



# LEGISLATIVE BULLETIN

March 8, 2020

## Last Regularly Scheduled Week of Session Approaches

With budget conferences kicking off this past weekend, we are nearing the end of the 2020 Legislative Session. As a reminder, for them to finish according to schedule, the budget will have to be completed by March 10 in order to allow for the 72 hours "cooling-off" period for all parties to review.



## Affordable Housing Win

HOUSE AND SENATE FULLY FUND SADOWSKI AFFORDABLE HOUSING TRUST FUND

### ***House and Senate Fully Fund Sadowski Affordable Housing Trust Fund***

As budget conference continues, House and Senate leaders have agreed to fully fund the Sadowski Affordable Housing Trust Fund. The Florida House agreed to the Florida Senate's budget position to use all affordable housing trust fund monies for affordable housing during the 2020-2021 Fiscal Year. The total amount of affordable housing dollars secured in the fiscal year's budget is \$115 million for the Florida Housing Finance Corporation, \$225 million for the State Housing Initiatives Partnership (SHIP) Program, and \$30 million for the Hurricane Housing Recovery Program (HHRP).



## Bills For Final Approval By The Governor

### ***Pet Friendly Emergency Shelters Legislation Clears Legislature***

[HB 705 \(Emergency Sheltering of Persons with Pets\)](#) by Representative Killebrew was considered on the House Floor. The bill requires counties to have at least one pet-friendly emergency shelter. Under the bill, the Department of Education is required to assist the DACS and local governments with their plans. The bill passed unanimously, 115 - 0. A companion legislation, [SB 752 \(Emergency Sheltering of Persons with Pets\)](#) by Senator Bean, was substituted for HB 705 and considered on the Senate Floor. The bill passed the Senate unanimously. The bill now heads to the Governor for final approval.

### ***Nonopioid Alternatives Legislation Passes Legislature***

[HB 743 \(Nonopioid Alternatives\)](#) by Representative Plakon was considered on the House Floor. The bill amends the requirement that a health care practitioner advise a patient of nonopioid alternatives before providing opioid anesthesia or prescribing, ordering, dispensing, or administering an opioid drug. The legislation amends this requirement by: authorizing a health care practitioner to choose to advise the patient or his or her representative; providing that a health care practitioner is not required to discuss nonopioid alternatives when treating a patient in a hospital critical care unit or an emergency department, or when treating a patient receiving hospice services; and no longer applying it to "dispensing" or

“administering” of an opioid. The bill passed unanimously. A companion legislation, [SB 1080 \(Nonopioid Alternatives\)](#) by Senator Perry, was substituted for HB 743 and considered on the Senate Floor. The bill passed the Senate unanimously. The bill now heads to the Governor for final approval.

### ***Rural Broadband Access Legislation Passes Legislature***

[SB 1166 \(Broadband Internet Service\)](#) by Senator Albritton was substituted for [HB 969 \(Rural Broadband Access\)](#) by Representative Drake and to be considered on the Senate Floor. The bill designates DEO as the lead state entity to facilitate the expansion of broadband and establish the Florida Office of Broadband within the Division of Community Development. The bill encourages expansion of broadband services in underserved areas defined as an area where there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 10 megabits per second downstream and at least 1 megabit per second upstream. The House bill also includes an appropriation up to \$5 million annually for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor including priority to projects located in a RAO.

FAC supports enhancing programs to increase funding for rural infrastructure, job growth, and workforce development policies and efforts to reduce the digital divide and expand internet access to underserved areas through industry partnerships and collaboration with local stakeholders.

The bill passed unanimously. The bill now heads to the Governor for final approval.

### ***What else was sent to the Governor?***

Other bills passed both the Senate and the House this week, and are heading to the Governor for final approval. To view updates about these bills, please [click here](#).

