



April 2, 2021

## WEEK FIVE HITTING THE MIDPOINT OF THE 2021 LEGISLATIVE SESSION

We are officially half-way through Session with 28 days left until sine die! A busy week for the Legislature as committee meetings ramp up and bills move through the process. On Wednesday, both the House and Senate Appropriations committee heard and passed the 2021-22 budget proposals with a grand total of \$97.1 billion and \$95 billion, respectively. After the holiday weekend, the budget proposals, HB 5001 and SB 2500 are expected to be on the Floor next week. As we inch through the last couple of crucial weeks in Session, we hope you continue to remain engaged with the Association in the push to protect home-rule.

### ***SURVEY: Share your County COVID-19 Recovery Plans!***

FAC is requesting information regarding your county's COVID-19 recovery plans: this can include your county, businesses, or community plans. Let us know what your county is doing in preparation for recovery! To submit your feedback, contact Karen Sapp at [ksapp@fl-counties.com](mailto:ksapp@fl-counties.com)

A graphic with a dark blue background. At the top, it says 'NEW RESOURCE CENTER ON THE' in white. Below that, 'AMERICAN RESCUE PLAN' is written in large, bold, red letters. Underneath, 'A COMPREHENSIVE BREAKDOWN OF COVID-19 RELIEF' is written in white. In the bottom left corner is the FAC Florida Association of Counties logo. In the bottom right corner is an image of a laptop with the U.S. Capitol dome on its screen. The word 'WINNING' is faintly visible in the background.

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

The American Rescue Plan Resource Webpage is officially launched on the FAC website! Here you will be able to access all things "American Rescue Plan" such as details of the plan, NACo's county-by-county allocation estimates, and questions sent by NACo to the U.S. Treasury. You can even share how your county plans to use the federal relief funding in your communities! The website will be updated as new

information comes forth about the implementation of funds from the U.S. Department of Treasury. The U.S. Department of Treasury is expected to release their first round of guidance within the next coming weeks. If you have any questions about the American Recue 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!



## BE OUR FRIEND!

Follow us on Twitter to catch your legislative updates,  
preemption news, and bill alerts in real-time.

## COVID-19 AD HOC

### Signed into Law

[CS/SB 72 Civil Liability for Damages Relating to COVID-19](#) by Sen. Brandes provides immunity from COVID-19 related claims for individuals, businesses, schools, and places of worship if a "good faith" effort was made to comply with health standards and guidance related to COVID-19. The bill also creates strong affirmative defenses for health care providers that substantially complied with and relied upon health standards.

#### FAC Contact:

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

## HEALTH, SAFETY, & JUSTICE

### ***Closure of Four State-Run Prisons by the End of 2021 in Proposed Senate Budget***

As the Florida Legislature starts to craft the state budget, Senate leaders have started discussing plans for consolidating and closing prisons within the State Correctional System. Currently, the Senate's proposed \$5.6 billion Department of Corrections budget suggests a possible \$140 million budget cut that could result in the closure of some state prisons. This would also require the Florida Department of Corrections to come up with a plan to shut down at least four state prisons by the end of the year, and dismantle the facilities by June 2024. The potential closure of a prison in any county will have a



substantial impact on revenue sharing, employment, disrupt families, and diminish the economy in terms of local businesses. It is only in the Senate budget at this time but it is still early in the budget process. Please contact your Legislators and express concerns as this will be a negotiated issue in the weeks ahead.

## ***Legislation Addressing Emergency Powers of Local Governments and Emergency Management Advances in Both Chambers***

[HB 7047- Emergency Management](#) by Rep. Leek was heard in House Appropriations on Wednesday. The bill amends the State Emergency Management Act to address the threat posed by a future pandemic or other public health emergency. Additionally, the bill specifies that the State Emergency Management Act applies to pandemics and other public health emergencies; requires the State Health Officer to develop a state comprehensive emergency management plan provisions addressing public-health-emergency preparedness, response, recovery, and mitigation. Also, the State Health Officer will oversee and report on the number of cases and deaths during a public health emergency. All emergency proclamations must be posted online, and financial reporting and audits must be conducted. Additionally, the Emergency Management division must maintain an inventory of state-owned personal protective equipment. The language in HB 945-Emergency Management Powers of Political Subdivisions by Rep. Rommel was incorporated into the committee bill and reads emergency orders automatically expire after 7 days but may be extended in 7-day increments up to 42 days. Furthermore, a substantially similar order cannot be adopted during the same emergency. The committee bill passed favorably (22-2). A comparable bill, [CS/SB 2006- Emergency Management](#) by Sen. Burgess was heard in Senate Appropriations on Wednesday and passed unanimously after a delete all amendment was adopted.

[CS/HB 945- Emergency Management Powers of Political Subdivisions](#) by Rep. Rommel was heard in its second committee, House Local Administration & Veterans Affairs Subcommittee. The bill was amended to clarify that a governing body, upon a majority vote, may gather and vote remotely through electronic means to extend an emergency order. To extend an emergency order remotely, the body must recite the circumstances for remote voting, the method of electronic voting, and the necessity to convene and to vote electronically. Additionally, the Governor and Legislature by concurrent resolution have the authority to invalidate an emergency order if deemed “unnecessary.” HB 945 passed favorably (11-5) and awaits its last committee stop, House State Affairs. A similar Senate version, [CS/SB 1924- Emergency Management Powers of Political Subdivisions](#) passed favorably (4-3) and waits to be heard in its last committee, Senate Rules. The sponsor Sen. Diaz discussed his potential plans to merge SB 1924 with SB 2006 by Sen. Burgess.

