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The 2021 Legislative Session officially ended “Sine Die” at 2:40pm on Friday, April 30<sup>th</sup>. Unique to this session was the fact that session actually ended on time, bucking a trend of the past few years where legislators needed additional time to settle the budget. Also unique for 2021– an influx of \$10 billion dollars to spend in response to a once in a century pandemic. Republicans continue to dominate both chambers, as well as the executive branch of government, resulting in numerous “red meat” policies passing in 2021 that will set the table for the elections of 2022, and even 2024. Florida continues to be a major player in national politics, this was particularly apparent as this session brought about conversations regarding business and health care COVID liability protections, vaccine passports, health care funding, anti-rioting policies, data privacy, social media “de-platforming,” elections, access to broadband, transgender athletes, and a \$101.5 billion dollar state budget.

Obviously, many more issues were discussed over the 60-day legislative session, as the statistics below highlight:

- 3,140: Bills and PCBs filed
- 2,632: Amendments filed
- 3,788: Votes Taken
- 39: Floor Sessions
- 275: Bills passed both chambers
- 1,060: Local Appropriations projects filed

### **City of Gainesville Projects**

\*Please note the General Appropriations Act, SB 2500, has not been signed by Governor DeSantis and individual projects can be vetoed. We will continue to work with the Governor’s staff to ensure final approval of the City of Gainesville’s priorities.

#### **The Nspire Interrupters Program**

Sponsored by Representative Clemons & Senator Perry  
Funded at \$230,000

#### **Gainesville Regional Eastside Transit Station**

Sponsored by Representative Hinson & Senator Perry  
Funded at \$300,000

**Community Resource Paramedic Resource Funding**  
 Sponsored by Representative Hinson & Senator Perry  
 Funded at \$250,000

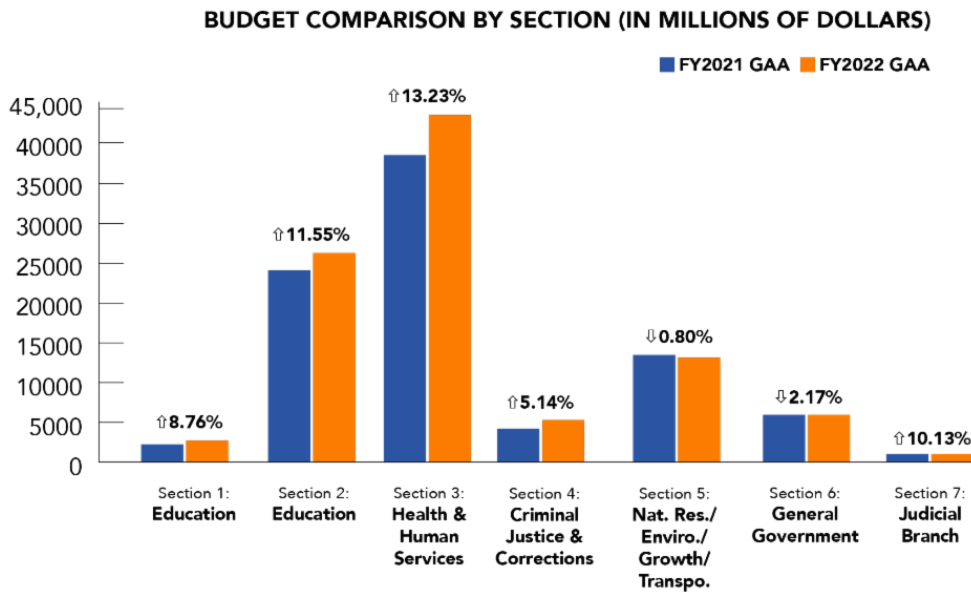
**Budget**

***Appropriations (SB 2500)***

The spending plan for FY 2021-22 totals \$101.5 billion which includes approximately \$6.7 billion in federal funding from the American Rescue Plan (ARP). This represents a 10.1 % increase (\$9.3 billion) over the current year budget.

The budget includes \$36.3 billion in general revenue and just over \$65 billion in trust fund dollars.

**The chart below summarizes a comparison of this year’s budget and the FY 2020-21 budget.**



## **Funding Highlights**

### **Affordable Housing**

- **State Housing Initiatives Partnership (SHIP):** \$146.7 million
- **Affordable Housing Programs (State Apartment Incentive Loan Program (SAIL)):** \$62.5 million

### **Transportation Funding**

- **Florida Department of Transportation total budget:** 10.3 billion
- **Small County Outreach Program (SCOP):** \$88.8 million
- **Small County Resurface Assistance Program (SCRAP):** \$38.2 million
- **Local Transportation Initiatives Projects:** \$89.5 million
- **Transportation Disadvantaged Program:** \$65.9 million

### **Economic Development Funding**

- **Florida Job Growth Grant Funding:** \$50 million (funding is contingent on ARP funds)
- **Visit Florida:** \$75 million (\$25 million is contingent on ARP funds)
- **Enterprise Florida:** \$14.4 million

### **Environmental Funding**

- **Member Projects:** \$116.6 million
- **Florida Forever:** \$100 million
- **Coastal Mapping:** \$100 million (funding is contingent on ARP funds)
- **Florida Keys Area of Critical State Concern:** \$20 million
- **Land Acquisition- Wildlife Corridor:** \$300 million (contingent on ARP funds)
- **Petroleum Tanks Cleanup:** \$125 million (\$50 million contingent on ARP funds)
- **Dry Cleaning Solvent Cleanup:** \$6 million
- **Septic-to-Sewer/Stormwater Improvements:** \$626 million
  - \$500 million is contingent on receipt of the ARP funds.
  - Funds 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.
  - Of the \$626 million, \$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.
- **Water Quality Enhancement and Accountability:** \$10.8 million
  - Funds will be used 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.