## **CORONAVIRUS RESOURCES**



*In response to the coronavirus outbreak, FAC has created a resource webpage intended to house all relevant information regarding the current situation in Florida and the United States.*

**To visit the site and learn more, please click here.**



## **Community, Health & Safety**

### ***Affordable Housing Bills Ready for Senate Floor***

[HB 1339 \(Community Development and Housing\)](#) by Representative Yarborough was considered on the House Floor. The bill was amended on Second Reading to include the expansion of local governments' ability to zone for affordable housing, establishes new reporting requirements for impact fees, and creates a biannual council of local elected officials to meet and share best practices on affordable housing. The bill is now ready for final consideration by the House on Monday. Senate companion, [SB 998 \(Housing\)](#) by Senator Hutson has been retained on special order calendar.

### ***What else happened this week relating to Community, Health & Safety?***

Bills dealing with children's mental health, emergency reporting, contraband in correctional facilities, homelessness, smoking, suicide prevention, and emergency staging were also heard this week. To view updates about these bills and other relevant legislation, please visit the [Community, Health & Safety](#) subsection on the [Policy Action Center](#).

#### **FAC Contact:**

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



## ***Impact Fees Review Committee Bill Passes First Senate Committee***

[SB 1066 \(Impact Fees\)](#) by Senator Gruters was heard for the first time during the Senate Appropriations Committee. The bill

- Prohibits the application of a new or increased impact fee to pending permit applications unless the result is to reduce the total impact fees or mitigation costs imposed on the applicant.
- Authorizes local governments with charters that contain provisions providing for school capacity to require contributions related to public education that are used to mitigate impacts not otherwise funded by impact fees or other exactions related to public education facilities, under certain circumstances.
- Provides that impact fee credits are assignable and transferable at any time after establishment within the same impact fee zone or impact fee district, or an adjoining zone or district within the same local jurisdiction, provided that the development receives a benefit from the improvement or contribution.

The bill passed unanimously. A companion legislation, [HB 637 \(Impact Fees\)](#) by Representative DiCeglie, is ready for consideration on the House Floor.

## ***Essential State Infrastructure Bill Passes Senate***

[SB 7018 \(Essential State Infrastructure, formerly Electric Vehicle Charging Station Infrastructure\)](#) by Senator Lee was considered on the Senate Floor. The bill requires the Public Service Commission (PSC), in coordination with the DOT and the DACS Office of Energy, to develop and recommend a plan for the development of electric vehicle charging station infrastructure along the State Highway System by 7/1/2021. The bill extends expedited review timelines for all utility permits for the right-of-way and would deem approved any permit pending after the review period. Currently, the expedited timeframe and "deemed approved" clause are only applicable for permits for communications service providers. The bill also amends Section 704.06 to prohibit conservation easements on land traditionally used for agriculture from limiting the ability of the owner of the land from negotiating the use of the land for any public or private linear facility as well as allowing reasonable compensation for the diminution of value of the interest in the conservation easement as the only remedy available to the holder of the conservation easement. The bill passed unanimously. A companion legislation, [HB 7099 \(Essential State Infrastructure\)](#) by State Affairs Committee and Representative Ingoglia is ready for consideration on the House Floor.

## ***What else happened this week relating to the GATE committee?***

Other bills dealing with environmental and transportation issues included topics such e-bikes, transportation companies, environmental enforcement, resiliency, and a sea level study. To view updates about these bill and other relevant legislation, please visit the [Growth, Agriculture, Transportation, and Environment](#) subsection on the [Policy Action Center](#).

### **FAC Contact:**

For additional information, please contact Eric Poole at [epoole@fl-counties.com](mailto:epoole@fl-counties.com).



## ***Reclaimed Water Legislation Amended and Ready for House Floor***

[HB 715 \(Reclaimed Water\)](#) by Representative Maggard was heard for the third time during the House State Affairs Committee. A strike all amendment significantly paired back the provisions of the bill. CS/CS/HB 715:

- Requires DEP to adopt rules to create and implement a potable reuse program and initiate rulemaking by 12/31/20, and specifies that the rules may not take effect until ratified by the Legislature. The projects will be eligible for expedited permitting beginning 1/1/25, and are eligible

for priority funding from the Drinking Water State Revolving Fund and water management district cooperative funding.

