



2021

LEGISLATIVE SESSION FINAL REPORT

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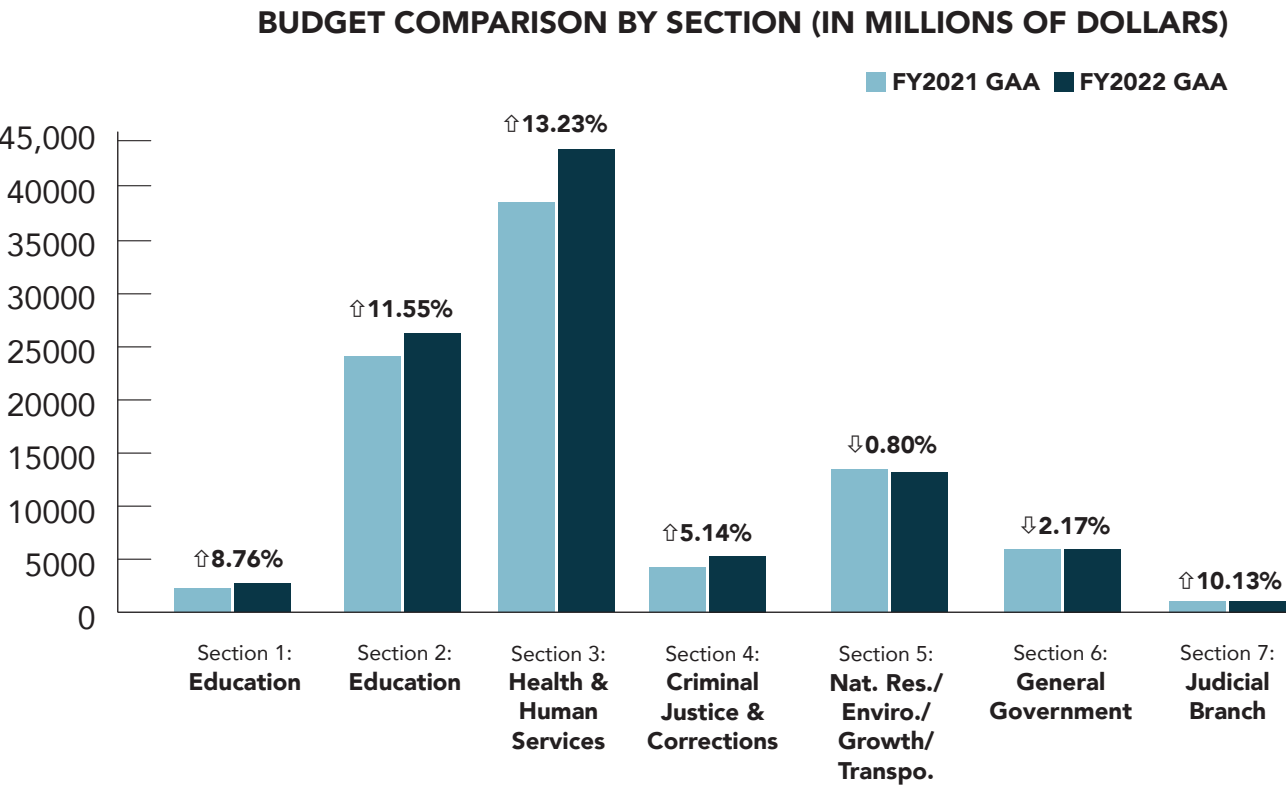


NICK MADDOX
Leon County
Immediate Past President

SFY 2022 HOUSE & SENATE BUDGET

On April 30th 2021, the Florida House of Representatives and the Florida Senate agreed to the budget for the State Fiscal Year (SFY) 2021-2022. The budget is the culmination of many rounds of budget negotiations throughout the legislative session. The Florida Legislature is constitutionally required to pass a state budget, officially titled as the General Appropriations Act, during the annual regular session.

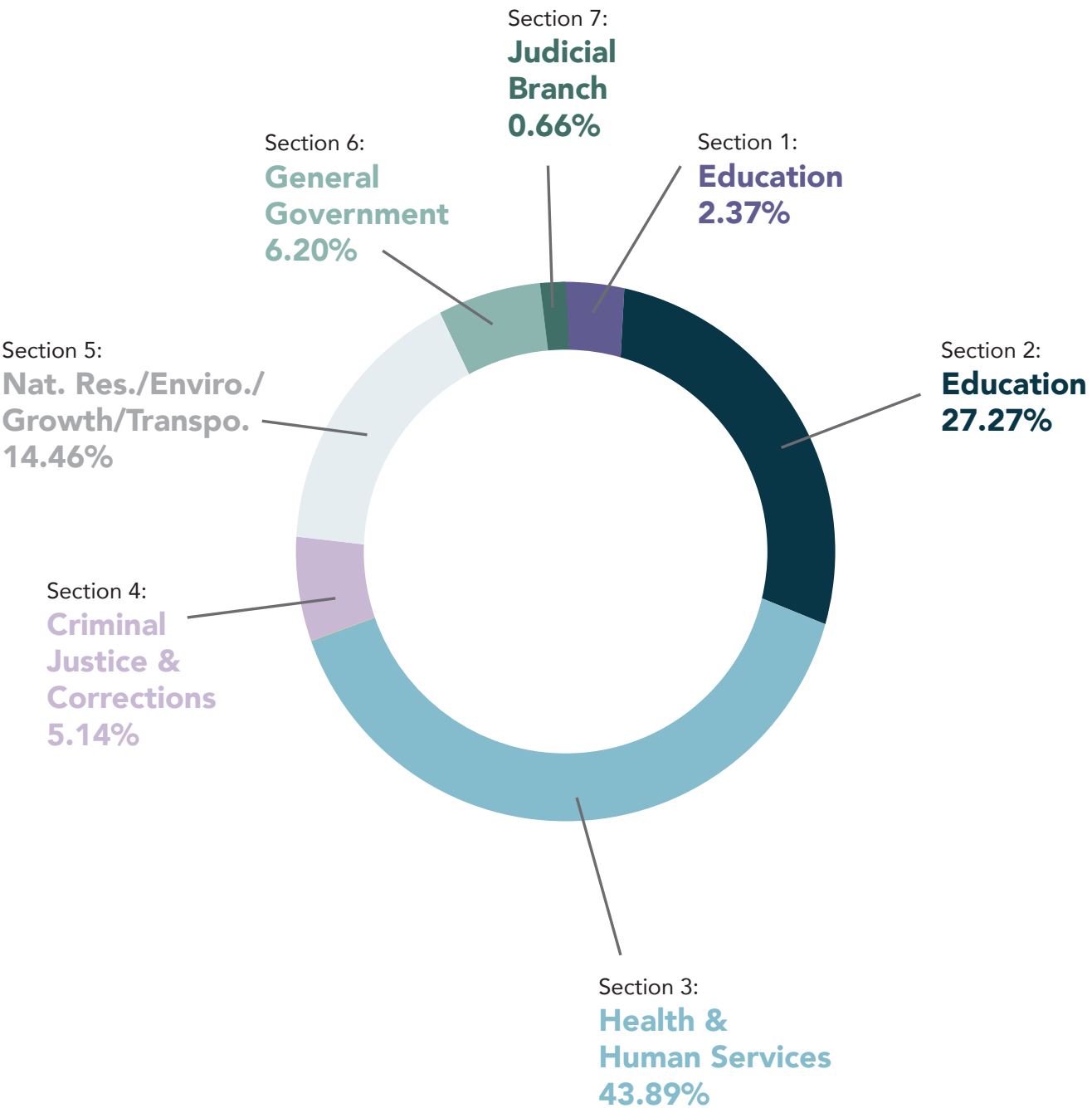
The House and Senate’s budget for State Fiscal Year 2021-2022 totals approximately \$101.5 billion, and represents a 8.9% increase from the previous SFY 2021 General Appropriations Act. The chart below summarizes a comparison of this year’s SFY 2022 budget and the budget approved from SFY 2021.



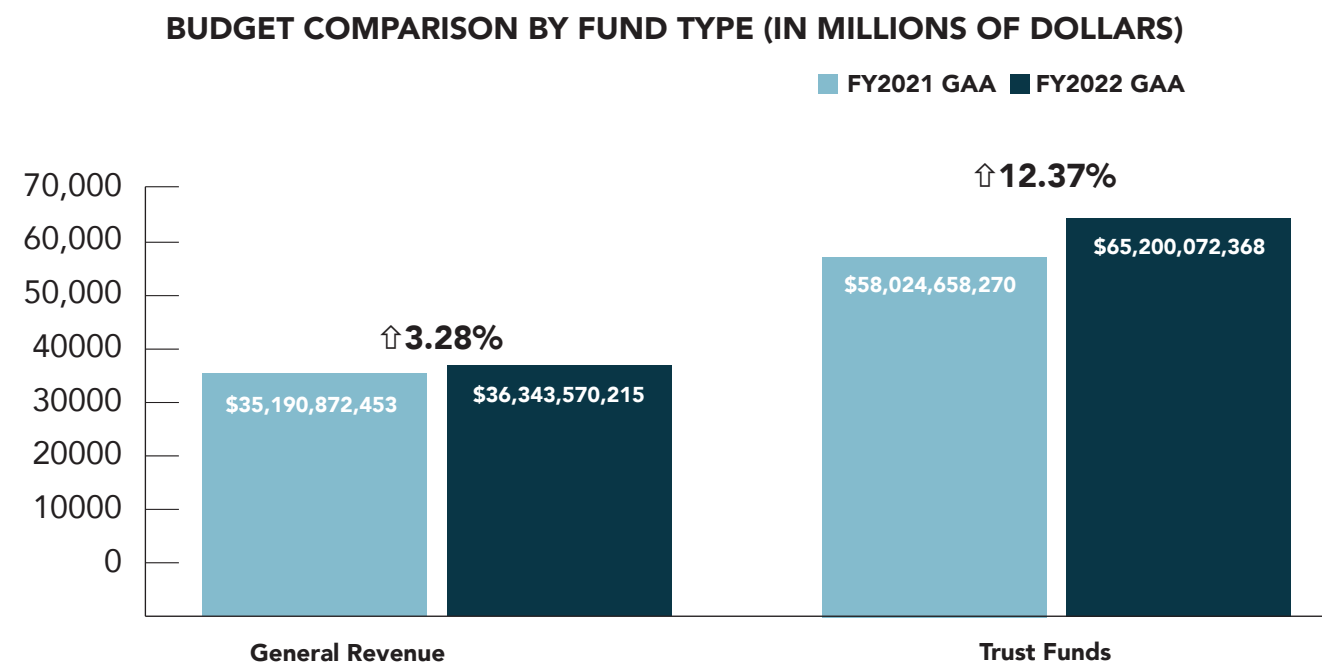
Health and Human Services received the largest portion of funding for the budget in SFY 2021-2022, totaling approximately \$44.6 billion. This represents a 13.2% increase in appropriations from the current year. All educational programs and services combined received the second largest amount of funding, totaling approximately \$30.1 billion. This represents an increase of approximately 11.3% from the current fiscal year.

Finally, Natural Resources, Environmental Issues, Growth Management and Transportation Expenditures represent the third largest portion of the budget in SFY 2021-2022 with funding equaling \$14.7 billion. This represents a slight decrease of approximately -0.80% from the current fiscal year.

SFY 2022 GENERAL APPROPRIATIONS ACT: % OF THE BUDGET



General revenue expenditures for the SFY 2021-2022 budget equals approximately \$36.3 billion, while trust fund expenditures total approximately \$65.2 billion. The chart below compares expenditures between the SFY 2021-2022 budget and the previous year’s budget for SFY 2020-2021 by fund type.



Please note that the amounts above reflect the appropriations that are not contingent upon the receipt of federal funds from the American Rescue Plan Act (ARPA). Where ARPA funds are contingently appropriated in section 152 in the back of the General Appropriations Act for the issues discussed below in the County Funding Highlights section, the total funding amount is provided and the portion funded from ARPA is separately identified. There is also a discussion of the total amount of ARPA funds appropriated later in this document.

COUNTY FUNDING HIGHLIGHTS

HEALTH AND HUMAN SERVICES

Shared County/State Juvenile Detention: The SFY 2021-2022 budget estimates the counties’ portion of total Shared County/State Juvenile Detention to be \$61,768,347. This represents an estimated increase of about \$4.1 million from the current year budget and 48% of the total Juvenile Detention funding (\$128,701.005).

Community Substance Abuse and Mental Health Services: Funded at approximately \$1.051 billion in the budget, which represents a \$200.7 million increase from the previous fiscal year.

Community Action Treatment (CAT) Teams: The SFY 2021-2022 budget allocates \$30.8 million, directed to DCF to contract with providers throughout the state for operation of CAT teams, which provide community-based services for children (aged 11 to 21) with mental health and/or substance abuse diagnoses, this is the same funding as the previous fiscal year.

Public Safety, Mental Health, and Substance Abuse Local Matching Grant Program: The SFY 2021 - 2022 budget allocates \$9 million for the program, which supports county programs that serve adults or youth who are in behavioral crisis and at risk of entering the criminal justice system. This represents the same budget year funding as the previous fiscal year.

Crime Labs: The SFY 2021-2022 budget allocates approximately \$60.9 million in grants and aids to local governments for criminal investigations, which represents a 1.3% decrease over the previous fiscal year.

Homeless Programs Challenge Grants: The SFY 2021-2022 budget allocates approximately \$3.2 million respectively, to DCF for challenge grants, which are awarded to lead agencies of homeless assistance continuums of care.

AGRICULTURAL & ENVIRONMENT HIGHLIGHTS

WATER QUALITY HIGHLIGHTS

- Septic-to-Sewer/Stormwater Improvements:** The SFY 2021-2022 budget allocates \$626 million (of which \$500 million is contingent ARPA funds) from the Water Protection and Sustainability Program Trust Fund are provided for the wastewater grant program as established in section 403.0673, Florida Statutes, and are contingent upon SB 1954, SB 2512, and SB 2514, or similar legislation, becoming law. \$10 million is provided for the Septic Upgrade Incentive Program to incentivize homeowners in Priority Focus Areas to upgrade their septic system to include nitrogen reducing enhancements.
- Wastewater Treatment Facility Construction:** \$211 million
- Water Quality Enhancement and Accountability:** The budget allocate \$10.8 million for increased water quality monitoring, creation of a water quality public information portal, and for the establishment of the Blue-Green Algae Task Force. Funds may be used for administration and planning costs. The task force will support key funding and restoration initiatives to expedite nutrient reduction in Lake Okeechobee and the St. Lucie and Caloosahatchee estuaries. The task force will identify priority projects for funding that are based on scientific data and build upon Basin Management Action Plans (BMAPs) to provide the largest and most meaningful nutrient reductions in key waterbodies, as well as make recommendations for regulatory changes. \$4 million of those funds are provided to the DEP, which will continue to expand statewide water quality analytics for the nutrient over-enrichment analytics assessment and water quality information portal to include a comprehensive statewide flood vulnerability and sea level rise data set.
- Total Maximum Daily Loads:** The SFY 2021-2022 budget allocates \$45 million (\$20 million of which is contingent ARPA funds) for Total Maximum Daily Loads and the department may include innovative water treatment projects that demonstrate the ability to most rapidly achieve department verified phosphorous and/or nitrogen load reductions consistent with the nutrient load reduction goals and total maximum daily loads established by the department. The department may also provide cost-share funding for innovative nutrient removal projects.
- Harmful Algal Blooms:** The SFY 2021-2022 budget allocates \$10.6 million for the purpose of supporting the evaluation and implementation of innovative technologies and short-term solutions to combat or clean up harmful algal blooms and nutrient enrichment of Florida’s fresh waterbodies, including lakes, rivers, estuaries and canals. Funds may be used for the Department’s red tide emergency grant program to support local governments in cleaning beaches and coastal areas to minimize the impacts of red tide to residents and visitors. Funds may also be used to implement water quality treatment technologies, identified by the Department, near water control structures in Lake Okeechobee.
- Springs Restoration:** The SFY 2021-2022 budget allocates \$75 million (\$25 million of which is contingent ARPA funds) for land acquisition to protect springs and for capital projects that protect the quality and quantity of water that flow from springs.
- Alternative Water Supply:** The SFY 2021-2022 budget allocates \$40 million, all of which is contingent ARPA funds, to the water supply and water resource development grant program to help communities plan for and implement conservation, reuse and water supply and water resource development projects.
- Everglades Restoration:** \$420 million (\$59 million of which is contingent ARPA funds)
- Florida Forever:** \$400 million (\$300 million of which is contingent ARPA funds)
- Florida Recreation Development Assistance Grants:** \$2 million.

