



April 9, 2021

WEEK SIX MOVING QUICKLY TO THE NEXT WEEK OF THE 2021 LEGISLATIVE SESSION

The Legislature reconvened in Tallahassee on Tuesday after the long holiday weekend, passing the 2021-22 House and Senate proposed budget off the Floor this week. To see the full budget breakdown, please visit on FAC's website [here](#) or via the banner below. This week's committee meetings slowed down, and action began on the Floor on Wednesday and Thursday with several bills heading to the Governor's desk. A Friday reminder, there are only three weeks left in the 2021 Legislative Session!

In Case You Missed It



2021 - 2022

HOUSE & SENATE
PROPOSED BUDGETS



- Breakdown
- Analysis
- Interpretation



IN A HURRY?



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BILLS FOR FINAL APPROVAL BY THE GOVERNOR

Bill Honoring Former Commissioner/Representative Kristin Jacobs Heads to Governor's Desk

[SB 588- Conservations Area Designations/Kristin Jacobs Coral Reef Ecosystem Conservation Area](#) by Sen. Book was heard and passed unanimously on the Senate Floor and substituted for

its House companion, [HB 217-Conservation Area Designations](#) by Rep. Hunschofsky. All 40 Senate members signed on to co-sponsor the bill honoring the former Representative and Broward County Commissioner. The legislation renames the Southeast Florida Coral Reef Ecosystem Area to honor 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 heads to the Governor's desk for final approval.

Online Sales Tax Bill Passes Both Chambers

[CS/CS/HB 15-Taxation](#) by Reps. Clemons and LaMarca was substituted on the House Floor for its Senate companion, [CS/CS/SB 50-Taxation](#). 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. The bill was amended by the House to reduce the sales tax rate for commercial rent from 5.5% to 2.0%, with the timing of the rate reduction contingent upon the repeal of the sales tax distribution to the unemployment compensation trust fund also provided in CS/CS/SB 50. The bill passed (93-24) on the House Floor. The bill bounced back to the Senate, where the Senate concurred in the House amendment and passed (27-12). SB 50 heads to the Governor for final approval.

A Governor Priority, Establishing the Resilient Florida Grant Program, Clears Both Chambers

[CS/CS/SB 1954-Statewide Flooding and Sea-level Rise Resilience](#) by Sen. Ray Rodrigues and [CS/HB 7019- Statewide Flooding and Sea Level Rise Resilience](#) by Rep. Busatta Cabrera were both heard on the Floor this week. HB 7019 was substituted for SB 1954 and passed unanimously in both the Senate and House. 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 heads to the Governor for final approval.

Bill Creating the Resilient Florida Trust Fund Heads to Governor's Desk

[SB 2514- Resilient Florida Trust Fund](#) by Senate Appropriations and [HB 7021- Resilient Florida Trust Fund/DEP](#) by Rep. Busatta Cabrera were both heard on the Floor this week. HB 7021 was substituted for SB 2514 and passed unanimously in both chambers. The bill creates the Resilient Florida Trust Fund within the Department of Environmental Protection as a funding source for the Resilient Florida Grant Program and the Statewide Flooding and Sea Level Rise Resilience Plan, including the costs to operate and develop the plan, and grants to the regional resilience coalitions. The Resilient Florida Trust fund will be terminated on July 1, 2025. SB 2514 heads to the Governor's Desk for final approval.

Affordable Housing, Resilient Florida, and Water Protection Distributions from Documentary Stamp Tax Pass Both Chambers

Two House and Senate conforming bills, [SB 2512- Documentary Stamp Tax Distributions](#) and [HB 5401- Documentary Stamp Tax Distributions](#), revise the distributions from the Documentary Stamp Tax that are deposited into the Local Government Housing Trust Fund and State Housing Trust Fund, the Water Protection and Sustainability Trust Fund, and Resilient Florida Trust Fund. Under current law, \$423.2 M is distributed into the two housing trust funds, while under the conforming bills, the two housing trust funds will receive \$200 M combined, and the two new trust funds will each receive \$111.7 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 swept to the General Revenue Fund in the General Appropriations Act in future years. SB 2512 passed the Senate Wednesday, April 7 by a vote of (25-14). On Thursday, April 8, the House substituted SB 2512 for HB 5401 and passed the bill by a vote of (78-38). The bill has been enrolled and is ready to be sent to the Governor.

