

April 16, 2021

## WEEK SEVEN NEARING THE END OF THE 2021 LEGISLATIVE SESSION

With Week 7 ending, there are officially 14 days left until the last day of Session! This week in Tallahassee was met with long Floor debates and jam-packed committee agendas, as the end of Session is quickly approaching.

It is unclear whether the budget conference will begin this weekend, although President Simpson told members to “stay close and stay tuned” over the weekend. For Session to finish according to schedule on April 30, the budget will have to be completed by April 27 in order to allow for the 72 hours “cooling-off” period for all parties to review. At the end of Session, stay tuned for FAC’s comprehensive breakdown on the 2021-22 SFY Budget.



### COUNTIES TAKE ACTION: NEW UPDATE ON AMERICAN RESCUE PLAN FROM U.S. DEPARTMENT OF TREASURY

On Thursday, the U.S. Department of Treasury released its guidelines on pre-award requirements that counties need to take in order to receive direct payments under the Coronavirus State and Local Fiscal Funds.

As soon as possible, county governments need to:

**1.) Ensure the entity has a valid DUNS number.** A DUNS number is a unique nine-character number used to identify an organization and is issued by Dun & Bradstreet. The federal government uses the DUNS number to track how federal money is allocated. A DUNS number is required prior to registering with the SAM database, which is outlined below. Registering for a DUNS number is free of charge. If an entity does not have a valid DUNS number, please visit <https://fedgov.dnb.com/webform/> or call 1-866-705-5711 to begin the registration process.

**2.) Ensure the entity has an active SAM registration.** SAM is the official government-wide database to register with in order to do business with the U.S. government. All federal financial assistance recipients must register on SAM.gov and renew their SAM registration annually to maintain an active status to be eligible to receive federal financial assistance. There is no charge to register or maintain your entity SAM registration.

If an entity does not have an active SAM registration, please visit [SAM.gov](https://sam.gov) to begin the entity registration or renewal process. Please note that SAM registration can take up to three weeks; delay in registering in SAM could impact timely payment of funds.

Click [here](#) for a quick overview for SAM registration

**3.) Gather the entity’s payment information**, including:

- Entity Identification Number (EIN), name and contact information

- Name and title of an authorized representative of the entity
- Financial institution information (e.g., routing and account number, financial institution name and contact information)

You can also access this information and all future Treasury guideline updates on [FAC's American Rescue Plan Resource Webpage](#). If you have any questions about the American Rescue Plan, please submit your questions on the webpage.

## 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!




## BILLS FOR FINAL APPROVAL BY THE GOVERNOR

### A Top GOP Priority, the Anti-Riot Bill Heads to Governor's Desk



[CS/HB 1- Combating Public Disorder](#) by Reps. Fernandez-Barquin and Byrd (Sen. Burgess Senate sponsor) passed on the Senate Floor on Thursday evening (23-17). 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. The bill creates a budget appeal process to challenge reductions in municipal law enforcement agencies' budgets similar to that available to a county sheriff, 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. As a top priority for GOP leadership this session, HB 1 heads to the Governor for final approval and it will take effect immediately upon his signature.

### ***Medicaid Coverage for Non-Emergency Ambulances Clears Both Chambers***

[CS/HB 461-Medicare Transportation Services](#) by Reps. Overdorf and Trabulsy was substituted on the House Floor for the Senate companion, [CS/SB 348-Medicaid](#) by Senator Ana Rodriguez, and passed unanimously. This bill requires 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 to pay for all services by ambulances. SB 348 is now on the Governor's desk.

## HEALTH, SAFETY, & JUSTICE

***Pedestrian Safety Legislation Ready for House Floor***



[HB 1113-Traffic and Pedestrian Safety](#) by Rep. Fine was heard on Wednesday in its final committee, House Commerce. 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. Furthermore, a traffic engineering study must be conducted that recommends the installation of a mid-block crosswalk. HB 1113 passed favorably (18-3) and now heads to the House Floor. The Senate companion, [SB 1412- Traffic and Pedestrian Safety](#) by Sen. Perry is now in Senate Appropriations.

