



## 2020 LEGISLATIVE SESSION FINAL REPORT



## Join FAC for the 2020 Legislative Wrap Up

On Friday, March 27, join FAC's legislative staff as they provide an in depth overview of the 2020 Legislative Session - what passed, what failed, and what it all means for counties.

**When: Friday, March 27, 2020 at 2:00 p.m. (EST)**

Registration for the webinar is now OPEN and it is completely FREE for all members. [Click here](#) to register.

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## PREEMPTION

### FAILED

#### ***FAC Stopped - Vacation Rental Preemption Fails***

[HB 1011](#) / [SB 1128](#) (Vacation Rentals) by Representative Fischer and Senator Diaz failed this session. Both bills passed through committee stops but were never heard on the floor. The bills preempt to state the regulation of vacation rentals. Specifically, the bills prohibit a local law, ordinance, or regulation from allowing or requiring inspections or licensing of vacation rentals and preempt the regulation of advertising platforms for vacation rentals.

#### ***FAC Stopped - Local Occupational Licensing Preemption Fails***

[HB 3 \(Preemption of Local Occupational Licensing\)](#) by Representative Michael Grant passed the House along party lines, but failed this legislative session. The bill preempts licensing of occupations to the state and supersedes any local government licensing requirements to expire effective 7/1/2022. Additionally, the bill prohibits local governments from requiring certain specialty contractors to obtain licenses and specifies job scopes for which local government may not require a license. A companion legislation, [SB 1336 \(Preemption of Local Occupational Licensing\)](#) by Senator Perry, stalled in its second committee stop.

#### ***FAC Stopped - Local Communications Services Tax Limitation Fails***

[SB 1174 \(Communications Services Tax\)](#) by Senator Hutson failed this session. The bill repeals home-rule authority for establishing local rates for the Communications Services Tax and sets standardized rates for charter (4%) and non-charter (2%) counties by 1/1/2022. The bill removes all other fees/taxes associated with CST and repeals CST conversion rates for local governments. REC estimates the financial impact to local governments to be a reduction of \$189.5 million on a recurring basis. Several counties, FAC, and the Small County Coalition opposed the bill. A companion legislation, [HB 701 \(Communications Services Tax\)](#) by Representative Fischer, was not heard this session.

#### ***Preemption of Local Pet Store Regulations Fails***

[HB 1237 / SB 1698](#) (Regulation of Pet Stores) by Representative Avila and Senator Diaz failed this legislative session. The bills preempt to the state any local ordinance or regulation of a county or municipality which prohibits or regulates pet stores.

## PASSED

### ***Sunscreen Preemption Passes***

HB 113 (Florida Drug and Cosmetic Act) by Representative Roach was substituted for [SB 172 \(Florida Drug and Cosmetic Act\)](#) by Senator Bradley and considered on the House Floor. The bill preempts to the state the regulation of over-the-counter proprietary drugs and cosmetics. Specifically, the bills prohibit local ordinances banning the sale of certain sunscreen products deemed harmful to marine habitats/coral reefs. The bill passed 68 - 47 and now heads to the Governor for final approval.

### ***What other preemptions passed both chambers?***

There were other preemptions that had passed and failed during the legislative process this year. [Click here](#) to learn more about these preemptions.

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## COMMUNITY, **HEALTH**, & SAFETY

## PASSED

### ***FAC Supported - Pet Friendly Emergency Shelters Legislation Passes***

[HB 705 \(Emergency Sheltering of Persons with Pets\)](#) by Representative Killebrew passed the Legislature. 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, 39 - 0. The bill now heads to the Governor for final approval.

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

[HB 743 \(Nonopioid Alternatives\)](#) by Representative Plakon passed the Legislature and heads to the Governor for final approval. 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.

### ***Affordable Housing Bill Passes***

[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 passed unanimously, 119 - 0. A companion legislation, SB 998 (Housing) by Senator Hutson, was substituted for HB 1339 and amended. The bill also includes language regarding linkage fees. The bill passed the House 101-10 and now heads to the Governor for final approval.

## FAILED

### ***Statewide Emergency Shelter Task Force Legislation Passes Senate, Fails this Session***

[SB 1272 \(Statewide Emergency Shelter Task Force\)](#) by Senator Montford passed the Senate but did not have a House companion legislation. The bill establishes a 7-member task force within DMS tasked with making recommendations to the Governor and the Legislature regarding the establishment and operation of state designated emergency shelters. The recommendations must include, but are not limited to, a review of the local, state, and federal activities organized, planned, and executed at emergency shelters during the past 10 years with a focus on a review of all resources (including financial) and a quantification of expenditures.