- **Beach Management Funding Assistance Program:** The SFY 2021-2022 budget allocates \$75 million, (\$25 million of which is contingent ARPA funds) to the Department of Environmental Protection in Fixed Capital Outlay for distribution to beach and inlet management projects.
- **Resilient Coastline Initiative:** The SFY 2021-2022 budget allocates \$10.0 million to assist local governments with sea level rise planning and coastal resilience projects, including storm resiliency as well as coral reef restoration and monitoring. The Senate does not include this in their budget proposal.
- **Resilient Florida Trust Fund and program:** The SFY 2021-2022 budget allocates \$500 million, all of which are contingent ARPA funds, from the Resilient Florida Trust Fund and are contingent upon SB 1954, SB 2512, and SB 2514, or similar legislation, becoming law. The bills create the Resilient Florida Grant Program within DEP to provide \$111 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. First-year funding will establish the program and provide for \$20 million in grant funding.
- **Mosquito control programs:** The SFY 2021-2022 budget allocates \$2.7 million
- **Piney Point Environmental Cleanup:** \$100 million, all of which is contingent ARPA funds, to the DEP for emergency response efforts and to expedite closure of the Piney Point facility, now operated as the Eastport Terminal facility, located in Manatee County, Florida. These funds may be used to address environmental impacts either directly or indirectly related to the emergency response and site closure.

TRANSPORTATION AND ECONOMIC DEVELOPMENT

AFFORDABLE HOUSING

- **State Housing Initiatives Partnership (SHIP) program:** The SFY 2021-2022 budget allocates \$146.7 million for the State Housing Initiatives Partnership (SHIP).
- **State Apartment Incentive Loan Program (SAIL):** The SFY 2021-2022 budget allocates \$62.5 million for the State Apartment Incentive Loan Program (SAIL).
- The total amount of housing trust fund sweeps \$362.5 million.

Job Growth Grant Fund: The SFY 2021-2022 budget allocates \$50 million, all of which is contingent ARPA funds

Visit Florida: The SFY 2021-2022 budget allocates \$54 million (\$25 million of which is contingent ARPA funds)

Small County Outreach Program (SCOP): The SFY 2021-2022 budget allocates \$88.8 million

Small County Road Assistance Program (SCRAP): The SFY 2021-2022 budget allocates \$38.2 million

Rural Economic Development

- **Rural Infrastructure Fund:** The SFY 2021-2022 budget allocates \$5 million to support local rural infrastructure projects such as broadband, roads, storm and wastewater systems, and telecommunications facilities. The eligible uses of these funds include roads or other remedies to transportation impediments; storm water systems; water or wastewater facilities; and telecommunications facilities and broadband facilities.
- **Rural Community Development Revolving Loan Program:** The SFY 2021-2022 budget allocates \$1.2 million to provide local governments with access to financial assistance to further promote the economic viability of Florida’s rural communities.
- **Small County Wastewater Grants:** \$36 million (\$25 million of which is contingent ARPA funds)

GENERAL GOVERNMENT

Library Grants and Library Cooperatives: The SFY 2021-2022 budget allocates \$23.5 million

Fiscally Constrained County Funding: The SFY 2021-2022 budget allocates \$32.2 million, to offset the impacts of previously approved constitutional amendments.

Emergency Distributions: The SFY 2021-2022 budget allocates \$25.1 million in emergency distributions revenue sharing for small counties.

ALLOCATION OF AMERICAN RESCUE ACT FUNDS

As discussed in the General Overview section, the SFY 2021-22 includes an allocation of \$6.696 billion in American Rescue Act funds in section 98 in the back of the budget, contingent upon the receipt of the federal funds. These funds are allocated as follows and are in addition to any amounts otherwise appropriated for these purposes in the House GAA:

Florida Forever Land Acquisition	\$300 million
Piney Point	\$100 million
African American Cultural and Historic Grant Program	\$30 million
State Emergency Operations Center.....	\$100 million
PECO Supplement – Higher Education Construction.....	\$190.9 million
New Worlds Reading Initiative.....	\$125 million
Beach Management Funding Assistance Program	\$50 million
Coastal Mapping Services	\$100 million
Derelict Vessel Removal Program	\$25 million
Small County Wastewater Grant Program	\$25 million
Reemployment Assistance Program	\$56.4 million
Water Protection and Sustainability Program TF	\$500 million
Inland Protection TF	\$50 million
State Transportation TF	\$2.0 billion
Emergency Preparedness and Response fund.....	\$1.0 billion
Budget Stabilization Fund	\$350 million
Deferred Building Maintenance Program	\$350 million
PECO Supplement K12 Special Facilities Construction Projects	\$210.3 million
Total Maximum Daily Loads.....	\$20 million
Alternative Water Supply	\$40 million
Everglades Restoration	\$59 million
C-51 Reservoir	\$48 million
Springs Restoration	\$25 million
Payments to Pandemic First Responders.....	\$208.4 million
Job Growth Grant Funding	\$50 million
Visit Florida Increase	\$25 million
Military Affairs FCO New Armories Immokalee and Zephyrhills.....	\$50 million
FWC Enhanced Aviation Support	\$8.4 million

CONFORMING BILLS

Florida Retirement System Contribution Rates (SB 7018): Modifies employer contribution rates.

Employer normal contribution rates for each membership class of Florida Retirement System (Defined Benefit and Defined Investment) are amended as follows:

CONTRIBUTION RATES

CLASS	FY2020-21	FY2021-22
Regular	4.84%	4.91%
Special Risk	15.13%	15.27%
Special Risk Administrative	9.89%	9.73%
Elected Officers (Legislators)	8.38%	8.49%
Elected Officers (Judges)	13.31%	13.38%
Elected Officers (County Officers)	10.07%	10.28%
Senior Management	6.39%	6.49%
DROP	7.03%	7.23%

To address the unfunded actuarial liabilities (UAL) of the Florida Retirement System, the bill amends the current contribution rates for each membership class as follows:

UNFUNDED ACTUARIAL LIABILITY

CLASS	FY2020-21	FY2021-22
Regular	3.44%	4.19%
Special Risk	7.60%	8.90%
Special Risk Administrative	24.23%	26.31%
Elected Officers (Legislators)	48.81%	53.52%
Elected Officers (Judges)	24.70%	25.81%
Elected Officers (County Officers)	37.39%	39.42%
Senior Management	19.18%	20.80%
DROP	8.29%	9.45%

PREEMPTIONS/MANDATES-FAILED

VACATION RENTALS PREEMPTION FAILS

SB 522- Vacation Rentals by Sen. Diaz failed this legislative session. SB 522, amended down from its original form which preempted the regulation of vacation rentals to the state and prohibited local laws, ordinances, or regulations that permit or require the inspection or licensure of public lodging establishments, vacation rentals, and public food service establishment, only preempts the advertising platforms of vacation rentals. The House companion, HB 219- Vacation Rentals by Rep. Fischer was only heard once prior to Session in committee weeks.

BILL PROHIBITING PUBLIC FUNDS FOR LOBBYING BY LOCAL GOVERNMENTS FAILS

HB 215-Prohibition of Public Funds for Lobbying by Local Governments by Rep. Sabatini was never heard this session and there was no Senate companion legislation. Among other things, the bill prohibits a local government from using public funds to retain a lobbyist to represent the local government before the legislative or executive branch. However, a full-time employee of the local government may register as a lobbyist and represent that local government before the legislative or executive branch. Except as a full-time employee, a person may not accept public funds from a local government for lobbying.

OCCUPATIONAL REGULATIONS REVIEW PROCESS FAILS

SB 344/HB 471 - Legislative Review of Occupational Regulations by Sen. Diaz and Rep. Rizo failed this session. The bill creates the “Occupational Regulation Sunset Act” which establishes a schedule for systematic review of the costs and benefits of occupational regulatory programs to determine whether to allow the program to expire, renew without modifications, renew with modifications, or provide for other appropriate actions over a four-year period by the legislature. SB 344 cleared one committee stop; while HB 471 was not considered.

PREEMPTING LOCAL OCCUPATIONAL LICENSING
LEGISLATION PASSES

SB 268 Preemption of Local Occupational Licensing by Sen. Perry was substituted for its House companion, HB 735- Preemption of Local Occupational Licensing by Rep. Harding. HB 735 passed (82-32) in the House and in the Senate with a vote of 22-18. The bill expressly preempts the licensing of occupations to the state and supersedes any local government occupational licensing, except as authorized by general law. HB 735 saves local occupational licensing requirements enacted before January 1, 2021, but only until July 1, 2023, when all local occupational licensing expires unless authorized by general law. 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. County governments license certain construction specialty trades and other occupations that are not licensed by the state. FAC testified in committee that these county programs, often overseen by boards of industry professionals, are directed at protecting the consuming public by requiring demonstration of competency through testing, education, and experience requirements and require proof of liability and workers compensation insurance. The bill heads to the Governor’s desk for final approval.

FUEL PUMP PREEMPTION PASSES

SB 430- Petroleum Fuel Measuring Devices by Sen. Ana Maria Rodriguez (HB 991 by Rep. Busatta Cabrera) passed this session. The bill preempts to the state the regulation of fuel measuring devices. Additionally, effective January 1, 2022, the owner or manager of a retail petroleum fuel measuring device who chooses to install a pressure-sensitive security tape must also include at least one other security measure. An owner or operator of a fuel measuring device must report to the department within 3 business days upon finding that a required security measure has been breached and has failed to restrict the unauthorized access of customer payment card information. An owner or operator of a pump or a registered meter mechanic must report to the department any illegal skimming or filtering device found within 3 business days. Currently, three counties have adopted additional consumer protection measures to protect against card skimming at gas pumps. SB 430 passed (111-4) and heads to the Governor for final approval.

GAS STATION PREEMPTION PASSES

HB 839- State Preemption of Transportation Energy Infrastructure Regulation by Rep. Fabricio (SB 856 by Sen. Hutson) passed this session. 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 entire jurisdiction. The bill preempts mandating any required infrastructure on a fuel retailer, including electric vehicle charging stations. The bill passed (26-12) in the Senate and heads to the Governor’s desk for final passage.

UTILITY SERVICES PREEMPTION PASSES

HB 919 - Preemption Over Restriction of Utility Services by Rep. Tomkow (SB 1128 by Sen. Hutson) passed this session. HB 919 prevents counties, municipalities, special districts, or other political subdivisions from enforcing a resolution, ordinance, or code restricting or prohibiting the types of fuel sources of energy that can be used, delivered, converted, or supplied by a public utility. However, the bill does not prohibit a governmental entity from adopting rules, regulations, and policies governing an electric or natural gas utility that it owns or operates and directly controls. The bill passed (27-13) in the Senate and heads to the Governor’s desk.

LEGISLATION PREEMPTING REFERENDUMS OF FLORIDA SEAPORTS
PASSES AS AN AMENDMENT TO TRANSPORTATION BILL

SB 1194- Transportation by Sen. Hooper (HB 57 by Rep. Andrade) was passed this session. Among other things, the massive transportation bill authorizes a municipal or county governing body to abandon roads and rights of way dedicated in a recorded residential subdivision plat and to simultaneously convey a city’s or county’s interest to a community development district under specified conditions. The Senate adopted an amendment on the Floor by Sen. Boyd that partly matched language in SB 426/HB 267, relating to State Preemption of Seaport Regulations by Sen. Boyd and Rep. Roach. The amendment prohibits a local ballot initiative or referendum from restricting maritime commerce in all of Florida’s seaports, including, but not limited to, regulations related to:

- 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.

Any local ballot initiative or referendum that was adopted before, on, or after July 1, 2021, and any local law, charter amendment, ordinance, resolution, regulation, or policy adopted in such an initiative or referendum, is prohibited, void, and expressly preempted to the state. This includes the three referendums approved by city of Key West voters in the November 2020 General Election which restricted the types of cruise vessels that could call on the Port of Key West. The bill passed (21-7) in the Senate and the House concurred in the amendment and passed the bill on a vote of 75-40. The bill now heads to the Governor’s desk.

SOLAR FACILITY PREEMPTION PASSES

SB 896- Renewable Energy by Sen. Brodeur (HB 539 by Rep. Byrd) was heard in both chambers. Originally, the bill amended s.366.91, F.S. by adding the terms “biogas” and “renewable natural gas” and expanding the term “renewable energy.” This adds a definition for “clean” methane to the classification of renewable energy. In the last committee, an amendment was adopted that added in language from the solar preemption bill (HB 761/SB 1008- Solar Electric Generating Facilities), which was previously unheard in both chambers. The bill requires solar facilities to be permitted use in all agricultural land use categories in a local government’s comprehensive plan, and all agricultural zoning districts within an unincorporated area. A county may only adopt an ordinance specifying buffer and landscaping requirements for solar facilities. On the Senate Floor, an amendment was adopted that the provisions within the bill do not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021. Only two solar projects were rejected by local governing boards, Alachua and Walton counties. Many counties already approve solar “farms” through a conditional use or special exception/exemption process. Counties will be preempted from disallowing a solar project on agricultural land solely because it’s located in an agricultural land designation. Uncertainty remains to the extent of preemption of local zoning, permitting, public input processes, and responsible energy & growth management policies. Additional environmental justice concerns remain against historically disadvantaged and minority communities in rural residential areas. The bill passed (86-29) in the House and (25-14) in the Senate. The bill now heads to the Governor’s desk.

HOME-BASED BUSINESSES (HBB) PREEMPTION PASSES

HB 403- Home-based Businesses by Rep. Giallombardo (SB 266 by Sen. Perry) passed this session. The bill allows home-based businesses to operate in any area zoned for residential use and activities but must be secondary to the property’s use as a residential dwelling. After HB 403 was amended in the Senate to match the Senate version, an amendment by Rep. Giallombardo was adopted on the last day of session. The amendment weakened local control over the regulation of home-based businesses by prohibiting local governments from regulating home-based businesses in a manner that is more stringent than residential home where no business activity is conducted. Local governments cannot enact or enforce any ordinance, regulation, or policy to regulate or license a home-based business, except as allowed by the bill.

