



LEGISLATIVE BULLETIN

February 28, 2020

Finish Line in Sight for 2020 Legislative Session

With Week 7 ending, there are only 14 days left until the 2020 Legislative Session is scheduled to end.

Of importance, the only item the Florida Legislature is required to pass is a balanced budget. While those negotiations have not occurred yet, it is expected that budget conversations will begin next week. 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.

Also, of note, March 3 is the final day for regularly scheduled committee meetings. Primarily, the two most substantive committees in the Senate, Rules and Appropriations, and in the House, State Affairs and Rules, will be the vast majority of remaining committee meetings next week.



Bills For **Final Approval** By The **Governor**

Local Government Recycling Contract Legislation Passes Legislature

[SB 326 \(Environmental Regulation\)](#) by Senator Perry was substituted on the Senate Floor for its companion legislation, [HB 73 \(Environmental Regulation\)](#) by Representative Overdorf. The bill requires counties and cities to address the contamination of recyclable material in contracts entered into for the collection, transport and processing of residential recycling materials. The bills apply to contracts executed or renewed after 10/1/2020. The bill passed 40 - 0 and now heads to the Governor for final approval.

Retainage Legislation Approved on House Floor

[SB 246 \(Public Construction\)](#) by Senator Hooper was substituted on the Senate Floor for its companion legislation, [HB 101 \(Public Construction\)](#) by Representative Andrade. The bill reduces the cap amount of payment retainage by local government entities for construction contracts from 10% to 5%. The bill also removes any provisions relating to the lowering of retainage to 5% at 50% completion as the cap has already been lowered from the start of the contract. The bill passed 40 - 0 and now heads to the Governor for final approval.



Community, **Health** & Safety

Pet Friendly Emergency Shelters Legislation Ready for Senate Floor

[SB 752 \(Emergency Sheltering of Persons with Pets\)](#) by Senator Bean was heard for the third time in the

Senate Rules Committee. 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. FAC offered support for the legislation. The bill passed unanimously. A companion legislation, [HB 705 \(Emergency Sheltering of Persons with Pets\)](#) by Representative Killebrew, is ready for consideration on the House Floor.

Public Records Disaster Assistance Legislation Ready for Floor in Both Chambers

Two bills related to a public records exemption for those seeking disaster recovery assistance were heard in both chambers. The bills exempt and keep confidential records and information related to property photographs, financial documents, or financial information provided to local or state entities on behalf of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance. The public records exemption will protect sensitive information of people impacted by a disaster. FAC adopted and supports public records exemption for information obtained by a local government in the course of providing emergency management services.

[HB 1035 \(Pub. Rec./Records and Information Provided to Specified Entities for Disaster Recovery Assistance\)](#) by Representative Raschein was heard for the second time during the House State Affairs Committee. The bill passed unanimously.

[SB 966 \(Public Records/Disaster Recovery Assistance\)](#) by Senator Gainer was heard for the third time during the Senate Rules Committee. The bill passed unanimously.

Affordable Housing Bills Ready for House Floor

[HB 1339 \(Housing\)](#) by Representative Yarborough was heard for the second time during the House Commerce Committee. The strike-all amendment made the following changes to the bill:

- Lines 107 - 109: Mandates Accessory Dwelling Units (ADUs) in all single-family residential areas
- Lines 617 -619 : SHIP must prioritize applicants who need less money in order to maximize dollars awarded
- Lines 955 - 963: Allows mobile home that is destroyed by a natural disaster to be built with the same density before it was damaged.

The strike-all amendment by Rep. Yarborough adds language that would give an entity created by interlocal agreement all of the powers granted in Chapter 159. The change strikes "Part I of" Chapter 159, making it so they would now have all powers. Chapter 159 - Part IV governs local housing finance authorities, and Chapter 159 - Part VI governs private activity bonds (plus other Parts govern industrial development authorities, and other entities which issue bonds). This change means that an entity created by two small cities anywhere in the state would now have access to bond allocation anywhere in Florida. The bill passed unanimously. A companion legislation, [SB 998 \(Housing\)](#) by Senator Hutson, has one more committee stop, Senate Appropriations. The bills vary substantially and FAC only supports the Senate version.

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

Bills dealing with children's mental health, emergency reporting, substance abuse services, and suicide prevention 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](#).

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Growth, **Agriculture**,
Transportation, **& Environment**

Essential State Infrastructure Bill Introduced in House

Two bills related to Essential State Infrastructure were heard in both chambers. Originally filed as an electric vehicle infrastructure bill, the scope of the bills have since expanded. The bills require 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 bills extend expedited review timelines for all utility permits for the right-of-way and would deem approved any permit pending after the review period. Currently, expedited

timeframe and the “deemed approved” clause are only applicable for permits for communications service providers. The bills also amend 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.

[HB 7099 \(Essential State Infrastructure\)](#) by State Affairs Committee and Representative Ingoglia was heard for the second time during the House Commerce Committee. The bill passed 17 - 5 (Ausley, Casello, Fernández, Jenne, Silvers).