## ***Pedestrian Safety Legislation Moves in House Committee***

[HB 1113-Traffic and Pedestrian Safety](#) by Rep. Fine was heard in its second committee, House Infrastructure & Tourism Appropriations Subcommittee. The bill requires state and local governments to convert flashing signals at crosswalks not located at intersections to traffic signals before 2024. By October 1, 2022, DOT must seek approval from the federal government to allow red rectangular rapid flash beacon (RRFB) instead of yellow RRFBs. If approved by the federal government, all entities with jurisdiction over mid-block crosswalks must replace yellow RRFBs with red RRFBs within a year. If the request is denied by the federal government, all entities with jurisdiction over mid-block crosswalks must remove all yellow RRFBs or retrofit with acceptable equipment by October 1, 2025. Furthermore, a traffic engineering study must be conducted that recommends the installation of a mid-block crosswalk. SB 1412 passed unanimously and heads to Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. HB 1113 passed favorably (10-1) and heads to its last committee stop, House Commerce. The Senate companion, [SB 1412- Traffic and Pedestrian Safety](#) by Sen. Perry passed its first committee and is now in Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

## ***Bill Allowing Faith-Based Volunteer Ambulance Services Passes House Committee***

[CS/HB 805- Volunteer Ambulance Services](#) by Rep. Caruso was heard in House Local Administration & Veterans Affairs Subcommittee and passed unanimously on Thursday. The bill allows a volunteer ambulance service vehicle that qualifies as an authorized emergency vehicle to disregard specified traffic laws and ordinances and use emergency lights and sirens while responding to an emergency. The bill also allows physicians or medical technicians of a volunteer ambulance service to disregard specified traffic laws and ordinances and use red lights in their privately owned vehicles when responding to an emergency in the line of duty. The bill exempts faith-based volunteer first responder agencies from the public convenience and necessity requirements if the agency:

- Has been operating in this state for at least 10 years;
- Has no for-profit subsidiaries;
- Is a not-for-profit corporation registered under ch. 617, F.S.;
- Uses volunteers to provide services;
- Does not operate for pecuniary profit or financial gain and does not distribute to or inure to the benefit of its directors, members, or officers any part of its assets or income.

## Other Bills of Interest on House Floor this Week

[CS/HB 663- Cottage Food Operations](#) by Reps. Botana and Salzman, preempts the regulation of cottage food products to the state and increases gross annual sales threshold to \$250,000. The House passed the bill (91-24).

[CS/CS/HB 327- Pub. Rec./Disaster Response](#) by Rep. Rommel, creates a public records exemption of the address and phone number of a person held by an agency impacted during an emergency. The House passed the bill (115-0).

### FAC Contact:

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

## COMMUNITY & URBAN AFFAIRS

### ***Local Preference Legislation Moves in Both the House and Senate***

[CS/HB 53- Public Works Projects](#) by Rep. DiCeglie, relating to public works projects, was considered in House Public Integrity & Elections on Monday. The bill amends current law regarding the application of local contractor preferences.

The strike-all amendment maintained the underlying bill and:

- Removed the preference-based prohibition, and instead imposes a penalty prohibition based upon certain criteria for competitive solicitation construction services paid for with any state-appropriated funding. Specifically, the bill now prohibits using a local ordinance or resolution that imposes a penalty based on a contractor's maintaining an office or business within a particular jurisdiction; a contractor's hiring of employees or subcontractors from within a particular jurisdiction; or a contractor's prior payment of taxes, assessment, or duties in a particular jurisdiction.
- Amended the definition of "public work projects" as an activity that exceeds \$300,000 in value and that is paid for with any state-appropriated funds.
- Removed the preference granting prohibition language and maintains in lieu of language prohibiting the state or any political subdivision that contracts for a public works project from imposing a penalty during the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier who is submitting a bid on a public works project, as well as, the residence of the employees of such contractor, subcontractor, or material supplier or carrier.

HB 53 passed favorably (11-6) as a committee substitute. The bill next goes to the House State Affairs Committee. On Tuesday, Senate Community Affairs heard the companion measure, [CS/SB 1076- Public Works Projects](#) by Sen. Brodeur. Before passing the measure, the Committee adopted an amendment that aligned the bill with its House counterpart. The amendment also added language providing that penalty prohibitions (as now reframed) do not apply to a program authorized in s. 212.055(1), F.S., relating to the charter county and regional transportation surtax, that is approved by the majority of a county's electors or by charter amendment approved by majority of the county's electors. SB 1076 passed (6-3) and now heads to the Rules Committee, its final stop before the Senate Floor.

### ***Local Occupational Licensing Preemption Bills Advance in Both Chambers***

[CS/SB 268-Preemption of Local Occupational Licensing](#) by Sen. Perry was heard in Senate Community Affairs. The measure expressly preempts the licensing of occupations to the state and supersedes any local government occupational licensing, with the exception of local licensing authorized by general law. The bills save local occupational license requirements enacted before January 1, 2021, but only until July 1, 2023, when all local occupational licensing expires. During this two-year period, however, a local

government may not increase or modify the licensing requirements.

Local governments may not require a person to obtain a license whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board. More specifically, the bill precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, handyman services, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, and canvas awning and ornamental iron installation. Finally, the bill authorizes counties and cities to issue journeyman licenses in the plumbing, pipe fitting, mechanical, and HVAC trades, as well as the electrical and alarm system trades. Local journeyman licensing is excepted from the state preemption of local licensing since it would be authorized under general law.

SB 268 passed favorably (6-3) and is scheduled to be heard on Tuesday, April 6, 2021, in its last committee stop, Senate Rules. The House companion, [HB 735- Preemption of Local Occupational Licensing](#) passed this week on the Senate Floor (82-32).