Furthermore, a home-based business must meet the following requirements: the employees of the business who work at residential dwelling must reside in the dwelling, except for up to two employees or independent contractors, and the parking generated may not be greater than would normally be expected at a residence with no business operations and complies with local zoning requirements. Additionally, the amendment:

- Removes prohibitions on having business activities occur within view of the street.
- Removes local control over HBB hours of operation (leaving the bill with no regulation at all on hours of operation).
- Removes ability for local governments to regulate businesses signs, exterior storage, traffic/the number of cars coming and going from the house.
- Removes the prohibition on an HBB building external modifications that are visible from the street or neighboring properties.
- Removes local control on HBB uses or equipment or process that creates noise, vibration, heat, smoke, dust, glare, fumes, or odors. Instead, the amendment requires that such local regulations treat HBBs the same as any other residential property where no business is conducted.
- Keeps a provision that would allow an HBB owner to sue a local government and recover attorney fees for any violations by a local government of the new law.

The bill passed (77-41) as amended in the House and the Senate concurred in the House amendment and passed the bill on a vote of 19-18. Some four minutes later, however, Sen. Farmer raised a point of order as to the passage of the bill because three Senators, who were on the Floor, failed to vote in violation of the Senate’s Rules. The Senate President ruled the point of order well taken and requested the House return the bill for the Senate to take further action. The House failed to return the bill before adjourning Sine Die.

COTTAGE FOOD PREEMPTION PASSES

SB 1294- Cottage Food Operations by Sen. Brodeur was replaced with its House companion, HB 663- Cottage Food Operations by Rep. Salzman and Rep. Botana. Known as the Home Sweet Home Act, HB 663 increases annual gross sales of cottage food products from \$50,000 to \$250,000 and authorizes the sale and delivery of cottage food products by mail. Furthermore, the bill preempts the regulation of cottage food products to the state and prohibits any local law, ordinance, or regulation from regulating the preparation, processing, storage, and sale of these products. An amendment was adopted on the Senate Floor that clarifies upon passage of HB 403- Home-based Businesses, a cottage food operation must comply with the conditions for operation of a home-based business under s.559.995, F.S. The Senate passed the amended bill with a vote of 30-10. The House concurred with a vote of 90-28. The bill heads to the Governor for final approval.

PUBLIC WORKS PROJECTS BILL PASSES

SB 1076- Public Works Projects by Sen. Brodeur was substituted for its House companion, HB 53- Public Works Projects by Rep. DiCeglie. The bill amends the definition of “public work projects” as an activity that exceeds \$1,000,000 in value and that is paid for with any state-appropriated funds. The bill preempts existing local ordinances related to the procurement process for public works projects when any state funds are used. Currently, state law preempts local preference ordinances when 50% or more of the cost will be paid from state-appropriated. The bill removes this 50% threshold and applies the prohibition on local preference to all solicitations that will be paid for with funding that is state-appropriated. Furthermore, the bill prohibits a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on certain preferences. The bill’s prohibitions do not apply to public works projects funded with local funds or to projects funded pursuant 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.

The bill requires the Office of Economic and Demographic Research (EDR) to include an analysis of the expenditures necessary to repair, replace, and expand water-related infrastructure in its annual assessment of Florida’s water resources and conservation lands. Lastly, the bill requires each county, municipality, or special district providing wastewater or stormwater services to develop an analysis of the wastewater and stormwater needs of its jurisdiction over the next 20 years. The bill was amended on the Senate Floor by Sen. Brodeur to include rural areas of opportunity, unless the requirements of the analysis create economic hardships for the county. The bill passed on the Senate Floor with a vote of 24-16. The House then passed (79-34) the amended bill. The bill now heads to the Governor’s desk for signature.

FIREARMS AND AMMUNITION PREEMPTION SIGNED INTO LAW

SB 1884- Preemption of Firearms and Ammunition Regulation by Sen. Ray Rodrigues (HB 1409 by Rep. Byrd) passed in the Senate with a vote of 24-16 and the House concurred with a vote of 78-39. The bill preempts the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the state. The bill provides the right to maintain a legal action against a preempted local regulation, regulating firearms and ammunition, and applies even if the local regulation is unwritten. Lastly, the bill provides a mechanism for a plaintiff to recover damages and attorney’s fees when a government entity changes its regulation while the regulation is being challenged, when a government entity voluntarily changes the regulation, the plaintiff challenging the regulation is considered the prevailing party and may recover actual damages and attorney fees. On May 7, 2021, SB 1884 was signed into law.

BUILDING CODE LEGISLATION PASSES

HB 401- Florida Building Code passes this session. The bill amends the Florida Building Codes Act adding several new provisions. Specifically, the bill allows a substantially affected person to petition the Florida Building Commission for a non-binding advisory opinion on whether a local government regulation is an improper amendment to the Building Code and establishes a process for such petitions. The bill prohibits a municipality, county, or special district from using preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

The Commission may issue an “errata to the code” to list demonstrated errors in provisions contained within the Building Code if the determination of errors and issuance of an errata code is approved by a 75 percent supermajority vote of the Commission. A local government may not require a contract between a builder and an owner as a condition to apply for, or to obtain, a building permit. The bill makes several changes to current law pertaining to private building inspectors, known as “private providers,” by:

- Expressly authorizing private providers to conduct virtual building inspections.
- Allowing private provides to submit various inspection forms, records, and reports electronically to local building departments and utilize electronic signatures.
- Allowing private providers to conduct “single-trade inspections,” as defined in the bill.
- Creating a “qualified private provider” registration process and providing that a qualified private provider, as defined in the bill, does not need to include information other than the services to be performed in their written notice to the local building official that a private provider has been contracted to perform inspections.
- Authorizing a private provider to conduct emergency inspection services without first notifying the local building official.

Additionally, the bill requires that when an owner or contractor retains a private provider to perform plans reviews or building inspection services a local enforcement agency must to reduce its permit fee by the amount of costs savings realized for not having to perform such services. The reduction may be calculated as a flat fee, on a percentage basis, or any other reasonable basis by which the local enforcement agency assesses the costs for plans review or building inspection services. The bill expressly authorizes local governments and school districts to use a private provider to provide building code inspection services for public works projects and improvements to any building or structure.

A local government may use excess funds generated by building code enforcement for the construction of a building or structure that houses the local government’s building department or provides training programs for building officials, inspectors, or plans examiners. However, a local government using excess funds to construct a building or structure must designate the funds for that purpose and may not carry forward the funds for more than four consecutive years.

The bill requires the Commission to adopt rules for approving product evaluation entities in addition to those entities already listed and approved in current law and clarifies the Commission may suspend product evaluation entities. The Senate adopted amendment that included the substance of HB 55/SB 284- Building Design, by Rep. Overdorf and Sen. Perry to prohibit local governments from regulating specific “building design elements” for single-family or two-family residential dwellings, with certain exceptions including:

- Dwellings on the National Register of Historic Places or located in a historic district.
- Regulations are adopted to implement the National Flood Insurance Program.
- Regulations are adopted to comply with Chapter 553.
- Dwellings are located in the community redevelopment area.
- Regulations are required to ensure protection of coastal wildlife in compliance with current law.
- The dwelling is located within a planned unit development or master planned community created by ordinance, resolution or other final action of the local governing body.
- The dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board.

The bill defines the term “building design elements” and the term “planned unit development” or “master planned community.” This provision does not affect the validity or enforceability of private covenants or other contractual agreements relating to building design elements.

A provision added by the Senate to allow the owner of an onsite sewage treatment and disposal system, or the owner’s contractor, to select a private provider to provide certain inspection services of such systems in lieu of the Department of Health was approved as part of the Senate’s amendment. However, the House rejected this provision, and it was removed before final passage of the bill. If approved, the act will take effect on July 1, 2021.

The bill passed (102-12) in the House and passed (38-1) in the Senate. The bill heads to the Governor’s desk for approval.

COVID-19- PASSED

COVID-19 LIABILITY PROTECTIONS FOR BUSINESSES AND HEALTHCARE PROVIDERS SIGNED INTO LAW

SB 72- Civil Liability for Damages Relating to COVID-19 by Sen. Brandes was signed into law on March 29, 2021. A combination of SB 72 and SB 74 -COVID-19-related Claims Against Health Care Providers, SB 72 now provides heightened liability protections against COVID-19-related claims due to the threat of unknown and potentially unbounded liability claims that may arise as a result of the pandemic. The protections are extended vastly to all persons, businesses, or other entities, including healthcare providers. A COVID-19-related lawsuit against any defendant must be brought within 1 year after a cause of action arises unless the cause of action occurred before the effective date of the bill. However, if a cause arises before the effective date of the bill, the plaintiff has 1 year from the effective date of the act to bring the claim. The bill takes effect upon becoming a law and applies retroactively. However, the bill does not apply in a civil action against a particular defendant if the suit is filed before the bill’s effective date.

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

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

Liability Protections for Health Care Providers

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

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

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

COVID-19 FRAUD SAFEGUARD BILL PASSES

HB 9- Protecting Consumers Against Pandemic-related Fraud by Rep. Zika was considered on the Senate Floor in the final week of session. Sen. Bean replaced his identical Senate version (SB 1608) with HB 9 in the Senate Rules Committee in March. HB 9 protects the public from fraudulent activity, or false misleading information relating to the availability and effectiveness of personal protective equipment (PPE) and fraudulent activity against COVID-19 vaccination availability and access. The legislation will prevent the creation of websites, social media, emails, phone calls with false information with the intent to steal personal identification or to receive money. The bill will make these actions a third-degree felony. The bill passed with unanimous support and heads to the Governor’s desk for final approval.

COVID-19- FAILED

ALTERNATIVE MEETINGS DURING DECLARED EMERGENCIES LEGISLATION FAILS

HB 1217- Meetings of Political Subdivisions During Declared Emergencies by Reps. Daley and Mooney Jr. and SB 1494- Public Meetings During Declared Emergencies by Sen. Cruz failed this session. The bill authorizes local or regional governing bodies under a state of emergency by the Governor to gather using communications media technology, including telephonic and video conferencing. A meeting conducted through communications media technology indicates a member’s presence and counts towards a quorum. A member can attend in person or through communications media technology virtually. The House measure adds that any requirement for a public meeting for a quorum, to be present in person, or to meet in a specific place will be suspended during a declared state of emergency. Lastly, a public notice for a meeting via technology must contain how many people are interested in attending and name meeting locations, if any. FAC was in support of this legislation. Neither bill received a hearing this session.

HEALTH, SAFETY, JUSTICE - PASSED

LEGISLATION ADDRESSING EMERGENCY POWERS OF LOCAL GOVERNMENTS SIGNED INTO LAW

SB 2006-Emergency Management by Sen. Burgess passed this session after many amendments on the House and Senate Floor. 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.

The bill 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 public health or safety purpose.”

An amendment by Rep. Leek matched his language from the House companion (HB 7047), that would require emergency orders to automatically expire after 7 days and may be extended by a majority vote of the political subdivision’s governing body. However, orders may not exceed more than 42 days and may not be substantially similar upon renewal. The amendment removed Sen. Burgess language of 10-day extensions and removed the authorization for governing bodies to meet virtually to renew orders.

The Governor has the authority to invalidate an emergency order that “unnecessarily restricts individual rights or liberties.” Lastly, the bill prohibits certain businesses, government entities, and educational institutions from requiring documentation of COVID-19 vaccination or post-infection recovery, excluding health care providers. The Department of Health is authorized to issue fines to businesses and institutions who violate the terms, however, the fines may not exceed \$5,000 per violation.

The bill passed (23-15) in the Senate and the House concurred with a vote of 78-36. On May 3, 2021, SB 2006 was signed into law.

PUBLIC RECORDS EXEMPTIONS IN EMERGENCIES SIGNED INTO LAW

HB 327- Public Records/ Disaster Response by Rep. Rommel (SB 418 by Sen. Burgess) passed this session. 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 bill provides that the exemption created under the bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will be repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution, providing that the exemption is necessary to limit the amount of privacy a person must forfeit by choosing to enter a shelter, and to protect a person from those who might seek to exploit their vulnerability following a catastrophic event. On May 7, 2021, HB 327 was signed into law.

A TOP GOP PRIORITY THIS SESSION, THE ANTI-RIOT BILL SIGNED INTO LAW

HB 1- Combating Public Disorder by Reps. Fernandez-Barquin and Byrd and Senate sponsor, Sen. Burgess, was signed into law and was effective immediately on Monday, April 19. As a top priority for GOP leadership this session, 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.

BILL ALLOWING FAITH-BASED VOLUNTEER AMBULANCE SERVICES PASSES

SB 1084- Volunteer Ambulance Services by Sen. Pizzo was substituted for the House companion, HB 805- Volunteer Ambulance Services by Reps. Caruso and McClure. 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;
- Does not receive government funds, however, may receive funding from specialty license proceeds;
- Has never had a license denied, revoked, or suspended;
- Provides free service; and
- Provides a management plan to DOH that includes a training program, complaint management system, accident or injury handling system, quality assurance program, and proof of adequate insurance requirements.

This exemption may be granted to no more than four counties and the service must comply with all other requirements for licensure. A county may not limit a volunteer ambulance service from responding to an emergency or providing emergency services within its jurisdiction. The bill passed unanimously and now heads to the Governor for final approval.

MEDICAID COVERAGE FOR NON-EMERGENCY AMBULANCES PASSES

SB 348-Medicaid by Senator Ana Rodriguez (HB 461 by Reps. Overdorf and Trabulsy) passed unanimously this session. This bill requires Florida Medicaid to reimburse Medicare crossover claims for non-emergency ambulance services. When an individual is enrolled in both Medicaid and Medicare (dual-eligible), Medicare is the primary payer and Medicaid may cover the cost not paid by Medicare. If Medicare does not pay the full cost of a service, the state Medicaid program decides if Medicaid will cover the difference; this is categorized as a crossover plan. Currently, Medicaid only pays for emergency transportation for crossover claims. Thus, the bill requires Medicaid to pay for all services by ambulances. The bill passed unanimously and the bill heads to the Governor’s desk for final approval.

BILL PROHIBITING ANONYMOUS COMPLAINTS BY CODE INSPECTORS PASSES

SB 60-County and Municipal Code Enforcement by Sen. Bradley (HB 883 by Rep. Overdorf) passed this session. The bill prohibits county and municipal code inspectors from opening an investigation into violations of city or county codes or ordinances through an anonymous complaint. However, the bill excludes code inspectors who find a violation that presents an imminent threat to the public health, safety, or welfare of a community. An individual who files a complaint must provide their name and address to county or city officials before an investigation occurs. SB 60 passed (27-11) in the Senate and (81-35) in the House. The bill heads to the Governor’s desk.

TOBACCO 21 LEGISLATION SIGNED INTO LAW

HB 987- Tobacco and Nicotine Products by Rep. Toledo was substituted on the House Floor for SB 1080- Tobacco and Nicotine Products by Sen. Hutson. The bill raises the smoking age of tobacco to 21 and expands the definition of tobacco and tobacco products. The bill among other things, creates a separate licensing structure and regulation for the sale of nicotine dispensing devices and nicotine products; prohibits smoking and vaping of individuals under 21 near school property; and requires identity verification of age for the sale or delivery of tobacco products of individuals who appear to be under 30 to comply with federal law. SB 1080 passed (103-13) the House and the Senate passed with a vote of 29-9. On May 7, 2021, SB 1080 was signed into law.

JUVENILE JUSTICE PROGRAM LEGISLATION PASSES

HB 885- Juvenile Justice Programs & Detention by Rep. Plasencia (SB 1166 -Juvenile Justice by Sen. Brandes) passed unanimously in both the House and Senate. The bill creates the Accountability and Program Support within the Department of Juvenile Justice. The bill requires the Department of Juvenile Justice to calculate and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share. The share must be multiplied by 50% of the total shared detention costs to determine the county’s share of detention costs. These counties must incorporate into their annual budget sufficient funds to pay the annual percentage share. The bill passed unanimously in both chambers and heads to the Governor’s desk.