### ***Bill to Protect Sadowski Trust Funds Fails, Trust Funds Fully Funded***

[SB 306 \(State Funds\)](#) by Senator Mayfield failed this legislative session. The bill prohibits further sweeping of funds from the State and Local Government Housing Trust Funds, colloquially known as the Sadowski Affordable Housing Funds. FAC supports the legislation. A companion legislation, [HB 381 \(State Funds\)](#) by Representatives Silvers, was not heard this session. The budget included full funding for the affordable housing trust funds.

### ***Emergency Public Shelter Records Exemptions Passes Senate, Fails this Session***

[SB 7048 \(Public Records/Public Shelter Space\)](#) by Senator Lee passed the Senate but did not have a House companion legislation. The bill exempts from public inspection and copying the name, address, and telephone number of a person which are held by an agency providing shelter or assistance to such person during an emergency. FAC adopted and supports public records exemptions for information obtained by a local government in the course of providing emergency management services.

### ***What else has passed or failed relating to Community, Health & Safety?***

For the remaining bills that passed and those that failed which relate to issues dealing with community, health, and safety, please visit the [Community, Health & Safety](#) subsection on the [Policy Action Center](#).

#### **FAC Contact:**

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

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## COVID-19 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.**

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## GROWTH, **AGRICULTURE**, TRANSPORTATION & **ENVIRONMENT**

## PASSED

### ***FAC Supported - Bill to Keep Visit Florida Passes***

[SB 362 \(Florida Tourism Marketing\)](#) by Senator Hooper was considered on the House Floor. A companion legislation, [HB 213 \(Florida Tourism Marketing\)](#) by Representative Ponder, was not heard during the session. The bill saves from repeal the Florida Tourism Industry Marketing Corporation, Visit Florida. The budget also includes \$50 million appropriation for the agency. The bill passed 116 - 2 and

now heads to the Governor for final approval.

## ***Growth Management Bill Passes without 2/3rds Threshold***

HB 203 (Growth Management) by Representative McClain was substituted for [SB 410 \(Growth Management\)](#) by Senator Perry and considered on the House and Senate Floors. The bill requires local governments to include a private property rights component in its comprehensive plan. The bill also 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.

The bill was amended to additionally:

- Require all municipal comprehensive plans “effective,” as opposed to “adopted,” after 1/1/19, to incorporate development orders existing before the plan’s effective date.
- Provide that in a county with a population of less than 750,000, a county charter provision or comprehensive plan goal, objective, or policy adopted after 1/1/20, may not impose a limitation on lands within a municipality unless the municipality, by referendum or local ordinance, adopts and imposes the provision, goal, objective, or policy.
- Allow a party, or its successor in interest, to amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement.
- Require counties and cities to process utility permit applications for the use of the public right-of-way (ROW) within the timeframes currently applicable to permit applications submitted by communications services providers.
- Allow a Developments of Regional Impact (DRI) agreement previously classified as or officially determined to be essentially built out, and entered into on or before 4/6/18, to be amended to authorize the developer to exchange approved land uses.
- The bill was also amended on the floor to include a provision: Except as otherwise provided in s. 171.205, a municipality may not annex an area within another municipal jurisdiction without the other municipality’s consent

The bill passed 71 - 43 on the House Floor and passed the Senate 23 - 16, failing to meet the 2/3rds threshold for legislation that has an unfunded state mandate. The bill now heads to the Governor for signature or veto.

## ***Impact Fees Legislation Passes***

[SB 1066 \(Impact Fees\)](#) by Senator Gruters was considered on the Senate and House Floor. The bill makes several changes to impact fees including:

- 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.
- 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, 40 - 0. A companion legislation, HB 637 (Impact Fees) by Representative DiCeglie, was substituted on the House Floor for SB 1066 and amended. The bill passed 81 - 37 and went back to the Senate in Messages. The amended SB 1066 removed a provision that 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.

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

HB 7099 (Essential State Infrastructure) by Representative Ingoglia was substituted on the House Floor for [SB 7018 \(Essential State Infrastructure\)](#), formerly Electric Vehicle Charging Station Infrastructure, by Senator Lee. 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, 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 the House 97 - 19 and now heads to the Governor for final approval.