Legislation Addressing Emergency Powers of Local Governments and Emergency Management Advances Ready for Senate Floor

[CS/CS/SB 2006-Emergency Management](#) by Sen. Burgess was heard in its last committee of reference, Senate Rules on Tuesday. The bill amends the State Emergency Management Act to address the threat posed by a future pandemic or other public health emergency. More specifically, the bill specifies that the State Emergency Management Act applies to pandemics and other public health emergencies; requires the Division of Emergency Management to include in the state comprehensive emergency management plan provisions addressing public-health-emergency preparedness, response, recovery, and mitigation. CS/CS/SB 2006 was amended in committee and now requires the political subdivision imposing an ordinance or other measure that deprives a person of a right, a liberty, or property, to prove that the measure is “narrowly tailored” and serves a “compelling governmental interest” through the “least intrusive means”. Additionally, the bill authorizes the Governor or Legislature to invalidate a city or county measure that “unnecessarily restricts a constitutional right, fundamental liberty, or statutory right” and provides that a city or county emergency order will automatically expire 10 days after its issuance unless extended by a majority vote of the political subdivision's governing body. After several failed/withdrawn amendments and much debate, CS/CS/SB 2006 passed (12-5) and heads to the Senate floor.

After a Full Day of Debate, the Anti-Riot Bill Advances to Senate Floor

[CS/HB 1- Combating Public Disorder](#) by Fernandez-Barquin was heard in Senate Appropriations on Friday. HB 1 was replaced with the Senate Companion, [SB 484-Combating Public Disorder](#) by Sen. Burgess. SB 484 bypassed all three of its referenced committees and was heard directly in Senate Appropriations, substituted with the House version, HB 1. After eight long hours of questions, public testimony, and debate, HB 1 passed favorably with a vote of (11-9). Public testimony brought in heavy opposition to the legislation, with over 65 individuals speaking against. 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. Next, the bill heads to the Senate Floor and could be heard as soon as next week.

Public Records Exemptions in Emergencies Moves to Last Senate Committee

[CS/SB 418- Public Records/Persons Provided Public Emergency Shelter](#) by Sen. Burgess was heard in Senate Governmental Oversight and Accountability on Tuesday. The bill creates a public records exemption of the address and phone number of a person held by an agency impacted during an emergency. The public records exemption will protect sensitive information of people impacted by a disaster. The bill specifies a public records exception for individuals given public emergency shelter during a storm or other disaster. FAC supports a public records exemption for information obtained by a local government while providing emergency management services. A strike-all amendment was adopted to not exempt an individual's name from public record, in case another individual is looking for the specific person, such as a family member and now matches the House version. The bill passed unanimously. The House companion, [CS/CS/HB 327- Public Records/ Disaster Response](#) by Rep. Rommel passed unanimously (115-0) on the House Floor last week.

Pedestrian Safety Legislation Passes Senate Committee

[SB 1412- Traffic and Pedestrian Safety](#) by Sen. Perry was heard in its second committee, Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. 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 favorably (8-3) and heads to its last committee, Senate Appropriations. The House companion, [HB 1113-Traffic and Pedestrian Safety](#) by Rep. Fine is in its last committee, House Commerce, waiting to be heard.

