



2020 LEGISLATIVE SESSION FINAL REPORT



Preemptions—Failed

Vacation Rental Preemption Fails **FAC STOPPED**

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 the 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.

Local Occupational Licensing Preemption Fails **FAC STOPPED**

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.

Bill Preempting Conditions of Employment Fails

HB 305—Preemption of Conditions of Employment by Representative Rommel failed this legislative session. The bill preempts to the state the right to regulate conditions of employment and renders void all existing ordinances, regulations, or policies of a political subdivision related to conditions of employment. A companion legislation, SB 1126 (Employment Conditions) by Senator Gruters, was not heard this session.

Local Communications Services Tax Limitation Fails **FAC STOPPED**

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.

Home-Based Business Preemption Fails

HB 537—Home-Based Businesses by Representative Donalds failed this legislative session. 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 taking any action to license or otherwise regulate a home-based business. A companion legislation, SB 778 (Home-based Businesses) by Senator Perry, 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.

Preemptions—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.

Deregulation of Professions Passes

HB 1193—Deregulation of Professions and Occupations by Representative Ingoglia was considered on the House Floor. The bill deregulates various professions and changes the licensing standards for building officials as well as allowing for reciprocity with other states for certain construction licenses. Additionally, the bill increases the value of the work that needs to have a permit from \$1000 to \$2500, changes the makeup of the Florida Building Commission, and allows county code officials to be one of the three local code enforcement officials on the Commission. The bill passed 88-25.

SB 474—Deregulation of Professions and Occupations by Senator Albritton was substituted on the Senate Floor for HB 1193. It was amended to include a preemption of food trucks and to clarify that the preemption applies to licenses, registrations, permits, and fees by local government entities. The bill passed 38-0. The House then passed the amended bill 103-11. The deregulation bill is a priority of the Governor and now heads to the desk for signature.

Environmental Rights Preemption Passes in Water Package

The concepts within HB 1199/SB 1382—Environmental Protection Act by Representative Ingoglia and Senator Albritton were amended into SB 712, the water package legislation. The language preempts local governments from recognizing or granting legal rights to plant, body of water or any other part of the natural environment that is not a person or political subdivision.

Local Governmental Accountability Bills Fail

HB 611/SB 766—Local Governmental Accountability by Representative Sabatini and Senator Perry failed this legislative session. The bills require the Commission on Ethics to create the Local Government Lobbyist Registration System; prohibit a person from lobbying a governmental entity absent registration with the commission; require the commission to publish a lobbyist directory; require boards of county commissioners and governing bodies of municipalities, respectively, to provide notice of certain meetings in a specified manner.

Recreational Vehicle Parks Legislation Fails

HB 647/SB 772 Recreational Vehicle Parks by Representative Drake and Senator Hutson failed this legislative session. The bills preempt to the state all permitting of such parks and allow recreational vehicle parks to be rebuilt following a natural disaster according to the same regulations when it was first built. The bills allow for a presumption of transience if a guest stays less than six months and expand enforcement authority for park owners to handle and eject unruly guests.

Supermajority Vote to Raise Taxes Fails

HB 477—Supermajority Vote Required to Impose, Authorize, or Raise Local Taxes or Fees by Representative Rommel was never considered and failed this session. The bill proposes an amendment to the state constitution to prohibit municipality, county, school board, or special district from imposing, authorizing, or raising local tax or fee except by vote approved by two-thirds of membership (supermajority) & requires any such proposed local tax or fee imposition or increase to be contained in separate resolution or ordinance (single subject).

Finance, Tax, & Administration— Passed

Firefighter Cancer Decontamination Equipment Grant Program Passes

SB 1092—Fire Prevention and Control by Senator Bean was considered on the Senate Floor. The bill establishes the grant program within the Division of the State Fire Marshal to provide financial assistance in an effort to help protect firefighters from acquiring cancer. Funds allocated through this program can be used for equipment, supplies, and education training related to mitigating exposure to hazardous fire contaminants. The bill passed unanimously, 40-0. A companion legislation, HB 487 (Fire Prevention and Control) by Representative Fetterhoff, was substituted on the House Floor for SB 1092. The bill passed unanimously 118-0 and now heads to the Governor for final approval.

Fireworks Bill Passes

SB 140—Fireworks by Senator Hutson was considered on the Senate Floor. The bill creates an additional exception to the prohibition of the sale and use of fireworks to allow fireworks for the following holidays: New Year's Day, July 4th, and New Year's Eve. The bill passed unanimously, 39-0. A companion legislation, HB 65 (Fireworks) by Representative Ana Maria Rodriguez, was substituted on the House Floor for SB 140. The bill passed 82-34 and now heads to the Governor for final approval.

Housing Discrimination Legislation Passes

SB 374—Housing Discrimination by Senator Rouson was considered on the Senate Floor. The bill clarifies that complainants alleging housing discrimination do not have to exhaust administrative remedies by filing a complaint with the Florida Commission on Human Relations prior to filing a civil case in court. Federal funding for FHCR is tied to passage of the bill. The bill passed unanimously, 39-0. A companion legislation, HB 175 (Housing Discrimination) by Representative Davis, was substituted on

the House Floor for SB 374. The bill passed unanimously 117-0 and now heads to the Governor for final approval.

Citizen Initiatives Revision Legislation Passes

SB 1794—Constitutional Amendments Proposed by Initiative by Senator Hutson was considered on the Senate Floor. The bill modifies the citizen initiative process for amending the State Constitution. During committee, the bill was amended to:

- Requires petitioners to submit valid petitions of 25 percent of the electors in half of the state's congressional districts
- Expand the scope of Florida Supreme Court review on the facial validity of the proposal
- Narrows the role of the Financial Impact Estimating Conference (FIEC) in estimating the proposal's financial impact
- Statutorily authorizes the Senate President and House Speaker to direct legislative staff to analyze any other impacts of the proposal.
- Creates a cause of action for citizens to challenge a petition circulator's registration.
- Shortens time period that petition signatures are valid
- Requires a supervisor of elections to charge the actual cost for verifying a petition signature
- Provides that a signature obtained illegally, including by an unregistered paid petition circulator, is invalid.
- Requires the ballot for a citizen initiative include a bold-font statement that the FIEC:
 - Estimates a positive financial impact;
 - Estimates an indeterminate financial impact;
 - Estimates a net negative impact on the state budget or cannot reach a consensus, along with indicating the possible negative tax and government services impacts.
- The bill also provides a severability clause in case a portion is deemed unconstitutional.

The bill passed 23-17. A companion legislation, HB 7037 (Constitutional Amendments Proposed By Initiative) by Representative Jamie Grant, was substituted on the House Floor for SB 1794. The bill passed 73-45 and now heads to the Governor for final approval.

IT Security Records Exemption Passes

HB 821—Pub. Rec and Meetings/Information Technology Security Information by Representative Williamson was considered on the House Floor. The bill provides exemptions to public records requirements for portions of records held by a state agency that contain network schematics, hardware/software configurations, encryption, certain recordings and transcripts as well as the portions of meetings that would reveal such records. The bill passed unanimously, 117-0. A companion legislation, SB 1170 (Public Records and Meetings/Division of State Technology) by Senator Baxley, was substituted on the Senate Floor for HB 821. The bill passed 37-0 and now heads to the Governor for final approval.

Trial Court Facilities Security Passes

HB 131—Security in Trial Court Facilities by Representative McClain was considered on the House Floor. The bill requires each county sheriff to coordinate with the Board of County Commissioners and the chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities. The bill passed unanimously, 118-0. A companion legislation, SB 118 (Security in Trial Court Facilities) by Senator Gruters, was substituted on the Senate Floor for HB 131. The bill passed 39-0 and now heads to the Governor for final approval.