## FAILED

### ***FAC Stopped - Private Property Rights Legislation Fails***

[HB 519 \(Private Property Rights\)](#) by Representative Jamie Grant was never considered in the Senate and failed this session. A companion legislation, [SB 1766 \(Growth Management\)](#) by Senator Lee, stalled in its last committee stop, Senate Rules. HB 519 would have allowed for all “similarly situated” properties to be treated the same under a Bert Harris disagreement. There was no clear definition of what “similarly situated” established in the bill. SB 1766 did not contain this provision but also made changes to the Bert Harris Act.

### ***FAC Stopped - Building Design Bill Fails***

[HB 459 \(Building Design\)](#) by Representative Overdorf failed this legislative session. The bill prohibits local governments from applying land development design provisions to single and two family dwellings unless the home is a historic property, the code helps implement the National Flood Insurance Program, is within a community redevelopment area, or regulations are adopted in accordance with the procedures for adopting local amendments to the Florida Building Code. The legislation would also allow substantially affected persons to petition the Florida Building Commission for a non-binding advisory opinion on whether a local regulation is an amendment to the Code. A companion legislation, [SB 954 \(Building Design\)](#) by Senator Perry, was not heard this session.

### ***Mid-Block Crosswalk Replacement Fails***

[HB 1371 \(Traffic and Pedestrian Safety\)](#) by Representative Fine was considered on the House Floor. The bill:

- Allows yellow rectangular rapid flash beacons (RRFBs) to be used on a road if there are no more than two lanes and a speed limit of 35 mph or less;
- Yellow RRFBs must be removed by 10/1/24 and can be retrofitted with legally acceptable equipment;
- FDOT must submit a request by 10/1/20 to the Federal government to allow yellow RRFBs to be replaced by red RRFBs. If approved, all yellow RRFBs must be replaced with red RRFBs within 12 months of federal authorization.
- Before the installation of a pedestrian crosswalk, a Florida licensed professional engineer must conduct a traffic engineering study.
- Requires a pedestrian-facing sign containing language stating duties applicable to the pedestrian at each crosswalk

The bill passed 118 - 1. A companion legislation, [SB 1000 \(Traffic and Pedestrian Safety\)](#) by Senator Perry, stalled in its last committee stop, Senate Appropriations. The bill failed this legislative session.

### ***Environmental Funding Legislation Fails***

[SB 1878 \(Environmental Protection\)](#) by Senator Bradley failed this legislative session. The bill codifies specific environmental spending priorities for annual appropriations to include \$625 million for the purposes of Everglades restoration and the protection of water resources in the state. The appropriation would be repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the Legislature. There was no House companion legislation filed this session.

### ***Statewide Office of Resiliency Legislation Fails***

[HB 1073 / SB 7016](#) (Statewide Office of Resiliency) by Representative Stevenson and Senator Lee failed this session. While the bills were heard in all committee stops including the Senate Floor, the bills did not pass the House Floor. The bills codify the Governor’s Executive Order that established the Statewide Office of Resiliency (SOR) within the Executive Office of the Governor, headed by a Chief Resilience Officer appointed by and serving at the pleasure of the Governor. The proposed bills create the Statewide Sea-Level Rise Task Force adjunct to the SOR for the purpose of recommending consensus projections of the anticipated sea-level rise and flooding impacts along the state’s coastline. The bills authorize technical advisory groups to inform its decision making and directs DEP to assist in developing baseline projections. Recommended projections will be submitted to the Environmental Regulatory Commission for adoption or rejection by 1/1/2021.

FAC adopted a Guiding Principle to support a comprehensive state climate change action plan, with energy policies and other initiatives to reduce greenhouse gases and to address ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic prosperity.

### ***What else passed or failed relating to the GATE committee?***

Multiple bills were heard this Legislative Session that relate to growth management, transportation, agriculture and the environment. 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).

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**Friday, March 27, 2020 2:00 PM EST**

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## **WATER QUALITY & SUPPLY**

### **PASSED**

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

[SB 712 \(Water Quality Improvements\)](#) by Senator Mayfield was considered on the House Floor, while the companion legislation, HB 1343 (Environmental Resource Management) by Representative Payne, was laid on the table. The bill passed the House unanimously, 118 - 0, and now heads to the Governor for final approval. The bill contains the following provisions:

- By 12/31 DOH and DEP to submit legislative recommendations on 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 an 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 TMDLs 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

## FAILED

### ***Reclaimed Water Legislation Fails***

[HB 715](#) / [SB 1656](#) (Reclaimed Water) by Representative Maggard and Senator Albritton failed this session. An amended 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.

