plan Act includes hundreds of billions of dollars for public health and vaccines, assistance for vulnerable populations, education and housing stabilization and more. On Thursday, the Senate released their version of the American Rescue Plan Act which provides \$120.2 billion, split evenly between municipalities and counties, and \$60.1 billion in direct county allocation based on population. To view the Senate version, see the NACo analysis below and the new county-by-county allocation breakdown.



The Florida Association of Counties contacted each member of the Florida Congressional Delegation and Congressional Leadership offering our enthusiastic endorsement of the budget reconciliation language providing \$350 billion in flexible aid for our states, cities, counties, tribes, and territories. We are thankful to the House for passing this important legislation and ensuring that local governments receive direct funding.

To view a copy of the letter, please [click here](#).

**FAC Contact:**

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



## HEALTH, SAFETY, & JUSTICE

### ***Public Records Exemptions in Emergencies Clears Second Committee***

[CS/HB 327 - Public Records/ Disaster Response](#) by Rep. Rommel was heard on Tuesday in House Government Operations Tuesday. The bill creates a public records exemption of the name, address, and phone number of a person held by an agency impacted during an emergency. The public records exemptions will protect sensitive information of people impacted by a disaster. A strike-all amendment was adopted to specify a public records exception for individuals provided public emergency shelter during a storm or other disaster. FAC supports a public records exemption for information obtained by a local government while providing emergency management services. Passing through its second committee by a vote of (17-0), the last stop is House State Affairs. The companion bill, SB 418- Public Records/Persons Seeking Shelter by Sen. Burgess passed its first committee meeting and awaits to be heard in Senate Government Oversight and Accountability.

### ***Preemption on Cottage Food Operations Legislation Passes First Committee***

[CS/HB 663 - Cottage Food Operations](#) by Rep. Salzman was heard for the first time in House Regulatory Reform. The bill 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. HB 663 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. HB 663 passed favorably (15,2) and moves to its last committee, House Commerce. A similar bill, SB-1294 Cottage Food Operations by Sen. Brodeur has been referenced to committees but not yet heard.

### ***Bill Prohibiting Tethering of Domestic Dogs and Cats Moves through Senate Committee***

[CS/SB 650 - Tethering of Domestic Dogs and Cats](#) by Sen. Taddeo was heard for the first time in Senate Agriculture on Wednesday. CS/SB 650 prohibits the tethering of domestic dogs and cats with the purpose of constraining, restricting, or confining its movement, unless an owner is physically present and attending to the dog or cat. Additionally, the bill prohibits the tethering of a dog or cats in severe weather. CS/SB 650 passed favorably (9-0), and heads to Senate Community Affairs. The companion bill, HB 177- Tethering of Domestic Dogs and Cats has not yet been heard.

### ***Senate Bill Prohibiting Anonymous Complaints by Code Inspectors Passes Second Committee***

[CS/SB 60 - County and Municipal Code Enforcement](#) by Sen. Bradley was heard for its second committee in Senate Government Oversight and Accountability. 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 a 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. SB60 passed favorably (4-1) and moves to its last committee stop, Senate Rules. A similar bill, HB 883- County and Municipal Code Enforcement has been referenced to committees but not heard.

## **Medicaid Coverage for Non-Emergency Ambulances Clears Second Committee**

[CS/SB 348 - Medicaid](#) by Senator Ana Rodriguez was heard for the second time in Senate Appropriations Subcommittee on Health and Human Services. This bill would require Florida Medicaid to reimburse Medicare crossover claims for non-emergency ambulance services. When an individual is enrolled in both Medicaid and Medicare (dual-eligible), Medicare is the primary payer and Medicaid may cover the cost not paid by Medicare. If Medicare does not pay the full cost of a service, the state Medicaid program decides if Medicaid will cover the difference; this is categorized as a crossover plan. Currently, Medicaid only pays for emergency transportation for crossover claims. Thus, the bill requires Medicaid pay for all services by ambulances. SB 348 passed unanimously (10-0) and moves to its last committee, Senate Appropriations. A similar bill, HB 461-Medicare Transportation Services has not been heard.