- Requires each domestic wastewater utility that disposes of effluent, reclaimed water, or reuse water by surface water discharge to submit to DEP a plan for eliminating nonbeneficial surface water discharges within five years. The bill requires each plan to be reviewed by DEP and, if approved, requires the plan to be incorporated into the utility's operating permit. Previous versions of the bill required local governments to eliminate surface water discharges altogether.
- Requires a county, municipality, or special district to authorize the use of residential graywater technologies that comply with the Florida Building Code and applicable requirements of the DOH in their respective jurisdictions if such technologies have received all applicable regulatory permits or authorizations. The bill further requires such entities to provide incentives to developers and homebuilders to use such technologies.

The bill may have an indeterminate negative fiscal impact on state and local government. The bill passed unanimously. A companion legislation, [SB 1656 \(Reclaimed Water\)](#) by Senator Albritton, has one more committee stop, Senate Appropriations.

## ***Water Package Passes Senate***

[SB 712 \(Water Quality Improvements\)](#) by Senator Mayfield was considered on the Senate Floor. The bill was significantly amended on the Senate Floor and passed unanimously. The bill now contains the following provisions:

- By 12/31/20 DOH and DEP are to submit legislative recommendations on the transfer of the Onsite Sewage Program
- Additional requirements to the Water Management District annual report to include any projects to connect onsite sewage treatment and disposal systems (OSTDS) to central sewerage systems and convert OSTDS to enhanced nutrient-reducing onsite sewage treatment and disposal systems
- DEP and water management districts to conduct a bottled water study by 6/30/21 including a review of consumptive use permits impacting springs as well as the direct and indirect economic benefits to local communities
- By 1/1/21 DEP and the water management districts shall initiate rulemaking to update the stormwater design and operation regulations, including updates to the Environmental Resource Permit Applicant's Handbook
- DEP to fast-track approval process of no longer than 6 months to meet the requirements of total maximum daily loads (TMDL) in reducing enhanced nutrients in onsite sewage treatment and disposal systems
- DEP shall adopt rules relating to the location of OSTDS, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rulemaking process for such rules must be completed by 7/1/22.
- OSTDS Technical Advisory Committee to provide recommendations to increase the availability of enhanced nutrient-reducing systems in the marketplace
- Establishes a real-time water quality monitoring program to assist in the restoration, preservation, and enhancement of impaired water bodies and coastal resources
- By 12/31/20 DEP shall initiate rule revisions based on the recommendations of the Potable Reuse Commission's 2020 report "Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida." This also deems reclaimed water as a water source for public water supply systems.
- By 7/1/21 DEP in coordination with local governments shall submit a report to the legislature evaluating the costs of wastewater projects identified in the BMAPs and provide an assessment of the water quality monitoring being conducted for each BMAP implementing a nutrient TMDL
- Wastewater grant program established (subject to appropriation) – projects to convert septic systems to sewer are prioritized; 50% local match required, but can be waived by the department for projects located within rural areas of opportunity
- DEP to adopt rules for biosolids management
- DEP to submit a report identifying sanitary sewer overflows from wastewater treatment facilities
- Prohibits local governments from recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person or political subdivision; or from granting a person or political subdivision any specific rights relating to the natural environment

### **FAC Contact:**

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



## ***Local Government Grading Legislation Passes House***

[HB 7069 \(Local Government Reporting\)](#) by Representative Ingoglia was heard for the second time during the House Appropriations Committee. The bill removes local government financial reporting requirements passed during the 2019 Session to instead create an interactive repository for county and municipal financial information and to distribute a report that enables residents to compare the final budget and economic status of counties and municipalities with rankings. Local governments would still be responsible for submitting financial reporting data to DFS. The report must be mailed to each household containing a registered voter within a municipality or county and assist households in making direct comparisons of fiscal and economic metrics, must be a single page, and use colorful graphics. The bill allows DFS to use contractors to issue the report and create an interactive website through an open request for proposal process. The bill passed along party lines 83-34. A companion legislation, [SB 1512 \(Local Government Reporting\)](#) by Senator Diaz, stalled in its second committee stop.