### ***What else passed or failed relating to the Water committee?***

To view updates about the bill that passed and failed in relation to water quality and other relevant legislation, please visit the [Water Quality & Supply](#) subsection on the [Policy Action Center](#).

#### **FAC Contact:**

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

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## TAX PACKAGE

### ***Slimmed-down Tax Package Passes***

[HB 7097 \(Taxation\)](#) by Representative Avila was considered in the Senate Appropriations Committee and Senate Floor. The tax package was significantly paired back during committee and the Senate Floor. The total statewide impact of the tax package is **\$56.9 million non-recurring (1st year) and \$7.5 million recurring revenues**. The total estimated impact to counties of the tax package is **\$10.2 million non-recurring (1st year) and \$3.2 million recurring revenues**. **These reductions in revenues are significantly lower than the initial proposed House tax package.**

As adopted, the term for charter county infrastructure surtaxes adopted after 7/1/2020 is limited to 30 years. The bill prohibits local governments from requiring consideration for providing written allocation letters pursuant to s. 197(d)(4) of the Internal Revenue Code. The extension of the Qualified Target Industry program, a FAC priority, was also not adopted in the final bill.

The Senate stripped the tax package of House proposed changes to the Tourist Development Tax uses in Miami-Dade County. The tax package was amended to also remove sections related to cutting the Business Rent Tax, State Communication Services tax reduction, sales tax absorption policy, inventory for heavy equipment Ad Valorem reductions, and the Children's Promise Tax Credit. The tax package still includes the Back-to-School Tax Holiday and the Hurricane Preparedness Tax Holiday as well as other smaller tax policy changes.

The Senate waited until the final night of session to pass the tax package, 36 - 2. The bill passed the House 104 - 8.

#### **FAC Contact:**

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

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## 2020 LEGISLATIVE WRAP-UP WEBINAR

Friday, March 27, 2020 2:00 PM EST

### FINANCE, **TAX**, & ADMINISTRATION

#### PASSED

#### ***FAC Supported - Public Records Disaster Assistance Legislation Passes***

HB 1035 (Pub. Rec./Records and Information Provided to Specified Entities for Disaster Recovery Assistance) by Representative Raschein, was substituted on the House Floor for [SB 966 \(Public Records/Disaster Recovery Assistance\)](#) by Senator Gainer. 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 disaster. 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, 118 - 0, and now heads to the Governor for final approval.

#### ***FAC Supported - Economic Development Package Passes***

HB 1139 (Economic Development) by Representative Clemons was substituted on the House Floor for [SB 426 \(Economic Development\)](#), formerly Regional Rural Development Grants by Senator Montford. 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 and now heads to the Governor for final approval.

#### ***FAC Supported - Rural Broadband Access Legislation Passes***

[HB 969 \(Rural Broadband Access\)](#) by Representative Drake and passed the Legislature and now heads to the Governor for final approval. 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.

#### FAILED

#### ***FAC Stopped - Sovereign Immunity Legislation Fails***

[SB 1302 \(Sovereign Immunity\)](#) by Senator Flores passed two committees but failed this legislative session. The bill increases the statutory limits on liability for tort claims against the state and its subdivisions to \$500,000 and sets adjustments for limitations of liability to the Consumer Price Index annually. These new limits will apply to lawsuits that have not been adjudicated before the effective date



of the bill. The bill further allows government entities to settle claims in any amount without the approval of a claim bill by the Legislature. House companion legislation was not filed this session.

### ***FAC Stopped - Attorney Fees Legislation Fails***

[HB 7043 \(Contingency Fees\)](#) by Representative Gregory failed this legislative session. The bill limits contingency fee contracts entered into by a local government in a similar manner as s. 16.0155, F.S., limits Department of Legal Affairs (DLA). The committee bill prohibits an aggregate contingency fee in excess of:

- Twenty-five percent of any recovery up to \$10 million;
- Plus Twenty percent of any portion of recovery between \$10 million and \$15 million;
- Plus Fifteen percent of any portion of recovery between \$15 million and \$20 million;
- Plus Ten percent of any portion of recovery between \$20 million and \$25 million;
- Plus Five percent of any portion of recovery exceeding \$25 million.