[SB 7018 \(Essential State Infrastructure, formerly Electric Vehicle Charging Station Infrastructure\)](#) by Senator Lee was heard for the third time during the Senate Appropriations Committee. The bill passed unanimously.

Growth Management Bill Ready for House Floor

[HB 203 \(Growth Management\)](#) by Representative McClain was heard for the third time during the House State Affairs Committee. The bill:

- Requires local governments to include a private property rights element in its comprehensive plan
- Requires that preference for technical assistance funding be given to counties with populations less than 200,000 when determining whether they have appropriate land uses and natural resource protections in relation to a multi-use corridor interchange
- Includes expedited review timelines for all utility permits for the right-of-way and would deem approved any permit pending after the review period. Currently, expedited timeframe and “deemed approved” clause are only applicable for permits for communications service providers. An amendment clarified that this provision only applies to counties and municipalities and expressly excludes FDOT permitting.
- Amends the attorney’s fee bill from 2019 authorizing attorneys fees to be awarded if a local government is found to have adopted or enforced a preempted regulation. The bill removes an exception from the attorneys fees provisions that prevents the award of fees if an ordinance was adopted pursuant to a comprehensive plan.
- The bill clarified a restriction against a municipality extending its water or sewage collection services into the unincorporated area without the consent of the board of county commissioners if the county provided similar services.
- Provides a declaration that the act fulfills an important state interest and may imply that the bill is an unfunded mandate thereby requiring a two-thirds vote by both chambers on the floor.

The bill passed 15 - 7 (DuBose, Hart, Hattersley, Newton, Polsky, C. Watson, Webb). A companion legislation, [SB 410 \(Growth Management\)](#) by Senator Perry, has one more committee stop, Senate Rules.

What else happened this week relating to the GATE committee?

Other bills dealing with environmental and transportation issues included topics such Florida Forever funding, environmental enforcement, peer-to-peer car sharing, and the House’s transportation package. To view updates about these bill and other relevant legislation, please visit the [Growth, Agriculture, Transportation, and Environment](#) subsection on the [Policy Action Center](#).

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News Articles On Vacation Rentals

Let local governments — not Florida lawmakers — regulate vacation rentals | Opinion

SOUTH FLORIDA
SunSentinel



Water Quality & Supply

House Water Package Ready for Floor

[HB 1343 \(Water Quality Improvements\)](#) by Representative Payne was heard for the third time during the House State Affairs Committee. The bill addresses water quality impacts by:

- Transferring the Onsite Sewage Program from the Department of Health to the Department of Environmental Protection (DEP);
- Repealing certain onsite sewage treatment and disposal system (OSTDS) advisory committees;
- Creating an OSTDS technical advisory committee to make recommendations that increase the availability of nutrient-reducing OSTDSs and assist DEP in the development of setback distances;
- Requiring OSTDS remediation plans;
- Requiring DEP staff training to include field inspections of stormwater structural controls; Requiring DEP and the water management districts (WMDs) to update the stormwater regulations using the most recent science;
- Requiring the model stormwater management program to contain model ordinances targeting nutrient reduction;
- Requiring local governments to create wastewater treatment plans;
- Requiring sanitary sewage facilities to take steps to prevent sanitary sewer overflows;
- Requiring DEP to establish real-time water quality monitoring;
- Requiring advanced wastewater treatment for domestic wastewater discharges to the Indian River Lagoon;
- Prohibiting the land application of biosolids on certain sites, unless an exception applies;
- Requiring the Department of Agriculture and Consumer Services (DACS) to conduct inspections of producers enrolled in best management practices (BMPs);
- Requiring the University of Florida to develop research plans for developing new BMPs; and
- Creating grant programs for the funding of water quality projects.

The bill requires the Secretary of DEP to be appointed by the Governor with the concurrence of two or more, rather than three, members of the Cabinet. The bill requires DEP to conduct a study on the bottled water industry in the state and prohibits DEP and the governing board of a WMD from approving certain consumptive use permits that authorize the use of water derived from a spring for bottled water until June 30, 2022.

The bill prohibits a local government regulation 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.

The bill may have an indeterminate negative fiscal impact to the state and local governments. The proposed House of Representatives' Fiscal Year 2020-2021 General Appropriations Act appropriates funding within DEP and DACS for the increase in the number of required site visits, water quality improvement cost share grants, water quality monitoring, and Total Maximum Daily Loads (TMDLs).

The bill passed 15 - 7 (DuBose, Hart, Hattersley, Polsky, Slosberg, C. Watson, Webb). A companion legislation, [SB 712 \(Water Quality Improvements\)](#) by Senator Mayfield, is ready for consideration on the Senate Floor.

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Finance, **Tax**, & Administration

Local Government Grading Legislation Ready for House Floor

[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 the Department of Financial Service (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 18 -

10 (Diamond, DuBose, Duran, Geller, Good, Jenne, McGhee, C. Smith, Stark, B. Watson). A companion legislation, [SB 1512 \(Local Government Reporting\)](#) by Senator Diaz, has two more committee stops.