## ***Public Records Disaster Assistance Legislation Passes Senate***

[SB 966 \(Public Records/Disaster Recovery Assistance\)](#) by Senator Gainer was considered on the Senate Floor. The bill was amended to narrow the exemption by making only property photographs and applicant financial documentation confidential and exempt. The bill specifies that the exemption relates only to disaster recovery assistance for a presidentially declared disasters. FAC adopted and supports public records exemption for information obtained by a local government in the course of providing emergency management services. The bill passed unanimously. A companion legislation, [HB 1035 \(Pub. Rec./Records and Information Provided to Specified Entities for Disaster Recovery Assistance\)](#) by Representative Raschein, is ready for consideration on the House Floor.

## ***County Attorneys Records Exemption Passes Senate***

[SB 248 \(Public Records/County Attorneys and Assistant County Attorneys\)](#) by Senator Hooper was heard in its last committee stop, Senate Rules. The bill provides an exemption from public records requirements for 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 such attorneys. FAC adopted a support statement at the Legislative Conference in support of this legislation. The bill passed 36-3. A companion legislation, [HB 63 \(Pub. Rec./County Attorneys and Assistant County Attorneys\)](#) by Representative Maggard has not been heard this session.

## ***Economic Development Package Passes Senate***

[SB 426 \(Economic Development, formerly Regional Rural Development Grants\)](#) by Senator Montford was considered on the Senate Floor. The bill is now the DEO package for the current session and includes provisions relating to state workforce development boards. The bill modifies the grant program to reduce matching requirements, increases the maximum grant to RAOs from \$150,000 to \$250,000, and allows grant funds to build the professional capacity of Opportunity Florida, Florida's Heartland Economic Region of Opportunity, and North Florida Economic Development Partnership. The bill amends the Rural Infrastructure Fund by increasing the percentage of total infrastructure costs that may be funded by a grant award as well as expanding eligible projects and uses to include broadband internet service. FAC adopted a support statement at the Legislative Conference in support of this legislation.

The bill passed unanimously. A companion legislation, [HB 1139 \(Economic Development\)](#) by Representative Clemons, is ready for consideration on the House floor.

## ***Tax Package Passes House***

[HB 7097 \(Taxation\)](#) by Representative Avila was considered on the House Floor. The tax package includes all of the tax relief concepts for the current fiscal year. The total statewide impact of the proposed House tax package is **\$115.3 million non-recurring (1st year) and \$128 million recurring revenues**. The total estimated impact to counties of the proposed House tax package is **\$14.0 million non-recurring (1st year) and \$19.7 million recurring revenues**.

The tax package was amended to include the substance of [HB 429/SB 508](#) (Sales Tax Absorption) and a tax credit for charitable organizations known as the Children's Promise Tax Credit. REC estimates the impact of Sales Tax Absorption to be negative indeterminate impact because the number of businesses that would participate in tax absorption is unknown; while the Children's Promise Tax Credit to be \$5 million on state revenues. The bill passed 97 - 16. Currently, there is no Senate companion legislation, however, the tax package is expected to be considered in the Senate Appropriations Committee before final consideration.

## ***What else happened this week relating to Finance & Tax?***

There were many bills heard relating to finance and tax this week. Some topics included state advisory bodies, public records, Space Florida, community planning, tenant rights, and local government

construction. To view updates about these bills and other relevant legislation, please visit the [Finance & Tax](#) subsection on the [Policy Action Center](#).

**FAC Contact:**

For additional information, please contact Laura Youmans via email at [lyoumans@flcounties.com](mailto:lyoumans@flcounties.com).