### ***Public Records Exemptions in Emergencies Heads to Senate Floor***

[CS/SB 418- Public Records/Persons Provided Public Emergency Shelter](#) by Sen. Burgess was heard and passed unanimously in its last committee stop, Senate Rules on Friday morning. CS/SB 418 creates a public records exemption of the address and phone number of a person held by an agency impacted during an emergency. The bill provides that the exemption created under the bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will be repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution, providing that the exemption is necessary to limit the amount of privacy a person must forfeit by choosing to enter a shelter, and to protect a person from those who might seek to exploit their vulnerability following a catastrophic event. The House companion, [CS/CS/HB 327- Public Records/ Disaster Response](#) by Rep. Rommel passed unanimously (115-0) on the House Floor.

### ***Legislation Promoting Health Equity for Minority Populations Ready for House Floor***

[CS/HB 183- Office of Minority Health and Health Equity](#) by Reps. Brown and Joseph was heard and passed unanimously in its last committee stop, House Health & Human Services. The bill requires the Office of Minority Health and Health Equity within the Department of Health to form and promote the statewide implementation of policies, programs, and practices that increase health equity for racial and ethnic minority populations in Florida. The Office will coordinate with other agencies, organizations, and providers across the State to gather data regarding disparities in quality and access to health services for racial and ethnic minority populations. The Senate companion, [CS/SB 404- Office of Minority Health and Health Equity](#) by Sen. Rouson will be heard in its last committee stop, Senate Appropriations next Monday.

### ***Hurricane Loss Mitigation Program Ready for Senate Floor***

[CS/SB 168-Hurricane Loss Mitigation Program](#) by Sen. Hooper was heard and reported favorably (20-0) in its last committee stop, Senate Appropriations on Thursday. SB 168 extends the Hurricane Loss Mitigation Program (HLMP) until June 30, 2031. Currently, the HLMP is set to expire on June 30, 2021 along with the annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund. The funds are used to improve wind resistance on residences and mobile homes, as well as public hurricane shelters. The House companion, [CS/HB 423- Hurricane Loss Mitigation Program](#) by Rep. Tuck is in its third committee of reference, House Appropriations.

### ***Substance Abuse Services Legislation Moves to Senate Floor***

[CS/CS/SB -804 Substance Abuse Services](#) by Sen. Harrell received unanimous support (16-0) in its final committee on Friday, Senate Rules. SB 804 makes several changes to provisions governing the licensure and regulation of substance abuse treatment programs, including recovery residences. The bill makes it a third-degree felony to falsify information, or to withhold material facts, on an application for licensure as a substance abuse service provider. The bill authorizes the Department of Children and Families (DCF) to suspend a service provider's license for failing to pay, within 60 days of a date set by the DCF, administrative fines and accrued interest related to disciplinary action taken against the service provider. The bill also mandates that a service provider pay fines and accrued interest resulting from violations of patient referral prohibitions within 60 days of a date specified by the DCF. If a service provider fails to remit payment within 60 days, the bill requires the DCF to immediately suspend the service provider's license. House companion, [HB 319 – Substance Abuse Service Providers](#) by Rep. Caruso is in its final committee, House Health & Human Services.

#### **FAC Contact:**

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

## ***Senate Home-based Business Bill Passes Last Committee***

On Tuesday, the Senate Rules Committee took up [CS/CS/SB 266- Home-based Businesses](#) by Sen. Perry. The Committee adopted an amendment which made the following changes:

- Removed the requirement that a home-based business must be consistent with the residential character of the dwelling unit.
- Provided that a home-based business may not use equipment or process that create noise, vibration, heat, smoke, dust, glare, fumes, or odors that are plainly detectable from the street or neighboring properties, as opposed to detectable by neighbors.
- Removed the prohibition against home-based businesses using equipment or process that create electrical or electronic interference detectable by neighbors.
- Restricted the amount of traffic and parking a home-based business may generate, prohibits business vehicles from parking at certain locations, and allows local governments to regulate specific aspects of business vehicles, trailers, and heavy equipment.
- Prohibited local governments from imposing any restriction on home-based business hours between 9 a.m. and 6 p.m.
- Provided that any local regulations on a home-based business concerning the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.
- Prohibited home-based businesses from conducting transactions in view of the street.
- Provided that the home-based business regulations do not prohibit local governments from enacting or enforcing noise ordinances.