- Of the \$10.8 million, \$4 million is provided to the Department of Environmental Protection to 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:** \$46 million
  - \$20 million of which is contingent on receipt of the ARP funds.
  - The funds may be used by DEP for 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:** \$10.6 million
  - Funds will be used 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:** \$75 million
  - \$25 million of which is contingent on receipt of the ARP funds
  - The funds are appropriated to the Department of Environmental Protection for springs restoration. The funds may be used 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:** \$40 million
  - Funds are contingent on receipt of the ARP funds and are appropriated to the Department of Environmental Protection for the water supply and water resource development grant program to help communities plan for and implement conservation, reuse and other water supply and water resource development projects. Priority funding will be given to regional projects in the areas of greatest need and for projects that provide the greatest benefit. The department shall identify and research all viable alternative water supply resources and provide an assessment of funding needs critical to supporting Florida’s growing economy.
- **Beach Restoration:** \$150 million
  - \$50 million is contingent on receipt of the ARP funds
  - The budget allocation will be used by the Department of Environmental Protection beach and inlet management projects.
- **Resilient Coastline Initiative:** \$10 million
  - Of the \$10 million, \$8 million is provided for the Florida Resilient Coastline Initiative to assist local governments with storm resiliency, sea level rise planning, coastal resilience projects, and coral reef health.
  - \$2 million is provided for coastal resilience grants and coral reef restoration. allocated to assist local governments with sea level rise planning and coastal

resilience projects, including storm resiliency as well as coral reef restoration and monitoring.

- **Resilient Florida Trust Fund:** \$500 million (contingent on ARP funds)
  - Funds are allocated for the Resilient Florida Grant Program authorized in Senate Bill 1954 and are contingent upon Senate Bill 1954 and Senate Bill 2514, or similar legislation, becoming a law.
  - SB 1954 creates the Resilient Florida Grant Program within DEP and establishes statewide resiliency programs that assess and address inland and coastal flooding and sea level rise.
- **Resilient Florida Planning Grants:** \$20 million
- **Piney Point Environmental Cleanup:** \$100 million (contingent on ARP funds)

### **Allocation of American Rescue Plan Funds**

The FY 2021-22 budget includes \$6.696 billion in funding from the American Rescue Plan (ARP)

The funds listed below are in addition to any amounts appropriated for the same purposes in the General Appropriations Act.

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
Workforce Information System	\$100 million
Resilient Florida TF	\$500 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

## **Bills that Passed in 2021**

### **Preemption of Local Occupational Licensing**

*SB 268 by Perry and HB 735 by Harding*

HB 735 expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations, except for local government licensing of occupations authorized by general law or occupation licenses enacted before January 1, 2021. Such existing licensure programs expire on July 1, 2023. The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type license by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation.

HB 735 passed out of the House early in session. SB 268 was subsequently laid on the table and replaced by HB 735, where all amendments failed, and HB 735 passed out of the Senate and is awaiting the Governor's signature.

### **Express Preemption of Fuel Retailers and Related Transportation Infrastructure**

*HB 839 by Fabricio and SB 856 by Hutson*

HB 839 and SB 856 expressly preempt a municipality, county, special district, or political subdivision from prohibiting the siting, development, or redevelopment of a fuel retailer or the necessary related transportation infrastructure within that specific local government's entire jurisdiction. The bills further preempt any action by a municipality, county, special district, or political subdivision resulting in a de facto jurisdiction-wide prohibition against a fuel retailer or the necessary related transportation infrastructure. The bills preempt mandating any required infrastructure on a fuel retailer, including electric vehicle charging stations. The bill does not preempt a municipality, county, special district, or political subdivision from adopting and implementing ordinances, regulations, policies, or resolutions on the siting, development, or redevelopment of fuel retailers or necessary related transportation infrastructure that are consistent with other allowable uses and general law.

HB 839 was substituted for SB 856 and passed (26-12) in the Senate and heads to the Governor's desk for final passage.

### **Preemption Over Restriction of Utility Services**

*HB 919 by Tomkow and SB 1128 by Hutson*

HB 919 and SB 1128 prevent 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 to it by a public utility that is authorized to provide service in the service territory. However, the bills do not prohibit a governmental entity from adopting rules, regulations, and policies governing an electric or natural gas utility that it owns or operates and directly controls.

HB 919 was substituted for SB 1128 and passed (27-13) in the Senate and heads to the Governor's desk for his signature.

## **Transportation**

*SB 1194 by Hooper and HB 57 by Andrade*

Among other things, SB 1194, 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 or the county's interest to a community development district under specified conditions. The Senate adopted an amendment on the floor 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.

## **Renewable Energy**

*SB 896 by Brodeur and HB 539 by Byrd*

Originally, SB 896 and HB 539 amended s.366.91, F.S. by adding the terms "biogas" and "renewable natural gas" and expanding the term "renewable energy" to Florida law. This change 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

SB 896 passed (86-29) in the House and (25-14) in the Senate. The bill now heads to the Governor's desk for his signature.