REQUIRED ELECTRONIC PAMPHLET FOR NONOPIOIDS ALTERNATIVES LEGISLATION SIGNED INTO LAW

SB 530-Nonopioid Alternatives by Sen. Perry (HB 725 by Rep. Plakon) passed this session. The bill requires health care patients to be given a pamphlet, electronically or printed, containing information on the use of nonopioid alternatives for the treatment of pain. This pamphlet is required to be given to the patient, if the patient receives anesthesia or is prescribed opioid medications. The bill passed unanimously in both the House and Senate. On May 7, 2021, SB 530 was signed into law.

BILL ESTABLISHING BEHAVIORAL HEALTH CARE PROGRAM FOR VETERANS PASSES

HB 231- Services for Veterans and Their Families by Rep. Zika (SB 260 by Sen. Harrell) passed this session. This bill creates the Florida Veterans’ Care Coordination Program through the Department of Veterans’ Affairs. The program will provide veterans and their families behavioral health care referral services, especially mental health and substance abuse care followed with goals and follow-up reports. The program will be modeled after the pilot programs established by the Crisis Center of Tampa Bay and the Department of Veterans’ Affairs in Hillsborough, Pasco, Pinellas, Polk, and Manatee counties in 2014. The bill passed unanimously in both the House and Senate and heads to the Governor’s desk.

“SERENA’S LAW” LEGISLATION PASSES

HB 1229 - Public Records by Rep. Persons-Mulicka (SB 1508 by Sen. Book) passed this session. The bill creates the “Serena’s Law” that allows members of the general public to more easily identify individuals who have had civil protective injunctions ordered against them for acts involving offenses such as domestic violence, sexual violence, and stalking. The bill requires that each county recorder or clerk of the court publish on an Internet website the identity of each person who is the subject of such a protective injunction unless the defendant or respondent is a minor. The bill unanimously passed in the House and Senate and heads to the Governor’s desk.

LEGISLATION PROMOTING HEALTH EQUITY FOR MINORITY POPULATIONS PASSES

HB 183- Office of Minority Health and Health Equity by Reps. Brown and Joseph (SB 404 by Sen. Rouson) was considered on the House Floor. The bill requires the Office of Minority Health and Health Equity within the Department of Health to form and promote the statewide implementation of policies, programs, and practices that increase health equity for racial and ethnic minority populations in Florida. The Office will coordinate with other agencies, organizations, and providers across the State to gather data regarding disparities in quality and access to health services for racial and ethnic minority populations. The bill passed unanimously in the Senate and heads to the Governor’s desk for approval.

SUBSTANCE ABUSE SERVICES LEGISLATION PASSES

SB-804 Substance Abuse Services by Sen. Harrell (HB 319 by Rep. Caruso) was considered on the House Floor. SB 804 makes several changes to provisions governing the licensure and regulation of substance abuse treatment programs, including recovery residences. The bill makes it a third-degree felony to falsify information, or to withhold material facts, on an application for licensure as a substance abuse service provider. The bill authorizes the Department of Children and Families (DCF) to suspend a service provider’s license for failing to pay, within 60 days of a date set by the DCF, administrative fines and accrued interest related to disciplinary action taken against the service provider. The bill also mandates that a service provider pay fines and accrued interest resulting from violations of patient referral prohibitions within 60 days of a date specified by the DCF. If a service provider fails to remit payment within 60 days, the bill requires the DCF to immediately suspend the service provider’s license. The bill passed unanimously in the House and heads to the Governor for final approval.

HEALTH, SAFETY, JUSTICE - FAILED

PEDESTRIAN SAFETY LEGISLATION PASSES HOUSE, FAILS THIS SESSION

HB 1113-Traffic and Pedestrian Safety by Rep. Fine passed (91-25) the House but failed this legislative session. The bill requires state and local governments to convert flashing signals at crosswalks not located at intersections to traffic signals before 2024. By October 1, 2022, DOT must seek approval from the federal government to allow red rectangular rapid flash beacon (RRFB) instead of yellow RRFBs. If approved by the federal government, all entities with jurisdiction over mid-block crosswalks must replace yellow RRFBs with red RRFBs within a year. If the request is denied by the federal government, all entities with jurisdiction over mid-block crosswalks must remove all yellow RRFBs or retrofit with acceptable equipment. Furthermore, a traffic engineering study must be conducted that recommends the installation of a mid-block crosswalk. Additionally, each pedestrian crosswalk on a public highway, street, or road includes an advance yield or stop pavement markings at least 30 feet in advance of the pedestrian crosswalk. The Senate companion, SB 1412- Traffic and Pedestrian Safety by Sen. Perry cleared two of three committees but stalled in its third committee, Senate Appropriations.

SMOKING BAN IN PUBLIC BEACHES AND PARKS BILL FAILS

SB 334-Regulation of Smoking in Public Places by Sen. Gruters and HB 239- Regulation of Smoking by Counties and Municipalities by Rep. Altman failed this session. This bill allows counties and cities to further restrict smoking on beaches and parks within their jurisdictions and that they own. Cities may also restrict smoking in county beaches and in city parks so long as it would not conflict with a county ordinance. Additionally, smoking will be prohibited within the boundaries of a state park. FAC waived in supporting this bill in all committee stops. SB 344 cleared two of three committees; while HB 239 cleared one of three committees.

BILL TO PROTECT SADOWSKI TRUST FUNDS FAILS

SB 510- State Funds by Sen. Hooper failed this legislative session after clearing two of three committees but stalled in Senate Appropriations. The bill prohibits further sweeping of funds from the State and Local Government Housing Trust Funds, colloquially known as the Sadowski Affordable Housing Funds. FAC supports the legislation. The House companion, HB 13- State Funds by Reps. Killebrew and Silvers, was not heard this Session.

HURRICANE LOSS MITIGATION PROGRAM PASSES SENATE, FAILS THIS SESSION

SB 168-Hurricane Loss Mitigation Program by Sen. Hooper passed unanimously on the Senate Floor, but ultimately failed this session. SB 168 extends the Hurricane Loss Mitigation Program (HLMP) until June 30, 2031. Currently, the HLMP is set to expire on June 30, 2021 along with the annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund. The funds are used to improve wind resistance on residences and mobile homes, as well as public hurricane shelters. The House companion, HB 423- Hurricane Loss Mitigation Program by Rep. Tuck passed two of four committees but stalled in House Appropriations.

TWO-WAY RADIO SYSTEM REQUIREMENTS FAILS

HB 415 - Fire Department Communications by Rep. Botana and SB 360- Fire Prevention and Control by Sen. Hooper failed this session. The bill allows two-way radio communication systems to be used to comply with a local authority’s minimum radio strength requirements, but two-way radio systems may not be required in apartments or buildings that are four stories or less in height. The bill also extends the deadline for existing high-rise buildings to comply with a local authority’s minimum radio signal strength requirements by three years to January 1, 2025. HB 415 passed all committees and was placed on the Calendar but never considered; while SB 360 cleared two of three committees but stalled in Senate Appropriations.

FIREFIGHTER’S BILL OF RIGHTS LEGISLATION PASSES HOUSE, FAILS THIS SESSION

HB 313 Firefighters Inquiries and Investigations by Rep. Busatta Cabrera passed (116,1) in the House but ultimately failed this session. The bill revises the Firefighters’ Bill of Rights to expand the rights of a firefighter during questioning under an informal inquiry when a firefighter is under investigation for alleged misconduct. The bill provides criteria for conducting informal inquiries including, where the investigation will take place, the time, and duration, allowing the firefighter rest. Furthermore, a firefighter may not be threatened with transfer, dismissal, or disciplinary action as incentive to answer any questions. The Senate companion, SB 970- Firefighters’ Bill of Rights by Sen. Hooper passed one of three committees but stalled in the Senate Governmental Oversight and Accountability Committee.

RESENTENCING OF FELONY OFFENSES LEGISLATION FAILS

SB 662- Resentencing by Sen. Brandes failed this session after clearing one of three committee stop. The bill allows a state attorney to file a petition for a new sentencing hearing if the original sentence no longer advances the interests of justice. A court has the right to grant or deny the petition. If granted, a trial court must resentence the offender, considering factors such as disciplinary records and recidivism. The provisions under this bill apply to felony offenders serving a criminal sentence currently or in the future. The House companion, HB 1459- Resentencing for Felony Offenses by Rep. Joseph did not receive a hearing this session.

BILL EXPANDING TEXTING/DRIVING BAN TO “HANDS-FREE” FAILS

HB 91- Use of Wireless Communications Devices While Driving by Rep. Slosberg was never considered this session. The bill expands the texting & driving ban to a complete hands-free requirement for use of all wireless communication devices while driving; provides exceptions. Additionally, the bill allows for billing records to be admissible records in any scenario regardless of severity. There was no Senate companion legislation.

BILL PROHIBITING TETHERING OF DOMESTIC DOGS AND CATS FAILS

HB 177/SB 650- Tethering of Domestic Dogs and Cats by Rep. Slosberg and Sen. Taddeo failed this session. The bill prohibits the tethering of domestic dogs and cats with the purpose of constraining, restricting, or confining its movement, unless an owner is physically present and attending to the dog or cat. Additionally, the bill prohibits the tethering of a dog or cats in severe weather. HB 177 was not considered this session; while SB 650 cleared one of three committee stops.

CRIMINAL JUSTICE REFORM PACKAGE FAILS

SB 232- Criminal Justice by Sen. Brandes failed this session after passing one of three committee stops. Among other things, the bill requires custodial interrogation in a detention facility be electronically recorded, revises sentence review processes for juvenile offenders, and establishes sentence reviews for young adult offenders. A similar House bill, HB 1545- Criminal Justice by Rep. Hart was never heard this session.

MANDATORY MINIMUM CHANGES FOR PRISON RELEASEE REOFFENDERS BILL FAILS

SB 210/HB 1127 –Sentencing by Sen. Brandes and Rep. Chambliss failed this session. The bill revises and lowers mandatory minimum for prison releasee reoffender, these changes are applied retroactively. The bill provides a process for resentencing and removes provisions prohibiting a releasee reoffender from any form of early release. SB 210 passed one of three committee stops; while HB 1127 was not considered.

REQUIRED LACTATION SPACES IN COURTHOUSES FAILS

HB 887/SB 196- Lactation Spaces in Courthouses by Rep. Morales and Sen. Berman failed this session. The bill would have required at least one private lactation space (outside the confines of a restroom) in a county courthouse. HB 887 was not considered; while SB 196 cleared one of three committees but stalled in the Senate Appropriations Subcommittee on Criminal and Civil Justice.

BILL CREATING CITIZEN REVIEW BOARD IN USE OF FORCE INVESTIGATIONS FAILS

SB 450/ HB 1147 - Citizen Review Boards by Sen. Bracy and Rep. Benjamin failed this session. The bill creates and defines s.900.06, F.S. citizen review board member participation in use of force investigations and s.900.061, F.S. Citizen review boards. The bill requires a county commission to establish a citizen review board to provide civilian oversight of law enforcement agencies that investigates independently. Members of the review board will be appointed by the county commission or other governing body within a county. By July 1, 2022 a county commission should establish a citizen review board to investigate law enforcement within a county. Furthermore, investigations of the board include, use of force, abuse of authority, discourtesy, and discriminatory language. Lastly, the bill creates a standard procedure to deal with complaints. Neither bill received a hearing this session

YOUTH IN SOLITARY CONFINEMENT LEGISLATION FAILS

HB 377/SB 570-Youth in Solitary Confinement by Rep. Thompson and Sen. Thurston, Jr. failed this session. The prevents the Department of Corrections or local governments from subjecting youth prisoners to solitary confinement and revises emergency cell confinement duration. Staff must document placements of youth prisoners in emergency cell confinement and requires mental health clinicians perform face-to-face evaluation of prisoners in emergency cell confinement. Additionally, the bill requires the Department of Corrections and the boards of county commissioners that administer a detention facility or jail to certify compliance and adoption of policies and procedures. Neither bill received a hearing this session

BERT HARRIS PROPERTY RIGHTS LEGISLATION PASSES

HB 421 - Governmental Actions Affecting Private Property Rights by Reps. Tuck and Persons-Mulicka (SB 1876 by Sen. Albritton) passed this session. An amendment was adopted on the Senate Floor by Sen. Albritton that allows a property owner entitled to certain relief retain such entitlement after relinquishing title to the subject real property before the claim reaches a final resolution. The bill passed (34-6) in the Senate. The amended bill went back to the House and passed with a vote of 79-37. The bill heads to the Governor’s desk for final approval.

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

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

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

BILL REFORMING FLORIDA’S ELECTION SIGNED INTO LAW

SB 90- Elections by Sen. Baxley passed this session. The bill makes the following changes to the Election Code:

- Adds new requirements for civil actions challenging the validity of a provision of the Election Code in which a state or county agency or officer is a party in state or federal court.
- Prohibits agencies or state or local officials responsible for conducting elections from soliciting, accepting, using, or disposing of any donations, including money, grants, property, or personal services from an individual or nongovernmental organization to fund election related expenses, voter education, voter outreach, or registration programs.
- Revises the affirmation statement on a voter registration application regarding whether the voter is a convicted felon, and if yes, the person has had his or her rights restored.

BILL REFORMING FLORIDA’S ELECTION SIGNED INTO LAW CONTINUED

- Requires the comprehensive risk assessment of the state’s online voter registration system conducted every two years by the Division of Elections to incorporate specific information.
- Requires the DHSMV to assist the Department of State (DOS) in identifying changes to a voter’s residence address, driver’s license number, and Florida ID card, and requiring DOS to report this information to supervisors of elections. Supervisors must change the voter’s registration record and send confirmation to a voter.
- Requires a third-party voter registration organization to deliver a completed voter registration applications to the Division of Elections or supervisor of elections within 14 days after its completion, except that it may not be after registration closes for the next ensuing election. The bill requires the organization to inform an applicant that his or her application may not be delivered within the 14-day period and that the applicant may deliver the voter registration application in person or by mail. The organization must also advise the application on how to register with the Division of Elections online and how to determine whether the application has been delivered.
- Repeals an obsolete public records exemption relating to information of a voter’s prior felony conviction.
- Revises the form in which an additional numeric identifier must be provided to a supervisor in order to make a change to a voter registration.
- Revises the frequency with which voter turnout data and vote-by-mail ballot information must be posted online by supervisors.
- Amends the resign-to-run law by deleting the requirement that a vacant elective office be filled by election or as provided by a municipal or county charter.
- Requires a candidate of a political party to provide a written oath or affirmation that he or she has been a member of the political party for 365 days before the beginning of the qualifying period for the office to which election is sought. Also, requires a candidate with no party affiliation to provide a written oath or affirmation that he or she has not been a member of a political party for 365 days before the beginning of the qualifying period for the office to which election is sought.
- Revises the expansion of the definition of “solicitation” for no-solicitation zones to prohibit “engaging in any activity with the intent to influence or effect of influencing a voter,” and extends from 100 feet to 150 feet the no solicitation zone at a polling place, drop box, or early voting site.
- Adds a clarification of a state executive committee’s role in filling certain vacancies.
- Requires the supervisor of elections to provide a poll watcher with an identification badge that must be worn while the poll watcher is performing his or her duties.
- Increases from 90 to 120 days after submission the time period in which DOS must approve or disapprove an application for a voting system.
- Relating to vote-by-mail ballots, the bill:
 - Clarifies that the additional numeric identifier of an elector required when a vote-by-mail ballot is requested applies to all requests.
 - Adds to the new categories of information that supervisors must record for each vote-by-mail ballot.
 - Adds a new requirement for “express designation” for a person to lawfully possess another’s vote-by-mail ballot and creating a written declaration process to serve as evidence of such designation.
 - Adds a new criminal penalty and requirements for information to be provided on vote-by-mail ballots to correspond to the new attestation and declaration requirements.
 - Revises processes for duplication of vote-by-mail ballots to clarify circumstances in which a duplicate must be made of an overvoted and undervoted ballot and to clarify that a candidate, political party official, or political committee official must be allowed to observe the duplication of the ballot in a manner that allows the observer to view the marking made on each ballot and the duplication occurring. A ballot duplication must occur in the presence of at least one canvassing board member.
 - Except for disabled voters, overseas voters, and for local referenda, the bill prohibits a county, municipality, or state agency from sending a vote-by-mail ballot to a voter, unless the voter has requested a vote-by-mail ballot in a manner authorized by the bill.
 - Grandfathers request for vote-by-mail ballots submitted prior to the effective date of the act but only for elections through the end of calendar year 2022.