## ***Legislation Mandating Attorney General's Takeover of Local Government Civil Actions Filed Against Nationwide Business Interests Moves in Senate***

[CS/SB 102- Matters of Great Governmental Concern](#) by Sen. Burgess was heard for the first time in Senate Community Affairs on Tuesday. The bill preempts to the Attorney General the responsibility for the prosecution, management, and coordination of any civil proceedings brought by governmental entities when the Legislature declares the subject of those actions a matter of great governmental concern.

The bill makes legislative findings that a single official representing governmental entities in civil proceedings relating declared matters of great governmental concern maximizes recoveries and minimizes costs. The bill states the Legislature's intent to establish a procedure that will be used by the Attorney General to address matters of great governmental concern.

The bill defines "governmental entity" to mean the state and any department, agency, political subdivision, unit of government, or school district thereof. It also defines a "matter of great governmental concern" as any fact, circumstance, or conduct that has caused substantial economic loss or other harm of a similar nature to governmental entities in 15 or more counties in this state.

The Legislature grants to itself the authority to declare a matter to be a matter of great governmental concern by concurrent resolution. The Legislature further grants itself the authority to amend or rescind such resolution. When declared, the Attorney General endowed with the sole authority to file any civil proceeding on behalf of affected governmental entities in the state unless and until the Legislature rescinds the declaration. The Attorney General may institute or intervene in any governmental entity legal proceeding in state or federal court, including any pending appeal, and may consolidate, dismiss, release, settle, or take action that he or she believes to be in the public interest, if such action is not inconsistent with the terms of the Legislature's resolution.

Additionally, the Legislature's declaration operates to abate or stay any relevant civil proceeding filed by a governmental entity in state or federal court, unless and until the Attorney General acts in such proceeding. The Legislature's declaration tolls any statute of limitations under Florida law affecting a claim by a governmental entity during the declaration's pendency or 1-year, whichever period is shorter. Public officials and employees involved in a matter of great governmental concern are mandated to furnish relevant assistance and information to the Attorney General, including notice of any pending civil proceeding related to a matter of great governmental concern.

The bill requires that any award for damages or monetary payment from a settlement arising from a matter of great governmental concern is subject to full appropriation by the Legislature and may not be appropriated, expended, or encumbered by the Attorney General or the terms of any settlement agreement. If a governmental entity settles or resolves a civil proceeding after the Legislature's declaration and without the Attorney General's consent is void.

Finally, the bill establishes a procedure for an attorney to receive from any recovery reasonable attorney fees and costs incurred in connection with representing a governmental entity before the Attorney General takeover of a matter the Legislature has declared to be a matter of great governmental concern. The bill sets forth various criteria a court must consider when calculating the amount of any reasonable attorney fees to include the following:

- The time and labor required, the novelty and difficulty of the question involved, and the skill requisite to perform the legal service properly;
- The likelihood, if apparent, that the acceptance of the particular employment will preclude other employment by the attorney;
- The fee customarily charged in the locality for similar legal services;
- The amount involved and the results obtained;
- The time limitation imposed by the governmental entity or the circumstances;
- The nature and length of the professional relationship with the governmental entity;
- The experience, reputation, and ability of the attorney performing the legal services; and



- Whether the fee is fixed or contingent.

After much debate, SB 102 passed favorably (5-4) and proceeds to Senate Appropriations. In the House, [HB 1053- Attorney General Designation of Matters of Great Governmental Concern](#) by Rep. Overdorf, is in its first committee of reference, the House Civil Justice and Property Rights Subcommittee but has not been heard.

## ***Recall of County Commissioner Legislation Passes First House Committee***

[HJR 1603](#) and [HB 1605](#) Recall of County Officers and Commissioners by Rep. Williamson was heard in the House Local Administration & Veterans Affairs Subcommittee on Thursday. HB 1603, the joint resolution, proposes an amendment to the State Constitution to authorize the Legislature to provide to general law for the recall of county officers and commissioners. HB 1605, the implementing bill, provides that any member of a noncharter county may be removed from office by the electors of the noncharter county. FAC waived in opposition to the bills. Both bills passed unanimously, however, there are no Senate companions.

## ***State Preemption of Seaport Moves Forward in House Committee***

[CS/HB 267- State Preemption of Seaport Regulation](#) by Reps. Roach and Sirois was heard in its second committee, House Local Administration & Veterans Affairs Subcommittee on Thursday. As passed, the bill prohibits a local ballot initiative or referendum from restricting maritime commerce in Florida's seaports. The prohibition applies, but is not limited, to restricting such commerce based on any of the following:

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

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

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

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

The bill prohibits and voids any conflicting provision of a law, a charter, an ordinance, a resolution, a regulation, a policy, an initiative, or a referendum existing before, on, or after the effective date of the act. In addition, the bill exempts municipalities that have been consolidated with a county (i.e., the City of Jacksonville) and municipal governments that are also a county as defined in s. 125.011(1), F.S., (i.e., Miami-Dade County) from the prohibitions and restrictions imposed by the bill. Finally, the bill provides that the restrictions imposed by the bill do not otherwise limit the authority of a municipal government governmental, a political subdivision thereof, or a special district, to manage seaport commerce as provided by Florida law, issue and enforce tariffs filed with the Federal Maritime Commission, and enter into contracts relating to its port facilities.

HB 267 passed favorably (11-6) and waits for its last committee stop, House Commerce. [CS/CS/SB 426- State of Preemption of Seaport Regulations](#) by Sen. Boyd is in its last committee, Senate Rules.

## ***Building Inspection Legislation Advances in Both Chambers***

[CS/CS/SB 1382- Building Inspections](#) by Sen. Perry was heard in Senate Governmental Oversight and Accountability on Wednesday. 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 application that can be downloaded on a mobile device.