## **Two-Way Radio System Requirements Passes First Committee**

[CS/SB 360 - Fire Prevention and Control](#) by Sen. Hooper was heard in Senate Community Affairs on Wednesday. The bill allows two-way radio communication systems may be used to comply with a local authority's minimum radio strength requirements, but two-way radio systems may not be required in apartments or buildings that are four stories or less in height. SB 360 passed unanimously. A similar bill, HB 415 - Fire Department Communications has been referenced to committees but not yet heard.

## **Firefighter's Bill of Rights Clears Senate Committee**

[SB 970 - Firefighters' Bill of Rights](#) by Sen. Hooper was heard in Senate Community Affairs. The bill revises the Firefighters' Bill of Rights to expand the rights of a firefighter during questioning under an informal inquiry when a firefighter is under investigation for alleged misconduct. SB 970 provides criteria for conducting informal inquiries including, where the investigation will take place, the time, and duration, allowing the firefighter rest. Furthermore, a firefighter may not be threatened with transfer, dismissal, or disciplinary action as incentive to answer any questions. SB 970 passed unanimously (9-0) and moves to Senate Governmental Oversight and Accountability. A similar bill, CS/HB 313 Firefighters Inquiries and Investigations by Rep. Busatta Cabrera passed unanimously in its first committee meeting, House Government Operations Subcommittee.

## **Anti-Riot Bill Moves Past Second House Committee**

[HB 1 - Combating Public Disorder](#) by Rep. Fernandez-Barquin was heard for the second time in House Justice Appropriations Subcommittee on Wednesday. Similar to the first time the bill was heard, 60 public speakers from around the state passionately opposed the bill. 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 memorials and property, and cyber intimidation. The bill creates a process by which a citizen can file a complaint with the Administration Commission, if a municipality reduces the operating budget of law enforcement. If a municipal governing board interferes with or fails to provide municipal law enforcement with protection during a riot, the municipality will be liable for damages incurred. HB 1 passed favorably (10-5) and moves forward to its last committee, House Judiciary. The Senate companion, SB 484-Combating Public Disorder has been referenced to committees but not heard.

### **FAC Contact:**

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

## COMMUNITY & URBAN AFFAIRS

## **Legislation Preempting Local Regulation of Seaports Moves in House**

[CS/HB 267 - State Preemption of Seaport Regulations](#) by Rep. Roach was heard for the first time in House Tourism, Infrastructure, and Energy Subcommittee on Wednesday. The desire of Key West voters this past November to change the type of ships that can call on the Port of Key West, including cruise and cargo ships, and reducing the amount of people disembarking into the city spawned legislation to broadly preempt local governments from regulating commerce in the state's 15 deep-water seaports. One issue confounded members of the Subcommittee, what impact would such legislation have on the operation of Florida's seaports all of which are owned and operated by local governments?

Florida ports are generally owned in one of three ways: county-owned and operated ports, including



through a dependent special district; independent special districts; and city-owned and operated ports, also including through a dependent special district. All these entities are local governments and preempting the regulation of seaport matters to the state raised questions about how the ports would continue to function, and which state agency might control the destiny of these major economic engines which are collectively responsible for employing more 900,000 Floridians, generating over \$117 billion in economic activity (13% of the state's gross domestic product) and producing \$4.2 billion in state and local tax revenues.

In a series of four amendments the Committee acted to narrow the breath of the bill by eliminating its broad preemption and prohibiting municipal governments from restricting or regulating commerce at Florida's seaports. More specifically, as passed, CS/HB 267 provides that, except as authorized by general law, a municipal government may not restrict or regulate commerce in the seaports of this state, including, but not limited to, regulating or restricting a vessel's type or size, source or type of cargo, or number, origin, or nationality of passengers.

The bill further specifies that, unless preempted by federal or state law, it does not limit the authority of a port authority or port district that is owned or operated by a municipal government, which is not a county defined in s. 125.011, to:

- Regulate vessel movements within its jurisdiction pursuant to s. 313.22(1), F.S.
- Establish fees and compensation for its services pursuant to s. 313.22(2), F.S.
- Adopt guidelines for minimum bottom clearance, for the movement of vessels, and for radio communications of vessel traffic pursuant to s. 313.23, F.S.