Local Government Construction Bill Passes

HB 279—Local Government Public Construction Works by Representative David Smith was considered on the House Floor. 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. The bill passed 114-1. A companion legislation, SB 504 (Local Government Public Construction Works) by Senator Perry, was substituted on the Senate Floor for HB 279. The bill passed 36-1 and now heads to the Governor for final approval.

Homestead Exemption Portability Amendment Passes

HJR 369 and HB 371—Limitations on Homestead Assessments by Representative Roth were considered on the House Floor. The bills revise the timeframe to three years during which the accrued benefit from the Save our Homes assessment may be transferred from a prior homestead to a new homestead. The REC adopted a recurring financial impact to local governments of \$10.2 million if the amendment passes. The bills passed unanimously, 118-0. A companion legislation, SJR 146 and SB 148 (Limitations on Homestead Assessments) by Senator Brandes, was substituted on the Senate Floor for HJR 369 and HB 371. The bills passed 39-0 and now head to the Governor. If approved by the Governor, the issue would come before the voters on the 2020 ballot as a constitutional amendment needing 60% approval.

Tenant Rights Clarification Passes

HB 6033—Rental Agreements by Representative Sirois was substituted on the House Floor for SB 1362 (Rental Agreements) by Senator Rodriguez. The bill repeals F.S. 83.561, relating to the termination of rental agreements upon foreclosure. The statute was preempted by federal law. The repeal clarifies the rights of Florida tenants and successors in interest at foreclosure, which may reduce litigation resulting from confusion over applicable law. The bill passed 115-0 and now heads to the Governor for final approval.

Continuing Contracts Legislation Passes

SB 506—Public Procurement of Services by Senator Perry was substituted on the Senate Floor for HB 441 (Public Procurement of Services) by Representative DiCeglie. The bill revises the maximum dollar amount for continuing contracts for construction projects under the Consultants' Competitive Negotiation Act (CCNA) from \$2 million to \$4 million, while study activity is raised from \$200,000 to \$500,000. The bill passed 40-0 and now heads to the Governor for final approval.

Bills Exempting Taxpayer E-Mail Addresses Held by Tax Collectors Passes

HB 7007—OGSR/Email Addresses/Tax Notices by Representative LaMarca was substituted on the House Floor for SB 7004 (OGSR/Taxpayer E-mail Addresses Held by a Tax Collector) by Senator Gainer. The bill saves from repeal an exemption from public record taxpayer e-mail addresses held by tax collectors were heard in both chambers. Specifically, the bills allow taxpayer e-mails to be exempt when: Obtaining the taxpayer's consent to send a tax notice via e-mail; Sending the taxpayer a quarterly tax notice for prepayment of estimated taxes; Sending the taxpayer an additional tax notice or delinquent tax notice; or sending a third party, mortgagee, or vendee a tax notice. The bill passed 117-0 and now heads to the Governor for final approval.

Public Records Disaster Assistance Legislation Passes **FAC SUPPORTED**

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.

Florida Commission on Human Relations Legislation Passes

HB 255—Florida Commission on Human Relations by Representative Antone was heard for the second time during the House Judiciary Committee. The bill changes quorum requirements to the Commission and its panels as well as requires the commission to provide notice to aggrieved person of the failure to conciliate. Additionally, the bill revises the timeline relating to complaints alleging prohibited personnel action. The bill passed unanimously. A companion legislation, SB 726 (Florida Commission on Human Relations) by Senator Rouson, was substituted on the Senate Floor for HB 255. The bill passed unanimously, 37-0, and now heads to the Governor for final approval.

Economic Development Package Passes **FAC SUPPORTED**

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.

Retainage Legislation Passes

HB 101—Public Construction by Representative Andrade passed the Legislature. 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.

Space Florida Legislation Passes

SB 1070—Space Florida by Senator Wright was substituted on the Senate Floor for HB 717 (Space Florida Financing) by Representative Sirois. The bill revises the powers of Space Florida regarding bond issuance and removes provisions regarding presentation of bond proposals to and approval of bond issuance by the Governor and Cabinet. The bill passed 39-0 and now heads to the Governor for final approval.

Property Tax Exemption for Surviving Spouses of Disabled Veterans Passes

HB 877 and 879—Surviving Spouse Ad Valorem Tax Reduction by Representative Killebrew were considered on the House Floor. The bills propose a constitutional amendment to allow the transfer of a homestead exemption to the surviving spouse of a disabled veteran upon death as long as the spouse does not remarry. The current discount to ad valorem tax is the percentage equal to the percentage of the veteran's disability. REC estimated the potential fiscal impact on non-school property tax revenues to be \$0.6 million in FY 2021-22 with a recurring negative impact of \$2.4 million. The bills passed unanimously, 115-0.

Companion legislation, SB 1074 and SB 1076 (Surviving Spouse Ad Valorem Tax Reduction) by Senator Wright, were substituted for HB 877 and HB 879. The bill passed the Senate unanimously, 40-0. The bills now head to the Governor for final approval.

Rural Broadband Access Legislation Passes **FAC SUPPORTED**

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.

Government Accountability Legislation Passes

HB 855—Special Districts by Representative Payne was substituted on the House Floor for SB 1466 (Government Accountability) by Senator Baxley. The bill includes language that excludes certain acts or omissions by board members or employees of special districts or community development districts from being considered abuse of public position. The bill allows special districts to post a link to the most recent final, complete audit report on the Auditor General's website and deletes the requirement that public facilities report & meeting materials be posted on a special district's website only requiring the district to post a meeting or event agenda. The bill passed unanimously. The bill passed unanimously, 117-0, and now heads to the Governor for final approval.

Amendment 12 Implementing Legislation Passes

HB 7009 (Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position) by Representative Byrd passed the Legislature. The bill implements Amendment 12 that prohibits a public officer or public employee from abusing his or her public position in order to obtain a disproportionate benefit. The bill passed unanimously. The bill now heads to the Governor for final approval.

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.

Finance, Tax, & Administration— Failed

Sovereign Immunity Legislation Fails **FAC STOPPED**

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.

Attorney Fees Legislation Fails **FAC STOPPED**

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.

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.

Public Records Lawsuits Bill Fails

HB 195/SB 162—Public Records by Representative Rodrigues and Senator Perry passed 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.

CRC Repeal Amendment Fails

HJR 301 SJR 142—Abolishing the Constitution Revision Commission by Representative Drake and Senator Brandes failed this session. Both bills cleared the committee process. The bills propose a constitutional amendment that would abolish the Constitutional Revision Commission. Critics want to abolish the commission, limit proposed amendments to a single subject limitation similar to the legislature or provide stricter guidelines for its operation.

Occupational Reciprocity Legislation Fails

HB 1161—Local Licensing by Representative Plakon failed this session. The bill provides for portability of active local licenses for certain construction contractors. Individuals who hold valid, active local licenses may work within the scope of such license in any local government jurisdiction in addition to the original licensing jurisdiction without having to obtain an additional local license, take an additional local license examination, or pay an additional local license fee. DBPR will maintain an online local licensing information system and local governments must provide information to DBPR to maintain information system monthly or link to their respective website. Currently, the bill does not provide for an appropriation for DBPR to administer the program. FAC offered support for the legislation. A companion legislation, SB 890 (Local Licensing) by Senator Perry, stalled in its second committee stop.