At the discretion of the building official, a building inspection request may also be submitted in a nonelectronic format. Additionally, the bill provides that a local enforcement agency must refund 10 percent of the permit and inspection fees to a permit holder if:

- The inspector or building code administrator determines the work, which requires the permit, fails an inspection; and
- The inspector or building code administrator 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 term "virtual inspection" means a form of visual inspection which uses visual or electronic aids to allow a building code administrator or an inspector, or team of inspectors, to perform an inspection without having to be physically present at the job site during the inspection.

The Committee adopted an amendment stating that "the Legislature determines and declares that the act fulfills an important state interest, given the requirement to refund building inspection fees may constitute an unfunded mandate under Article VII, §18, of the Florida Constitution. The Committee approved the bill unanimously, and it heads to Senate Appropriations.

The House companion, [CS/CS/HB 667- Building Inspections](#) by Rep. Mooney, Jr., was heard on Thursday in the House Local Administration & Veterans Affairs Subcommittee. An amendment was adopted clarifying that a building inspector must provide a reason for failing an inspection within 5 business days of the inspection, instead of 3 business days. The bill passed unanimously. HB 667 does not contain the mandate determination and heads to House Commerce, its final stop.

## ***Senate Construction Permitting Bill Moves Forward While Full House Passes Companion***

[CS/CS/SB 1788- Construction Permits](#) by Sen. Boyd, relating to construction permitting, unanimously passed the Senate Governmental Oversight and Accountability Committee on Wednesday, as a committee substitute. The Committee adopted an amendment requiring an enforcement agency's written notice stating why a permit application fails to also state that the applicant has 10 business days after receiving the notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

SB 1788 has been scheduled to be heard in the Senate Rules Committee, on Tuesday, April 6, 2021. On Thursday, companion measure, [CS/CS/HB 1059- Construction Permits](#) by Reps. Fischer and Robinson (W) passed the House on a vote of (113-0).

As passed the Committee, CS/CS/SB 1788:

- Provides that if a county or municipality makes requests for additional information from a permit applicant, the county or municipality must:
  1. Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 30 days after receiving the information if the request is the county or municipality's first request.
  2. Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 10 days after receiving the information if the request is the county or municipality's second request.
  3. Deem the application complete within 10 days of receiving the information or proceed to process the application for approval or denial unless the applicant waived the county or municipality's time limitations in writing if the request is the county or municipality's third request.
- Clarifies that local enforcement agencies must:
  1. Post each type of building permit application on their website, including a list of all required attachments, drawings, and any other requirements that are required for each type of application.
  2. Post the status of received building permit applications online, and update the status of the application unless the permit has been issued.
  3. Allow building permit applicants to electronically submit applications, including all attachments, payments, drawings, and any other requirements that are required as part of the application; however, applications, including attachments, payments, drawings, and any other requirements or parts that are required as part of the application, may also be submitted in person at the discretion of the building official.
  4. Post their procedures for processing, reviewing, and approving submitted building permit

applications on their websites.

- Requires that local governments reduce permit fees for any building permit application, including for single-family residential dwellings, by 10 percent of the original permit fee for each business day the local government fails to meet the current statutory time-period for reviewing a building permit application or a time-period established by the local government.
1. A local government does not have to reduce the permit fee if the local government and applicant agree to an extension of time.
  2. A government entity does not have to reduce the fee for a single-family residential dwelling building permit, if: 1.) It provides written notice to the applicant, by email or USPS mail within 30 business days of receiving the application; 2.) The written notice specifically states how the application fails to satisfy the Building Code, or the government entity's laws or ordinances; and 3.) That the applicant has 10 business days after receiving the notice to remedy the deficiencies in their application or it will be denied.
- Provides that if the applicant submits revisions to the government entity within 10 business days of receiving the notice, the government entity must approve or deny the permit within 10 business days of receiving the applicant's revisions.
  - Requires that if a government entity fails to approve or deny the permit within 10 business days of receiving the applicant's revisions, it must:
    1. Reduce the permit fee by 20 percent of the original permit fee for the first business day that it fails to meet the deadline; plus
    2. An additional 10 percent of the original permit fee for each business day that it fails to meet the deadline, for up to five business days.
  - Requires that if any permit fees are refunded because a local government fails to meet an established deadline for reviewing a building permit application, the DBPR surcharges for funding the Building Commission, the Building Code Administrators and Inspectors Board (BCAIB), and the Florida Homeowners' Recovery Fund must be recalculated based on the amount of the permit fees after the refund.
  - Prohibits a government entity from requiring a contract between an owner and a contractor or a contract between a contractor and a subcontractor or material supplier as a condition to apply for or obtain a building permit for construction work on a commercial property. However, this does not apply to any construction projects for improvements that are owned or leased by a government entity.

## ***Bert Harris Property Rights Legislation Moves in Both Chambers***

[CS/SB 1876- Relief from Burdens on Real Property Rights](#) by Sen. Albritton was considered in Senate Community Affairs on Tuesday, which modifies the Bert Harris Private Property Rights Protection Act to:

Expand the definition of "action of a governmental entity" to include government actions that affect real property including the adoption or enforcement of "any ordinance, resolution regulation, rule, or policy." Revise the term "real property" to include any legal interest in land, including surface, subsurface, and mineral estates and any other interest held by a property owner in the land.

Revise the definition of "land or real property" in the Florida Land Use and Environmental Dispute Resolution Act to match, by cross-reference, the newly amended definition of real property in the Bert Harris Act.

Reduce the timeframe under which a claimant must notify the government before filing a civil action from 150 days to 90 days;

Specify that written settlement offers are presumed to protect the public interest;

Allow the claimant to have the court, rather than a jury, determine damages;

Extend the point from which a prevailing claimant may recover attorney fees and costs to the date in which a claimant presents his or her claim to the government, instead of the date he or she files the civil action; and

Authorize a property owner, under specified conditions, to notify the government that he or she deems a law or regulation's impact on his or her real property to be restrictive of allowable uses.