- Relating to drop boxes, the bill:
 - Allows drop boxes to be open at a supervisor’s office outside of early voting hours if monitored in person, and all ballots retrieved by an employee of the supervisor’s office. During early voting, all ballots must be retrieved from drop boxes by the end of early voting hours and returned to the supervisor’s office.
 - Drop boxes must be designated 30 days before an election and, once designated may not be changed except as approved by the Division of Elections.
 - Requires drop boxes to be geographically located to provide all voters in the county with an equal opportunity to cast a ballot.
 - If drop boxes are left accessible in violation of the act, the Division of Elections may subject a supervisor to a civil penalty of \$25,000.
- Requires that a candidate, political party official, political committee official, or a designee be granted reasonable access to review or inspect ballot materials before canvassing or tabulation and requires that supervisors of election public notice of the access to be provided, including access to documents or images, and the method for requesting such access.
- Requires by December 15 following each general election year, the county canvassing board must provide a report to DOS of the result of its voting system audit which must be combined the report of undervotes and overvotes required in current law.
- Allows a county canvassing board to begin canvassing vote-by-mail ballots as soon as the county finishes its logic and accuracy testing, meaning:
 - A county that begins early voting as soon as permitted under law (15 days before an election) may begin vote-by-mail canvassing as early as the 40th day before an election instead of the 22nd day before an election; and
 - A county that waits until 10 days before an election to begin early voting will be permitted to begin vote-by-mail canvassing as early as the 35th day before an election instead of the 22nd day before the election.
- Beginning at 7:00 PM, and at least once every hour, the bill requires each supervisor to publish on its website the number of vote-by-mail ballots received and the number remaining uncounted.
- Requires each supervisor of elections to public the names of the canvassing board members on its website upon completion of the logic and accuracy test.
- Allows each political party and each candidate to have a watcher who must be able to view directly or by a display screen the ballots being examined for signature matching and other processes, during each meeting of the county canvassing board.
- Expands the definition of “immediate family” to include a grandchild, and makes it a second-degree misdemeanor to distribute, order, request, collect, or deliver more than two vote-by-mail ballots per election, in addition to his or her own ballot except in specified circumstances such as in supervised voting at assisted living facilities or nursing home facilities as authorized in current law.

As amended the bill passed (23-17) in the Senate and passed (77-40) in the House. On May 6, 2021, SB 90 was signed into law.

CONSTRUCTION PERMITTING LEGISLATION PASSES

HB 1059 – Construction Permits by Reps. Fischer and William Robinson (SB 1788 by Sen. Boyd) was considered on the Senate Floor. The bill provides that if a county or municipality makes requests for additional information from a permit applicant, the county or municipality must:

- 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;
- 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; and
- 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.

The bill clarifies that local enforcement agencies must:

- 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; the status of received building permit applications online, and update the status of the application unless the permit has been issued.
- 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.
- 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.
- A local government does not have to reduce the permit fee if the local government and applicant agree to an extension of time; A government entity does not have to reduce the fee for a single-family residential dwelling building permit, if it provides written notice to the applicant, by email or USPS mail within 30 business days of receiving the application.
 - The written notice specifically states how the application fails to satisfy the Building Code, or the government entity’s laws or ordinances; and
 - 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:
 - 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
 - An additional 10 percent of the original permit fee for each business day that it fails to meet the deadline, for up to five business days.

- Requires that if any permit fees are refunded because a local government fails to meet an established deadline for reviewing a building permit application, the DBPR surcharges for funding the Building Commission, the Building Code Administrators and Inspectors Board (BCAIB), and the Florida Homeowners’ Recovery Fund must be recalculated based on the amount of the permit fees after the refund.
- Prohibits a government entity from requiring a contract between an owner and a contractor or a contract between a contractor and a subcontractor or material supplier as a condition to apply for or obtain a building permit for construction work on a commercial property. However, this does not apply to any construction projects for improvements that are owned or leased by a government entity.

The bill passed the House and Senate unanimously and heads to the Governor’s desk.

ELECTRONIC BUILDING INSPECTION LEGISLATION PASSES

HB 667 – Building Inspections by Rep. Mooney, Jr. (SB 1382 by Sen. Perry) was considered on the Senate Floor. 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; Electronic fill-in form available on the building department’s website or a third-party submission management software; or an application that can be downloaded on a mobile device. The bill also provides that a local enforcement agency must refund 10 percent of the permit and inspection fees if: The inspector or building official determines the work, which requires the permit, fails an inspection; and the inspector or building official fails to provide a reason that is based on compliance with the Florida Building Code, the Florida Fire Prevention Code, or local ordinance, indicating why the work failed the inspection within 5 business days of the inspection. If any permit and inspection fees are refunded, the surcharges for funding the Building Commission, the Florida Building Code Administrators and Inspectors Board, and the Florida Homeowners’ Recovery Fund must be recalculated based on the amount of the permit and inspection fees after the refund. A government entity with authority to enforce the Building Code may perform virtual inspections at the discretion of the government entity. However, structural inspections on threshold buildings cannot be performed virtually. The bill passed unanimously in the House and Senate and heads to the Governor’s desk.

PROPERTY RIGHTS ELEMENT BILL PASSES

HB 59- Growth Management by Rep. McClain (SB 496 by Sen. Perry) passed this legislative session. The bill provides that a comprehensive plan for a newly incorporated municipality which becomes effective after January 1, 2016, must incorporate development orders existing before the plan’s effective date. The plan may not impair the completion of a development with such a development order and must vest the density and intensity approved by the development order. Requires a local comprehensive plan to have a property rights element, which requires the local government to consider certain private property rights in its decision-making process. Local governments must adopt this element during the next proposed plan amendment initiated after July 1, 2021, or the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191, F.S. Specifies that a party, or its successor in interest, may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, as long as the amendment or cancellation does not directly modify the allowable uses or entitlements of such parcel owner’s property. The bill passed unanimously in the Senate and passed (82-32) in the House. The bill waits for the Governor for final approval.

BILL REPEALING M-CORES PROGRAM PASSES

SB 100- Highway Projects by Sen. Harrell was considered on the House Floor. The bill repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) Program, with the funding allocated to the program being retained with the State Transportation Trust Fund. The bill authorizes the Florida Department of Transportation (FDOT) to upgrade existing arterial roadways with targeted improvements, such as adding new tolled or non-tolled limited access alignment. Additionally, requires the FDOT to develop and include in the work program construction of controlled access facilities to achieve free flow traffic on U.S. 19 and requires the facility to be developed using existing or portions of existing roadway by specified improvements by December 31, 2035. The bill passed unanimously in the House and heads to the Governor’s desk.

ABANDONED CEMETERIES LEGISLATION PASSES

HB 37- Abandoned Cemeteries by Rep. Driskell (SB 222- Abandoned Cemeteries by Sen. Cruz) passed this session. The bill creates a Task Force on Abandoned African-American Cemeteries with the intent to study unmarked or abandoned African-American cemeteries and burial grounds that exist throughout the state. The Task Force recommends strategies for identifying and recording cemeteries to preserve local history and respect for those deceased. By January 1, 2022 the Task Force must submit a report of findings to specified elected officials. The task force is terminated on March 11,2022. The bill passed unanimously in both chambers and now heads to the Governor for final approval.

COMMUNITY AND URBAN AFFAIRS - FAILED

“MATTER OF GREAT GOVERNMENTAL CONCERN” LEGISLATION FAILS

SB 102-Matters of Great Governmental Concern by Sen. Burgess and HB 1053- Attorney General Designation of Matters of Great Governmental Concern by Rep. Overdorf both failed this session. The bill makes the Attorney General the sole responsibility for the prosecution, management, and coordination of any civil proceeding brought by governmental entities in matters the Legislature has declared to be of great governmental concern. The House bill requires local government to provide notice to the Attorney General of each civil action it files and provides 180 days for the Attorney General to declare the subject matter to be a matter of great government concern. The declaration automatically stays any civil proceeding brought by a local government and provides the Attorney General with up to 1 year to file suit. Any recovery reached by the Attorney General must be deposited in the state General Fund to be appropriated by the Legislature at its discretion. This legislation may decrease damage awards to local governments, as they lose their ability to sue on matters that are declared matters of great governmental concern by the state. FAC opposed this legislation during committee. SB 102 and HB 1053 cleared only one committee stop.

REPEAL OF RPCS FAILS

SB 62- Regional Planning Councils- by Sen. Bradley failed this session. The bill repeals the Florida Regional Planning Council Act which establishes Florida’s ten regional planning councils (RPCs), county participation requirements, and the councils’ responsibilities. Statutory functions presently performed by RPCs are transferred to state agencies and local governments. While removing RPCs from state law, the bill authorizes local governments to enter into interlocal agreements to create regional planning councils. Thus, RPCs that were initially created by interlocal agreement that are still in effect may continue in existence despite the proposed repeal. Finally, the bill removes references and makes conforming changes to various state statutes consistent with the proposed RPC repeal. There was no House companion legislation. SB 62 cleared one out of three committee stops, however, there was no House companion.

RECALL OF COUNTY COMMISSIONER LEGISLATION FAILS

HJR 1603 and HB 1605-Recall of County Officers and Commissioners by Rep. Williamson passed only one committee stop this year, with no Senate companion. HB 1603, the joint resolution, proposes an amendment to the State Constitution to authorize the Legislature to provide by general law for the recall of county officers and commissioners. HB 1605, the implementing bill, provides that any member of a non-charter county may be removed from office by the electors of the non-charter county. FAC waived in opposition to the bills. HJR 1603 and HB 1605 passed one out of three committee stops, however, there was no Senate companion.

LEGISLATION REVISING THE SHIP FUNDS FOR ELIGIBLE HOUSING FAILS

HB 567 and SB 1068- Local Housing Assistance Plans by Rep. Bartleman and Sen. Taddeo failed this session. The bill revises the percentages of local housing funds (SHIP) reserved for eligible housing. At least 50% of SHIP funds for each county or municipality must be reserved for home ownership for eligible individuals. Up to 50% of SHIP funds for each county or municipality may be reserved for rental housing for eligible individuals in s. 420.9072, F.S. At least 50% of SHIP funds for each county or municipality must be reserved for construction, rehabilitation, or emergency repair of affordable housing. FAC supports this legislation. Neither bill received a hearing this session

ETHICS REFORM LEGISLATION PASSES HOUSE, FAILS THIS SESSION

HB 853- Local Government Ethics Reform by Rep. Sirois passed (116-0) unanimously in the House but failed this session. The bill makes changes to Florida’s Code of Ethics for Public Officers and Employees. A public officer or employee of an agency may not hold any employment or contractual relationship with a business entity that creates a conflict of private interests. The bill requires officers or members to complete an annual ethics training. Furthermore, a county, municipal, or public local officer must abstain from voting from a measure would allow for a special private gain or loss. No Senate companion legislation was filed.

CONSTRUCTION DEFECTS PROCESS LEGISLATION FAILS

HB 21/SB 270 – Construction Defects by Rep. Andrade and Sen. Perry failed this session. The bill defines the term “material violation” to mean a violation that exists within a building/structure/facility that results in physical harm to a person or significant damage to building structure. A cause of action can be made by person or party that files a claim for the alleged violation under warranty and provider denies claim or offers remedy and is unsatisfied. A notice process is added to a denied claim, that requires specific detail of defect, photograph evidence, repair estimates, and descriptions of defect. If the person that filed the claim provides a false statement, they will be subject to perjury. HB 21 passed two of three committees; while SB 270 passed only one of three committees.

“ABANDONED PROPERTY NEIGHBORHOOD RELIEF ACT” FAILS

HB 1393/ SB 1808 – Abandoned Residential Real Property by Rep. Davis and Sen. Powell failed this session. The bill creates the “Abandoned Property Neighborhood Relief Act” which authorizes a mortgagee or mortgage servicer to enter certain abandoned property only under specified conditions. The bill authorizes a county or municipality to notify a mortgagee or mortgage servicer that a residential real property has been determined to be abandoned, in mid-foreclosure, and a nuisance. The bill also requires a mortgagee or mortgage servicer to abate the nuisance and maintain certain property upon receipt of specified notice. Neither bill received a hearing this session.

TOLL INCREASE LEGISLATION FAILS

HB 205/ SB 1350- Requirements for Establishing or Increasing Tolls by Rep. Borrero and Sen. Jones failed this session. The bill establishes requirements for increasing rates or development of tolls on a public highway located in a county with a population over one million. Before a tolling authority increases the rates, the board of county commissioners must approve toll increases or development by a two-thirds vote. Neither bill received a hearing this session.

WATER AND ENVIRONMENTAL SUSTAINABILITY - PASSED

BILL HONORING FORMER COMMISSIONER/REPRESENTATIVE KRISTIN JACOBS PASSES WITH UNANIMOUS SUPPORT

HB 217-Conservation Area Designations by Rep. Hunschofsky (SB 588 by Sen. Book) passed this session. All 40 Senators and 120 Representatives 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 is awaiting final approval by the Governor.

RESILIENT FLORIDA GRANT PROGRAM SIGNED INTO LAW

SB 1954-Statewide Flooding and Sea-level Rise Resilience by Sen. Ray Rodrigues (HB 7019 by Rep. Busatta Cabrera) passed this session. The bill creates the Resilient Florida Grant Program within the Department of Environmental Protection to provide grant funding, subject to appropriation, to local governments for resiliency planning and projects to adapt critical assets. Funding will support vulnerability assessments and mitigation plans to prepare for the threats of flooding and sea level rise. 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 including multijurisdictional vulnerability assessments and project proposals for the statewide resilience plan. 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 in both chambers and was signed into law on May 12, 2021.

BILL CREATING THE RESILIENT FLORIDA TRUST FUND SIGNED INTO LAW

SB 2514- Resilient Florida Trust Fund by Senate Appropriations (HB 7021- Resilient Florida Trust Fund/DEP by Rep. Busatta Cabrera) passed this session. 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, unless re-created by the Legislature. SB 2514 passed unanimously and was signed into law on May 12, 2021.

RECLAIMED WATER LEGISLATION PASSES

SB 64- Reclaimed Water by Sen. Albritton (HB 263-Reclaimed Water by Rep. Maggard) passed the Legislature unanimously. The bill was amended to delay implementation of ending surface water discharges until January 1st, 2032. The bill requires local governmental utilities to submit plans to DEP for the elimination of surface water discharges by 11/1/21. 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 1/1/32. 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 rules 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.
- The bill heads to the Governor for final approval.