House Fiscal Transparency Legislation Fails

HB 1149—Local Government Fiscal Transparency by Representative DiCeglie passed the House but failed this legislative session. The bill promotes the fiscal transparency of local governments by requiring additional public noticing of proposed local government actions that increase taxes, enact new taxes, extend expiring taxes, or issue tax-supported debt and requiring voting records of local governing bodies related to such actions to be easily and readily accessible by the public. The bill requires debt affordability analysis prior to issuance of new bonds and requires the chair of the local governing body to sign an affidavit of compliance with the Act. A companion legislation, SB 1702 (Local Government Fiscal Transparency) by Senator Diaz, was not heard this session.

Occupational Deregulation Sunset Legislation Passes House, Fails this Session

HB 707—Legislative Review of Occupational Regulations by Representative Renner passed the House but stalled in Senate committee. 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. A companion legislation, SB 1124 (Legislative Review of Occupational Regulations) by Senator Diaz, stalled with two committee stops remaining.

Regulatory Reform Bill Fails

HB 729—Administrative Procedures, previously Regulatory Reform, by Representative Ana Maria Rodriguez failed this legislative session. The bill amends the Administrative Procedure Act to increase transparency in rulemaking and provide a mechanism to ensure agencies reduce unnecessary rules. A companion legislation, SB 1238 (Regulatory Reform) by Senator Diaz, was not heard this session.

Bill Allowing Electronic Public Meeting Notice Requirements Fails

HB 7—Legal Notices by Representative Fine passed the House but failed this legislative session. The bill revises the legally required advertisements and notices of public meetings to allow local governments to post advertisements on publicly accessible websites. The bill also grants an exception for fiscally constrained counties to determine whether this would be in the interest of the county given the level of internet access. A companion legislation, SB 1340 (Legal Notices) by Senator Gruters, stalled during its first committee stop, Senate Judiciary.

Fiduciary Duty Legislation Fails

HB 1113/SB 1270—Fiduciary Duty of Care for Appointed Public Officials and Executive Officers by Representative Beltran and Senator Lee failed this legislative session. The bill establishes a fiduciary duty of care for each appointed public official and executive officer to the governmental entity he or she serves. Beginning 1/1/21, each appointed public official and executive officer of a governmental entity must complete a minimum of 5 hours of board governance training for each term served. The bill allows DBPR to contract for or approve a board governance training program that includes an affordable web-based electronic media option, publish a list of approved providers on its website; provides requirements of training and exceptions; must certify by oath completion of the board governance training; appointment of executive officer or general counsel subject to majority vote; prohibits government attorneys from representing both the government entity and individuals.

House Government Integrity Bill Fails

HB 1111—Government Accountability, formerly Government Integrity, by Representative Tomkow failed this session. The bill includes various provisions designed to promote integrity in government and identify and eliminate fraud, waste, abuse, gross mismanagement, and misconduct in government. The bill was amended to expand the scope of the original bill including the substance of HB 1113 (Fiduciary Duty of Care for Appointed Public Officials and Executive Officers) by Representative Beltran. A companion legislation, HB 1538 (Government Integrity) by Senator Gruters, was not heard this session.

House Ethics Reform Package Fails

HB 1185—Ethics Reform by Representative Brannan passed the House but failed this legislative session. The bill addresses public officer, public employee, and third-party conduct regarding solicitation and negotiation of conflicting and potentially conflicting income producing relationships, addresses post-service lobbying restrictions for certain officers, and revises executive branch lobbyist registration requirements in addition to other reforms. A companion legislation, SB 1530 (Ethics Reform) by Senator Baxley, was not heard this session.

Legislative Review of Proposed Regulation of Unregulated Functions Bill Fails

HB 1155—Legislative Review of Proposed Regulation of Unregulated Functions by Representative Hage passed the House but failed this legislative session. The bill requires additional requirements before adoption of regulations of unregulated profession/occupation or substantial expansion of regulation of regulated profession/occupation. The bill requires proponents and a state agency to provide information to the Legislature. A companion legislation, SB 1614 (Legislative Review of Proposed Regulation of Unregulated Functions) by Senator Perry, was not heard this session.

Local Government Grading Legislation Bill Fails **FAC STOPPED**

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.

Local Government Reporting Constitutional Amendment Fails

HB 7061/SB 1502—Duties of the Chief Financial Officer/Information About Counties and Municipalities by Representative Ingoglia and Senator Diaz failed during the legislative session. The bills propose an amendment to the state constitution for the CFO's duties to as prescribed by general law, annually provide information about counties and municipalities to residents in a manner that allows residents to compare economic and noneconomic factors of each local government.

House Dissolution of Municipalities Bill Fails

HB 1209—Dissolution of Municipalities by Representative Fischer failed this session. The bill requires approval of a vote of a majority of the qualified voters voting in a referendum to dissolve a municipality if certain criteria is met. The bill requires a municipality or county/counties in which the municipality is located in to set the date of the referendum to dissolve the municipality at the next election or a special election and provides notice requirements for the election. A companion legislation, SB 1522 (Dissolution of Municipalities) by Senator Broxson was not heard this session.

State Advisory Bodies Bill Fails

HB 7101—State Advisory Bodies by Representative Zika failed this session. The bill creates the Local Government Efficiency Task Force (Efficiency Task Force) within the Legislature and the Urban Core Crime and Violence Task Force (Urban Core Task Force) within the Department of Law Enforcement. The Governor, the President of the Senate, and the Speaker of the House of Representatives must appoint the members of each task force. The Efficiency Task Force will “review the structure and function of local governments and determine whether any changes are necessary to much such governments efficient.” The Urban Core Task Force will review system failures and the causes of high crime rates and violence in urban core neighborhoods and communities and develop recommendations for improved interagency communications between local and state government agencies to reduce crime and violence in such neighborhoods and communities. The bill was amended to include members of the Legislative Black Caucus.

Special Risk Class Addition Passes Senate, Fails this Session

SB 1146—Special Risk Class of the Florida Retirement System by Senator Brandes passed the Senate but failed this legislation session. The bill adds certain juvenile detention officers and juvenile detention officer supervisors employed by DJJ to the special risk class for the Florida Retirement System. A companion legislation, HB 1175 (Special Risk Class of the Florida Retirement System) by Representative Massullo, was not heard this session.

County Attorneys Records Exemption Passes Senate, Fails this Session

HB 63/SB 248—Public Records/County Attorneys and Assistant County Attorneys by Representative Maggard and Senator Hooper failed this session. SB 248 passed the Senate but the House companion, HB 63, was never considered. 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.

Judicial Assistants Public Records Exemption Passes Senate, Fails This Session

HB 479/SB 128—Public Records/Judicial Assistants by Representative Fetterhoff and Senator Wright failed this session. SB 128 passed the Senate but the House companion, HB 479, stalled during the committee process. The bill creates a public records exemption for personal identification information for current or former judicial assistants and their spouses and children.

Public Records for Trade Secrets Fails

HB 799 and HB 801—Pub. Rec./Trade Secrets by Representative Gregory passed the House but failed this legislative session. The bill exempts from public records requirements trade secrets held by an agency. Trade secrets do not apply to information related to a contract agreement, or an addendum such as the parties to a contract, or an amount of money paid or payment structure. A companion legislation, SB 1532 & SB 1534 (Public Records/Trade Secrets) by Senator Baxley, was not heard this session.

Gift Ban Exemption Passes Senate, Fails this Session

HB 1435/SB 1490—Public Officers and Employees by Representative Williamson and Senator Bradley passed the Senate but stalled in its last House committee. The bills allow legislative employees and procurement officials to accept a gift or compensation, regardless of value, if they or their child has suffered a serious bodily injury or has been diagnosed with a serious disease or illness. Gifts must be used toward expenses directly incurred, or in connection with, the care and treatment of the reporting individual, procurement employee, or a child. The bills include the spouse of the employee for exemptions to the gift ban.