### **Home-based Businesses**

*HB 403 by Giallombardo and SB 266 by Perry*

HB 403 and SB 266 allow 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 a 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 any HBB external building 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.

HB 403 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. There is some question as to whether or not legal challenge could be presented solely on the point raised by Senator Farmer. HB 403 will be one to watch and likely will be challenged by multiple local governments.



## **Cottage Food Operations**

*SB 1294 by Brodeur and HB 663 by Salzman*

SB 1294 revises the regulations on cottage food operations and cottage food sales. A cottage food operation is a natural person who produces or packages cottage food products, defined by the Department of Agriculture as any food that is not a potentially hazardous food, at his or her residence. The bill allows individual cottage food operations to sell, offer for sale, and accept payment for cottage food products as a business entity. The bill also allows cottage food products to be sold, offered for sale, and paid for by mail order, and permits cottage food products to be delivered by mail. Cottage food operations are exempt from food permitting requirements if the cottage food seller complies with s. 500.80, F.S., and has annual gross sales of up to \$50,000. The bill increases the maximum allowable gross sales to \$250,000.

The bill preempts the regulation of cottage food operations to the state. However, cottage food operations must comply with all applicable county and municipal laws and ordinances regulating traffic, parking, noise, signage, and hours of retail operation. 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 his signature.

## **Public Works**

*SB 1076 by Broduer and HB 53 by DiCeglie*

SB 1076 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 funds. 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 also 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.

SB 1076 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.

### **Preemption of Firearms and Ammunition Regulation**

*SB 1884 by Rodrigues (R) and HB 1409 by Bryd*

SB 1884 revises the Legislature's preemption of the field of the regulation of firearms and ammunition. Current law provides a person or certain organizations with the right to seek declaratory or injunctive relief and actual damages due to a local ordinance, regulation, measure directive, rule enactment, order, or policy regulating firearms or ammunition. The bill provides that the right to maintain a legal action against a preempted local regulation applies even if the local regulation is unwritten.

Several attempts were made to amend the bill, however each failed. SB 1884 is awaiting action by the Governor.

### **Florida Building Code**

*HB 401 by Fetterhoff and SB 1146 by Brodner*

HB 401 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 plan reviews or building inspection services a local enforcement agency must 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 plan 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 Senate adopted an 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.

HB 401 is awaiting action by the Governor.

### **Building Inspections**

*HB 667 by Mooney and SB 1382 by Perry*

HB 667 requires local enforcement agencies to allow requests for inspections to be submitted electronically. Accepted methods of electronic submission include, but are not limited to:

- E-mail;
- An electronic fill-in form available on the building department's website or a third-party submission management software; or

- An application that can be downloaded on a mobile device.

The bill 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 Building Code, the Florida Fire Prevention Code, or local ordinance, indicating why the work failed the inspection within 5 business days.

If any permit and inspection fees must be 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. The bill clarifies that any government entity with authority to enforce the Building Code may perform virtual inspections at the discretion of the government entity. However, a government entity may not perform a virtual inspection for structural inspections on threshold buildings.

HB 667 awaits action by the Governor.

### **Statewide Flooding and Sea Level Rise Resilience**

*SB 1954 by Rodrigues (R) and HB 7019 by Bussata Cabrera*

SB 1954 establishes several statewide resiliency programs that assess and address inland and coastal flooding and sea level rise. The bill creates the "Resilient Florida Grant Program" within the Department of Environmental Protection (DEP) which provides funding to local governments for the costs of resilience planning and projects to adapt critical assets. The bill defines "critical assets" as transportation assets and evacuation routes, critical infrastructure, critical community and emergency facilities, and natural, cultural, and historical resources. Additionally, the bill creates the "Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment" in which the DEP must develop a statewide data set necessary to determine the risks of inland and coastal communities, including statewide sea level rise projections and develop a statewide assessment, based on a statewide data set, which identifies vulnerable areas, infrastructure, and critical assets. The assessment is to be updated by DEP every 5 years. Lastly, the bill creates the "Statewide Flooding and Sea Level Resilience Plan" in which DEP must annually submit a plan proposing up to \$100 million in funding for projects that address risks from flooding and sea level rise. The bill authorizes local governments, regional resilience entities, and water management districts to submit lists of proposed projects to DEP for inclusion in the plan.

The new program within DEP was also granted \$500 million dollars from American Rescue Plan funds during budget conference. SB 1954 replaced HB 7019 and passed out of both chambers. SB 1954 is enrolled and waiting to be sent for the Governor's signature.

### **Resilient Florida Trust Fund**

*SB 2514 by Senate Appropriations and HB 7021 by House Environment, Agriculture and Flooding Subcommittee*

SB 2514 creates the Resilient Florida Trust Fund within the Department of Environmental Protection and provides that the trust fund is established as a depository for the documentary stamp revenues dedicated to resiliency projects as provided for in SB 2512 (Documentary Stamp Tax Distributions). The funds deposited in this trust fund are available as a funding source for DEP for the Resilient Florida Grant Program and the Statewide Flooding and Sea-Level Rise Resilience Plan. These bills were linked with the Doc Stamp bills and the above Sea Level Rise Resilience bills (all passed and enrolled).

SB 2514 replaced HB 7021 and passed out of both chambers. SB 2514 is enrolled and waiting to be sent for the Governor's signature.