PRIVATE WASTE COMPANIES LEGISLATION PASSES

HB 331- Displacement of Private Waste Companies by Rep. McClure was substituted for the Senate companion, SB 694- Waste Management by Sen. Ray Rodrigues. The bill passed unanimously in the Senate and passed (112-2) in the House. The bill would eliminate the option of a local government to pay a displaced waste company in lieu of providing a three-year notice period. Also, the bill increases the payment for displacing a private waste company to an amount equal to the company’s preceding 18 months’ gross receipts (currently 15 months) and provide for the three-year notice period. The bill was amended to keep the current provision of law allowing a local government and a private waste company to voluntarily negotiate a different notice period or amount of compensation. Furthermore, the bill requires the Department of Environmental Protection to review and update the 2010 Retail Bags Report. The bill also includes a provision to clarify the definition of storm-generated yard trash. The bill now heads to the Governor for final approval.

DEP RULE RATIFICATION ON BIOSOLIDS AND CENTRAL FLORIDA WATER INITIATIVE PASSES

SB 7060- Biosolids by Sen. Brodeur was substituted for its House companion, HB 1309-Ratification of Department of Environmental Protection Rules by Rep. Payne. The bill ratifies DEP’s proposed rules on biosolids and exempts the biosolids rules from review and approval by the Environmental Regulation Commission. The rules:

- Regulate the management, use, and land application of biosolids so as to ensure protection of the environment and public health.
- Establishes minimum requirements for biosolids which are to be applied to land for agricultural purposes, distributed and marketed, or used for land reclamation.
- Establishes minimum requirements for septage which will be treated at facilities permitted by the Department and will be applied to land for agricultural purposes or land reclamation.
- Prohibits the land application of biosolids in certain regional watersheds.
- Provides for minimum requirements to biosolids monitoring, record keeping, and reporting.

In the Senate, the bill was amended to include the provisions of the Central Florida Water Initiative F.A.C. rule ratification (SB 7062):

- Provides that the cumulative use of the Upper Floridan aquifer across the CFWI Area has caused detrimental effects to other users and the water resources of the state.
- Sets out methods for calculating per capita water use and annual conservation goals.
- Limits water withdrawals from the Upper Floridan aquifer to the demonstrated 2025 demand (the existing permitted allocation) for public supply, industrial/commercial/institutional, and mining/dewatering water uses.
- Requires existing Consumptive Use Permits with withdrawal points within the CFWI Area to be modified to be consistent with the new rules.
- Provides for temporary allocations of water required to meet the applicant’s reasonable demand beyond the demonstrated 2025 demand while implementing an offset, substitution credit, land use transition, or alternative water supply.

The bill passed unanimously in both chambers. The administrative ratification legislation now heads to the Governor for final approval.

WATER STORAGE NORTH OF LAKE OKEECHOBEE PASSES
WITHIN BUDGET

SB 94- Water Storage North of Lake Okeechobee by Sen. Brodeur passed this session as an implementing bill to the budget. The provision requires the South Florida Water Management District with the U.S. Army Corps of Engineers to expedite implementation of the Lake Okeechobee Watershed Restoration Project, a project within the Comprehensive Everglades Restoration Plan that provides water storage north of Lake Okeechobee. The bill includes \$50 million for the South Florida Water Management District for the Lake Okeechobee Watershed Restoration Project. The bill heads to the Governor’s desk for final approval.

ENVIRONMENTAL COMPLIANCE COSTS PASSESS

HB 1051- Environmental Compliance Costs by Rep. Fernandez-Barquin (SB 964 by Sen. Diaz) passed this session. The bill passed unanimously in the House and Senate. The bill redefines environmental compliance costs to include costs or expenses incurred by an electric utility after July 1,2020, pursuant to an agreement between the electric utility and wastewater utility for the construction or operation of a wastewater reuse system that fully or partially satisfies a local government’s reclaimed water reuse requirements. The bill heads to the Governors’ desk for final approval.

WATER AND ENVIRONMENTAL SUSTAINABILITY - FAILED

EXTENSION DATE OF FLORIDA FOREVER BONDS
LEGISLATION FAILS

SB 1480/ HB 1173-Land Acquisition Trust Fund/Florida Forever Bonds by Sen. Brodeur and Rep. Roth failed this session. 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. SB 1480 cleared two of three committees but stalled in Senate Appropriations. HB 1173 was never considered.

Two similar bills, HB 1211/SB 1510- Land Acquisition Trust Fund by Rep. Atلمان and Sen. Stewart failed this session. The bill provides bonds issued to fund the Florida Forever Act be retired by December 31, 2054, instead of 2040 and extends the \$100 million annual appropriation to the Florida Forever Trust Fund. Neither bill received a hearing this session.

PACE PROGRAM EXPANSION AND CONSUMER
PROTECTION FAILS

SB 1208- Resiliency Energy Environment Florida (REEF) by Sen. Ana Rodriguez and HB 387 Improvement to Real Property by Rep. Fine failed this session. The Senate bill sought to rename the Property Assessed Clean Energy (PACE) program to the Resiliency Energy Environment Florida (REEF) program and expand qualifying improvements to include wastewater treatment, flood and water damage mitigation, health and environmental hazards mitigation, and water conservation and efficiency projects. The bill provides additional consumer protection measures when entering PACE contracts. The Senate bill cleared two of three committees but stalled in the Appropriations Committee. HB 387 focused solely on consumer protections to protect potential property-owner participants from fully realizing the terms of the PACE contracts. The bill also requires the local government to post an online annual report documenting certain PACE activities. SB 1208 passed two of three committees; while HB 387 passed all committees but was never considered on the House Floor.

BLUE-GREEN ALGAE TASK FORCE RECOMMENDATIONS BILL FAILS

SB 1522 / HB 1225- Implementation of the Recommendations of the Blue-Green Algae Task Force by Sen. Stewart and Rep. Goff Marcil failed this Session. 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 cleared two of three committee stops but stalled in Senate Appropriations. HB 1225 was not considered this session.

BILL ALLOWING RENEWABLE ENERGY SOURCES ON BUSINESS
PROPERTY FAILS

SB 208 / HB 775- Renewable Energy Sen. Brandes and Rep. Omphroy failed this Session. The bill authorizes owners of commercial or industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device on or about the structure in which the business operates or on a property the business owns or leases. Furthermore, the bill authorizes owners or contracted third parties to sell electricity generated from the device to adjacent businesses. The bill allows a utility to seek cost recovery from customers if rates are significantly impacted by renewable energy use, however, rebates or incentives are exclusive to the sole property owner of the renewable energy source device. SB 208 cleared one of three committee stops; while HB 775 was not considered.

BILL ADDRESSING PFAS CLEANUP FAILS

SB 1054/ HB 705- Soil and Groundwater Contamination by Sen. Broxson and Rep. Andrade failed this Session. SB 1054 requires the Department of Environmental Protection to adopt statewide rules for cleanup target levels for perfluoroalkyl and polyfluoroalkyl substances (PFAS) in soils and groundwater. The bill creates liability limitations until DEP's rules have been ratified, from actions brought by local or state government entities to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation of environmental contamination, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that PFAS constituent. The Office of Program Policy Analysis and Government Accountability must conduct an analysis of the programs used in other states for the cleanup of soil and groundwater contamination, including brownfields, petroleum, dry cleaning solvents, and other chemical contaminations. HB 705 required airports that report detection of PFAS were not liable for costs or damages incurred by the contamination. The Office of Program Policy Analysis and Government Accountability will conduct an analysis of assessment and cleanup of soil and groundwater contamination in other states, the office will recommend changes to improve and address contamination issues within the state. SB 1054 cleared one committee stop; while HB 705 was not considered.

VOLUNTARY SEWER LATERAL PROGRAM LEGISLATION FAILS

HB 773- Sanitary Sewer Laterals by Reps. McClure and Overdorf and SB 1058 by Sen. Burgess failed this session. 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. Both HB 773 and SB 1058 passed two of three committees.

BILL ESTABLISHING A STATEWIDE OFFICE OF RESILIENCY FAILS

HB 315 and SB 514- Resiliency by Rep. LaMarca and Sen. Ray Rodrigues failed this session. The bills establish the Statewide Office of Resiliency (SOR) within the Executive Office of the Governor and headed by a Chief Resilience Officer appointed by the Governor. The bills also create the Statewide Sea-Level Rise Task Force adjunct to the SOR for the purpose of recommending consensus projections of the anticipated sea-level rise and flooding impacts along the state's coastline. The recommended consensus projections will be submitted to the Environmental Regulation Commission for adoption or rejection by January 1, 2022. SB 514 cleared one committee stop; while HB 315 was never considered.

ENERGY 2040 TASK FORCE FAILS

SB 136- Energy 2040 Task Force by Sen. Brandes failed this session. The bill creates the Energy 2040 Task Force within the Public Service Commission to project state electric needs. The bill requires the task force to make recommendations, based upon forecasts and projections including impacts to local government taxes on government revenues and the electric supply and requires that state agencies assist and cooperate with the task force and any advisory committees. The bill was not considered this session.

STATE RENEWABLE ENERGY GOALS FAILS

HB 283 and SB 720- State Renewable Energy Goals by Rep. Eskamani and Sen. Berman failed this session. The bill prohibits drilling or exploration and production of oil, gas, and other petroleum products. The bill requires that all electricity used in the state be generated by renewable energy by 2040 and by 2050, therefore, the state will have net zero carbon emissions statewide. The bill creates a Renewable Energy Workforce Development Committee in the Office of Energy within DACS consisting of thirteen members appointed by the Commissioner of Agriculture. By 1/1/22, the committee will establish a target for the number of residents working in renewable energy by 2025 and submit an annual report & updates to the Governor & Legislature by 1/1/2022. Neither bill received a hearing this session.

BILL PROTECTING EVERGLADES FROM OIL AND GAS DRILLING FAILS

HB 333/ SB 722- Everglades Protection Area by Rep. Aloupis, Jr. and Sen. Ana Rodriguez failed this session. The bill prohibits the Department of Environmental Protection from granting permits for the drilling of wells for oil or gas, specifically permits for the drilling or production of oil, gas, or other petroleum products within the Everglades Protection Area. HB 333 passed two of three committee stops; while SB 722 was not considered.

POLLUTION REDUCTION PARTNERSHIP PROGRAM FAILS

SB 336- Large Scale Agricultural Pollution Reduction Pilot Program by Sen. Rouson failed this session. The bill creates a large-scale agricultural pollution reduction pilot program within the Department of Environmental Protection (DEP) in partnership with dairy farms to develop and maintain pollution reduction projects to eliminate water pollution in the state. This program has an appropriation of 1.3 million in FY21-22, \$800,000 will be allocated to projects within the Okeechobee Basin Management Action Plan and \$500,000 will be allocated to projects within the Suwanee Basin Management Action Plan. SB 336 passed one of three committees. A comparable bill, HB 1535 - Innovative Agricultural Water Quality Enhancement Pilot Program by Rep. Clemons was never heard.

REPEAL OF STATE REGULATION OF RECYCLABLE AND POLYSTYRENE MATERIALS FAILS

SB 594/ HB 6027- Preemption of Recyclable and Polystyrene Materials by Sen. Stewart and Rep. Grieco failed this session. The bill deletes the state preemption of the regulation of disposable plastic bags including auxiliary containers and wrappings and repeals the state preemption of the use or sale of polystyrene products to FDACS. Neither bill received a hearing this session

REPEAL OF LEGAL RIGHTS OF NATURAL ENVIRONMENT FAILS

HB 6049- Legal Rights of Natural Environment by Rep. Eskamani was never heard this session. The bill repeals provisions that prohibit local government from recognizing or granting legal rights to the natural environment or granting these rights to a citizen or political subdivision. There was no Senate companion.

GREENHOUSE GAS EMISSIONS LEGISLATION FAILS

HB 617/ SB 1236- Greenhouse Gas Emissions by Rep. Melo and Sen. Ana Rodriguez failed this session. The bill prohibits a state agency from adopting or enforcing state or regional programs regulating greenhouse gas emissions that address changes in atmospheric temperature without specific legislative authorization. This includes programs prompted by the participation of the United States in international treaties or executive agreements or interstate compacts or agreements. Furthermore, the bill provides a definition for greenhouse gas and prohibits a state agency to adopt or enforce programs to regulate greenhouse gas emissions without prior legislative authorization. Neither bill received a hearing this session

BEACH FUNDING LEGISLATION FAILS

SB 1240 – Beach Funding by Sen. Hutson was never considered this session. The bill provides a minimum of \$100 million or total amount requested for a fiscal year from the Land Acquisition Trust Fund to be appropriated annually to the Department of Environment Protection to fund projects under the Beach Management Funding Assistance Program for beach management projects. There was no House companion.

AGRICULTURE AND RURAL AFFAIRS - PASSED

AGRITOURISM AND FARMER LIABILITY PROTECTIONS SIGNED INTO LAW

SB 88- Farming Operations by Sen. Brodeur (HB 1601 by Rep. Williamson) was signed into law on April 29, 2021. The bill amends the Florida Right to Farm Act to include agritourism in the definition of farm operations and particle emissions. 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.

OTHER TECH INDUSTRIES - PASSED

FAC PRIORITY: BROADBAND ACCESS LEGISLATION SIGNED INTO LAW

HB 1239- Broadband Internet Infrastructure by Rep. Tomkow (SB 1592 by Sen. Burgess) passed this session. The legislation adopted provisions from several broadband bills to create a multifaceted approach to addressing the Digital Divide in Florida. FAC supported provisions addressing broadband mapping improvements including funding to address the discrepancies in access maps offered by providers and reported speeds. The bill also featured a “Opportunity Grant” program to expand access. This session the Legislature did not provide funding for the grant program in hopes of further developing the requirements for applicants. The bill also contained provisions addressing telecom access to municipal electric utility poles. Specifically, the bill

- Establishes Opportunity Grants to focus broadband expansion in unserved areas with fewer than 25 megabits per second (Mbps) download speed and 3 Mbps upload speed
 - Limits grant awards to 50% of the total cost of the project, or no more than \$5 million per grant
 - Prohibits grants awards for projects that receive other federal funding
 - Prohibits state funds to a geographic area in which broadband is “already deployed by at least one provider”
- Requires municipal electric utilities to offer broadband service providers a discounted rate of one dollar per attachment per year for any new pole attachment necessary to make broadband service available to an unserved or underserved broadband Internet customers through July 1, 2024.
- Prohibits municipal electric utilities from raising their current pole attachment rates for broadband providers before July 31, 2022.
- On the Senate Floor an amendment was adopted by Sen. Ausley that added in language from her broadband legislation (HB 1560)
 - Appropriates \$1.5 million (nonrecurring) to the Department of Economic Opportunity
 - Requires the Department 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.

The Senate passed the amended bill unanimously and the House Floor concurred with a unanimous vote. On May 7, 2021, HB 1239 was signed into law.

While HB 1239 represented the “Broadband package” this session, several bills failed to pass:

- SB 2004—Broadband Internet by Senator Burgess failed this session. Some provisions of the bill bolstering the Office of Broadband were absorbed into HB 1239; however, the funding for a feasibility study was not included in the budget.
- HB 1339—Broadband Internet Service by Rep. Goff-Marcil was not heard this session. The companion bill, SB 1560 by Senator Ausley, cleared all of its committees. The mapping components of the bill were incorporated into the “broadband package”.