During committee, FAC Legislative Counsel, Laura Youmans, expressed concern that the fee cap would prevent local governments from being represented by the best qualified law firms. A companion legislation, [SB 1574 \(Contingency Fees\)](#) by Senator Baxley, was not heard this session.

### ***FAC Stopped - Local Government Grading Legislation Bill Fails***

[HB 7069 / SB 1512](#) (Local Government Reporting) by Representative Ingoglia and Senator Diaz failed this legislative session. The bills remove 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 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.

### ***Public Records Lawsuits Bill Fails***

[HB 195 / SB 162](#) (Public Records) by Representative Rodrigues and Senator Perry passed their committee stops but failed this legislative session. The bills prohibit an agency from responding to a request to inspect or copy a public record by filing a civil action against the individual or entity making the request. This effectively prohibits an agency from initiating a declaratory judgment seeking a judicial interpretation on the application of a public records exemption. FAC opposed the legislation during committee.

### ***Online and Remote Sales Tax Legislation Fails***

[SB 126 \(Sales and Use Tax\)](#) by Senator Gruters failed this session. The bill applies Florida's sales and use tax laws to online/e-commerce sales from out-of-state retailers regardless of whether the entity has a physical presence within that state. Currently, 43 of the 45 states that collect sales tax have authorized sales tax on out-of-state vendors since the 2018 SCOTUS decision, *Wayfair v. South Dakota*, authorizing the practice. FAC adopted a policy supporting legislation applying Florida's sale and use tax laws to online/e-commerce sales from out-of-state retailers to ensure competitiveness for Florida's in-state retailers. A companion legislation, [HB 159 \(Sales and Use Tax\)](#) by Representative Clemons, was not heard this session.

### ***Hurricane Impacted QTI Tax Refund Bill Passes Senate, Fails this Session***

[SB 922 \(Economic Development\)](#) by Senator Gruters passed the Senate but failed this legislative session. The bill provides for a qualified targeted industry business program in counties impacted by Hurricane Michael. Businesses that relocate to impacted counties will be eligible to receive a tax refund payment up to \$10,000 multiplied by the number of jobs specified in agreement. A companion legislation, [HB 779 \(Economic Development\)](#) by Representative Roach, was not heard this session.

### ***What else passed or failed relating to Finance & Tax?***

There were many bills heard relating to finance and tax throughout the legislative process. To view updates about these bills and other relevant legislation, please visit the [Finance & Tax](#) subsection on the [Policy Action Center](#).

#### **FAC Contact:**

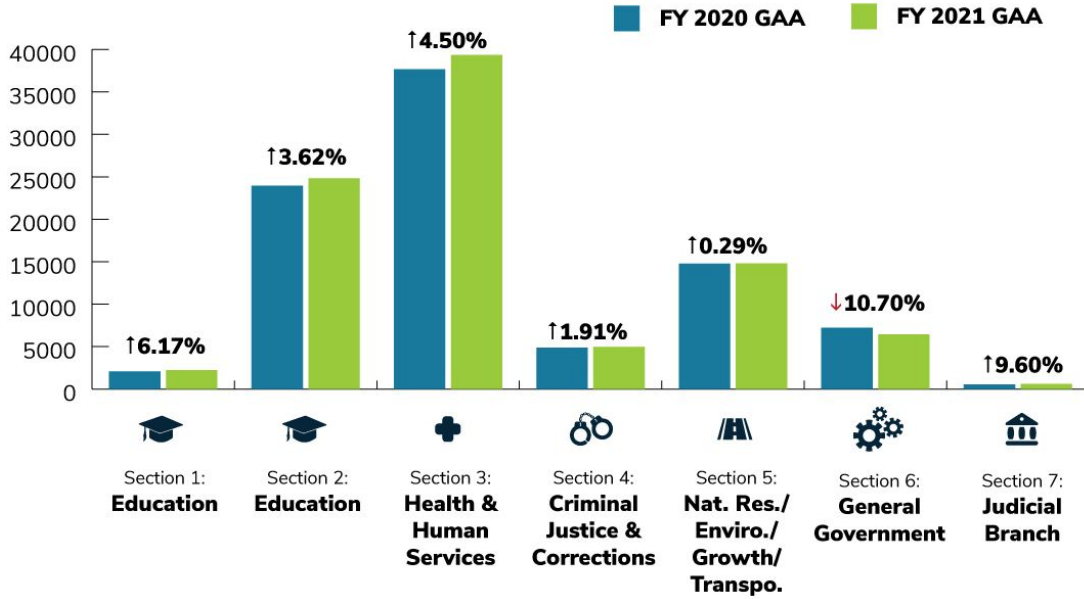
For additional information, please contact Laura Youmans via email at [lyoumans@flcounties.com](mailto:lyoumans@flcounties.com).