However, any such actions may not have the effect of regulating or restricting a vessel's type or size, source or type of cargo, or number, origin, or nationality of passengers, except as required to ensure safety due to the physical limitations of channels, berths, anchorages, or other port facilities. Lastly, the bill provides that any provision of a municipal charter, ordinance, resolution, regulation, or policy that is preempted by the bill and that existed before, on, or after the effective date of the bill is void. The Committee approved the bill (12-6) which next moves to the House Local Administration and Veterans Affairs Subcommittee. The Senate companion, [SB 426-State Preemption of Seaport Regulations](#) by Sen. Boyd has not been heard.

## ***Preempting Local Occupational Licensing Legislation Advances to Next Committee***

[HB 735 - Preemption of Local Occupational Licensing](#) by Rep. Harding was heard for the first time in House Regulatory Reform. The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing of occupations enacted prior to July 1, 2021, will continue in effect until July 1, 2023, at which time such licensing will expire. Any local licensing of occupations authorized by general law is exempt from the preemption. Additionally, the bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman licensed by the Construction Industry Licensing Board, and specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, handyman services, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill expressly authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. The Committee passed the bill (13-4) and now heads to the House Commerce Committee. A similar bill, [SB 268 - Preemption of Local Occupational Licensing](#) by Sen. Keith Perry has not been heard.

## ***Building Inspection and Construction Permit Legislation Pass First Hurdle***

On Tuesday, the House Regulatory reform Subcommittee considered and unanimously passed two construction related pieces of legislation.

[CS/HB 667 - Building Inspections](#) by Rep. Mooney, Jr. Was heard on in the House Regulatory Reform Subcommittee. The bill requires local enforcement agencies to allow requests for building code inspections to be submitted electronically. Accepted methods of electronic submission include, but are not limited to:

- E-mail;
- An electronic fill-in form available on the building department's website or a third-party submission management software; or
- An application that can be downloaded on a mobile device.

The bill also provides that a local enforcement agency must refund 10 percent of the permit and inspection fees if:

The inspector or building official determines the work, which requires the permit, fails an inspection; and The inspector or building official fails to provide a reason that is based on compliance with the Florida Building Code, the Florida Fire Prevention Code, or local ordinance, indicating why the work failed the inspection within 3 business days of the inspection.

If any permit and inspection fees are refunded, the surcharges for funding the Building Commission, the Florida Building Code Administrators and Inspectors Board, and the Florida Homeowners' Recovery Fund must be recalculated based on the amount of the permit and inspection fees after the refund. A government entity with authority to enforce the Building Code may perform virtual inspections at the discretion of the government entity. However, structural inspections on threshold buildings cannot be performed virtually.

The bill defines the term "virtual inspection" to mean an inspection that uses visual or electronic aids to allow a building official or inspector to perform an inspection without having to be physically present at the job site during the inspection. HB 667 passed unanimously (17-0). A similar bill, [SB 1382- Building Inspections](#) by Sen. Keith Perry has not been heard yet.

[CS/HB 1059- Application for Issuance of Building Permits](#) by Rep. Robinson (W) was heard in the House Regulatory Reform. As passed, the bill sets timelines for the review additional information submitted by an applicant seeking a development permit or development order in response to a local government's request. The bill requires local enforcement agencies to:

- Post each building permit application, including a list of any required attachments, such as drawings or plans, on their websites;
- Allow applicants to submit completed building permit applications electronically including any required payments and attachments, such as plans;
- Post the current status of every received building permit application on their website; and
- Post their procedures for reviewing, processing, and approving building permit applications on their websites.

Local enforcement agencies must issue a building permit for single-family residential dwellings within 30 business days after receiving the application. If the agency fails to issue a building permit within the established timeframe, it is required to reduce its original permit fee by 10 percent for each business day it fails to meet the deadline. The local enforcement agency may avoid having to reduce its permit fees if within 30 days, the agency provides the applicant with written notice of the reasons why its application failed to satisfy the Florida Building Code or the agency's laws or ordinances.