Marketable Record Title Act (MRTA) Bill Passes House, Fails this Session

HB 733—Marketable Record Title Act by Representative David Smith was considered on the House Floor. The bill amends s. 712.04, F.S., to include covenants or restrictions based on a zoning requirement or development permit among the types of interests extinguished by MRTA. The bill may affect older deed restrictions that depend on a zoning requirement or development permit. The bill provides that s. 712.04, F.S., may not be construed to alter or invalidate a zoning ordinance, land development regulation, building code, or other law or regulation to the extent it operates independently of matters recorded in the official records. The bill passed unanimously, 115-0. A companion legislation, SB 802 (Marketable Record Title Act) by Senator Perry stalled in its last committee stop, Senate Rules. The bill failed for the current legislative session.

Fines and Fees Legislation Fails

HB 903/SB 1328—Fines and Fees by Representative Donalds and Senator Wright failed this session. The bills require the clerk and court to develop a process ensuring a person who owes fines or fees is referred to the clerk to establish a payment plan. This applies to a person seeking to enter a payment plan agreement within 30 days of being released from incarceration. The bills also allow the clerk to enter into multi-county agreements, suspension of a driver license for nonpayment in a criminal case only if the underlying crime involved a motor vehicle, or reinstatement of a license suspended for nonpayment in a criminal case not involving a motor vehicle. HB 903 passed committee but was not considered on the House Floor. SB 1328 stalled in its last committee stop.

Homestead Clarification Bill Passes House, Fails this Session

HB 223—Homestead Exemptions by Representative Buchanan passed the House but failed this legislative session. The bill prevents a person or “family unit” from claiming a homestead exemption if receiving or claiming the benefit in another state unless the person or family unit demonstrates to property appraiser that certain conditions have been met. The REC adopted a negative indeterminate fiscal impact to local governments. The bill applies to tax years beginning on or after 1/1/2021. A companion legislation, SB 514 (Homestead Exemptions) by Senator Gruters, stalled in its last committee stop, Senate Appropriations.

Pool Contracting Legislation Fails

HB 1169—Specialty Contracting Services by Representative McClure passes the House but fails this legislative session. The bill creates an exemption from local contractor license or specialty contractor license for persons under the supervision of a certified or registered pool contractor for the construction, remodeling, or repair of swimming pools, hot tubs, and other water features. The exemption does not apply to those certified or registered as contractors for specified trade. A companion legislation, SB 1102 (Specialty Contracting Services) by Senator Gruters, stalled in its last committee stop, Senate Rules.

Independent Special Fire Control Districts Bill Fails

HB 1331 (Fire Control Districts) by Representative Roach and SB 760 (Intergovernmental Programs) by Senator Brandes related to independent special fire control districts failed this session. The bills require Independent Special Fire Control Districts in the unincorporated areas of a county to authorize the powers within or without the district's boundary in cooperation with another governmental agency when such agency shares such powers in common with the district. The bill was amended to allow municipalities that provide fire protection services to a municipal services taxing unit (MSTU) through an interlocal agreement to receive insurance premium taxes collected within the boundaries of an MSTU in order to provide pension benefits to the municipality's firefighters serving the MSTU.

Clerks of Circuit Court Fees Legislation Fails

HB 591 (Court Service Charges) by Representative Clemons and SB 790 (Clerks of the Circuit Court) related to the Clerk of Circuit Court fees failed this session. The bills had substantive differences and stalled during the committee process. Generally, the bills clarify that only court-related services are impacted by the 2019 changes made to the statutory service charges, and that clerks may retain the revenues collected for county-related services. The bill also corrects the filing fee structure for appellate cases. The bill removes the \$20 General Revenue Fund portion of the filing fee from appellate cases originating in the county court being appealed to the circuit court. The bill reinstates the \$20 General Revenue Fund portion of the filing fee for appellate cases originating from the county court or circuit court being appealed to a district court of appeal or the Supreme Court.

Jurisdiction of Appellate Courts Legislation Fails

HB 7059/SB 1510 (Jurisdiction of Appellate Courts) failed this legislative session. The bills transfer the jurisdiction of circuit courts to hear appeals of county court civil and criminal cases to the district courts of appeal. The bills are based on the recommendations of a recent report by the Judicial Management Council's Workgroup on Appellate Review of County Court Decisions.

Clerks of the Court Legislation Fails

HB 967/SB 590—Clerks of the Court by Representative Gregory and Senator Hooper failed this legislative session. The bills provide that clerks of court, instead of being paid upfront for their projected costs of compensating jurors, must submit a request for reimbursement to the Florida Clerks of Court Operations Corporation (CCOC) within 20 days after each quarter ends. Each clerk must attest to the actual costs to compensate jurors. The CCOC must review the requests and forward them to the Justice Administrative Commission, which in turn submits a request for payment to the CFO.

Internship Tax Credit Program Fails

HB 1101/SB 1412—Internship Tax Credit Program by Representative Daley and Senator Powell failed this session. The bill provides a taxpayer a credit up to \$2,000 per degree-seeking student intern employed by a corporation. The tax credit is limited to the amount to \$10,000 in a taxable year beginning 1/1/2021. The REC expects the tax credit to have a recurring impact of approximately \$14 million.

Tourist Development Tax Dollars for Film Legislation Fails

SB 334—Tourist Development Tax by Senator Stewart failed this legislative session. The bill authorizes counties imposing the Tourism Development Tax to allow the use of tax revenues to promote or incentivize film or television productions in this state. The bill requires such productions to include a specific statement in the production's credits to include "Created in Florida" or "Filmed in Florida". The bill did not have a House companion legislation.

Sales Tax Absorption Legislation Fails

HB 429/SB 508—Sales Tax Absorption by Representative Valdes and Senator Stargel failed this legislative session. The proposals were initially included in the tax package but removed by the Senate. The bills authorize dealers to advertise or hold out to the public that they will absorb all or part of sales & use tax on taxable transactions, or refund any part thereof to purchaser. The bills prohibit dealers from implying that the transaction is exempt or excluded from the tax. The REC determined that the bill will reduce General Revenue Fund receipts and local government revenues in Fiscal Year 2020-21 and each year thereafter by an indeterminate amount.

Electronic Notification by Tax Collectors Legislation Fails

HB 435—Electronic Notification by Tax Collectors by Representative Valdes failed this legislative session. The bill clarifies that DHSMV's authorized agent is the tax collector; provides that e-mail addresses must be mutually shared between DHSMV and the tax collectors upon request; provides that electronic mail addresses and telephone numbers can be used to provide information relating to the issuance of titles, registration, disabled parking permits, driver licenses, and identification cards. A companion legislation, SB 636 (Department of Highway Safety and Motor Vehicles) by Senator Stargel stalled in its second committee stop.

Tax Exemption for Diapers Fails

SB 54—Tax Exemption for Diapers and Incontinence Products by Senator failed this session. The bill exempts from state sales and use tax of human use of diapers, incontinence undergarments, incontinence pads, or incontinence liners. The REC has not estimated the impact of the proposed legislation. A companion legislation, HB 87 (Tax Exemption for Diapers and Incontinence Products) by Representative Mercado, was not heard this session.