The Committee approved the bill (12-2), as a committee substitute. SB 266 is now on the Senate's Second Reading Calendar available to be scheduled for floor consideration. The House companion, [CS/HB 403- Home-based Businesses](#) by Rep. Giallombardo is on the House Special Order Calendar for Tuesday, April 20.

## ***Legislation Preempting Local Regulation of Florida Seaports Passes Last Senate Committee***

[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 Rules on Tuesday. The Committee adopted an amendment that:

- Prohibits a local government, or a political subdivision or special district thereof, from restricting maritime commerce in any seaport of the state located in or adjoining an area designated as an area of critical state concern, with respect to any federally authorized passenger cruise vessel, including, but not limited to, a restriction based on 1) vessel type, size, number, or capacity; 2) number, origin, nationality, embarkation, or disembarkation of passenger or crew or their entry into this state of any local jurisdiction; 3) source, type, loading, or unloading of cargo; or 4) environmental or health records of a particular vessel or vessel line;
- Prohibits, voids, and expressly preempts to the state any conflicting provision of a local 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; and
- Added a severability clause.

As passed, the bill applies only to the Port of Key West and voids the three referendums approved by city of Key West voters in the November 2020 General Election which restricted the types of cruise vessels that could call on the Port of Key West. The Committee passed the bill (12-5), as a committee substitute. SB 426 has been placed on the Senate's Special Order Calendar for Wednesday, April 21. The House companion, [CS/CS/HB 267 - State Preemption of Seaport Regulations](#) by Rep. Roach is in its third committee of reference, House Commerce.

## ***Bert Harris Property Rights Legislation Ready for House Floor Action***

On Thursday, the House Judiciary Committee took up and approved [CS/HB 421- Governmental Actions Affecting Private Property Rights](#) and [HB 1101-Relief From Burdens on Real Property Rights](#) by Reps. Tuck and Persons-Mulicka. The Committee adopted two amendments – 1) to clarify that term appraisal means as defined in §475.611(1)(a); and 2) to change the effective date of the bill from July 1, 2021 to October 1, 2021.

As passed the Committee, the bill modifies the Bert Harris Act by:



- Revising the term “action of a governmental entity” to include adopting or enforcing any ordinance, resolution, regulation, rule, or policy and the term “real property” to include any legal interest in land, including surface, subsurface, and mineral estates and any other relevant land interest held by a property owner;
- Reducing the timeframe, from 150 days to 90 days, under which a property owner must notify the government before filing a court action;
- Specifying that written settlement offers are presumed to protect the public interest;
- Allowing the property owner to have the court, rather than a jury, determine damages;
- Extending the point from which a prevailing property owner may recover attorney fees and costs – from the date of filing the circuit court action to the date the property owner presents the claim to the head of the governmental entity; and
- Authorizing a property owner, at any time after enactment of a law or regulation, to notify the government in writing that he or she deems a law or regulation’s impact on his or her real property to be restrictive of allowable uses. The government entity must respond to the property owner within 45 days after receiving the property owner’s written notice to describe the limitations imposed on the property by the law or regulation.

The bill also allows a property owner to challenge an unlawful government exaction upon his or her property without waiting for a written notice of the action if the local government action is imminent. Finally, the bill revises the definitions of “land” and “real property” under Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA).

The Committee passed the bill (14-5). HB 421 & HB 1101 has now been placed on the House Special Order Calendar for Tuesday, April 20. A similar bill, [CS/SB 1876- Relief from Burdens on Real Property Rights](#) by Sen. Albritton is in its last committee of reference, Senate Rules.