When the local enforcing agency denies a building permit application for a single-family residential dwelling, it must give the applicant 10 business days to correct the application. Lastly, the bill prohibits a local enforcement agency from requiring a copy of a contractor's contract with owners, subcontractors, or suppliers to obtain a building permit for projects on commercial property. This prohibition, however, does not apply to projects for improvements owned or leased by a government entity. CS/HB 1059 now heads to its last committee of reference, the House Commerce Committee. A similar bill, [SB 1788- Construction Permits](#) by Sen. Boyd has been filed

## ***Ethics Reform Legislation Advances Through First Committee***

[SB 853- Local Government Ethics Reform](#) by Rep. Sirois was heard on Thursday in Senate Public Integrity & Elections Committee. The bill makes changes to Florida's Code of Ethics for Public Officers and Employees. A public officer or employee of an agency may not hold any employment or contractual relationship with a business entity that creates a conflict of private interests. The bill requires officers or members to complete an annual ethics training. Furthermore, a county, municipal, or public local officer must abstain from voting from a measure would allow for a special private gain or loss. SB 853 passed unanimously and moves to House Local Administration & Veterans Affairs Subcommittee. There is no Senate Companion

### **FAC Contact:**

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

WATER & ENVIRONMENTAL  
SUSTAINABILITY

***House Energy Preemption Legislation Temporarily Postponed After Strike-All Amendment Pass***



[HB 839- State Preemption of Energy Infrastructure Regulation](#) by Rep. Fabricio was heard for the first time in the House Tourism, Infrastructure & Energy Subcommittee. At the beginning of the bill presentation, a [strike-all amendment](#) was adopted to change the bill's language to include only transportation energy infrastructure. "Transportation energy infrastructure" is defined as the production, import, storage, and distribution of fuels used for transportation including, petroleum, gasoline, diesel fuel, motor fuel, alternative fuel, marine fuel, aviation fuel, renewable fuel, natural gas, hydrogen, and electricity.

The bill preempts local government from restricting the construction of new transportation energy or that expands, repairs, or updates existing transportation energy infrastructure. Local governments cannot impose requirements regulating transportation energy infrastructure that is stricter than state regulations, except for local ordinances regulating underground petroleum storage system construction, operation, and maintenance under [s.376.317, F.S.](#) Due to changing all the language after the enacting clause, the bill was temporarily postponed in the House Committee. A similar bill, [SB 856 - State Preemption of Energy Infrastructure Regulations](#) by Sen. Hutson has not been heard.

## ***Reclaimed Water Legislation Moves in Both Chambers***

Both the House and Senate bills related to reclaimed water were heard in committees on Wednesday. The bills require local governmental utilities to submit plans to DEP for the elimination of surface water discharges by 11/21/21. The bill provides exceptions for discharge conditions including; when associated with an indirect potable reuse project, wet weather discharge, stormwater management system discharge withdrawn for irrigation purposes, utilities operating 90% reuse of annual average flow, or when discharges provide direct ecological or public water supply benefits. Additionally, the bill provides exceptions for hardship conditions including when a utility demonstrates that the project is: technically, economically, or environmentally infeasible, or the utility is within a fiscally constrained county. The utility must update plans annually to verify hardship conditions. Timelines and plans must be implemented by 1/1/28. The bill authorizes utilities to include conceptual plans for potable reuse projects or projects that provide direct ecological or public water supply, however, those plans cannot extend the timeline for implementation of the plan.

Other provisions in the bill include:

- Authorizes DEP to convene a technical advisory group to coordinate rulemaking and review of reviews for potable reuse
- Specifies that potable reuse is an alternative water supply, for purposes of making reuse projects eligible for alternative water supply funding;
- Incentivizes the development of potable reuse projects;
- Requires each county, municipality, and special district to promote the beneficial reuse of water by authorizing the use of residential graywater technologies within its jurisdiction, requiring such technologies to meet certain requirements, and providing incentives to developers to fully offset the capital costs of the technology.
- Specifies the total dissolved solids allowable in aquifer storage and recovery in certain circumstances

[CS/SB 64- Reclaimed Water](#) by Sen. Albritton was heard for the second time in Senate Community Affairs and [HB 263- Reclaimed Water](#) by Rep. Maggard was heard for the first time in the House Environment, Agriculture & Flooding Subcommittee. Both bills passed unanimously. SB 64 moves to its last committee, Senate Appropriations, while HB 263 moves to its second committee of reference, House Agriculture & Natural Resources Appropriations Subcommittee.