# 2021 STATE BUDGET SUMMARY

On Sunday, March 15th, the Florida House of Representatives and the Florida Senate agreed to the budget for the State Fiscal Year (SFY) 2020-2021. The budget is the culmination of many rounds of budget negotiations throughout the legislative session. The Florida Legislature is constitutionally required to pass a state budget, officially titled as the General Appropriations Act, during the annual regular session.

## BUDGET COMPARISON BY SECTION

In Millions of Dollars

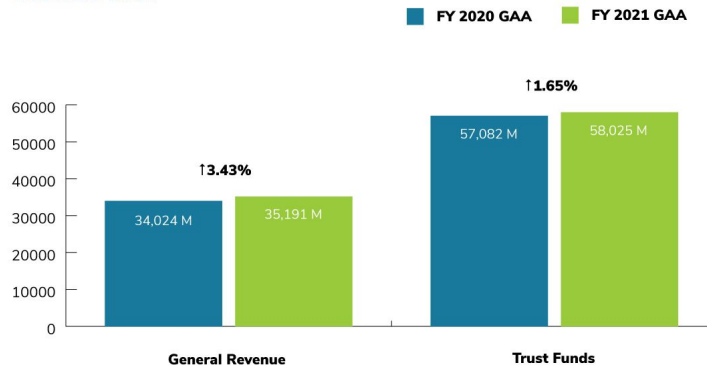


The House and Senate's budget for State Fiscal Year 2020-2021 totals approximately \$93.2 billion, and represents a 2.3% increase from the previous SFY 2020 General Appropriations Act. The chart below summarizes a comparison of this year's SFY 2021 budget and the budget approved from SFY 2020.

Health and Human Services received the largest portion of funding for the budget in SFY 2020-2021, totaling approximately \$39.4 billion. This represents a 4.5% increase in appropriations from the current year. All educational programs and services combined received the second largest amount of funding, totaling approximately \$27 billion. This represents an increase of approximately 3.83% from the current fiscal year.

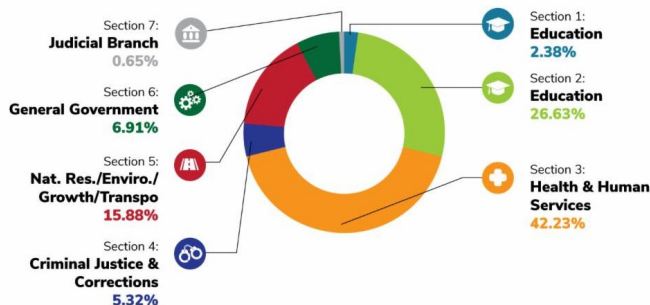
## BUDGET COMPARISON BY FUND TYPE

In Millions of Dollars



## SFY 2021 GENERAL APPROPRIATIONS ACT

% of Budget



Finally, Natural Resources, Environmental Issues, Growth Management and Transportation Expenditures represent the third largest portion of the budget in SFY 2020-2021 with funding equaling \$14.8 billion. This represents a slight increase of approximately 0.29% from the current fiscal year.

For more county funding highlights included in the 2020-2021 budget, please [click here](#).

HB 5003 (Implementing the 2020-2021 General Appropriations Act) creates the “Local Government Efficiency Task Force”. Supported by OPPAGA, the task force will consist of six members with the Governor, the President of the Senate, and the Speaker of the House of Representatives each appointing two members. Members must be appointed no later than September 1, 2020. The task force shall review the governance structure and function of local governments and whether any changes are necessary to make such governments more efficient. The task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 1, 2021. HB 7101 (State Advisory Bodies) failed this legislative session and these provisions were added after the public comment period during budget conference. The provisions were never considered in the Senate and do not provide a requirement that local government officials be represented in the task force.