#### **FAC Contact:**

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

## WATER & ENVIRONMENTAL SUSTAINABILITY

### ***Fuel Pump Preemption Advances in Both Chambers***

[HB 991- Fuel Measuring Devices](#) by Rep. Busatta Cabrera was heard for the last time during the House Commerce. The proposed committee substitute was adopted that preempts to the state the regulation of fuel measuring devices. Additionally, effective January 1, 2022, the bill requires owners of measuring devices to affix or install onto each measuring device at least two security measures, instead of one. Finally, the bill limits DACS’ authority to impose administrative fines and penalties for violations of measuring device requirements, unless the person who owns the measuring device has failed to install or implement a security measure or placed the measuring device back in service before compliance has been restored. Currently, three counties have adopted additional consumer protection measures to protect against card skimming at gas pumps. The bill passed favorably (16-6) and is ready to be considered on the House Floor. The Senate companion, [CS/SB 430- Petroleum Fuel Measuring Devices](#) by Sen. Ana Maria Rodriguez was heard on the Senate Floor and passed unanimously.

### ***Energy Preemption of Fuel Retailers Ready for House Floor***

[CS/HB 839- State Preemption of Transportation Energy Infrastructure Regulation](#) by Rep. Fabricio was heard in its last committee stop, House Commerce. The bill prohibits local governments from adopting a law, ordinance, regulation, policy, or resolution that prohibits the siting, development, redevelopment of a fuel retailer or the related transportation infrastructure that is necessary to provide fuel to a fuel retailer within a local government’s jurisdiction. The bill passed favorably (17-3) and is ready to be considered on the House Floor. The Senate companion, [CS/CS/SB 856- Express Preemption of Fuel Retailers and Related Transportation Infrastructure](#) by Sen. Hutson is waiting to be heard in its last committee stop, Senate Rules.

### ***Bill Preempting Public Utility Services Ready for House Floor***

[CS/CS/HB 919 - Preemption Over Restriction of Utility Services](#) by Rep. Tomkow was heard in its last committee stop, House Commerce. 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. An amendment was adopted that provides the bill does not prohibit a governmental entity from adopting

rules, regulations, and policies governing an electric or natural gas utility that it owns or operates and directly controls. HB 919 passed favorably (16-6) and is ready to be considered on the House Floor. The Senate companion, [CS/CS/SB 1128-Preemption on Restriction of Utility Services](#) by Sen. Hutson is in its last committee, Senate Rules

## ***Private Waste Companies Legislation Advances to Senate Floor***

[CS/SB 694- Waste Management](#) by Sen. Ray Rodrigues was heard in Senate Appropriations on Thursday. 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. Also, 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. The bill was amended to keep the current provision of law allowing a local government and a private waste company to voluntarily negotiate a different notice period or amount of compensation. Furthermore, the bill requires the Department of Environmental Protection to review and update the 2010 Retail Bags Report. The bill was also amended to clarify the definition of storm-generated yard trash. SB 694 passed (17,3) and heads to be considered on the Senate Floor. The House companion, [CS/HB 331-Displacement of Private Waste Companies](#) by Rep. McClure was temporarily postponed on Second Reading this week on the House Floor.

## ***Biosolids Rule Ratification Ready for Senate Floor***

[CS/SB 7060- Biosolids](#) by Sen. Brodeur was heard in its last committee, Senate Appropriations. The bill ratifies DEP's proposed rules on biosolids and exempts the biosolids rules from review and approval by the Environmental Regulation Commission. The bill passed unanimously and is ready for the Senate Floor. The House companion, [HB 1309 - Ratification of Department of Environmental Protection Rules](#) by Rep. Payne passed unanimously (114-0) on the House Floor.

## ***Central Florida Water Initiative Ratification Heads to the Senate Floor***

[SB 7062- Central Florida Water Initiative](#) by the Senate Environment and Natural Resources Committee was heard in the last committee stop, Senate Appropriations. 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 and heads to the Senate Floor. Currently, there is no House companion legislation.