Minority Business Development Legislation Fails

SB 1580—Minority Businesses by Senator Braynon failed this session. The bill establishes a revolving loan guarantee program modeled after the Urban League of Broward County and DEO as a result Specific Appropriation 2256A, chapter 2014-51, Laws of Florida. The bill expands the benefits offered under the current program to assist and support minority-owned small businesses in urbanized areas. DEO shall contract with an organization in this state that is nationally affiliated, has a statewide network, and promotes economic development for minorities to administer the program. A companion legislation, HB 1233 (Minority Businesses) by Representative DuBose, was not heard this session.

Career Opportunities Legislation Fails

Two bills, HB 1203 (Pathways to Career Opportunities) by Representative Mariano and SB 866 (Florida Talent Development Council) by Senator Diaz, regarding the Pathways in Technology Early College High School (P-TECH) Program failed this session. The bills require the Florida Talent Development Council to submit a report to the Legislature and Governor recommendations that address the feasibility of establishing and implementing the Pathways in Technology Early College High School (P-TECH) Program; P-TECH programs are partnerships among K-12, postsecondary, and industry, whereby the partners commit to providing students with rigorous and hands-on academic, technical, and workplace experiences. HB 1203 was amended to require the Commissioner of Education to submit the report.

Single Subject Limitation for the Taxation and Budget Reform Commission Fails

SB 396—Single-subject Limitation for Taxation and Budget Reform Commission by Senator Rodriguez passed committee but failed this session. The bill prevents bundled amendments proposed to the Taxation and Budget Reform Commission. No House companion legislation was filed this session.

Bill Limiting Sport Facility Construction Fails

HB 1369—Sports Franchises and Facilities by Representative Pigman was passed committee but failed this session. The bill prohibits the use of Tourist Development Tax or Convention Development Tax revenues to finance or construct any aspect of a facility that is or will be used by a sports franchise after 7/1/2020. The bill also prohibits local governments from spending the half-cent sales tax on a motorsport entertainment complex or for reimbursements under the sports development program and prohibits a sports franchise from constructing or improving a facility on land that is leased from the state or local government. No Senate companion legislation was filed this session.

Repeal of the Aviation Fuel Tax Fails

SB 1192—Tax on Aviation Fuel by Senator Gruters failed this legislative session. The bill repeals the Aviation Fuel tax. EDR has not performed a fiscal analysis on the financial impact of this legislation, however, last year Transportation Revenue Estimating Conference reported \$56,400,000 in gross revenues from the tax with \$39,900,000 transferred to the State Transportation Trust Fund. Concerns were raised that eliminating the tax would hinder future maintenance projects for airports and jeopardize federal match dollars. A companion legislation, HB 6061 (Aviation Fuel Tax) by Representative Roach, was not heard this session.

Rental Car Agency Tax Credit Fails

SB 1240—Corporate Income Tax Credit by Senator Gruters failed this session. The bill was amended to grant a tax credit up to \$2 million for eligible car rental, leasing, or financing companies if the company deferred gains under certain circumstances. The provision was included initially in the tax package but was removed during negotiations.

Growth, Agriculture, Transportation, & Environment— Passed

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 ROW within the timeframes currently applicable to permit applications submitted by communications services providers.
- Allow a 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.

Bill to Keep Visit Florida Passes **FAC SUPPORTED**

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, until 10/1/23. The budget also includes \$50 million appropriation for the agency. The bill passed 116-2 and now heads to the Governor for final approval.

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.

Local Government Recycling Contract Legislation Passes

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.

E-Bike Legislation Passes

HB 971—Electric Bicycles by Representative Michael Grant was considered on the House Floor. The bill defines electric bicycles as well as the different classes of electric bikes, distinguishes electric bikes from mopeds and motorcycles, and expressly allows local jurisdictions to regulate electric bikes via ordinance. The bill further clarifies that e-bike riders have the same rights as regular cyclists and not held to the same insurance and license requirements of a motorized vehicle. The bill passed unanimously, 118-0. A companion legislation, SB 1148 (Electric Bicycles) by Senator Brandes, was substituted on the House Floor for HB 971. The bill passed 39-0 and now heads to the Governor for final approval.

TNC Digital Advertising Bill Passes

HB 1039—Transportation Network Companies by Representative Rommel was considered on the House Floor. The bill establishes guidelines for the display of digital advertising on rideshare vehicles, and redefines transportation network companies to include limousines, for-hire vehicles, and luxury transportation companies. The reclassification of these forms of transportation to TNC's would preempt their regulation to the state. The bill passed unanimously, 117-0. A companion legislation, SB 1352 (Transportation Companies) by Senator Brandes, was substituted on the House Floor for HB 1039. The bill passed 37-2 and now heads to the Governor for final approval.

Towing Bill Passes

SB 1332—Towing and Immobilizing of Vehicles and Vessels by Senator Hooper was substituted on the Senate Floor for HB 133 (Towing and Immobilizing of Vehicles and Vessels) by Representative McClain. The bills add vessels to statute when defining the towing of vehicles, prevent local governments from imposing fees or charges on authorized wrecker operators and towing businesses except for general administrative fees that apply universally, and grandfather qualifying charter counties with 90% or more of their population in incorporated municipalities, or contains 38 or more municipalities within its boundaries. The bill was amended on the floor to not restrict a county or municipality from adopting an ordinance or rule that requires a towing business to accept a credit card as a form of payment. The bill passed the Senate 34-5 and the House 81-31 and now heads to the Governor for final approval.

Environmental Enforcement Bill Passes

HB 1091—Environmental Enforcement by Representative Fine was considered on the House Floor. The bill increases fines against any discharge of raw sewage and various environmental violations into waterways by 50 percent. The bill passed unanimously, 106-0. A companion legislation, SB 1450 (Environmental Enforcement) by Senator Gruters was substituted for HB 1091 and amended. The bill was amended to include the substance of SB 150 (Sanitary Sewer Laterals) which encourages counties and municipalities to establish a sanitary sewer lateral inspection program by 7/1/2022. The bill also requires a seller of real property to disclose any known defects in the property's sanitary sewer lateral to a prospective purchaser. The bill was taken up in House Messages and passed 115-0. The bill now heads to the Governor for final approval.

Required Sea Level Rise Study for Public Construction Passes

HB 579—Public Financing of Construction Projects by Representative Aloupis was substituted on the House Floor for SB 178 (Public Financing of Construction Projects) by Senator Rodriguez. The bill requires future public construction projects to take sea level rise into account by conducting a sea level impact projection study. The bill passed unanimously and now heads to the Governor for final approval.

Community Planning Bill Passes

HB 1097—Regional Planning Council Meetings by Representative Geller was substituted on the House Floor for SB 1398 (Community Planning) by Senator Flores. The bill establishes quorum requirements for regional planning council meetings when a voting member appears via telephone, real-time video conferencing, or similar real-time electronic or video communication. Additionally, the bill requires DEO to give preference to certain small counties and municipalities located near a proposed multi-use corridor (M-CORES) interchange when selecting applicants for Community Planning Technical Assistance Grant. The bill passed unanimously, 113-0, and now heads to the Governor for final approval.

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 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.

Growth, Agriculture, Transportation, & Environment—Failed

Private Property Rights Legislation Fails **FAC STOPPED**

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.

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.

Transportation Disadvantaged Services Legislation Fails

HB 551/SB 76—Transportation Disadvantaged by Representative Jenne and Senator Book failed this legislative session. The bills require community transportation coordinators to provide transportation to disadvantaged individuals across county lines to improve their access to employment, education, healthcare, and other life sustaining services.