DRONE USE FOR LAW ENFORCEMENT AGENCIES PASSES

HB 1049-Use of Drones by Government Agencies by Rep. Giallombardo was substituted for its Senate companion, SB 44- Drones by Sen. Wright and considered in both chambers. Additional legislation, SB 518/HB 433, were absorbed and combined with SB 44. The bill provides exemptions for law enforcement use of drones for traffic management and collection of evidence at a crime or traffic scene. The bill specifies for drone use on a crowd of 50 people guidelines must be followed. This includes, 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 owned land or water. The bill was amended by the House Floor with new exceptions for law enforcement agencies. Law enforcement agencies can use drones to gain an aerial perspective of a crowd of 50 or more to assist with traffic management, however, the agency can not issue a traffic infraction with images and video captured by the drone. The amendment allows fire department personnel to use drones to perform tasks authorized under their certification. Lastly, the amendment limits drone use during natural disasters prior to the expiration of a declared emergency. The House passed the bill with a vote of 88-24, and the Senate concurred with the amendment and unanimously passed the bill. The bill heads to the Governor.

AUTONOMOUS VEHICLES LEGISLATION PASSES

SB 1620-Autonomous Vehicles by Sen. Brandes substituted for its House companion, HB 1289- Autonomous Vehicles by Rep. McFarland. 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. A low-speed autonomous delivery vehicle must be covered by automobile insurance policy and require seatbelts if there is a person on the vehicle. The bill was amended on the floor to include a new definition for the maximum weight for personal delivery devices from 80 pounds to a weight established by the Department of Transportation rule. Additionally, the bill was amended to modify requirements for autocycle break and steering wheel mechanisms. After amended, the bill passed unanimously in the House and heads to the Governor’s desk for final approval.

OTHER TECH INDUSTRIES - FAILED

ELECTRIC VEHICLES LEGISLATION FAILS

Two linked bills, SB 138- Electric Fees and SB 140- Fees/Electric Vehicles by Sen. Brandes failed this session. SB 138 requires the Florida Department of Transportation to establish the Electric Vehicle Infrastructure Grant Fund to encourage the installation of publicly available electric vehicle charging infrastructure for electric vehicles, electric semi-trucks, and electric aircraft on public or private property. The bill allows local governments to apply to the FDOT for grants for the development of local or regional plans to establish charging infrastructure and to assist with the purchase of equipment and installation expenses. SB 140 creates an additional fee/license tax (\$135) for all electric vehicles weighing under 10,000 pounds on top of current fee. Beginning on January 1, 2025, this fee will increase to \$150. Additionally, the bill creates an additional fee/ license tax (\$235) for all electric vehicles weighing over 10,000 pounds on top of current fee, this fee will also increase on January 1, 2025, to \$250. The proceeds of the additional fees will be deposited to the State Transportation Trust Fund. In the second committee, an amendment, supported by FAC, was adopted giving a portion of the additional flat fees to counties. Of the additional flat fees, 64% will be allocated to the State Transportation Trust Fund and 36% will be allocated to the county where the vehicle was registered. For the next three years, until June 30, 2024, the funds allocated to the county will be used for electric vehicle infrastructure and equipment by the County Commission. Beginning July 1, 2024, the funds allocated to a county will be transferred to the Department of Revenue and then distributed to the County Commission and municipalities within the county in proportion to the previous month’s distribution of the 1 to 6 cent local option fuel taxes, to use for transportation expenditures.SB 138 and SB 140 passed two of three committees. The House companions, HB 817-Electric Vehicles by Reps. Plasencia and Toledo and HB 819-Fees/Electric Vehicles by Reps. Learned and Toledo were not considered.

FAC PRIORITY- ONLINE SALES TAX BILL PASSES, AND SIGNED INTO LAW

SB 50-Taxation was signed into law April 29 and will take effect on July 1, 2021. SB 50 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. Prior to this legislation, 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. Florida now joins the list. 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 also provides for a reduction of the tax rate on commercial rent from 5.5% to 2.0%, the effective date of which is contingent upon the replenishment of the Unemployment Compensation Trust Fund. As a long-term advocate of e-fairness, FAC celebrates this economic victory for our counties and our local brick and mortar businesses.

BILL ADDRESSING IMPACT FEE CAP INCREASES PASSES

SB 750- Impact Fees by Sen. Gruters was substituted on the Floor for its House companion, HB 337- Impact Fees by Rep. DiCeglie. HB 337 passed (94-23) in the House and passed (28-12) in the Senate in the last week of session. The bill revises the limitations and requirements to impose impact fees by local governments. There are six provisions regarding impact fee increases within the bill: 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 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. However, a local government, school district, or special district may increase an impact fee rate beyond the cap amounts.

- In order to increase an impact fee beyond the cap amount, three requirements must be met:
- A demonstrated need study justifying the increase that has been completed within 12 months prior to the adoption of the impact fee that expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations;
 - Two publicly noticed workshops dedicated to the extraordinary circumstances creating the need to exceed the phase-in limitations; and
 - Impact fee increase must be approved by no less than a two-thirds vote of the governing body. The cap language operates retroactively to January 1, 2021.

The bill also revises the provision that passed into law last year providing that impact fee credits are assignable and transferable at any time to another development that is within the same or an adjoining impact fee zone or district. The above requirement applies to all impact fee credits without regard to whether the credits were established before or after the effective date of this act. 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 to 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. The bill heads to the Governor for final approval.

TAX PACKAGE PASSES

HB 7061-Taxation by House Ways and Means Committee passed the Senate by a vote of 40-0 and the House by a vote of 117-1. The bill originated as a committee bill. A strike all amendment was adopted on the Senate floor that replaced the House language with much of the Senate Tax Package, along with a few additional provisions. The bill included the Department of Revenue administrative proposals and provided the following tax reductions:

Ad Valorem Provisions:	
Fully exempts certain affordable housing properties currently receiving a 50% discount	(\$22.8 million)
Use of Charitable Properties	(insignificant)
Repeals section 193.019, Dealing with Hospitals, Community Benefit Reporting	(indeterminate)
Change of Ownership, Calamity and Misfortune	(indeterminate)
House of Worship Educational Property	(\$7.6 million Nonrecurring, 0.5 million recurring)
Educational Facilities – S. 212.062	(\$0.6 million)
Sales Tax Provisions:	
Data Center Exemption extension	(\$1.4 million)
Independent Living items exemption	(\$3.8 million)
Ten Day Back to School Sales Tax Holiday, including computers up to \$1000 - 7/31 to 8/9	(\$44.9 million)
Ten Day Disaster Preparedness Holiday 5/28 to 6/6	(\$6.0 million)
Seven Day Sales Tax Holiday – admissions and Outdoor Recreation Supplies	(\$46.4 million)
Other Provisions:	
Documentary Stamp Tax – Revision of Interest Rate Index	(insignificant)
Multiple Taxes – Strong Families Tax Credit Program	(\$5.0 million)
Corporate Income Tax – Internship Credit	(\$2.5 million)
Contaminated Site Rehabilitation Tax Credit	(\$17.5 million)
Repeals Sports Development Program (Section 288.11625, F.S.)	

AFFORDABLE HOUSING, RESILIENT FLORIDA, AND WATER PROTECTION DISTRIBUTIONS FROM DOCUMENTARY STAMP TAX PASSES

SB 2512- Documentary Stamp Tax Distributions by Senate Appropriations (HB 5401 by House Appropriations), 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. The bill has been enrolled and is ready to be sent to the Governor.

CRC REPEAL AMENDMENT PASSES

SJR 204-Abolishing the Constitution Revision Commission by Sen. Brandes (HJR 1179 by Rep. Beltran) passed this session. The bill proposes an amendment to the State Constitution for the abolishment of the Constitutional Revision Commission by repealing provisions establishing the CRC in the Florida Constitution. The joint resolution passed both the House and Senate by the required three-fifths vote. Next, the resolution will head to the voters for approval on the 2022 General Election ballot. In order to take effect as of January 3, 2023, the amendment must be approved by at least 60% of the votes cast on the measure.

LEGAL NOTICES LEGISLATION SIGNED INTO LAW

HB 35- Legal Notices by Rep. Fine (SB 402 by Sen. Rodrigues) passed this session. The Senate adopted an amendment which made significant changes to the bill. As passed, the bill provides an option for governmental agencies, required by law to publish legal notices, to publish those notices on a newspaper’s website in lieu of a paper-based publication. The bill amends s. 50.011 to revise the construction of publication requirements for legal notices that must be satisfied. To qualify as a newspaper of general circulation for the purpose of publishing legal notices in print or online only formats, the bill generally requires the newspaper to:

- Be printed and published at least once a week;
- Contain at least 25 percent of its words in the English language;
- Have an audience consisting of at least 10 percent of the households in the county, and if the notice is issued by a nongovernmental entity, the newspaper must have an audience of at least 10 percent of the households of the county or municipality in which the project, property or other subject of the notice is located;
- Be sold or otherwise available to the public at no less than 10 publicly accessible outlets;
- Be available to the public generally for the publication of official or other notices with no more than 75 percent of its content dedicated toward advertising; and
- Continually publish in a prominent manner the name, street address, phone number, website URL of the newspaper’s approved print auditor, the newspaper’s most recent statement of ownership, and a statement of the auditor certifying the veracity of the newspaper’s print distribution and the number of the newspaper’s website’s monthly unique visitors, or the newspaper’s periodicals permit, if applicable, within the first five pages of the print edition and the bottom portion of the homepage of the newspaper’s website.

A newspaper that holds periodical permit as of March 1, 2021 and accepts legal notices for publication may continue to publish legal notices through December 31, 2023, so long as the newspaper meets the requirements under current law, which were enacted through section 21 of chapter 99-2, Laws of Florida. Beginning January 1, 2024, such newspapers must meet the criteria listed above. Additionally, a newspaper that holds a periodical permit and that publishes legal notices in a fiscally constrained county is not subjected to items 3 and 4 of the above requirements. The bill defines a fiscally constrained county as a county within a rural area of opportunity designated by the Governor or a county for which the value of a mill will raise no more than \$5 million in revenue based on the certified taxable value of the previous July 1.

The bill defines a governmental agency as a county, municipality, district school board, or other unit of a local government or political subdivision in this state. Additionally, the bill provides that governmental agency notices that may be published in newspaper under the bill include:

- Notices related to special or legal legislation pursuant to s. 11.02, F.S.;
- Educational unit notices pursuant to s. 120.81, F.S.;
- Retirement system notices pursuant to s. 121.0511., F.S.;
- Notices related to inclusion of positions in the Senior Management Service Class of the Florida Retirement System pursuant to s. 121.055, F.S.;
- Notices proposing the enactment of county ordinances pursuant to s. 125.66, F.S.;
- Code enforcement notices published pursuant to s. 162.12, F.S.;
- Notices proposing the enactment of municipal ordinances pursuant to s. 166.041, F.S.;
- Special district meeting notices pursuant to s. 189.015, F.S.;

- Establishment and termination notices for community development districts pursuant to ss. 190.005 and 190.046, F.S., respectively;
- Disclosures of tax impact by value adjustment boards pursuant to s. 194.037, F.S.;
- Advertisements of real or personal property with delinquent taxes pursuant to s. 197.402, F.S.;
- Advertisements of hearing notices, millage rates, and budgets pursuant to s. 200.065, F.S.;
- Turnpike project notices pursuant to s. 338.223, F.S.;
- Public-private partnership notices pursuant to ss. 348.0308 and 348.7605, F.S.;
- Notices of prime recharge area designations for the Floridan and Biscayne aquifers pursuant to s. 373.0397, F.S.;
- Water management district notices pursuant to s. 373.146, F.S.;
- Hazardous waste disposal notices pursuant to s. 403.722, F.S.; and
- Forfeiture notices pursuant to ss. 849.38 and 932.704, F.S.

The bill requires the Florida Press Association to ensure that minority populations throughout the state have equitable access to legal notices that are posted on the statewide website – www.floridapublicnotices.com. The Florida Press Association must publish a report listing all newspapers that have placed notices on the statewide legal notice website in the preceding calendar quarter and the criteria each newspaper has satisfied. Each quarterly report must include the number of unique visitors to the statewide legal notice website. The reports for the four preceding calendar quarters must be available on the website.

A governmental agency may publish certain legal notices in an Internet-only publication with a newspaper of general circulation within the jurisdiction of the affected governmental agency. The bill requires governmental agencies to provide notice to the general public before using an Internet-only publication. Specifically, the governmental agency must give notice of its intent in a print edition of a newspaper and conduct a public hearing. The public hearing is meant to determine that an Internet-only publication is in the public interest and that residents within the jurisdiction of the governmental agency have sufficient access to the Internet. This determination must be made by a majority vote of the governing body. All format and accessibility requirements of legal notices also apply to Internet only publication of legal notices.

A newspaper’s print edition section must contain a disclaimer stating that additional legal notices may be accessed on the newspaper’s website and the statewide legal notice website. Conversely, the newspaper’s website must also contain a disclaimer that legal notices are published in the print section of the newspaper and the statewide legal notice website.

The bill allows for a newspaper to charge for the publication of a legal notice on the newspaper’s website without rebate, commission, or refund. However, the newspaper may not charge a higher rate for publication than the amount that would be authorized if the legal notice were publicized in print. The bill prescribes penalties for accepting rebates, commissions, or refunds in connection with the any amounts charged for publication of legal notices that are published on the Internet.

If a government agency exercises the option to publish legal notices on a newspaper website, the agency must provide an additional notice at least once per week in a print edition newspaper of general circulation within the region in which the government agency is located. This notice must contain a statement that legal notices pertaining to the agency do not all appear in the print edition of the local newspaper and that a full listing may be accessed on the newspaper’s website and on the statewide legal notice website located at www.floridapublicnotices.com. The government agency must also post a link on its website homepage to a webpage that list all the newspapers in which the government agency publishes legal notices.

The bill makes clear that the authorization provided to publish certain legal notices on the Internet-only does not, however, supersede other statutes requiring legal notices to be published in the print edition of a newspaper. Finally, the bill revises several statutory sections to conform to the option to publish certain notices in a newspaper website.

The Senate passed the bill unanimously; while the House concurred and passed the bill with a vote of 105-9. On May 7, 2021, HB 35 was signed into law.

BILL PROHIBITING DECLARATORY RELIEF IN RESPONSE TO RECORD REQUESTS PASSES

SB 400-Public Records by Sen. Rodrigues (HB 913 by Rep. McClure) passed this session. The bills prohibit an agency from responding to a request to inspect or copy a record by filing an action for declaratory relief against the requester to determine whether the record is a public record as defined in s. 119.011, F.S, or the status of the record as confidential or exempt from the provisions of s. 119.07(1), F.S. The bill passed unanimously in both chambers and heads to the Governor’s desk for final approval.

INCREASED INTEREST RATE FOR CONSTRUCTION PROJECTS PASSES

HB 585- Payment for Construction Services by Rep. DiCeglie was substituted for its Senate companion, SB 378 Payment for Construction Services by Sen. Bradley. The bill increases the interest rate by one percent per month for payments wrongfully withheld for construction services for public and private construction projects. For public sector construction projects, the bill increases from one to two percent per month. Furthermore, the bill increases the interest rate on late payments for private construction services to the rate specified in s.55.03, F.S., plus twelve percent per annum. The bill passed unanimously in the House and Senate and heads to the Governor’s Desk.

PROPERTY ASSESSMENTS FOR ELEVATED PROPERTY PASSES

SJR 1182- Limitation on Assessment of Real Property Used for Residential Purposes was substituted for HJR 1377- Limitation on Assessment of Real Property Used for Residential Purposes by Rep. Chaney. The joint resolution proposes an amendment to the Florida Constitution to authorize the Legislature to prohibit an increase in the assessed value of residential real property because of any change or improvement made to improve the property’s resistance to flood damage. The resolution passed unanimously in the House and Senate.