### **FAC Contact:**

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

# AGRICULTURE & RURAL AFFAIRS

## ***Agritourism and Farmer Liability Protections Ready for House Floor***

[CS/HB 1601- Farming Operations](#) by Rep. Williamson was heard for the last time in House Judiciary on Thursday. The bill amends the Florida Right to Farm Act to include agritourism in the definition of farm operations. Furthermore, the bill provides strong liability protections for farming operations from public and private nuisance lawsuits including agritourism activities. The bill further limits who can bring nuisance claims to those within one-half mile of the alleged source of the nuisance and which violate existing environmental laws. HB 1601 passed favorably (18-2) and is now ready to be considered on the House Floor. The Senate companion, [CS/CS/SB 88- Farming Operations](#) by Sen. Brouder passed (37-1) on the Senate Floor.

### **FAC Contact:**

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



## OTHER TECH INDUSTRIES

### ***Autonomous Vehicles Legislation Ready for House Floor***

[HB 1289- Autonomous Vehicles](#) by Rep. McFarland was heard for the last time in House Commerce. 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 and require seatbelts if there is a person on the vehicle. HB 1289 passed unanimously and waits to be considered on the House Floor. Senate companion, [CS/SB 1620-Autonomous Vehicles](#) by Sen. Brandes is waiting to be heard in its last committee stop, Senate Rules.

### ***Drones Use Legislation Flies to the Senate Floor***

[SB 518-Drones](#) by Sen. Diaz was heard in Senate Rules and passed unanimously on Friday. The bill provides exceptions for law enforcement agencies, fire departments, state agency or political subdivision to assess damage due to hurricane, flood, wildfire, or any other natural disasters. The House companion, [HB 433- Use of Drones by Government Agencies](#) by Rep. Andrade is in its last committee of reference, House Judiciary.

#### **FAC Contact:**

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## FINANCE, TAX, & ADMINISTRATION

### ***Impact Fees Addressing Cap Increases Advances in Both Committees to the Floor***

Both bills addressing Impact Fee caps were heard on Thursday morning. [CS/CS/SB 750- Impact Fees](#) by Sen. Gruters was heard in its last committee in Senate Appropriations. The House companion, [CS/CS/HB 337- Impact Fees](#) by Rep. DiCeglie was heard in its last committee stop, House State Affairs.

Both bills were amended. The strike all amendments maintained the cap for impact fee increases. 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 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. The amendments also revised the way that a local government, school district, or special district may increase an impact fee rate beyond the cap amounts. In order to increase an impact fee beyond the cap amount, three requirements must be met:

1. A demonstrated need study justifying the increase that has been completed within 12 months prior to the adoption of the impact fee that expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations
2. Two publicly noticed workshops dedicated to the extraordinary circumstances the need to exceed the phase-in limitations
3. The impact fee increase must be approved by no less than a two-thirds vote of the governing body.

The cap language operates retroactively to January 1, 2021.

The amendments also revised the provision that passed into law last year providing that impact fee credits are assignable and transferable at any time to another that is within the same or an adjoining impact fee zone or district. The new language states that the above requirement applies to all impact fee credits without regard to whether the credits were established before or after the effective date of this act.

Both bills include in the definition of infrastructure fire department vehicles, emergency medical service vehicles, sheriff's office vehicles, police department vehicles, school buses, and the equipment necessary for these vehicles or buses. Furthermore, the bill revises the credit requirements on certain contributions against the collection of an impact fee: contributions related to improvement of public facilities or infrastructure must be credited, credits must be applied on impact fees collected for the general category or class of public facilities or infrastructure for which the contribution was made; and credits cannot be applied if a local government does not charge and collect an impact fee for the general category or class of public facilities.

SB 750 passed favorably (18-2), and HB 337 passed favorably (12-8). Both bills wait to be considered on the Floor and were placed on Special Order Calendar for next week.

## ***House Tax Package Introduced***

The House Ways and Means Committee introduced [PCB WMC 21-01](#) Friday, April 16th. The primary issue in the bill for counties is that it includes the substance of [CS/CS/HB 1429- Tourist and Convention Development Taxes](#) discussed below, which adds a referendum requirement for all new or increased Tourist Development Tax levies and Convention Development Tax levies. The bill also includes the substance of [CS/HB 1241- Tax Administration](#), which is the Department of Revenue legislative package. The bill has a fiscal impact of \$100 million, with \$50 million recurring impact and \$50.1 million of the impact being non-recurring.