House Pandemics & Public Emergencies Committee Meets to Discuss the Piney Point Emergency

On Wednesday evening, the House Pandemics & Public Emergencies Committee gathered for a discussion on the Piney Point ongoing emergency due to a leak in a wastewater reservoir, impacting Manatee, Hillsborough, Pinellas counties. The Department of Environmental Protection Secretary, Noah Valenstein, appeared via zoom to update the legislature on the current status of the Piney Point emergency and the timeline of events on what led to the breach. On March 26, the Department was informed about the leak leading to emergency orders released by the State. Secretary Valenstein informed legislators the Department is working on locating any more possible leaks within the reservoir, and once the area is completely accessed, repair will begin. The Department is looking to close the site, and having a new company take over. Chair Leek asked what can be done to make sure this disaster doesn't happen again a year or ten years from now. Secretary Valenstein followed up that all retention ponds on the site need to close, the water needs to be processed through safely, and the site needs to be capped so that no future water is stored there. Additionally, this week Sen. Boyd filed an amendment that passed on the proposed Senate budget, that allocates \$3 million to the Piney Point Emergency Water Treatment Project for site cleanup and disposal of wastewater. To view the full meeting: [House Pandemics and Public Emergencies Committee April 7, 2021](#)

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COMMUNITY & URBAN AFFAIRS

Elections Bill Moves in House

On Thursday, the House Appropriations Committee considered [HB 7041- Elections](#) by Rep. Ingoglia. As passed, the bill:

- 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.

In addition, the bill 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 county where county commissioners are subject to term limits, and does not affect at-large commissioners or district commissioners elected county-wide. After adopting a strike-all amendment, the Committee passed the bill (17-8), as a committee substitute. The bill next goes to the State Affairs Committee.

"Matter of Great Governmental Concern" Legislation Proceeds in House

On Tuesday, the House Civil Justice and Property Rights Subcommittee considered a Proposed Committee Substitute (PCS), [CS/HB 1053- Attorney General Designation of Matters of Great Governmental Concern](#) by Rep. Overdorf, relating to matters of great governmental concern.

The PCS differs from the original HB 1053 in that it:

- Modified the definition of matter of great governmental concern as any conduct or harm that adversely affects the interests of citizens of at least five counties in the state.
- Requires a court to stay an action filed by a political subdivision in certain situations.
- Imposes time limits on the Attorney General (AG) for determining a matter to be a matter of great governmental concern and for filing a civil action involving such matter.
- Does not address the validity of settlements entered into without the AG's consent in civil actions filed by political subdivisions involving matters of great governmental concern.
- Requires the AG to provide notice of her determination that a matter is a matter of great governmental concern and of any settlement reached or final judgment entered in litigation brought by the AG on such matter.
- Removed a mechanism for political subdivisions to recover attorney fees and costs in certain situations.
- Requires any recovery incurred by the AG in litigation on a matter of great governmental concern to be paid into the general revenue fund instead of being retained by the AG.
- Removed provisions applying the bill to federal court actions.

HB 1053 passed favorably (11-7), and heads to the House Local Administration and Veterans Affairs Committee. The Senate companion measure, [CS/SB 102- Matters of Great Governmental Concern](#) by Sen. Burgess is in its second committee of reference, Senate Appropriations.

Local Occupational Licensing Preemption Bill Ready for Senate Floor

[CS/SB 268-Preemption of Local Occupational Licensing](#) by Sen. Perry was heard in Senate Rules on Tuesday. 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 (11-5) and is ready for the Senate Floor. The House companion, HB 735-Preemption of Local Occupational Licensing passed this week on the House Floor (82-32).

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WATER & ENVIRONMENTAL
SUSTAINABILITY

Reclaimed Water Legislation Ready for House Floor

[CS/HB 263- Reclaimed Water](#) by Rep. Maggard was heard in House State Affairs on Tuesday. 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 the House Floor. The Senate companion, [CS/SB 64- Reclaimed Water](#) by Sen. Albritton passed (39-0) on Senate Floor.