### **Reclaimed Water**

*SB 64 by Albritton and HB 263 by Maggard*

SB 64 creates a timeline and plan to eliminate nonbeneficial surface water discharge from domestic wastewater utilities by 2032 and contains a series of conditions authorizing discharges that are being beneficially used or are otherwise regulated, and for specific hardships that will allow certain discharges to continue beyond the 2032 date. The bill requires domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge to submit a 5-year plan by November 1, 2021 to eliminate nonbeneficial surface water discharge to the Department of Environmental Protection and the plan must be implemented by January 1, 2032. The bills also specify 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, and incentivizes residential developments that use graywater technologies.

SB 64 awaits Governor action.

### **Ratification of Department of Environmental Protection Rules**

*HB 1309 by Payne and SB 7060 by Senate Environment and Natural Resources*

HB 1309 encompass DEP's proposed revisions to rules on permitting requirements for biosolids disposal facilities. The rule would normally first be approved by the Environmental Regulation Commission (ERC) and then receive legislative ratification due to its economic impact. The legislation exempts the biosolids rule from ERC approval and ratifies the rule.

Senator Brodeur amended HB 1309 to include the Central Florida Water Initiative (CFWI) bill (SB 7062 – Brodeur) which was adopted and passed out of the Senate, the amendment also ratified CFWI rulemaking. The House concurred on Sen. Brodeur's amendment and passed HB 1309. HB 1309 awaits Governor action.

## **Farming Operations**

*SB 88 by Brodeur and HB 1601 by Williamson*

SB 88 amends the Florida Right to Farm Act. The general purpose of the act is to protect reasonable agricultural activities conducted on farmland from nuisance lawsuits. The bill provides stronger liability protections to farms that comply with best management practices and environmental regulations. The definition of “farm operations” is expanded to add “agritourism” activities to the list of farm operations that receive limited legal protections in nuisance suits and other similar civil actions. The definition is further revised to include the generation of “particle emissions” to the list of conditions or activities that constitute farm operations.

The bill defines “established date of operation” for an agritourism activity as the date the specific agritourism activity commenced, providing for a separate established date of operation for an agritourism activity than for the farm operation. The definition of “nuisance” in the bill is to mean any interference with the reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all legal claims that meet the requirements of the definition of nuisance, regardless of whether a plaintiff designates those claims as brought in an action for nuisance, negligence, trespass, personal injury, strict liability, or some other tort.

SB 88 was signed by the Governor on April 29, 2021.

## **Highway Projects**

*SB 100 by Harrell*

SB 100 repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) program and related provisions and instead creates programs related to arterial highway projects. More specifically, 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 alignments to manage congestion points and retrofitting roadways with tolled or non-tolled grade separations that provide alternatives to a signalized intersection for through traffic.
- Prohibits a reduction of any non-tolled general use lanes of an existing facility, requires maintenance of existing access points, and limits the location of any tolling points such that a non-tolled alternative exists for local traffic. Provides that all existing applicable requirements relating to FDOT or turnpike projects apply to any projects undertaken. Further, the FDOT and the Florida Turnpike Enterprise (FTE) must take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects.
- Directs the FDOT to develop, by December 31, 2035, and include in the work program, construction of controlled access facilities to achieve free flow of traffic on U.S. 19 and requires the facility to be developed using existing or portions of existing roadway by specified improvements.

- Directs the FDOT to begin the project development and environmental phase for a project to extend the Florida Turnpike from its current terminus in Wildwood to a terminus as determined by the FDOT, and to submit a summary report by December 31, 2022.

SB 100 awaits action by the Governor.

### **Waste Management**

*SB 694 by Rodrigues (R) and HB 703 by McClure*

SB 694 amends the requirement that a local government must either provide 3 years notice before its solid waste collection service displaces a private waste company or pay the displaced company an equal amount equal to the company's preceding 15 months' gross receipts for the displaced service. The bill requires local governments which displace a solid waste collection service to provide a 3-year notice period *and* pay the displaced company an amount equal to the company's preceding 18 months' gross receipts at the end of the notice period. This requirement does not apply to any displacement where the local government provided three years notice on or before December 31<sup>st</sup>, 2021.

SB 694 awaits action by the Governor.

### **Legal Notices**

*HB 35 by Fine and SB 402 by Rodrigues (R)*

HB 35 revises the requirements for publications of legal notices. The bill gives governmental agencies the option to publish legal notices on a publicly accessible website in lieu of newspaper publication if certain conditions are met. Specifically, the bill allows a governmental agency in a non-fiscally constrained county to publish legal notices on a publicly accessible website if online publication costs less than newspaper publication and in a fiscally constrained county to publish legal notices on a publicly accessible website after determining, at a publicly noticed meeting, that online publication is in the public interest, will cost less than newspaper publication, and will not unreasonably restrict legal notice access.

HB 35 is awaiting action by the Governor.

### **Sales & Use Tax**

*SB 50 by Gruters and HB 15 by Clemons*

SB 50 requires marketplace providers and out-of-state retailers with no physical presence in Florida to collect Florida's sales tax on sales of taxable items delivered to purchasers in Florida if the out-of-state retailer or marketplace provider makes a substantial number of sales into Florida. In 2018, the U.S. Supreme Court decided in *Wayfair v. South Dakota* that states may impose these kinds of taxes on entities that have a "substantial nexus" to the state regardless of whether the entity has a physical presence within that state. To comply with this decision, the bill states that a substantial number of remote sales means conducting any number of taxable remote sales in an amount exceeding \$100,000 during the previous calendar year. The Revenue Estimating Conference determined the bill will: increase general revenue fund receipts by \$973.6 million in

fiscal year 2021-2022 and by \$1.08 billion each year thereafter; increase state trust fund receipts by \$0.3 million in fiscal year 2021-2022 and by \$3.3 million each year thereafter; and increase local government revenues by \$229.5 million in Fiscal Year 2021-2022 and by \$253.7 million each year thereafter.