### **Ad Valorem Provisions:**

Increases discount for certain affordable housing properties from 50% to 100% (\$29.9 million)  
Aquaculture valuation methodology (\$9.4 million)  
Use of Charitable Properties (insignificant)

### **Sales Tax Provisions:**

Seven Day Back to School Tax Holiday, including computers up to \$1000 - 8/6 to 8/12 (\$44.4 million)  
Seven Day Disaster Preparedness Holiday 5/28 to 6/3 (\$5.6 million)  
Seven Day Freedom Week Holiday 7/1 to 7/7  
The seven-day Freedom Week Holiday will exempt admissions for a live music event, a live sporting event, a movie, access to state parks, access to gyms and physical fitness facilities; certain boating activity supplies, certain camping supplies, certain fishing supplies, and certain general outdoor supplies. This provision was scheduled to be heard at the April 16 Revenue Estimating Conference Impact Conference, at which the official estimate of the impact of this provision will be determined.

### **Other Provisions:**

Documentary Stamp Tax – Revision of Interest Rate Index (insignificant)  
Multiple Taxes – Strong Families Tax Credit Program (\$5.0 million)

## ***Tourism Development and Convention Development Tax Expansion Passes on House Floor***

[CS/CS/HB 1429- Tourist and Convention Development Taxes](#) by Rep. Avila was heard on the House Floor. 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. All new or increased TDTs and CDTs will be subject to voter referendum. FAC has concerns with the legislation regarding the requirement of a referendum for any new or extended levy, as well as requirement for a referendum to pledge the Professional Sports Facility Penny or 4th cent of tourist development tax. HB 1429 passed favorably (114-2). The Senate companion, [SB 2008- Tourist and Convention Development Taxes](#) by Sen. Diaz was temporarily postponed in its first committee stop, Senate Community Affairs on March 30th.

### **FAC Contact:**

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# PREEMPTION TRACKER

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

**[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, SB 522 was not considered in Rules but is on the Committee agenda for Tuesday, April 20. Last week, HB 219 by Rep. Fischer was temporarily postponed in House Ways & Means.

**[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](#)

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## 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](mailto: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 Jeff Scala at [jscala@fl-counties.com](mailto: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:**

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## DATA POINT #11: FLORIDA'S NEWEST ELECTION LEGISLATION

### ***Florida's Newest Election Legislation***

Over the past few months following the 2020 General Election, some States have begun to act on election legislation with the goal of "tightening election security." During the 2020 General Election, Florida's voter turnout was 77%, the highest since 1980. 4,332,221 Floridan's voted early and 4,855,677 Floridan's voted-by-mail. This was the highest number of early voting and vote-by-mail in recent years, most likely, due to the COVID-19 pandemic and individuals adhering to precautions. Beginning in Georgia, Florida has proposed two bills, SB 90-Election Administration by Sen. Baxley and HB 7041-Elections by Reps. Ingoglia and Byrd. Each bill lays out a long list of security measures, vote-by-mail (VBM) restrictions, deadlines, and new rules for Supervisor of Election Offices to comply with.