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

On Thursday, the House Local Administration and Veterans Affairs Subcommittee, considered a proposed committee substitute merged bill (PCSMB) for [CS/HB 421- Governmental Actions Affecting Private Property Rights](#) and [HB 1101-Relief From Burdens on Real Property Rights](#) by Reps. Tuck and Person-Mulicka, to align with the senate measure. The Subcommittee passed the bill (15-2), and HB 421 and HB 1101 will likely head to the House Judiciary Committee, the last committee to which the bills were



## Other Bills of Interest on House Floor this Week

[CS/CS/HB 55- Building Design](#) by Rep. Overdorf – temporarily postponed on 2nd Reading.

[CS/HB 403- Home-based Businesses](#) by Rep. Giallombardo – temporarily postponed on 2nd reading.

[CS/CS/CS/HB 59- Growth Management](#) by Rep. McClain, was amended on second reading to clarify that the first refusal that is required to be provided to a previous owner when the Florida Department is disposing of real property obtained for a transportation project does not apply if the department has held the property for 10 or more years. The House passed the bill (82-32).

### FAC Contact:

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

## WATER & ENVIRONMENTAL SUSTAINABILITY

### ***Reclaimed Water Legislation Moves in House Committee***

[CS/HB 263- Reclaimed Water](#) by Rep. Maggard was heard in House Agriculture & Natural Resources Appropriations Subcommittee on Thursday. The bill requires 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

HB 263 passed unanimously and heads to its last committee stop, House State Affairs. The Senate companion, [CS/SB 64- Reclaimed Water](#) by Sen. Albritton passed (39-0) on Senate Floor.

### ***Private Waste Companies Legislation Advances to Last Senate Committee***

[CS/SB 694- Waste Management](#) by Rep. Ray Rodrigues was heard in Senate Community Affairs on Tuesday. 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. A title amendment was adopted requiring the Department of Environmental Protection to review and update the 2010 Retail Bags Report. SB 694 passed unanimously and heads to its last committee, Senate Rules. The House companion, [CS/HB 331- Displacement of Private Waste Companies](#) by Rep. McClure is waiting to be considered on the House

Floor.

## ***A Governor Priority, Establishing the Resilient Florida Grant Program, Ready for Senate Floor***

[CS/SB 1954-Statewide Flooding and Sea-level Rise Resilience](#) by Sen. Ray Rodrigues was heard in Senate Appropriations on Wednesday. The bill creates the Resilient Florida Grant Program within the Department of Environmental Protection to provide \$100 million in grant funding to local governments to fund resiliency planning. Funding will support vulnerability assessments and mitigation plans to prepare for the threats of flooding and sea level rises. The bill authorizes counties to enter into agreements to form regional resilience coalitions for the purpose of planning for the resilience needs of communities and coordinating intergovernmental solutions. By July 1, 2022, the DEP must complete the development of a comprehensive statewide flood vulnerability and sea level rise data set. By July 1, 2023, the DEP will use the data to complete a comprehensive statewide flood vulnerability and sea level rise assessment. The bill creates the Florida Flood Hub for Applied Research and Innovation within the University of South Florida College of Marine Science. The hub must organize existing data needs, coordinate research funds, establish community-based programs to improve flood monitoring and prediction, and develop opportunities to partner with other flood and sea level rise research and innovation leaders. SB 1954 passed unanimously and waits to be considered on the Senate Floor. The House companion, [CS/HB 7019-Statewide Flooding and Sea Level Rise Resilience](#) by Rep. Busatta Cabrera is on the House calendar.

## ***Bill Honoring Former Commissioner/Representative Kristin Jacobs Ready for Senate Floor***

[SB 588- Conservations Area Designations/Kristin Jacobs Coral Reef Ecosystem Conservation Area](#) by Sen. Book was heard in its last committee stop, Senate Appropriations. 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. The bill passed unanimously. FAC proudly supports the bill. The House companion, [HB 217-Conservation Area Designations](#) by Rep. Hunschofsky passed (119-0) on the House Floor.

## ***Energy Preemption Pared Back to Fuel Retailers to Match Senate Version in House Committee***

[CS/HB 839- State Preemption of Transportation Energy Infrastructure Regulation](#) by Rep. Fabricio was heard in House Local Administration & Veterans Affairs Subcommittee on Thursday. Originally, the bill preempted local government from restricting the construction of new transportation energy or that expands, repairs, or updates existing transportation energy infrastructure. A committee substitute was adopted to match the Senate companion, that applies these preemptions only to “fuel retailers” and changes the effective date to upon becoming law. 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. With the committee substitute, the bill passed with unanimous support. 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.

## ***Voluntary Sewer Lateral Program Legislation Clears Second House Committee***

[HB 773- Sanitary Sewer Laterals](#) by Reps. McClure and Overdorf was heard in its second committee, House Local Administration & Veterans Affairs Subcommittee. Last session, the Legislature passed HB 1091 which encouraged counties to establish a voluntary sanitary sewer lateral inspection program. A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system. The bill allows counties and municipalities to develop detailed specifications and standards for repairing or replacing a leaking, damaged, deteriorated, or clogged sanitary sewer laterals on residential and commercial properties. Beginning on July 1, 2023, a county can access a property to clean or repair sanitary sewer laterals and to reestablish a sealed sanitary sewer system. A county must notify a property owner by mail at least 14 days prior to accessing the property for services. HB 773 passed unanimously and heads to its last committee, House State Affairs. A comparable bill, [CS/SB 1058 – Sanitary Sewer Lateral Inspection Programs](#) by Sen. Burgess is waiting on its last committee stop, Senate Appropriations.