## ***Private Waste Companies House Legislation Advances to Next Committee***

[HB 331- Displacement of Private Waste Companies](#) by Rep. McClure was heard for the first time in House Local Administration & Veterans Affairs Subcommittee on Wednesday. The bill would eliminate the option of a local government to pay a displaced waste company in lieu of providing a three-year notice period. The bill increases the payment for displacing a private waste company to an amount equal to the company's preceding 18 months' gross receipts (currently 15 months) and provide for the three-year notice period. FAC is currently surveying the potential impacts of the proposed legislation. HB 331 passed favorably (14-4) and moves to House Regulatory Reform Subcommittee. The Senate companion, [SB 694-Displacement of Private Waste Companies](#) by Sen. Ray Rodrigues is in its second committee of reference.

## ***Bill Honoring Former Commissioner/Representative Kristin Jacobs Passes House Committee***

[HB 217-Conservation Area Designations](#) by Rep. Hunschofsky was heard in House Agriculture & Natural Resources Appropriations Subcommittee. The legislation renames the Southeast Florida Coral Reef Ecosystem Area to honor former Broward County Commissioner Kristin Jacobs. In 2018, Jacobs passed the legislation creating the Southeast Florida Coral Reef Ecosystem Area which runs from Martin County to Biscayne Bay. FAC supports the bill. HB 217 passed unanimously and heads to its last committee

stop, House State Affairs. The Senate companion, [SB 588- Conservations Area Designations/Kristin Jacobs Coral Reef Ecosystem Conservation Area](#) by Sen. Book is in its third committee of reference.

**FAC Contact:**

For additional information, please contact Jeff Scala at [jscala@fl-counties.com](mailto:jscala@fl-counties.com).

## OTHER TECH INDUSTRIES

### ***Broadband Reallocation Bill Passes First Committee***

[CS/HB 753 - Broadband Internet Deployment](#) by Rep. Clemons was heard for the first time in the House Tourism, Infrastructure & Energy Subcommittee on Wednesday. A strike-all amendment was adopted that establishes Opportunity Grants to focus broadband expansion in unserved areas with fewer than 25 megabits per second (Mbps) download speed and 3 Mbps upload speed. The bills reallocates 50 percent of the revenues currently allocated to the M-CORES program, approximately \$66.3 million, to the Office of Broadband for purposes of administering the grant program. The bill passed unanimously. Currently, there is no Senate companion legislation, however, there are several broadband bills that have been filed including: [HB 1339/SB 1560](#) by Rep. Goff Marcil/Sen. Ausley Broadband Internet Service as well as [HB 1239/ SB 1592 Broadband Internet Infrastructure](#) by Rep. Tomkow/Sen. Burgess.

### ***Drones Use Legislation Flies Through Last Committee***

[CS/SB 44- Drones](#) by Sen. Wright was heard in its last committee, Senate Rules. 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. The bill passed favorably ( ) and awaits to be placed on the Calendar. A comparable bill, [HB 433- Use of Drones by Governmental Agencies](#) by Rep. Andrade was passed in House Pandemics and Public Emergencies, and is now in its last committee, House Judiciary. Another comparable bill, [SB 518-Drones](#) by Sen. Diaz has been referenced to committees but not heard.

**FAC Contact:**

For additional information, please contact Jeff Scala at [jscala@fl-counties.com](mailto:jscala@fl-counties.com).