#### **County Election Changes:**

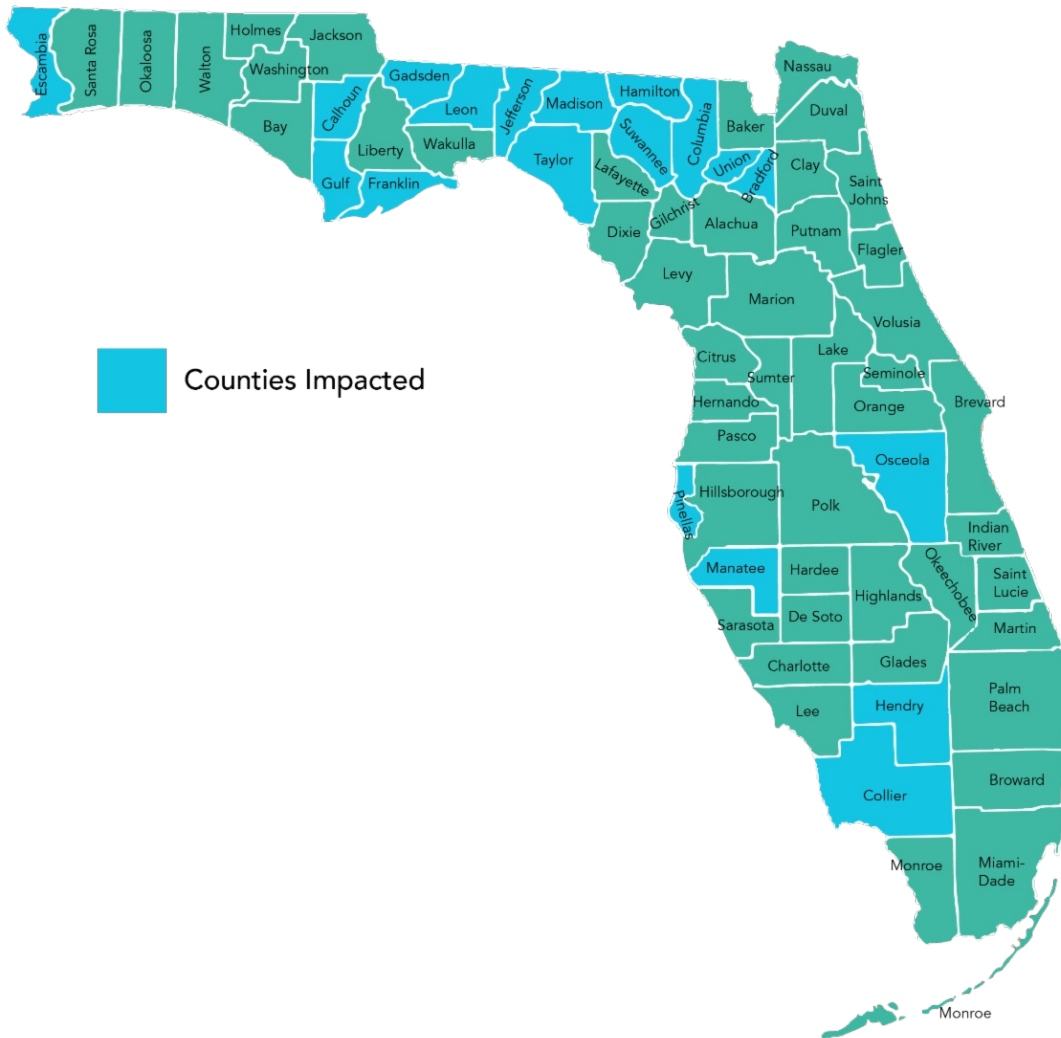
One section of HB 7041 provides that in the next election of 2022, a commissioner residing in a single member district must be elected again, due to redistricting required every decade after the U.S. Census collection. Therefore, some commissioners in single-member or mixed districts who were elected in 2020, may have to run again in 2022 if this bill were to pass into law. This change does not affect at-large commissioners or district commissioners elected county-wide. Furthermore, Miami-Dade County and any charter county where county commissioners are subject to term limits are exempted from this provision. Currently, the companion legislation, SB 90 does not contain this language on county commission single-district seats. The staff analysis indicates that there is an expected indeterminate negative fiscal impact on county election offices.

#### **Redistricting Timeline:**

In 2020, U.S. Census data was gathered over the course of the pandemic, pushing back the typical deadlines to make sure that the Bureau was accounting for the majority of the U.S. population. In a normal decade year, the U.S. Census would deliver its first round of redistricting data by March 31, 2021. However, due to the delays caused by the pandemic, state population counts for apportionment to the President have a deadline of April 30, 2021. While redistricting data to the states and public will be made available by September 30, 2021. To learn more about the U.S. Census Bureau Redistricting timeline visit: [Timeline for Releasing Redistricting Data \(census.gov\)](https://www.census.gov/redistricting)



## Single Member/Mixed Counties Impacted by HB 7041



**\*NOTE:** Both bills are making their way through the committee process and are subject to change. SB 90 was heard in Senate Rules this week and amendments were adopted that changed some of the language within the bill. However, the Committee ended on schedule and the bill was temporarily postponed. SB 90 is on the Senate Rules Committee agenda to be heard again on Tuesday, April 20.