SB 50 was approved and signed by the Governor on April 19, 2021.

### **Drones**

*SB 44 by Wright and HB 1049 by Giallombardo*

SB 44 provides additional exceptions to the statutory ban on certain uses of drones by law enforcement agencies, fire departments, state agencies, and political subdivisions of the state. Under the bill, law enforcement agencies will be able to use drones to gain aerial perspectives of a crowd of 50 or more persons; assist with traffic management, except that the agency may not issue a traffic infraction based on images or video captured by a drone; and facilitate evidence collection at a crime scene or traffic crash scene. The bill further provides that the statute does not prohibit a state agency or political subdivision to use a drone to assess damage due to natural disaster, or for the management of vegetation and wildlife management on public land or water.

SB 44 awaits action by the Governor.

### **Emergency Management**

*SB 2006 by Burgess and HB 7047 by Leek*

SB 2006 prohibits businesses, schools and government agencies from requiring people to show documentation that proves they received a COVID-19 vaccination. It also allows the governor to override local orders during a health crisis and places time limits on some emergency orders. As it stands, state and local orders for public health emergencies can last up to seven days and extend indefinitely in seven-day increments. The measure would cap the maximum extension at 42 days. The limitation doesn't apply to hurricanes or weather-related emergencies.

The Governor has the authority to invalidate an emergency order that “unnecessarily restricts individual rights or liberties.

SB 2006 was approved and signed by the Governor May 3, 2021. The Governor released EO 2021-101 and 2021-102, which are aimed to eliminate and supersede all local government emergency orders due to the effective date of SB 2006 being July 1.

### **Combating Public Disorder**

*HB 1 by Fernandez-Barquin and SB 484 by Burgess*

HB 1 was possibly the most controversial bill of the 2021 Legislative Session; the bill makes numerous changes to Florida's criminal code. For local government purposes, the bill amends s. 166.241, F.S., relating to municipal budgets, to create a budget appeal process to challenge reductions in municipal law enforcement agencies' budgets similar to that available to a county sheriff. If a municipality's tentative budget contains a funding reduction to the operating budget



of the municipal law enforcement agency, the state attorney for the judicial circuit in which the municipality is located or a member of the governing body of the municipality who objects to the funding reduction may file an appeal within 30 days of the date the tentative budget is posted on the municipality's website. The bill requires a municipality to reply to the appeal within five working days of receipt. The bill requires the EOG to conduct a hearing on the appeal and make a recommendation to the Administration Commission which may approve, amend, or modify the municipal law enforcement budget. Under the bill, the decision of the Administration Commission is final.

HB 1 was approved and signed by the Governor on April 19, 2021.

### **Broadband Internet Infrastructure**

*HB 1239 by Tomkow and SB 1592 by Burgess*

HB 1239 creates two new programs to support the expansion of broadband internet service to consumers without access to service.

First, the bill creates a program within the Office of Broadband at DEO to award grants, subject to appropriation, to applicants who seek to install or deploy infrastructure that expands broadband service to unserved areas. The bill specifies the types of entities eligible for such grants, provides application requirements and evaluation criteria, and requires the Office to enter into an agreement with each grant recipient that specifies performance conditions, including potential sanctions. The bill establishes a process by which an existing broadband provider may challenge a grant application on the grounds that the provider already offers or plans to offer service in the area at issue. The bill limits grant awards to 50 percent of the total cost of a project, but no more than \$5 million per grant, and prohibits grant awards for projects that receive other federal funding. The bill requires the Office to prepare an annual report summarizing the activity under this program.

Second, the bill requires municipal electric utilities, through July 1, 2024, 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 consumer within the utility's service territory. The bill provides terms for these discounted attachments. The bill also provides safety and reliability standards for pole attachments and specifies each party's responsibility for costs associated with replacement poles necessary to make attachments. The bill prohibits municipal electric utilities from raising their current pole attachment rates for broadband providers before July 31, 2022. The bill requires local technology planning teams established by the Office to work with rural communities to help identify unserved and underserved consumers and to work with broadband providers to identify opportunities and reduce barriers to the deployment of service.

HB 1239 is waiting action by the Governor.

## **Civil Liability for Damages Relating to COVID-19**

*SB 72 by Brandes and HB 7 by McClure*

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 is allowed to 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.

If, in contrast, the court determines that the defendant did not make the requisite good faith effort, the action may proceed.

If a plaintiff meets these preliminary requirements, then he or she bears the burden of proving that the defendant did not make the good faith effort. Additionally, the plaintiff must meet the heightened standard of proving that the defendant's acts or omissions were grossly negligent by the clear and convincing evidence standard.

## **Liability Protections for Health Care Providers**

The liability protections for COVID-19-related claims against a health care provider mainly relate to claims:

- Arising from the diagnosis or treatment of a person for COVID-19;
- The provision of a novel or experimental COVID-19 treatment;
- The transmission of COVID-19; and
- The delay or cancellation of a surgery or medical procedure.

Claims must be brought within 1 year. SB 72 was signed into law by the Governor on March 29, 2021.