House Transportation Package Fails

HB 395—Transportation by Representative Andrade was considered on the House Floor. As the larger transportation package for the 2020 session, the bill includes numerous provisions impacting FDOT operations. The provisions impacting local governments include:

- Requires permit applications for utility service on municipal or county rights-of-way to be acted upon in a specified period.
- Authorizes DOT to establish emergency staging areas along the Florida Turnpike system.

The bill passed unanimously, 118-0. A companion legislation, SB 1172 (Transportation) by Senator Albritton, was not heard this session and the bill failed for the 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.

Office of Energy Transfer Fails

HB 5401—Department of Environmental Protection by Representative Raschein failed this legislative session. The bill moves the Office of Energy from the Department of Agriculture and Consumer Services to the Department of Environmental Protection. Florida Agriculture Commissioner Nikki Fried spoke against the bill. While the House passed the bill along party lines, the Senate did not include this transfer in its budget and was never considered.

Florida Forever Funding Bill Fails

SB 332—Land Acquisition Trust Fund by Senator Stewart passed two committees but failed this legislative session. The bill provides that \$100 million be appropriated annually to the Florida Forever Trust Fund. The bill also stipulates that funds cannot be used for certain administrative functions within DEP, DACS and FWC. The bill passed unanimously. A companion legislation, HB 849 (Land Acquisition Trust Fund) by Representative Altman, was not heard this session.

Energy Efficiency Legislation Fails

SB 338—Energy Efficiency Savings in State Agencies by Senator Rodriguez failed this legislative session. The bill revises the energy consumption information each state agency is required to provide to DMS to include transportation fleet energy consumption information. The bill also requires the state energy management plan to include recommendations for state agencies to improve energy efficiency by transitioning, retrofitting, or replacing certain inefficient facilities and fleets. The bill passed unanimously. Currently, there is no companion legislation filed for this session.

Water & Wastewater Utilities Bill Fails

HB 207/SB 658—Acquisition of Water and Wastewater Systems by Representative McClain and Senator Albritton failed this legislative session. The bills establish the procedure for water & wastewater utilities to establish rate base value to determine fair market value when acquiring a utility system. The bills specify the application requirements for acquiring a utility and the duties of the Public Service Commission (PSC) in approving and denying an application. The bills only apply to utilities with more than 10,000 customers and are engaged in a voluntary and mutually agreeable acquisition.

Displacement of Private Waste Companies Legislation Fails

SB 996—Displacement of Private Waste Companies by Senator Albritton failed this session. The bill exempts fiscally constrained counties from solid waste goals and requirements for local governments. The exemption expires July 1, 2035. Additionally, the bill creates a recycled materials management pilot project for Polk County, in coordination with the University of Florida. The bill contains requirements for the program. During the term of the program, Polk County is exempt from the solid waste goals and requirements for local governments. Polk County must submit a report on the pilot program to the Governor and Legislature by July 1, 2025. The pilot program expires July 1, 2025.

The bill also revises the definition of “displacement” in requirements for local government collection services that displace private waste companies. The bill states that the term does not apply to certain government actions or situations at the end of a franchise granted to a private company.

The bill revises the process and procedures a local government must follow to displace a private waste company. The bill removes the discretion of the local government to pay a displaced company in lieu of providing a 3-year notice period. The bill makes the 3-year notice requirement mandatory before a local government engages in the actual provision of the service that displaces the company. In addition, the bill requires a local government to pay a displaced company an amount equal to the company's gross receipts for the preceding 18 months at the end of the 3-year period. An amendment was added to clarify that the bill exempts fiscally constrained counties from specified recycling goals but not from their other solid waste responsibilities.

A companion legislation, HB 639 (Displacement of Private Companies) by Representative McClure, stalled in its second committee stop, but did not contain the provisions of the pilot program or fiscally constrained counties solid waste goal exemptions.

Brownfields Legislation Fails

SB 1350—Contamination, formerly filed as Brownfields, by Senator Baxley failed this legislative session. The bill made the following changes pertaining to Florida's brownfield program:

- Revises a corporate income tax credit for 25 percent of the total rehabilitation costs for a brownfield site upon completion, not to exceed \$500,000, to remove the requirement that the tax credit be claimed in the final year of cleanup.
- Revises a corporate income tax credit for 50 percent of the solid waste removal costs for a brownfield site, not to exceed \$500,000, to require that the site was never used as a solid waste disposal area permitted under DEP's current rules for solid waste management facilities or the predecessor rules. The effect of this change is to authorize the credit for solid waste removal for unpermitted solid waste disposal areas regardless of whether the site was operated for monetary compensation.
- Limits statutory causes of action under s. 376.313(3), F.S., to only damages to real or personal property directly resulting from pollution, and requires that the pollution was not authorized by any government approval or permit.
- Describes defenses to causes of action under 376.313(3), F.S., as strict-liability exceptions instead of defenses.
- Adds to the liability protection in the brownfield program relief from statutory causes of action arising under s. 376.313(3), F.S., which impose strict liability for damages from pollution for certain sites.
- Provides the liability protection in the brownfield program to any subsequent property owner of a brownfield site.
- Requires subsequent property owners of brownfield sites to comply with applicable institutional or engineering controls required for site rehabilitation to retain liability protection.
- Authorizes governmental entities to propose brownfield area designations under designation criteria that may require adoption by the local government with jurisdiction.
- Broadens the procedures for negotiating brownfield site rehabilitation agreements so that a designation simply entitles any person to negotiate an agreement, rather than the person identified as the person responsible for brownfield site rehabilitation.

- Creates an exception to the brownfield program eligibility requirement of creating at least 10 new jobs if the project provides benefits including affordable housing, recreation areas, conservation areas, or parks, or cultural or historical preservation

A companion legislation, HB 1001 (Contamination) by Representative Stone, stalled in its last committee stop.

Everglades Protection Area Impact Mitigation Bill Fails

HB 775/SB 1390—Everglades Protection Area by Representative Avila and Senator Simmons failed this legislative session. The bills add new regulations for local governments that border the Everglades Protection Area. This includes adding a review by the DEP when creating or amending their comprehensive plan in order to ensure potential impacts on the Everglades are mitigated. The House bill was amended to only impact entities within two miles of the protection area.

Building Design Bill Fails **FAC STOPPED**

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 an 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.

All Peer-to-Peer Car Sharing Bills Fail

HB 723—Peer-to-Peer Car Sharing by Representative Fischer failed this legislative session. The bill expands peer-to-peer regulations including insurance requirements, liability clarification, and lien responsibilities but does not include provisions requiring the daily vehicle rental surcharge which is eventually remitted to local governments for infrastructure purposes. Another set of bills, HB 377/SB 478 Motor Vehicle Rentals by Representative Latvala and Senator Perry also failed this legislative session. The bills codify peer-to-peer car sharing and expand the daily remitted tourism surcharges so the service is more on par with vehicle rentals. The bill also ensures vehicles under recall are not used for rental and creates insurance requirements. Both bills stalled in committee.

Community, Health, & Safety— Passed

Homelessness Legislation Passes

HB 163—Homelessness by Representative Altman was considered on the House Floor. The bill rewrites the existing homelessness statute to be more in lines with federal statutes in order to expedite funding matches. The bill establishes a grant-in-aid program to help continuum programs battle homelessness.

The bill reduces the amount of matching funds or in kind support required for a challenge grant recipient from 100% to 25%, increases the maximum percentage of grant funds that a Continuum of Care lead agency may spend on its administrative costs from 8% to 10%, and changes preference for funding to be to lead agencies for continuums of care that have a demonstrated ability to move households out of homelessness. The bill passed unanimously, 118-0. A companion legislation, SB 68 (Homelessness) by Senator Book, was substituted on the Senate Floor for HB 163. The bill passed unanimously 38-0 and now heads to the Governor for final approval.