House Tax Package Ready for House Floor

[HB 7097 \(Taxation\)](#) by Representative Avila was heard for the second time during the House Appropriations Committee. The tax package includes all of the tax relief concepts for the current fiscal year. The bill was amended to include additional tax breaks. 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 bill passed 25 - 4 (DuBose, Jenne, C. Smith, B. Watson). Currently, there is no Senate companion legislation, however, the tax package is expected to be heard in the Senate Finance and Tax Committee following passage by the full House.

Home-Based Business Preemption Ready for House Floor

[HB 537 \(Home-Based Businesses\)](#) by Representative Donalds was heard for the third time during the House Commerce Committee. The bill allows home-based businesses to operate in any area zoned for residential use. The bill preempts local governments from licensing and regulating home-based businesses, prohibits local governments from enacting or enforcing any ordinance, regulation, or policy, or take any action to license or otherwise regulate a home-based business. The bill passed 17 - 7 (Ausley, Casello, Fernández, Jenne, Silvers, Stark, Willhite). A companion legislation, [SB 778 \(Home-based Businesses\)](#) by Senator Perry, has not been heard this session.

Local Government Construction Bill Clears First House Committee

[HB 279 \(Local Government Public Construction Works\)](#) by Representative David Smith was heard for the third time in the House State Affairs Committee. The bill was amended to make technical changes and removed a requirement that the report be submitted to the Auditor General and instead allows the report be made available to the Auditor General. FAC supported the legislation during committee. The bill passed unanimously. A companion legislation, [SB 504 \(Local Government Public Construction Works\)](#) by Senator Perry, has one more committee stop, Senate Rules.

Occupational Deregulation Sunset Legislation Passes House

[HB 707 \(Legislative Review of Occupational Regulations\)](#) by Representative Renner was heard on the House Floor. The bill establishes a schedule for systematic review of the costs and benefits of occupational regulatory programs to determine whether to allow the program to expire, renew without modifications, renew with modifications, or provide for other appropriate actions. Any occupational regulatory program that expires through scheduled repeal may not be subsequently regulated by a local government. The regulation of any occupation repealed by this act is preempted to the state unless local regulation of such occupation is expressly authorized by law and provides for a schedule of repeal for occupational regulatory programs. The bill passed 85 - 29. A companion legislation, [SB 1124 \(Legislative Review of Occupational Regulations\)](#) by Senator Diaz, has two more committee stops.

Rural Broadband Access Legislation Passes House

[HB 969 \(Rural Broadband Access\)](#) by Representative Drake was heard for the third time during the House Commerce Committee. 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 under-served 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 multi-use 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 under-served areas through industry partnerships and collaboration with local stakeholders.

The bill passed 114 - 0. A companion legislation, [SB 1166 \(Broadband Internet Service\)](#) by Senator Albritton, has one more committee stop, Senate Appropriations.

What else happened this week relating to Finance & Tax?

There were many bills heard relating to finance and tax this week. Some topics included the citizen initiative revision, housing discrimination, government integrity, and property tax exemptions. To view updates about these bills and other relevant legislation, please visit the [Finance & Tax](#) subsection on the [Policy Action Center](#).

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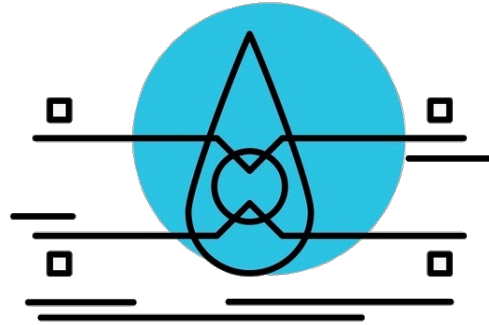


FAC Data Point

Basin Management Action Plans (BMAPS)

Basin Management Action Plans are the “blueprints”, or plans of action, the Florida Department of Environmental Protection (DEP) uses to improve water quality in achieving Total Maximum Daily Loads (TMDLs). The TMDL is the maximum allowable amount of the pollutants the water body can receive developed by DEP.

BMAPs rely on local stakeholders commitment to address both point and nonpoint source discharges to equitably allocate pollutant reductions to individual basins and all basins as a whole. BMAPs must include milestones for implementation and water quality improvement.



They must also include an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time.

BMAPs include:

1. Permitting and other existing regulatory programs, including water quality based effluent limitations;
2. Best management practices (BMPs) and non-regulatory and incentive-based programs, including cost-sharing, waste minimization, pollution prevention, agreements, and public education;
3. Public works projects, including capital facilities; and
4. Land acquisition.

For a detailed list of adopted and pending BMAPs by waterbody and additional information on BMAP documents and contacts, [click here](#). For a detailed map of adopted and pending BMAPs, [click here](#). To subscribe to BMAP or TMDL notifications through DEP, [click here](#).

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