Fuel Pump Preemption Clears Senate Committee

[CS/CS/SB 430- Petroleum Fuel Measuring Devices](#) by Sen. Ana Maria Rodriguez was heard in the last committee stop, Senate Rules. The bill preempts to the state and DACS the regulation of petroleum fuel measuring devices. The bill was amended to provide that the department may only impose penalties for violations of petroleum fuel measuring device rules if an owner or operator of a petroleum fuel measuring device has failed to install a security device or 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, [HB 991- Fuel Measuring Devices](#) by Rep. Busatta Cabrera is in its last committee of reference, House Commerce.

Extension Date of Florida Forever Bonds Clears Senate Committee

[SB 1480-Land Acquisition Trust Fund](#) by Sen. Brodeur was heard for the second time in Senate Appropriations Subcommittee on Agriculture, Environment, and General Government. The bill extends the date by which bonds issued to fund the Florida Forever Act are intended to be retired to December 31, 2054. Under current law, the bonds are intended to be retired by December 31, 2040. The bill passed unanimously and moves to its last committee, Senate Appropriations. The House companion, [HB 1173 - Florida Forever Bonds](#) by Rep. Roth has not been heard.

Blue-Green Algae Task Force Recommendations Moves in the Senate

[CS/SB 1522- Implementation of the Recommendations of the Blue-Green Algae Task Force](#) by Sen. Stewart was heard for the second time during the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government. The bill implements the recommendations of the Blue-Green Algae Task Force. The bill requires 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. SB 1522 passed unanimously and moves to its last committee stop, Senate Appropriations. 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.

Biosolids Rule Ratification Passes Senate Committee

[CS/SB 7060- Biosolids](#) by Sen. Brodeur was heard in its second committee, Senate Appropriations Subcommittee on Agriculture, Environment, and General Government. 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 moves to its last committee stop, Senate Appropriations. The House companion, [HB 1309 - Ratification of Department of Environmental Protection Rules](#) by Rep. Payne passed unanimously (114-0) on the House Floor last week.

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OTHER TECH INDUSTRIES

The Week of Broadband, Three Broadband Bills Move to Next Committee Stops

Three broadband bills were heard this week. Both [CS/CS/SB 1560- Broadband Internet Service](#) by Sen. Ausley and [CS/SB 2004- Broadband Internet](#) by Sen. Burgess were heard for the second time in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. FAC and the Small County Coalition waived in support of both bills. Both bills passed unanimously and head to the last committee stop, Senate Appropriations.

SB 1560 revises the duties of the Florida Office of Broadband within the Department of Economic Opportunity and establishes the Broadband Deployment Task Force. The Task Force will provide recommendations to the office for the deployment of broadband Internet service throughout the state, including, rural buildout and urban adoption strategies. Furthermore, the Task Force will include one member of the Florida Association of Counties to represent underserved or unserved rural communities. The bill requires the Office to develop geographic information system maps and annually update such maps, in collaboration with specified entities and consistent with certain federal reporting standards by June 30, 2022 to identify gaps of broadband internet coverage. Lastly, the bill requires the office to establish a process to identify eligible households to receive federal Emergency Broadband Benefit Program funds under certain circumstances. SB 1560 includes the provisions of the Broadband Opportunity Grants that are in HB 753 with the exception of revenues from M-CORES and also includes underserved communities within the grant program. Two House comparable bills, [CS/HB 753-Broadband Internet Deployment](#) by Rep. Clemons is in its last committee, House Commerce, and [HB 1339- Broadband Internet Service](#) by Rep. Goff-Marcil has not been heard.

SB 2004 requires the Office of Broadband (Office) within the Department of Economic Opportunity to address additional areas in its strategic plan. Specifically, the Office must develop short-term and long-term goals and strategies to increase the availability of and access to broadband Internet service in Florida; incorporate federal broadband activities that may improve Florida's broadband Internet service; and identify available federal funding for the expansion or improvement of broadband Internet service. The bill requires the Office to complete and submit its strategic plan by June 30, 2022. Furthermore, the bill includes an appropriation of \$1.4 million in nonrecurring funds for the purpose of commissioning a broadband feasibility study and developing the strategic plan.