Substance Abuse Services Legislation Passes

SB 1120—Substance Abuse Services by Senator Harrell was considered on the Senate Floor. The bill addresses patient brokering following opioid legislation from the past few years, codifying and providing penalties for the practice. The bill further requires background checks for certified recovery residence owners, directors, chief financial officers, and certified recovery residence administrators, and shall exempt certain individuals with drug related criminal history from disqualification from working with such individuals. The bill also provides exemptions from employment disqualification for certain offenses. The bill condenses several background screening sections of chapter 397, Florida Statutes, into a single set of requirements. The bill passed unanimously, 38-0. A companion legislation, HB 649 (Substance Abuse Services) by Representative Caruso, was substituted on the House Floor for SB 1120 and amended. The amended bill revised the patient brokering statute and made technical changes. The bill passed the House 117-0 and the Senate concurred unanimously. The bill now heads to the Governor for final approval.

Affordable Housing Bill Passes

FAC SUPPORTED

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.

Emergency Reporting Legislation Passes

HB 865—Emergency Reporting by Representative Anthony Rodriguez was substituted on the House Floor for SB 538 (Emergency Reporting) by Senator Diaz. The bills require counties and municipalities to notify the State Watch Office within the Division of Emergency Management of any incidents listed in the State Watch Office Reportable Incidents List as soon as practicable. Events listed include but are not limited to major fires, natural hazards, bomb threats, public health hazards, military events, mass shootings, animal and agricultural events, dam failures, major utility outages, reportable pollution releases, structure collapses, nuclear plant failures, and major transportation incidents. The Division of Emergency Management must provide a list of reportable incidents to local governments each year. The House removed a Senate amendment to exempt informational meetings and calls during declared disasters from public meeting requirements when two or more members of a governing body attend. The bill passed the House and Senate unanimously, 115-0 and 38-0 respectively, and now heads to the Governor for final approval.

Pet Friendly Emergency Shelters Legislation Passes **FAC SUPPORTED**

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.

Assisted Living Facilities Regulation Bill Passes

HB 767—Assisted Living Facilities by Representative Michael Grant was considered on the House Floor. The bill makes several changes to ALF regulations including the use of assistive living devices, administrator education, updates requirements for adverse incident reports, and training for administering prescriptions. The bill passed unanimously, 119-0. A companion legislation, SB 402 (Assisted Living Facilities) by Senator Harrell, was substituted on the Senate Floor for HB 767. The bill passed 39-0 and now heads to the Governor for final approval.

First Responder Peer Support Protections Passes

HB 573—First Responders and Correctional Officers, formerly Peer-to-Peer Support for First Responders, by Representative Casello was considered on the House Floor. The legislation allows for confidential communication between first responders and a designated non-mental health practitioner peer for mental health support. The bill further provides that the peer providing support may reveal information disclosed to them in a legal or disciplinary proceeding unless it may be cause for a reasonable fear of criminal or harmful activity. The bill passed unanimously, 118-0. A companion legislation, SB 160 (Peer-to-peer Support for First Responders) by Senator Perry, was substituted on the Senate Floor for HB 573. The bill passed 39-0 and now heads to the Governor for final approval.

Nurse Scope of Practice Bill Passes, Signed by Governor

HB 607—Health Care Practitioners by Representative Pigman passed the Legislature. The bill authorizes an advisory committee comprised of physicians and advanced practice registered nurses (APRNs) to develop a list of medical acts that an APRN engaging in autonomous practice may perform. The bill requires the Council on Physician Assistants (Council) to develop rules defining the primary specialties in which an autonomous physician assistant (PA) may practice. The bill requires all APRNs to apply to the Board of Nursing for licensure, rather than DOH, to reflect current practices. The bill revises the composition of the Council so that it has a PA majority. The bill requires the Board of Medicine or the Board of Osteopathic Medicine to approve PA training programs, without the programs first being recommended by the Council.

The bill was amended to revise the timeframe in which a physician assistant must acquire the supervised clinical hours to practice autonomously from 3 years to 5 years preceding the date of application as well as clarify that the supervising physician may hold a license in any state, including Florida, rather than another state. The bill passed the House 107-8 and the Senate 30-10. The bill was presented to the Governor and signed prior to the end of session.

Tobacco 21 Legislation Passes

SB 810—Tobacco and Nicotine Products by Senator Simmons was considered on the House Floor and amended. The bill raises the smoking age of tobacco to 21 and expands the definition of tobacco and tobacco products. The House amended the bill to create a limited retail tobacco products dealer permit for those retailers selling only vaping products without the need of a permit or fee. These dealers are prohibited from selling loose tobacco. The bill passed the House 99-17 and the Senate 27-9. The bill now heads to the Governor for final approval.

Emotional Support Animals Legislation Passes

HB 209—Emotional Support Animals by Representative Killebrew was substituted on the House Floor for SB 1084 (Emotional Support Animals) by Senator Diaz. The bill codifies emotional support animals but requires owners to receive a certificate from a medical practitioner whom they have an ongoing doctor-patient relationship stating they have a medical need for the animal. Landlords would be required to accommodate owners under the Americans with Disabilities Act. The bill passed unanimously, 116-0 and now heads to the Governor for final approval.

Children's Mental Health Legislation Passes

SB 1440—Children's Mental Health by Senator Powell was substituted on the Senate Floor for HB 945 (Children's Mental Health) by Representative Silvers. The bill:

- Requires mobile response teams to triage and prioritize requests, then respond within 60 minutes of prioritization;
- Requires managing entities to lead the development of a coordinated system of care for children, with assistance from state agencies if requested by the managing entity;
- Gives managing entities an additional six months to plan and implement a coordinated system of care;
- Removes the bill's requirement for schools to sign agreements or MOUs with managing entities for community-based services referrals and coordination; and
- Requires a principal to verify that de-escalation strategies have been used and outreach to a MRT has been initiated prior to a student's removal, unless the principal determines that a delay in the student's removal will increase the likelihood of harm to the student or others

The bill passed unanimously, 40-0 and now heads to the Governor for final approval.

Prescription Drug Donation Program Passes

HB 177 (Prescription Drug Donation Repository Program) by Representative Duran passed the Legislature. The bill allows clinics, hospitals, and other locations to receive unused prescriptions or medical devices from certain entities, establishes record keeping, storing and distribution, and then donates the medication to qualified indigent patients. The bill now heads to the Governor for final approval.

Nonopioid Alternatives Legislation Passes **FAC SUPPORTED**

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.

911 Systems Public Records Exemption Passes

HB 755—Pub. Rec. and Meetings/Public Safety Communication Systems by Representative DuBose was substituted for SB 1060 (Pub. Rec. and Meetings/911 and E911 Communications Systems) by Senator Thurston and heard on the House Floor. The bill creates an exemption for documents and schematics relevant to the infrastructure, facilities, resources and physical structures needed to maintain the public 911 communication system. The bill passed unanimously, 116-0. The bill now heads to the Governor for final approval.

Updates to Listed Contraband in Correctional Facilities Passes

HB 745—Contraband in Specified Facilities by Representative Plakon was substituted on the House Floor for SB 1286 (Contraband in Certain Facilities) by Senator Simmons. The bill includes hemp, industrial hemp, medical marijuana, vaping products, and cellular devices in the list of contraband within the secure perimeter of correctional facilities and provides criminal penalties for each. The bill also codifies criminal penalties for bringing alcoholic beverages in such facilities although it is already prohibited. The bill passed along party lines, 71-43, and now heads to the Governor for final approval.