The linked implementing bills, SB 1186- Property Assessments for Elevated Property by Sen. Brandes and HB 1379- Property Assessments for Elevated Property by Reps. Aloupis, Jr. and Chaney did not pass both chambers. The substance of the implementing bills is included in the Tax Package. The bills require the assessed value of residential real property not increase due to any change or improvement made to improve the property’s resistance to flood damage where the square footage of the property does not exceed 110% of the square footage prior to the elevation. However, when the property changes ownership, it will be assessed at just value, meaning the assessment limitation only applies to the property owner at the time of elevation. The bill also requires property owners to provide certification for such property and prohibits certain areas from being included in square footage calculation.

CLERKS OF THE CIRCUIT COURT BILL PASSES

SB 838- Clerks of the Circuit Court by Sen. Boyd (HB 903- Rep. Barnaby) passed this session. The bill provides that an individual released from incarceration and that has outstanding court obligations to contact the clerks within thirty days after release to apply for a payment plan or pay all fees, court costs, fines in full. The bill allows the Florida Clerks of the Court Operations Corporation to establish and manage a reserve for contingencies within the Clerks of Court Trust Fund up to 16% of the total budget authority during the current county fiscal year. These reserves can be used to offset deficiencies, provide funding during declared emergencies, and provide for a minimum continuation budget where the clerks have projected a deficit and the legislature did not appropriate funds sufficient to create a minimum continuation budget. The substance of similar legislation (HB 31/ SB 382 – Clerks of the Court by Rep. Clemons and Sen. Hooper) passed in the bill that requires certain service charges to be distributed in specified manner; specifies the amount of charges for certain services rendered & instruments that are not court records; revises distribution of revenue from filing fees at start of certain appellate proceedings; and requires clerks of court to submit requests for reimbursement for jury-related costs to Clerks of Court Operations Corporation. The bill passed unanimously in the Senate and House and heads to the Governor for final approval.

SALES TAX EXEMPTION FOR ELDERLY ASSISTED LIVING BILL PASSES IN TAX PACKAGE

SB 224- Sales Tax Exemption by Sen. Berman exempts specified items from sales and use tax that assist in independent living when purchased for noncommercial home or personal use; items include bed transfer handles, bed rails, grab bars, shower seats. This exemption does not apply to a purchase made by a business, including a medical institution or an assisted living facility. The substance of this bill is included in the Tax Package.

FINANCE, TAX, ADMINISTRATION- FAILED

FLORIDA RETIREMENT SYSTEM LEGISLATION PASSED IN SENATE, FAILS THIS SESSION

SB 84- Retirement by Sen. Ray Rodrigues was heard and passed on the Senate Floor this Session, but ultimately failed with no House companion. Currently, members of the Florida Retirement System (FRS) have two plan options 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.

FIDUCIARY DUTIES FOR APPOINTED PUBLIC OFFICIALS AND EXECUTIVE OFFICERS PASSES HOUSE, FAILS THIS SESSION

HB 573 - Fiduciary Duty of Care for Appointed Public Officials and Executive Officers by Rep. Beltran passed unanimously in the House but failed this session. The bill establishes fiduciary duty of care standards applicable to executive officers and appointed public officials of governmental entities. The bill requires governmental entities to provide appointed public officials and executive officers the opportunity to complete five hours of board governance training. The governmental entity must give those individuals notice that the training is available within 30 days of appointment, reappointment, hiring, or any contract entered into or renewed on or after July 1, 2021. If an appointed public official or executive officer requests board governance training the governmental entity must provide the training within 180 days after such request. The bill sets the minimum content requirements for the training and specifies that training may be provided by a public body with management duties over public officials and executive officers, a Florida College System institution, a state university, an accredited law school, or a nationally recognized entity specializing in board governance education. However, the bill allows governmental entities with annual revenue less than \$1 million to have the training provided through inhouse legal counsel or by the unit of government that created the entity. The bill mandates the appointment of an executive officer or general counsel (in-house or outside) be subject to approval by majority vote of the governmental entity.

FIDUCIARY DUTIES FOR APPOINTED PUBLIC OFFICIALS AND EXECUTIVE OFFICERS PASSES HOUSE, FAILS THIS SESSION (CONTINUED)

The bill further requires all legal counsel and lobbyists employed by a governmental entity represent the legal interest and position of the governmental entity’s governing board and not the interest of any individual or employee. Lastly, the bill specifies that nothing in the bill can be construed to create a private cause of action against an executive officer, an appointed public official, or a governmental entity. The Senate companion, SB 758 - Fiduciary Duty of Care for Appointed Public Officials and Executive Officers by Sen. Diaz, passed two of three committee stops.

TOURISM DEVELOPMENT AND CONVENTION DEVELOPMENT TAX EXPANSION PASSES HOUSE, FAILS THIS SESSION

HB 1429- Tourist and Convention Development Taxes by Rep. Avila passed (114-2) on the House Floor but failed this session. 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 improvement but required all new or increased levies to be approved in a referendum. 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 3rd cent of tourist development tax. The Senate companion, SB 2008- Tourist and Convention Development Taxes by Sen. Diaz contained the original language of the bill that required all TDTs and CDTs to be approved by referendum every five years and requires any TDT or CDT currently imposed to be renewed in a referendum on or before July 1, 2026. SB 2008 was not considered this session.

REVISING RENTAL OF HOMESTEAD PROPERTY LEGISLATION FAILS

SB 132 - Rental of Homestead Property by Senator Hutson failed this session after passing one of three committee stops. The bill amended 196.061, F.S., to provide an owner that occupies a dwelling while renting out a portion of homestead, is not considered abandonment. The current law holds that a homestead owner will lose homestead property tax exemptions by renting out their property. There was no House companion bill.

REBATE PROGRAM ENCOURAGING FLORIDA ENTERTAINMENT FAILS

SB 704- Entertainment Industry by Senator Gruters and HB 757- Film, Television, and Digital Media Targeted Rebate Program by Reps. Joseph and Trabulsy failed this session. The bill creates the Film, Television, and Digital Media Targeted Rebate Program within the Department of Economic Opportunity (DEO) under the supervision of the Commissioner of Film and Entertainment. The bill authorizes applicants to receive rebates up to 23% of qualified expenditures, or \$2 million, whichever is less with the requirement to make a good faith effort to use existing providers of infrastructure or equipment, employ at least 60% of Florida residents, spend at least 70% of their production time in Florida, and additional guidelines. The Florida Film and Entertainment Advisory council must determine the score for each qualified project. The goal is to encourage family-friendly productions, broaden Florida’s entertainment industry, and enhance tourism within the state. The Rebate Program will expire June 30, 2025. FAC supported the bill as it aligns with FAC’s guiding principle to support state and local policies, programs, and funding mechanisms that not only preserve, but enhance, the Florida tourism and film industries. SB 704 passed one of three committee stops; while HB 757 was never considered.

COUNTY ATTORNEY’S RECORDS EXEMPTION FAILS

HB 1355 - Pub. Rec./County Attorneys and Assistant County Attorneys by Reps. Arrington and Mariano failed this session, only passing one of three committee stops. 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 supports this public records exemption. The Senate companion measure, SB 1602- Public Records/County Attorneys and Assistant County Attorneys by Sen. Stewart, was never considered.

SOVEREIGN IMMUNITY LEGISLATION FAILS

HB 1129 / SB 1678- Sovereign Immunity by Rep. Fernandez-Barquin and Sen. Diaz failed this session. The bill increases the statutory limits on liability for tort claims against the state and its subdivisions to \$500,000 per person, when totaled with all other claims or judgments arising out of the same incidence it cannot exceed \$1 million. Additionally, the bill sets adjustments for limitation of liability to the Consumer Price Index annually. Neither bill received a hearing this session.

SMALL BUSINESS SALES TAX HOLIDAY BILL FAILS

SB 302- Small Business Saturday Sales Tax Holiday was heard in two committees but failed this session. SB 302 provides that small businesses on Saturday, November 27, 2021, are not required to collect the sales and use tax, both state sales tax and local discretionary sales surtaxes, on the retail sale of certain items costing less than \$1000. The bill was amended in committee to clarify if a small business chooses to not participate in the sales tax holiday, they must notify the Department of Revenue by November 16, 2021, and the business must post a copy of that notice at its place of business. The House companion, HB 637- Small Business Saturday Sales Tax Holiday by Rep. Tant was not heard this session.

EXTENSION OF THE QUALIFIED TARGET INDUSTRY REFUND PROGRAM FAILS

SB 982- Tax Refund Program for Qualified Target Industry Businesses by Sen. Gruters passed two committees but failed this session. SB 982 reauthorizes the Qualified Target Tax Industry Refund Program by repealing the June 30, 2020 deadline for applicants to be certified for the program. FAC’s 2021 Legislative Program supported the reauthorization of the Qualified Targeted Industries Tax Refund for another 10 years. The House companion, HB 6071 -Tax Refund Program for Qualified Target Industry Businesses by Rep. LaMarca was not heard this session.

ELECTRONIC PAYMENT REQUIRED BY THE CLERKS OF THE COURT BILL FAIL

HB 557- Payments to Clerks of the Circuit Courts by Rep. LaMarca, SB 356 Fines and Fees by Sen. Jones, and SB 298- Electronic Payment of Governmental Fees by Sen. Taddeo all failed this session. The bills would require clerk of court to provide an electronic option for the payment of court-related fines and any other monetary penalties, fees, charges, and costs received by the clerk.

TAX EXEMPTION FOR DIAPERS AND INCONTINENCE PRODUCTS FAILS

SB 806 - Tax Exemption for Diapers and Incontinence Products by Sen. Book failed this session after passing through two of three committee stops. The bill exempts the sale for human use of diapers, incontinence undergarments, incontinence pads, or incontinence liners from the sales and use tax. There was no House companion.

AFFORDABLE HOUSING TAX EXEMPTION FAILS

HB 563 and SB 674- Tax Exemption for Affordable Housing by Rep. Anthony Rodriguez and Sen. Ana Rodriguez were never considered this session. The bill authorizes counties & municipalities to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties provide affordable housing. Neither bill received a hearing this session.

FEE WAIVER FOR AFFORDABLE HOUSING FAILS

HB 1017- Fees for the Enforcement for Florida Building Code by Rep. Rayner and SB 1648- Waiver of Fees for Affordable Housing Construction by Sen. Powell both failed this session. The bill authorizes local governments to waive certain fees associated with the Florida Building Code for development, construction, or rehabilitation of affordable housing. Neither bill received a hearing this session.

REGULATORY REFORM BILL FAILS

HB 65 and SB 152- Regulatory Reform by Rep. Sabatini and Sen. Diaz failed this session. The bill establishes the Red Tape Reduction Advisory Council within EOG to annually review the Florida Administrative Code to determine if rules are duplicative or obsolete, burdensome to business, disproportionately affect small businesses with fewer than 100 employees or less than \$5 million in annual revenue. Neither bill received a hearing this session.

HOMESTEAD ASSESSMENT LIMITATION LEGISLATION FAILS

HB 87 and SB 158- Homestead Assessments by Rep. Fabricio and Sen. Diaz failed this session. The bill provides a homestead assessment limitation for school district levy purposes to certain persons age 65 years or older, specifying who may receive the limitation and requires the property appraisers to serve a notice of intent to record a tax lien under certain circumstances. The joint resolution linked with the bill, HJR 85 and SJR 156- Homestead Assessment Limitation that proposed a constitutional amendment to limit homestead assessments for a person who has held a legal or equitable title to a property over 65 years old and has held a title & maintained permanent residence on the property for at least 25 years failed as well. Neither bill received a hearing this session.

SMALL COUNTY DISCRETIONARY SALES SURTAXES BILL FAILS

HB 749- Small County Discretionary Sales Surtaxes by Rep. Mooney, Jr. was never considered this session. The bill authorizes counties with a population of 80,000 or less on April 1,2020 to levy a discretionary sales surtax of .5% or 1%.

CHANGES TO THE PERCENTAGE OF VOTES REQUIRED TO APPROVE A CONSTITUTIONAL AMENDMENT FAILS

HJR 61 /SJR 1238- Percentage of Elector Votes Required to Approve Constitutional Amendment or Revision by Rep. Roth and Sen. Ana Rodriguez failed this session. The joint resolution proposes an amendment to State Constitution to increase percentage of elector votes required to approve amendment to or revision of State Constitution from 60 percent to 66 & 2/3 percent. However, the repeal of an amendment or revision may be approved by the same percentage of elector votes as was required at the time of passage of the amendment or revision. HJR 61 passed all committees and was placed on the Calendar but never considered; SJR 1238 passed one of two committee stops.

DISCRIMINATION IN EMPLOYMENT LEGISLATION FAILS

HB 107/ SB 256- Discrimination in Labor and Employment by Rep. Thompson and Sen. Stewart were never considered this session. The bill creates the “Senator Helen Gorden Davis Fair Pay Protection Act.” The act prevents an employer from providing less favorable treatment and limiting career opportunities to employees based on their sex. Additionally, the act prohibits an employer from relying on salary history of a current, former, or prospective employee in determining the salary for an individual. Neither bill received a hearing this session.

SB 384/ HB 581- Unlawful Employment Practices by Rep. Ana Rodriguez and Rep. Joseph were never considered this session. The bill expands the list of unlawful employment practices to include actions against employees related to pregnancy and requires an employer to provide written documentation and clear notice on certain rights related to pregnancy to employees. Neither bill received a hearing this session.

CANIDATE QUALIFYING DURING CODE OF ETHICS INVESTIGATION LEGISLATION FAILS

HB 1365/SB 1756 – Candidate Qualifying and Campaign Expenditures by Rep. Willhite and Sen. Jones failed this session. The bill prohibits an individual from qualifying as candidate for state, district, county, or municipal office during an investigation by the Commission of Ethics with belief there is probable cause that an individual violated the Code of Ethics for Public Officers and Employees. Additionally, the bill prohibits an individual who owes a fine for failure to file a campaign finance report during a previous campaign from qualifying as candidate for state, district, county, or municipal office. Neither bill received a hearing this session.

SUPERMAJORITY VOTE FOR PREEMPTION LEGISLATION FAILS

SJR 540- Supermajority Vote for Legislative Preemption by Sen. Farmer, Jr. was never heard this session. The joint resolution proposes amendments to the State Constitution to require a supermajority (two-thirds) of each House to approve a general law preempting legislation to the state. There was no House companion resolution.

BILL ADDING PUBLIC WORKS EMPLOYEES TO SPECIAL RISK CLASS OF FRS FAILS

SB 230- Special Risk Class of the Florida Retirement System by Sen. Hutson was never heard this session. The bill adds employees of water, sewer, or other public works departments of participating employers who work in certain hazardous conditions to the Special Risk Class of the Florida Retirement System.

RETALIATORY CONDUCT BY LANDLORDS BOARDS LEGISLATION FAILS

SB 290/ HB 603- Retaliatory Conduct by Landlords by Sen. Baxley and Rep. Truenow failed this session. The bill allows county legislative and governing boards to create boards to investigate violations related to retaliatory conduct by landlords and authorizes the boards to impose fines on retaliatory conduct by landlords. Neither bill received a hearing this session.

LOCAL GOV'T COMMUNICATION LEGISLATION FAILS

SB 1790/ HB 6091 - Local Government Communications Services by Sen. Torres, Jr. and Rep. Eskamani failed this session. The bill removes provisions that require counties and entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities. Neither bill received a hearing this session.

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