## **Public Records for Disaster Response**

*HB 327 by Rommel and SB 418 by Burgess*

HB 327 creates a public record exemption for the address and telephone number of a person provided public emergency shelter during a storm or other catastrophic event held by an agency that provided the emergency shelter.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature. The bill provides a statement of public necessity as required by the Florida Constitution.

HB 327 is awaiting action by the Governor.

### **County and Municipal Code Enforcement**

*SB 60 by Bradley and HB 883 by Overdorf*

SB 60 prohibits county and municipal code inspectors from starting an investigation into violations of city or county codes or ordinances based on an anonymous complaint. The bill requires that individuals making complaints of potential violations provide their name and address to the local government body before an investigation may occur. An exception is provided if the code inspector has reason to believe that alleged violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

SB 60 awaits Governor action.

### **Private Property Rights**

*HB 421 by Persons-Mulicka and Tuck and SB 1876 by Albritton*

HB 421 amends the Bert J. Harris, Jr., Private Property Rights Protection Act by shortening the review period governments have in responding to claims from 150 to 90 days. The bills create the presumption that certain Bert Harris settlement offers are in the public interest. The bills create a process by which a property owner can notify a government entity that they believe a new law or regulation imposes a limitation on their property. The government entity would have 45 days to respond in writing describing what limitations are imposed on the property by the new law or regulation. At this point, the Bert Harris claim would be ripe for filing without the property owner being denied an application for development if filed within one year after receiving the response from the government entity. The bills give the property owner the option to forgo a jury trial and instead have a bench trial. Lastly, the legislation amends the attorney fee provisions of the Bert Harris Act by making them more favorable to the property owner. The bills were amended to add the subject of HB 1101 and SB 1380, creating one vehicle for all Bert Harris Legislation.

HB 421 awaits action by the Governor.

### **Impact Fees**

*SB 750 by Gruters and HB 337 by DiCeglie*

SB 750 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 percent 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.

SB 750 awaits action by the Governor.

## **Tax Package**

### *SB 7061 by Ways and Means*

SB 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.)

HB 7061 awaits action by the Governor.

**Abandoned Cemeteries**

*HB 37 by Driskell and SB 222 by Cruz*

HB 37 creates a ten-member Task Force on Abandoned African American Cemeteries. The group is instructed to study the extent to which unmarked or abandoned African American cemeteries and burial grounds exist throughout the state and to develop and recommend strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased. The Department of State (DOS) is required to provide administrative and staff report relating to the functions of the task force. The task force must submit a report by January 1<sup>st</sup>, 2022 that detail its findings and recommendations.

HB 37 awaits action by the Governor.

**Growth Management**

*HB 59 by McClain and SB 496 by Perry*

HB 59 amends s. 163.3167, F.S., to provide that all local comprehensive plans *effective*, rather than *adopted*, after January 1, 2016, and all land development regulations adopted to implement the plan, must incorporate development orders existing before the plan's effective date, may not impair the completion of a development order, and must vest the density and intensity approved on the effective date of the comprehensive plan. The bill requires all local governments to adopt a property rights element in their comprehensive plans and provides a model statement of property rights a local government may adopt to satisfy this requirement.

HB 59 awaits action by the Governor.

**Growth Management**

*HB 487 by Duggan and SB 1274 by Perry*

HB 487 increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres generally and increases the maximum acreage for a small-scale comprehensive plan amendment within a rural area of opportunity from 20 acres to 100 acres.

HB 487 is awaiting action by the Governor.

### **Documentary Stamp Taxes**

*SB 2512 by Senate Appropriations and HB 5401 by House Appropriations*

SB 2512 revises 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 million is distributed into the two housing trust funds, while under the conforming bills, the two housing trust funds will receive \$200 million combined, and the two new trust funds will each receive \$111.7 million. 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 awaits action by the Governor.

### **Construction Permits**

*HB 1059 by Fischer and SB 1788 by Boyd*

HB 1059:

- Requires local governments to review additional information for an application for a development permit or development order within a certain time-period.
- Clarifies and requires local enforcement agencies to:
  - post each building permit application, including a list of any required attachments, such as drawings or plans, on their websites;
  - allow applicants to submit completed building permit applications electronically including any required payments and attachments, such as plans;
  - post the current status of every received building permit application on their website; and
  - post their procedures for reviewing, processing, and approving building permit applications on their websites.
- Requires government entities, which enforce the Building Code, that fail to meet current established deadlines for reviewing building permit applications to reduce the fee for such permits for every business day that they miss the deadline, unless the applicant agrees to a longer period.
- Requires government entities that deny a building permit application for a single-family residential dwelling to allow the applicant 10 business days to correct the application.
- Prohibits government entities from requiring a copy of a contractor's contract with owners, subcontractors, or suppliers in order to obtain a building permit for projects on commercial property. This does not apply to projects for improvements owned or leased by a government entity.

HB 1059 is awaiting action by the Governor.

## **Bills that Failed to Pass in 2021**

### **Vacation Rentals**

*SB 522 by Senator Diaz and HB 219 by Representative Fischer*

SB 522 died in the Senate Rules Committee. The bill, in its original form, would have preempted all regulations of vacation rentals to the state, including the inspection and licensing of vacation rentals. The bill was amended to significantly narrow the preemption. It would have permitted “grandfathered” local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive, but would have preempted cities from specifically regulating advertising platforms. The House companion, HB 219, was only heard in its first committee of reference.