## FINANCE, TAX, & ADMINISTRATION

### ***Legislation Establishing Fiduciary Duty of Care Passes Senate Committee***

[SB 758- Fiduciary Duty of Care for Appointed Public Officials and Executive Officers](#) by Sen. Diaz was heard in Senate Governmental Oversight and Accountability on Wednesday. The bill establishes a Fiduciary Duty of Care standard for appointed public officials and executive officers acting on behalf of governmental entities.

More specifically, the bill provides that each appointed public official and executive officer has the duty to:

- Act in accordance with the laws, ordinances, rules, policies, and terms governing his or her office or employment;
- Act with the care, competence, and diligence normally exercised by reasonably prudent persons in similar corporate and proprietary circumstances;
- Act only within the scope of his or her authority;
- Refrain from conduct that is likely to damage the financial or economic interests of the



- governmental entity;
- Use reasonable efforts to maintain documentation in accordance with applicable laws; and
- Maintain reasonable oversight of any delegated authority and discharge his or her duties with the care that a reasonably prudent person in a like business position would believe appropriate under the circumstances.

Additionally, the bill establishes training requirements for each appointed public official and executive officer to begin on January 1, 2022. Appointed officials and executive officers must complete a minimum of five hours of board governance training for each term served.

Governmental entities with annual revenues of less than \$300,000 may use in-house counsel or the in-house counsel for the unit of government that created the entity, to provide the training as long as it comports with the minimum course content established by DBPR rule. The bill includes three exceptions to the training requirement for (1) appointed public officials and executive officers of governmental entities whose annual revenues are less than \$100,000; (2) appointed officials who hold elected office in another capacity; or (3) appointed public officials or executive officers who complete board governance training involving fiduciary duties or responsibilities which is required under any other state law. The bill requires appointed public officials and executive officers to provide written certification of compliance with the board governance training.

The appointment of an executive officer or general counsel must be approved by a majority vote of the governing body of the governmental entity. The bill specifies that all legal counsel employed by a governmental entity must represent the legal interests and positions of the governmental entity, and not the interest of any individual or employee of the governmental entity, unless such representation is directed by the governmental entity. SB 758 passed favorably (5-0) and moves to its second committee, Senate Community Affairs. A similar bill, [HB 573-Fiduciary Duty of Care for Appointed Public Officials and Executive Officers](#) has not been heard.

### ***Online Sales Tax Bill Advances to Senate Floor***

[CS/SB 50- Sales and Use Tax](#) by Sen. Gruters was heard in its third and final committee, Senate Appropriations. 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. An amendment was adopted clarifying that 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. FAC waived in support of the bill. SB50 passed unanimously (18,0). The House companion bill, [HB 15-Sales and Use Tax](#) by Rep. Clemons has not been heard.

### ***Increased Interest Rate for Construction Projects Passes First House Committee***

[CS/HB 585- Payment for Construction Services](#) by Rep. DiCeglie was heard in its first committee in House Regulatory Reform on Tuesday. The Subcommittee adopted a strike-all amendment that increases the interest rate from 1 percent to 1.5 percent per month, for unpaid amounts for construction services by state and local governments, instead of the original increase to 2 percent per month. Furthermore, the bill increases the interest rate by plus 1 percent per annum on late payments for private construction services. HB 585 passed favorably (17-0) and moves to House Civil Justice & Property Rights Subcommittee. The Senate Companion, [CS/SB 378 Payment for Construction Services](#) by Sen. Bradley is in its last committee, Senate Rules.

#### **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. On February 10, HB 219 passed favorably (10-7) in its first committee, House Regulatory Reform Subcommittee, and is now in House Ways & Means. On February 16, the Senate companion, SB 522 by Senator Diaz, passed favorably in its first committee, Senate Regulated Industries, and is now in Senate Appropriations.

[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

### 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 Tiffany Henderson at [thenderson@fl-counties.com](mailto:thenderson@fl-counties.com), so that we may share the resolution with legislators as broadband legislation moves through the legislative process.

### 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>.

## Broadband Spotlight

### ***Countywide Broadband Company, WildStar Networks, Launches Website, Pre-registration Coming Soon to Walton County***

In May of 2020, Walton County contracted with WildStar Networks in design, install, maintain and run a fixed wireless broadband network that will offer high-speed internet service to all Walton County residents.