## SB 90- ELECTION ADMINISTRATION BY SEN. BAXLEY

Reduces the number of elections for which an elector's request for a vote-by-mail ballot is sufficient to all elections through the end of the calendar year of the next regularly scheduled general election, instead of the calendar year of the second ensuing second regularly scheduled general election which is now current law. This means, for example, the elector's vote-by-mail request will be sufficient for all the elections occurring through only one general election cycle rather than two.

Moves up the starting time for canvassing vote-by-mail ballots from 22 days before an election to 35-40 days before an election. Depending on when a county begins early voting, this change provides an additional 13-18 to count vote-by-mail ballots.

Limits the persons who may lawfully be in possession of a vote-by-mail ballot to the elector and his or her immediate family (e.g., the elector's spouse, parent, child, sibling, or grandparent).

Prohibits the use of drop boxes for return of completed vote-by-mail ballots.

Prohibits a supervisor of elections from mailing or otherwise providing a vote-by-mail ballot unless a request is made.

Prohibits a supervisor of elections from mailing or otherwise providing a vote-by-mail ballot unless a request is made.

Requires the signature on a voter's certificate or ballot cure affidavit to match the most recent one on file.

Requires an elector, who has submitted a vote-by-mail ballot request, which under current law would be sufficient through the November 2024 general election, to resubmit his or her request to obtain a vote-by-mail ballot for the primary and general elections of 2022.

Requires that a person making a written or telephonic request for a vote-by-mail ballot provide an additional identifier number such as the elector's Florida driver license numbers, Florida identification card numbers, or the last four digits of the elector's social security number.

Prohibits the vote-by-mail ballot, and the secrecy and mailing envelopes issued to an elector, from displaying the elector's party affiliation or other partisan information.

Requires supervisors of elections to record whether the voter's certificate on a returned vote-by-mail ballot contains a signature that does not match the elector's signature in the registration books or the precinct register.

## HB 7041-ELECTIONS BY REPS. INGOGLIA/BYRD

Requires that at the next election following each constitutionally required, decennial redistricting, each county commissioner that is elected from a single-member district must stand for election; and thereafter, the terms commissioners will be staggered as provided in s. 100.041. The requirement does not apply to Miami-Dade County or in any charter county where county commissioners are subject to term limits and does not affect at-large commissioners or district commissioners elected county-wide.

Prohibits a state or local officer who is a party to a civil action challenging the validity of any provision of the Florida Election Code from settling the action, consenting to a condition, or agreeing to any order that nullifies, suspends, or conflicts with a provision of the Florida Election Code unless certain conditions are met.

Improves security and reliability of registration records and voter changes; requires signature matches be to most recent signature in registration records; and eliminates voter solicitation of any kind within 150 feet of polling places.

Improve security and integrity of vote-by-mail (VBM) requests; requires better monitoring of all VBM drop boxes; and makes it a misdemeanor for anyone to possess VBM ballots without an authorized designation of the one casting that ballot.

Requires all election records be retained 22 months; requires duplicate ballots and VBM envelope signatures to be digitally imaged and available for review prior to counting such ballots; and makes it a second-degree felony to use misuse voter signatures accessed from election records;

Requires name and residence address on VBM return envelopes; requires a record of identity of designees requesting VBM ballots for another; records the address to which VBM ballots are mailed; requires supervisors to report on VBM ballots received remaining uncounted; and

Requires publication of canvassing board members on official website and each board meeting notice.

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.

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.

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.

### FAC Contact:

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

Florida Association of Counties ([fl-counties.com](http://fl-counties.com))