### **Prohibition of Public Funds for Lobbying by Local Governments**

*HB 215 by Representative Sabatini*

HB 215 did not receive a committee hearing during Session, and there was no Senate companion filed. Among other things, the bill prohibited 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.

### **Legislative Review of Occupational Regulations**

*SB 344 by Senator Diaz and HB 471 by Representative Rizo*

The proposal created the “Occupational Regulation Sunset Act” which established 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; HB 471 was not considered.

### **Alternative Meetings During Declared Emergencies**

*SB 1494 by Senator Cruz and HB 1217 by Representatives Daley and Mooney*

The bills authorized 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 would have counted towards a quorum. Additionally, a member could attend in person or through communications media technology virtually. The House version included a provision that stated 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 would have had to contain how many people were interested in attending as well as noticing meeting locations, if any. Neither bill received a hearing this session.

### **Traffic and Pedestrian Safety**

*SB 1412 by Senator Perry and HB 1113 by Representative Fine*

HB 1113 passed (91-25) the House but ultimately failed this legislative session. The bills required by October 1, 2022, DOT would have had to 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 would have had to replace yellow RRFBs with red RRFBs within a year. If the request was denied by the federal government, all entities with jurisdiction over mid-block crosswalks would have had to remove all yellow RRFBs or retrofit with acceptable equipment. Furthermore, a traffic engineering study would have had to have been conducted that recommended the installation of a mid-block crosswalk. The Senate companion, SB 1412, cleared two of three committees but stalled in its third committee, Senate Appropriations.

### **Regulation of Smoking in Public Places**

*SB 334 by Senator Gruters and HB 239 by Representative Altman*

The bills allowed counties and cities to further restrict smoking on beaches and parks within their jurisdictions and that they own. Cities would have been allowed to also restrict smoking in county beaches and in city parks so long as it would not conflict with a county ordinance. Additionally, smoking would be prohibited within the boundaries of a state park. SB 344 cleared two of three committees; HB 239 cleared one of three committees.

### **State Funds**

*SB 510 by Senator Hooper and HB 13 Representative Killebrew*

The bills prohibited further sweeping of funds from the State and Local Government Housing Trust Funds, known as the Sadowski Affordable Housing Funds. SB 510 failed this legislative session after clearing two of three committees but stalled in Senate Appropriations. The House companion, HB 13, was not heard this Session.

### **Firefighter Inquiries and Investigations**

*SB 970 by Senator Hooper and HB 313 by Representative Busatta Cabrera*

The bills revised the Firefighters' Bill of Rights to expand the rights of a firefighter during questioning under an informal inquiry when a firefighter was under investigation for alleged misconduct. The bill provided 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 have been threatened with transfer, dismissal, or disciplinary action as incentive to answer any questions. The Senate version, SB 970, passed one of three committees but stalled in the Senate Governmental Oversight and Accountability Committee. HB 313 passed (116,1) in the House, but the bill ultimately failed this session.



## **Use of Wireless Communications Devices**

*HB 91 by Representative Slosberg*

The bill expanded the texting & driving ban to a complete hands-free requirement for use of all wireless communication devices while driving. Additionally, the bill would have allowed for billing records to be admissible records in any scenario regardless of severity. There was no Senate companion legislation, and HB 91 was not considered during session.

## **Matters of Great Governmental Concern**

*SB 102 by Senator Burgess and HB 1053 by Representative Overdorf*

The legislation authorized the Attorney General to take over or abate local government civil actions that involve multiple local government plaintiffs on matters the Legislature has declared to be of great governmental concern. The bills were retroactive and could have adversely affected existing legal actions relating to opioids and PFAS chemicals. Both SB 102 and HB 1053 cleared only one committee stop.

## **Regional Planning Councils**

*SB 62 by Senator Bradley*

The bill repealed 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 authorized 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. SB 62 cleared one out of three committee stops, however, there was no House companion.

## **Requirements for Establishing or Increasing Tolls**

*SB 1350 by Senator Jones and HB 205 by Representative Borrero*

The bills established 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 increased the rates, the board of county commissioners would have had to approve toll increases or development by a two-thirds vote. Neither bill received a hearing this session.

## **Land Acquisition Trust Fund/Florida Forever Bonds**

*SB 1480 by Senator Brodeur and HB 1173 by Representative Roth*

The bills extended 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.

**Resiliency Energy Environment Florida (REEF) Program/ Improvement to Real Property**  
*SB 1208 by Sen. Ana Rodriguez and HB 387 by Rep. Fine*

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 provided additional consumer protection measures when entering PACE contracts. The Senate bill cleared two of three committees but was not considered its final committee of reference. HB 387 focused solely on consumer protections to protect potential property-owner participants from fully realizing the terms of the PACE contracts. The bills also required the local government to post an online annual report documenting certain PACE activities. HB 387 passed all committees but was never considered on the House Floor.

**Implementation of the Recommendations of the Blue-Green Algae Task Force**  
*SB 1522 by Senator Stewart and HB 1225 by Representative Goff-Marcil*

The bills implemented the recommendations of the Blue-Green Algae Task Force. The bills required 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 used. SB 1522 cleared two of three committee stops but stalled in Senate Appropriations. HB 1225 was not considered this session.

**Renewable Energy**

*SB 208 by Senator Brandes and HB 775 by Representative Omphroy*

The bills authorized 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 authorized owners or contracted third parties to sell electricity generated from the device to adjacent businesses. The bills allowed 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. HB 775 was not considered by the House.