Fixed wireless is the operation of wireless communication devices used to connect two fixed locations with a wireless link, i.e. building to building or tower to building. This will work by installing antennas on towers in strategic areas that will send a signal and connect to an antenna on a home that will bring Internet into the residence

In order to provide information to the public, WildStar Networks has launched their consumer website, [www.wildstar.today](http://www.wildstar.today).



This new website includes information about the service, the company's pricing model and map that provides information on when service is anticipated in certain areas of Walton County.

In addition, in the near future, the site will provide the opportunity for the public to pre-register for service. This pre-registration will allow the company to contact those who wish to obtain service with an email when service is available in their area.

The public is invited to visit this new site and continue to monitor the page for updates on pre-registration.

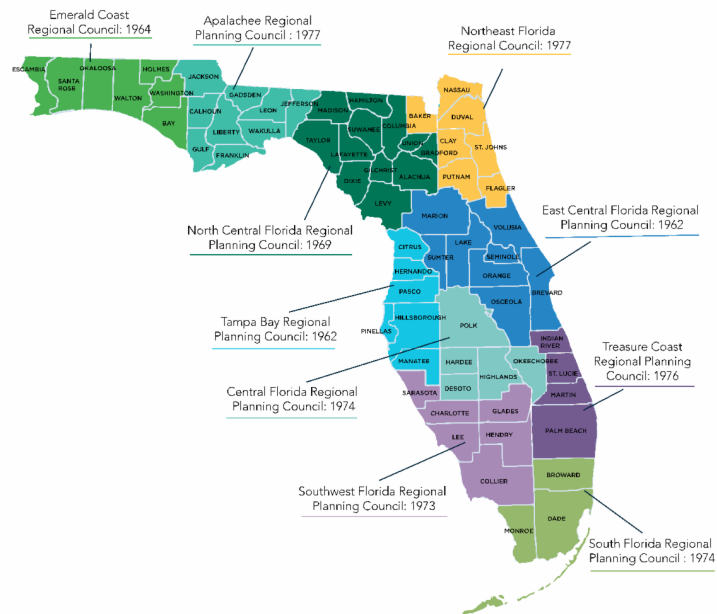
**FAC Contact:**

For additional information, please contact Tiffany Henderson at [thenderson@fl-counties.com](mailto:thenderson@fl-counties.com).

## DATA POINT #6 : REGIONAL PLANNING COUNCILS

### **Regional Planning Councils**

In 1980 under the Florida Regional Planning Council Act, Florida established ten regional planning councils across the state. Initially, the councils were formed by interlocal agreement as early as the 1960s before the Regional Planning Council Act took effect. Every county in Florida was assigned to a council and required to serve as members of their RPC's. RPC's include local elected officials (counties and municipalities) and gubernatorial appointees.



The purpose of the formation of Regional Planning Council across the state was to create unified councils to assist local governments with resolving common problems with a regional focus and to participate in comprehensive and functional planning while partnering with their surrounding counties. Under [186.505, F.S.](#), RPC's have many functions including serving as an advisory body for regional planning matters, conduct studies of resources in their regions, provide technical assistance for growth management matters, to coordinate and review transportation developments in the region to represent the local government voice in statewide agency plans, and many more consulting services. For over forty years, RPCs have served to create a bridge between local and state as "Florida's only multipurpose regional entity on greater-than-local-issues."

This Session, [SB 62- Regional Planning Councils](#) would eliminate Florida's regional planning councils from Florida Statute, thereby removing the requirement for all counties to participate in their respected RPC's. The removal of RPC's from state law, would mean the loss of state and local partnership and the local advisory role that was created through RPC's to tackle issues facing Floridians, from transportation, regional planning, housing, agriculture, and emergency planning. Councils encourage citizens to be actively engaged in the planning process, further connecting the state to local problems and implementing stronger regional solutions. Furthermore, RPC's bring in state and federal grant funds to conduct research and projects to enhance their communities. While RPC's would no longer be state mandated, government entities may independently create regional planning entities through interlocal agreements as originally formed.

**FAC Contact:**

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