## ***Blue-Green Algae Task Force Recommendations Clear First Senate Committee***

[CS/SB 1522- Implementation of the Recommendations of the Blue-Green Algae Task Force](#) by Sen. Stewart was heard for the first time during the Senate Environment and Natural Resources Committee. The bill implements the recommendations of the Blue-Green Algae Task Force. The bill was amended to require DEP to: Administer an onsite sewage treatment and disposal system (OSTDS) inspection



program to inspect systems at least once every 5 years, beginning on July 1, 2024; and, assess whether certain pollution reduction projects are effectively reducing nutrient pollution or water use. The bill requires basin management action plans to identify and prioritize spatially focused suites of projects in areas likely to yield maximum pollutant reductions. An identical bill, [HB 1225- Implementation of the Recommendations of the Blue-Green Algae Task Force](#) by Rep. Goff-Marcil has not been heard this Session.

## ***Fuel Pump Preemption Clears House Committee***

[HB 991- Fuel Measuring Devices](#) by Rep. Busatta Cabrera was heard for the second time during the House Agriculture & Natural Resources Appropriations Subcommittee hearing. The bill preempts to the state and DACS the regulation of petroleum fuel measuring devices. The bill removes DACS' authority to impose administrative fines and penalties for violations of petroleum fuel measuring device requirements, unless the owner or operator of a petroleum fuel measuring device fails to affix or install a security measure. Currently, three counties have adopted additional consumer protection measures to protect against card skimming at gas pumps. The bill passed unanimously and heads to its last committee, House Commerce. A similar bill, [CS/SB 430- Petroleum Fuel Measuring Devices](#) by Sen. Ana Maria Rodriguez has one more committee stop, Senate Rules.

### **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 Advances in House Committee***

[CS/HB 1601- Farming Operations](#) by Rep. Williamson was heard for the second time in House Environment, Agriculture & Flooding Subcommittee on Tuesday. 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 (14-4) and heads to its last committee stop, House Judiciary. The Senate companion, [CS/CS/SB 88- Farming Operations](#) by Sen. Brouder passed (37-1) on the Senate Floor.

## OTHER TECH INDUSTRIES

### ***Drones Use Legislation Flies Through Both Chambers***

[CS/HB 1049-Use of Drones](#) by Government Agencies by Rep. Giallombardo was heard in House State Affairs. The bill provides exemptions for law enforcement use of drones for traffic management and collection of evidence at a crime or traffic scene. In the committee meeting, the bill was amended to specify for drone use on a crowd of 50 people guidelines must be followed including, specified use for the drone, appropriate release storage and release of images or videos collected by the drone, and the head of law enforcement must have written authorization for drone use. Additionally, the bill allows state agencies and local governments to assess damage due to flood, wildfire, or any other natural disaster as well as monitoring vegetation or wildlife management on publicly land or water. HB 1049 passed favorably (18-5) and heads to the last committee, House Judiciary. The House companion, [CS/SB 44- Drones](#) by Sen. Wright passed on the House Floor (39-0). Another comparable bill, [SB 518-Drones](#) by Sen. Diaz was heard in Senate Community Affairs and passed unanimously. The bill provides exceptions for state agency or political subdivision to assess damage due to hurricane, flood, wildfire, or any other natural disasters. SB 518 moves to its last committee stop, Senate Rules.

### ***Broadband Internet Bill Passes Senate Committee***

[SB 1592-Broadband Internet Infrastructure](#) by Sen. Burgess was heard in Senate Finance and Tax on Wednesday. Known as the "Florida Broadband Deployment Act of 2021," the bill exempts from the sales

and use tax the purchase, lease, or sale of equipment used by providers of communication services or Internet access services. The bill does not specify that tax incentives be linked to additional investments in broadband deployment to underserved or unserved areas, nor does the bill propose any accountability measures to ensure broadband goals become reality. The Revenue Estimating Conference estimates a \$92.4 million total recurring impact in Fiscal Year 2021-2022. Furthermore, the bill provides a procedure for access by broadband providers for attachments to utility poles of municipal electric utilities and the adoption of rates, terms, and conditions for the access to the poles consistent with federal requirements. This includes prohibitions on municipal electric utilities from preventing or requiring a broadband provider to use certain techniques or comply with specifications when installing poles. SB 1592 passed favorably (6-2) and moves to its last committee stop, Senate Appropriations. A similar bill, [HB 1239 - Broadband Internet Infrastructure](#) by Rep. Tomkow passed in its first committee last week.

## ***Autonomous Vehicles Legislation Clears House Committee***

[HB 1289- Autonomous Vehicles](#) by Rep. McFarland was heard for the first time in House Tourism, Infrastructure, & Energy Subcommittee. 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. Last week, [CS/SB 1620-Autonomous Vehicles](#) by Sen. Brandes passed and is waiting to be heard in its last committee stop, Senate Rules.

### **FAC Contact:**

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

## FINANCE, TAX, & ADMINISTRATION

## ***Impact Fees Addressing Cap Increases Advances in Both Committees***

Both bills addressing Impact Fee caps were heard on Wednesday Morning. [CS/SB 750- Impact Fees](#) by Sen. Gruters was heard for the second time in Senate Finance and Tax. The House companion, [CS/HB 337- Impact Fees](#) by Rep. DiCeglie was heard in its second committee stop, House Ways & Means.