**Sanitary Sewer Laterals**

*SB 1058 by Senator Burgess and HB 773 by Representatives McClure and Overdorf*

The bill allowed 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, or city, could access a property to clean or repair sanitary sewer laterals and to reestablish a sealed sanitary sewer system. A county would have had to 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.

## **Energy 2040 Task Force**

*SB 136 by Senator Brandes*

The bill created 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, and there was no House companion filed.

## **Preemption of Recyclable and Polystyrene Materials**

*SB 594 by Senator Stewart and HB 6027 Representative Grieco*

The bills repealed the state preemption of the regulation of disposable plastic bags including auxiliary containers and wrappings and repeal the state preemption of the use or sale of polystyrene products to FDACS. Neither bill received a hearing.

## **Electric Vehicles**

*SB 138 by Senator Brandes*

SB 138 required FDOT to establish the Electric Vehicle (EV) Infrastructure Grant Program to provide financial assistance 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 legislation authorized state agencies, public universities, public transit agencies, ports, airports, and local governments to apply to FDOT for grants for technical assistance for the development and adoption of local or regional plans establishing charging infrastructure and for assistance with the purchase of related equipment and costs of installation. The bill set out required matching funds and sources and authorizes an applicant to partner with a private-sector entity to install charging infrastructure on private property in the jurisdiction of the applicant. The bill also amended current law relating to FDOT's development of a required EV Infrastructure Master Plan for development of electric vehicle charging station infrastructure along the State Highway System. SB 138 passed two of three committees of reference.

## **Fees/Electric Vehicles**

*SB 140 by Senator Brandes*

SB 140 is linked to SB 138 and would have created additional annual flat fees in addition to existing license taxes imposed by s. 320.08, F.S. For electric vehicles weighing less than 10,000 pounds, a flat fee of \$135 beginning July 1, 2021, increasing to \$150 beginning January 1, 2025. For electric vehicles weighing 10,000 pounds or more, \$235 beginning July 1, 2021, increasing to \$250 beginning January 1, 2025. For "plug-in hybrid electric vehicles," a \$35 flat fee beginning July 1, 2021, increasing to \$50 beginning January 1, 2025. Of the proceeds of the additional flat fee, 64 percent must be deposited into the STTF and 36 percent must be allocated to the county where the vehicle is registered. Beginning in Fiscal Year 2023-2024, the funds deposited into the STTF would be allocated under SB 138 to fund the EV Infrastructure Grant Program. SB 140 passed two of three committees. The House companion bills, HB 817-Electric

Vehicles by Representatives Plasencia and Toledo and HB 819-Fees/Electric Vehicles by Representatives Learned and Toledo were not considered by the House.

## **Retirement**

*SB 84 by Senator Ray Rodrigues*

Under current law, 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). SB 84 closed the defined benefit plan (the pension plan) to new enrollees except for members of the Special Risk Class. It would require eligible employees initially enrolled in the FRS on or after July 1, 2022, to participate in the defined contribution plan (investment plan) and membership in the pension plan would no longer be permitted for new members. The changes proposed in this legislation do not impact current FRS members. SB 84 passed the full Senate, but the bill ultimately died with no House companion.

## **Fiduciary Duty of Care for Appointed Public Officials and Executive Officers**

*SB 758 by Senator Diaz and HB 573 by Representative Beltran*

The legislation established fiduciary duty of care standards applicable to executive officers and appointed public officials of governmental entities. The bill required 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 set 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 allowed 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 mandated the appointment of an executive officer or general counsel (in-house or outside) be subject to approval by majority vote of the governmental entity. The bill further required all legal counsel and lobbyists employed by a governmental entity represented the legal interest and position of the governmental entity's governing board and not the interest of any individual or employee. Lastly, the bill specified 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. HB 573 passed the full House without opposition. The Senate companion, SB 758, was only heard in two of three committees of reference.

## **Tourist and Convention Development Taxes**

*SB 2008 by Senator Diaz and HB 1429 by Representative Avila*

The bill authorized 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. An

amendment was adopted to HB 1429 that removed language requiring a five-year renewal of TDTs and CDTs by referendum and made changes ensuring that all new or increased TDTs and CDTs would be subject to voter referendum. The Senate companion, SB 2008, 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 by the Senate. HB 1429 passed the House, 114 yeas, 2 nays.

### **Sovereign Immunity**

*SB 1678 by Senator Diaz and HB 1129 by Representative Fernandez-Barquin*

The bills increased the statutory limits on liability for tort claims against the state and its subdivisions from \$200,000 per person and \$300,000 per incident to \$500,000 per person and \$1 million per incident. Additionally, the bill set adjustments for limitation of liability to the Consumer Price Index annually. Neither bill received a hearing this session.

### **Fees for the Enforcement for Florida Building Code**

*SB 1648 by Senator Powell and HB 1017 by Representative Rayner*

The bills authorized 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.

### **Small County Discretionary Sales Surtaxes**

*HB 749 by Representative Mooney*

The bill authorized counties with a population of 80,000 or less on April 1, 2020 to levy a discretionary sales surtax of .5% or 1%. The bill was not considered by the House.

### **Supermajority Vote for Legislative Preemption**

*SJR 540 by Senator Farmer*

The joint resolution proposed 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, and SJR 540 was not considered by the Senate.