Another broadband bill, [CS/HB 1239- Broadband Internet Infrastructure](#) by Rep. Tomkow was heard in House Ways & Means. Known as the "Florida Broadband Deployment Act of 2021," the bill was amended to remove the sales tax incentive provision relating to equipment purchased, leased, or sold in Florida for use by providers of telecommunications services and providers of Internet access services. Additionally, the bill provides a procedure for access by broadband providers for attachments to utility poles of municipal electric utilities and the adoption of rates, terms, and conditions for the access to the poles consistent with federal requirements. This includes prohibitions on municipal electric utilities from preventing or requiring a broadband provider to use certain techniques or comply with specifications when installing poles. HB 1239 passed favorably (15-1) and moves to its last committee stop, House Commerce. A similar bill, [CS/SB 1592-Broadband Internet Infrastructure](#) by Sen. Burgess is in its last committee stop, Senate Appropriations.

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FINANCE, TAX, & ADMINISTRATION

Florida Retirement System Legislation Passes on Senate Floor

[CS/SB 84-Retirement](#) by Sen. Ray Rodrigues was heard on the Senate Floor. 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. SB 84 passed (24,16) favorably on the Floor. There is no House companion.

The General Revenue Estimating Conference Revises State Revenue Forecast

The Revenue Estimating Conference held the General Revenue Estimating Conference on Tuesday, April 6. The Conference adopted a significantly higher forecast for the current fiscal year. For 2020-21, total General Revenue was increased by \$1.475 billion, with \$875 million coming from an increased sales tax estimate. The General Revenue forecast was also increased throughout the five-year forecast period in the following manner: an increase of \$550.8 million in 2021-22, \$590.2 million in 2022-23, \$506.5 million in 2023-24, \$479.7 million in 2024-25, and \$434.8 million in 2025-26.

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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. On March 22, HB 219 by Rep. Fischer was temporarily postponed in House Ways & Means.

[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, so that we may share the resolution with legislators as broadband legislation moves through the legislative process.

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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>.

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OTHER ANNOUNCEMENTS

Senate Budget Proposal Pared Back to One Prison Closure, Instead of Four, by the End of 2021

On Wednesday, the Senate proposed budget was considered on the Floor. Sen. Keith Perry, Chair of the Appropriations Subcommittee on Criminal and Civil Justice filed an amendment that called for the closure of one prison facility, rather than the four prison facilities in the original proposal. The proposed Senate Budget calls on the Department of Corrections to consolidate and close one prison facility. The plan below outlines the timeline and criteria of the closure of one 1,500 bed state-operated facility.

Timeline of Plan

Once the facility is selected, the plan will be submitted by September 1, 2021, for review and approval from the Governor, President of the Senate, and Speaker of the House of Representatives. Once approval is received, the Department of Corrections will consolidate and close the facility by December 31, 2021.

Criteria

While the budget does not specify which prison will be closed, criteria for closure will be based on:

1. The age and facility maintenance needs of the institution
2. The proximity of the institution to others within the region
3. The local labor pool and availability of workforce for staffing
4. The historical officer vacancy rates of the institution
5. The impact of institution closure on the local community's economy

As of January 2021, 80,000 individuals are incarcerated within the State of Florida. Prior to the COVID-19 pandemic, approximately 94,000 inmates were incarcerated within the system. While there is a decline in the prison population, this could be due to the criminal justice system being overloaded as trials are being pushed back during the pandemic. Therefore, fewer individuals are being sentenced. The FDC report

expects an increase in the number incarcerated in 2021 when courts resume back to normal operations.

To view the full Florida Department of Corrections Report: [2020-2021-Strategic-Plan.pdf \(state.fl.us\)](#)

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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, questions sent by NACo to the U.S. Treasury, and all the latest resources. 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 Rescue Plan, please submit your questions on the webpage.

Florida Association of Counties (fl-counties.com)