The bills revise the cap for impact fee increases and removed the provision that required projects to be planned or funded within the same assessment district in order to be able to collect the impact fee. In regards to a cap increase, there are six provisions which include: An impact fee may be increased only pursuant to a plan for the imposition, collection and use of the increased impact fee that complies with this section; Any increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual installments; An increase to a current impact fee that exceeds 25 percent but not more than 50% of the current rate must be implemented in four equal installments; No current impact fee increase may exceed 50 percent of the current impact fee rate; An impact fee may not be increased more than once every 4 years; and an impact fee may not be increased retroactively for a previous or current fiscal or calendar year. A local government, school district, or special district may increase an impact fee rate by establishing the need for such increase in full compliance with the requirements of a dual rational nexus test.

A committee substitute was adopted in both bills to add 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. FAC remains concerned. SB 750 passed favorably (6-2), and HB 337 passed favorably (15-2). Both move to their last committee stops, Senate Appropriations and House State Affairs.

## ***Florida Retirement System Legislation Ready for Senate Floor***

[CS/SB 84-Retirement](#) by Senator Ray Rodrigues was heard in Senate Appropriations. Currently, members of the Florida Retirement System (FRS) have two plans option available: the defined benefit plan (pension plan) and the defined contribution plan (investment plan). The proposed legislation closes



the defined benefit plan (the pension plan) to new enrollees. It would require eligible employees initially enrolled in the Florida Retirement System (FRS) on or after July 1, 2022, to be compulsory members of the defined contribution plan (investment plan) and membership in the pension plan would no longer be permitted for new members. However, there is an exception for those in the Special Risk Class. The changes proposed in this legislation do not affect current members and would only affect new members on or after July 1, 2022. An actuarial analysis was conducted to determine the fiscal impacts of compulsory membership in the defined contribution plan (investment plan) for members initially enrolling in the FRS on or after July 1, 2022. The proposed changes would produce overall savings for employers participating in the FRS of \$7.9 million after one year and would gradually increase to \$273.3 million annually after 30 years. After heavy opposition from public testimony concerned about the future of the retirement system, the bill passed favorably (12-8) and is ready for consideration on the Senate Floor. There is no House companion currently filed.

### ***Employer Contribution Rates Bill Ready for Senate Floor***

[SB 7018- Employer Contributions to Fund Retiree Benefits](#) by the Senate Government Oversight and Accountability Committee was heard in Senate Appropriations. The bill establishes the employer contribution rates for the Florida Retirement System beginning July 1, 2021. The proposed rates are the same as those proposed in the Governor's Budget Recommendations. The bill passed the committee unanimously and heads to the Senate Floor.

### ***Online Sales Tax Bill Heads to the House Floor***

[CS/CS/HB 15-Taxation](#) by Reps. Clemons and LaMarca was heard in its last committee hearing, House Commerce. A committee substitute was adopted naming the act the "Park Randall 'Randy' Miller Act." The bill applies Florida's sales and use tax to online/e-commerce sales from out of state retailers regardless of whether the entity has a physical presence within the state. Currently, 43 of 45 states that collect sales tax have authorized sales tax on out-of-state vendors since the 2018 SCOTUS decision, *Wayfair v. South Dakota*, authorizing the practice. The Revenue Estimating Conference determined that in FY21-22 the bill would increase the General Revenue Fund by \$973.6 million and \$1.08 billion each year after and increase the state trust fund in FY 21-22 by \$.3 million and by \$3.3 million each year after. Furthermore, in FY21-22 local government revenues will increase by \$229.5 million and \$253.7 million each year after. Local option surtax revenues collected from remote sellers and marketplaces would be distributed using the current distribution formula provided in s.212.054 (4)(c), F.S. Last week, the Senate companion bill, [CS/CS/SB 50- Taxation](#) by Sen. Gruters passed (30-10) on the Senate Floor.

### ***Tourism Development and Convention Development Tax Expansion Ready for House Floor***

[CS/CS/HB 1429- Tourist and Convention Development Taxes](#) by Rep. Avila was heard in its last committee, House State Affairs. 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. Last week, a strike-all amendment was adopted that removed language requiring a five-year renewal of TDTs and CDTs by referendum and ensures that all new or increased TDTs and CDTs will be subject to voter referendum. FAC spoke in opposition to the bill with concerns regarding the requirement of a referendum for any new or extended levy, as well as requirement for a referendum to pledge the Professional Sports Facility Penny or 4th cent of tourist development tax. HB 1429 passed favorably (21-2) and waits to be considered on the House Floor. The Senate companion, [SB 2008- Tourist and Convention Development Taxes](#) by Sen. Diaz was temporarily postponed in Senate Community Affairs on Tuesday.

### ***Public Records Exemption for County Attorneys Clears First House Committee***

[HB 1355 - Pub. Rec./County Attorneys and Assistant County Attorneys](#) by Reps. Arrington and Mariano was heard for the first time in House Civil Justice & Property Rights Subcommittee. The bill provides an exemption from public records requirements to protect the personal identifying and location information of current and former county attorneys and assistant county attorneys, including the names and personal identifying and location information of the spouses and children of these attorneys. FAC waived in support of the public records exemption. HB 1355 passed unanimously and heads to House Governmental Operations Subcommittee. The Senate companion measure, [SB 1602- Public Records/County Attorneys and Assistant County Attorneys](#) by Sen. Stewart has not been heard.

### ***Documentary Stamp Distribution Revised Hurting Affordable Housing and Providing Dedicated Funding for Water Protection and Sustainability Program and Resilient Florida Clears Appropriations Committees***

[HB 5401- Documentary Stamp Tax Distributions](#) and [SB 2512- Documentary Stamp Tax Distributions](#) were heard in their respected Appropriations meetings on Wednesday. The bills revise the distributions from the Documentary Stamp tax that are deposited into the Local Government Housing

Trust Fund and State Housing Trust fund to reduce those distributions by two-thirds. The bill also provides for distributions to the Water Protection and Sustainability Trust Fund and Resilient Florida Trust Fund with each distribution being a third of the total amount that is distributed to the affordable housing trust funds under current law. The staff analysis indicates that under current law, \$423.2 M is distributed into the two housing trust funds, and under the bill language, the two housing trust funds will receive \$141.1 M combined, and the two new trust funds will each receive \$141.1 M. Other distributions from Documentary Stamp tax were not affected. The bill also specified that the Local Government Housing Trust Fund and the State Housing Trust Fund revenues may not be transferred to the General Revenue Fund in the General Appropriations Act. The bill is contingent upon the passage of HB 7019-Statewide Flooding and Sea Level Rise Resilience and HB 7021-Resilient Florida Trust Fund/DEP.

In public testimony, while most were supportive of the state moving forward with much-needed resiliency initiatives, individuals remained torn over the Sadowski Trust Fund and affordable housing funds being reduced permanently within the proposal.

The tables below compare amounts distributed under current law, the appropriations from the housing trust funds, and the amount the proposed bill would have distributed to the housing trust funds had this law been in place for the last five years.

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

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

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

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



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

LGHTF  
Local Government Housing Trust Fund  
SHTF  
State Housing Trust Fund  
SHIP  
State Housing Initiative Partnership  
SAIL  
State Apartment Incentive Loan Program

**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***

[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. 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](#)

**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 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:**

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

## DATA POINT #10: MODERNIZING TRANSPORTATION - AN ELECTRIC VEHICLE SHIFT ON THE HORIZON

### ***Modernizing Transportation: An Electric Vehicle Shift on the Horizon***

Approximately 1.6 million plug-in electric vehicles have been sold in the United States. In December 2020, [the Florida Electric Vehicle Roadmap](#) was released by the Office of Energy within the Department of Agriculture. The report illustrates the increased needs of charging infrastructure in the state as electric vehicles grow rapidly in popularity. According to the report, there are 60,972 light-duty battery electric vehicles (BEV) and plug in hybrid electric vehicles (PHEV) registrations within the state. That number is expected to double by 2030 with a total of 121,411 BEV and PHEV registrations. Two major attractions surrounding EV purchases include: a clean energy alternative, by reducing greenhouse gas emissions and improving air quality, and saving money, by spending less money on gasoline.

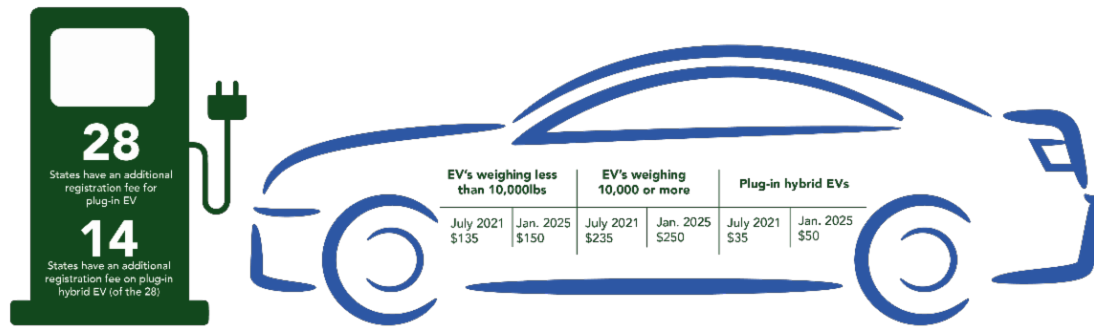
On March 31, 2021, President Biden released his massive \$2 trillion Infrastructure Plan. The Plan showcases the urge to activate the shift to an Electric Vehicles marketplace in the coming future with a \$174 million investment in electric vehicle infrastructure and incentives. The proposed plan includes rebates and tax incentives to buy electric vehicles and the goal to build a national network of 500,000 charging stations by 2030. Lastly, the plan includes language to replace 50,000 diesel transit vehicles with electric and to electrify 20% of school buses across the nation.

As the demand for electric vehicles increases, states and local governments across the country are losing fuel tax revenue, however, some states have looked to raise registration fees on EV's in addition to existing registration fees.

This year in Florida, Senator Brandes is looking to do just that with SB 140 and SB 138 as a short-term solution. SB 140 imposes flat fees, determined by weight, for electric vehicles beginning in 2021 and increasing in 2025. Of the additional flat fees proposed from this legislation, 64% will be allocated to the State Transportation Trust Fund and 36% will be allocated to the county where the vehicle was registered. For the next three years, until June 30, 2024, the funds allocated to the county will be used for electric vehicle infrastructure and equipment by the County Commission. Beginning July 1, 2024, the funds allocated to a county will be transferred to the Department of Revenue and then distributed to the County Commission and municipalities within the county in proportion to the previous month's distribution of the 1 to 6 cent local option fuel taxes, to use for transportation expenditures. SB 138 establishes the Electric Vehicle Infrastructure Grant Program to expand EV infrastructure and publicly accessible charging



systems around the state. If SB 140 is passed, SB 138 allocates the increased license revenues to DOT from the registration of electric and hybrid vehicles to fund the EV Infrastructure Grant Programs.



#### Terms to know:

- Plug-in electric vehicles (PEV): runs partially on battery power and charged with electricity.
- Battery electric vehicles (BEV): run entirely on electric motor and rechargeable battery.
- Plug-in hybrid electric vehicles (PHEV): run on both electric motor/rechargeable battery and gasoline.
- Hybrid electric vehicles (HEV): use a gasoline engine with an electric motor. No plug in capabilities.

#### Resources:

[Florida Electric Vehicle Roadmap](#)

[Special Fees on Plug-In Hybrid and Electric Vehicles \(ncsl.org\)](#)

[Florida - State Energy Profile Overview - U.S. Energy Information Administration \(EIA\)](#)

#### 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))