Suicide Prevention Legislation Passes

SB 7012—Mental Health by Senator Book was considered on the House Floor and amended. The bill implements several measures related to suicide prevention. Specifically, the bill:

- Broadens the scope and duties of the Statewide Office of Suicide Prevention in DCF as well as the Suicide Prevention Coordinating Council
- Requires certain health insurance plans to comply with federal regulations relating to mental health and substance use disorder coverage to ensure that Floridians that are privately insured have adequate insurance coverage to help prevent suicides;
- Requires Baker Act receiving facilities to provide suicide prevention information resources to minors being released from a facility;

The bill is expected to have a significant fiscal impact on state government. The Office of Suicide Prevention in DCF will need additional staff to meet workload and information sharing requirements. FDOT is required to develop a plan to implement evidence-based suicide deterrent design elements in infrastructure projects and may incur additional project costs. The bill includes the substance of SB 1586 relating to the First Responders Suicide Deterrence Task Force. The House amended the bill on the floor to remove the following provisions of the bill:

- Adds new training and staffing requirements for instructional personnel at public and charter schools;
- New continuing education requirements related to suicide prevention for various health care practitioners;
- A provision granting civil immunity to persons who help or attempt to help others at imminent risk of suicide;
- Provides civil immunity to persons who help or attempt to help others at imminent risk of suicide; and Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report that looks at other states' suicide prevention programs.
- The amendment also removed appropriations from the bill

The bill passed the House and Senate unanimously, 118-0 and 38-0. The bill now heads to the Governor for final approval.

Community, Health, & Safety— Failed

Emergency Staging Areas Bill Passes Senate, Fails this Session

SB 7020 - Emergency Staging Areas by Senator Lee passed the Senate but did not have a House companion legislation. The bill allows the Department of Transportation to establish emergency staging areas for supplies and evacuations during declared emergencies on the turnpike system. Preference is given to counties on the new M-CORES routes with populations of less than 200,000.

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.

Drug Possession and Mandatory Minimum Reform Passes Senate, Fails this Session

SB 346—Criminal Justice by Senator Bradley passed the Senate but failed this legislative session. The bill puts a 12 month cap on the purchase or possession of controlled substances under two grams, barring fentanyl, and gives judges more flexibility within the system of mandatory minimums, including lesser punishments, so long as certain violent and sexual crimes are not committed. The 12 month cap for drugs offenses may increase the burden on county jails or other resources such as drug courts. The bill also requires recordings of custodial interrogations and removes the “Clean Hands” provision for the wrongly convicted, where they would not be disqualified from damages based on prior unrelated convictions with exceptions. There was not a direct House companion legislation filed this session.

Bill Allowing Smoking Ban in Public Parks Passes Senate, Fails this Session

SB 630—Regulation of Smoking by Senator Mayfield passed the Senate but was never considered in the House. The bill allows local governments to further restrict smoking in publicly owned parks. The bill passed 39-1. A companion legislation, HB 457 (Smoking) by Representative LaMarca, was not heard this session. SB 670 (Smoking on Public Beaches and in Public Parks) by Senator Gruters was not considered this session.

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.

Independent Living Task Force Fails

SB 364—Independent Living Task Force by Senator Rader was considered on the Senate Floor. The bill establishes an independent living task force to develop and evaluate policy to promote low-cost assistive housing for the developmentally disabled. The Florida Association of Counties is one of the entities included on the task force. The bill passed unanimously, 39-0. A companion legislation, HB 39 (Independent Living Task Force) by Representative Gottlieb, was never substituted nor heard on the House Floor and failed this legislative session.

Mental Health and Substance Abuse Sentencing Diversion Fails

SB 1304—Sentencing by Senator Brandes passed two committees but failed this legislative session. The bill creates a conditional mental health and substance abuse program for convicted individuals to serve sentences at a treatment facility, and receive certain paroles as opposed to serving a sentence in a typical correctional facility. The bill requires that the offender be a nonviolent offender that is in need of substance use or mental health treatment and does not pose a danger to the community. A companion legislation, HB 1003 (Sentencing) by Representative Stone, was not heard this session.

Dispatcher CPR Training Legislation Fails

SB 1014—Public Safety Telecommunicator Training by Senator Rouson failed this legislative session. The bill requires 911 dispatchers to receive biannual CPR training, and the training to relay instructions to individuals over the phone in the course of their duties. A companion legislation, HB 995 (911 Public Safety Telecommunicators) by Representative Davis, was not heard this session.

Baker and Marchman Act Overhaul Fails

SB 870—Mental Health by Senator Book failed this legislative session. The bill makes several changes to both the Baker Act and the Marchman Act. The bill broadens the criteria to serve additional individuals under both the Baker Act and Marchman Act. The bill has a significant financial impact on local governments but allows law enforcement discretion in transporting individuals who appear to meet Baker Act criteria to receiving facilities. A companion legislation, HB 1229 by Representative Gottlieb, has not been heard.

Bill to Encourage Pet Microchipping Fails

SB 980—Lost, Stray, Unwanted, or Homeless Dogs and Cats by Senator Brandes failed this legislative session. The bill establishes new guidelines and flexibility for local animal shelters including the option to implant radio transmitters. The bill may create a fiscal impact for county governments if they so choose to take part in the program and implant radio chips in dogs and cats taken in by their respective shelters. A companion legislation, HB 685 (Lost or Stray Dogs and Cats) by Representative Silvers, was not heard this session.

Concealed Weapons in Local Government Meetings Bill Fails

HB 183—Prohibited Places for Weapons and Firearms by Representative Ponder failed this legislative session. The bill allows elected county commissioners, city council members, and school board members to carry a concealed weapon during meetings of their body so long as the meeting takes place in a location that does not otherwise prohibit the carrying of firearms. Courthouses and elementary schools would be included in this exemption. A companion legislation, SB 1524 (Prohibited Places for Weapons and Firearms) by Senator Gainer, was not heard this session.

Water Policy—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 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 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 from granting a person or political subdivision any specific rights relating to the natural environment

Water Policy—Failed

Reclaimed Water Legislation Fails **FAC PRIORITY**

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.

BMAP Legislation Fails

HB 1363—Basin Management Action Plans by Representative Overdorf failed this session but some provisions passed in the water package legislation. The bill requires nonpoint source dischargers who discharge into a basin included in an adopted BMAP to comply with interim measures, best management practices (BMPs), other measures adopted by rule, or management measures adopted in a BMAP. The bill further requires DEP, DACS, or the water management district (WMD), as appropriate, to verify by site visit the implementation of such requirements at least once every two years.

The bill requires DEP, DACS, and owners of agricultural operations in the basin to develop a cooperative agricultural regional water quality improvement element as part of a BMAP under certain circumstances. The bill further requires DEP, DOH, local governments, and WMDs to develop a cooperative urban, suburban, commercial, or institutional regional water quality improvement element as part of a BMAP under certain circumstances. The bill requires DEP, instead of the WMDs, to consider nutrient reduction projects recommended by UF/IFAS.

Water Planning and Funding Legislation Fails

HB 147/SB 690 Water Resources by Representative Jacobs and Senator Albritton failed this legislative session. The bills require DEP to conduct comprehensive & quantitative needs-based overview of state's water resources including residential, commercial, environmental, agricultural and industrial funding needs as well as funding needs for local governments; DEP shall coordinate with both private and public sector entities; Report must be based on short-term, 5-year, and 20-year planning periods; Report must identify potential funding options to meet the anticipated demand on water resources; Submit report to Governor & Legislature by 1/1/2022 and every 5 years thereafter.



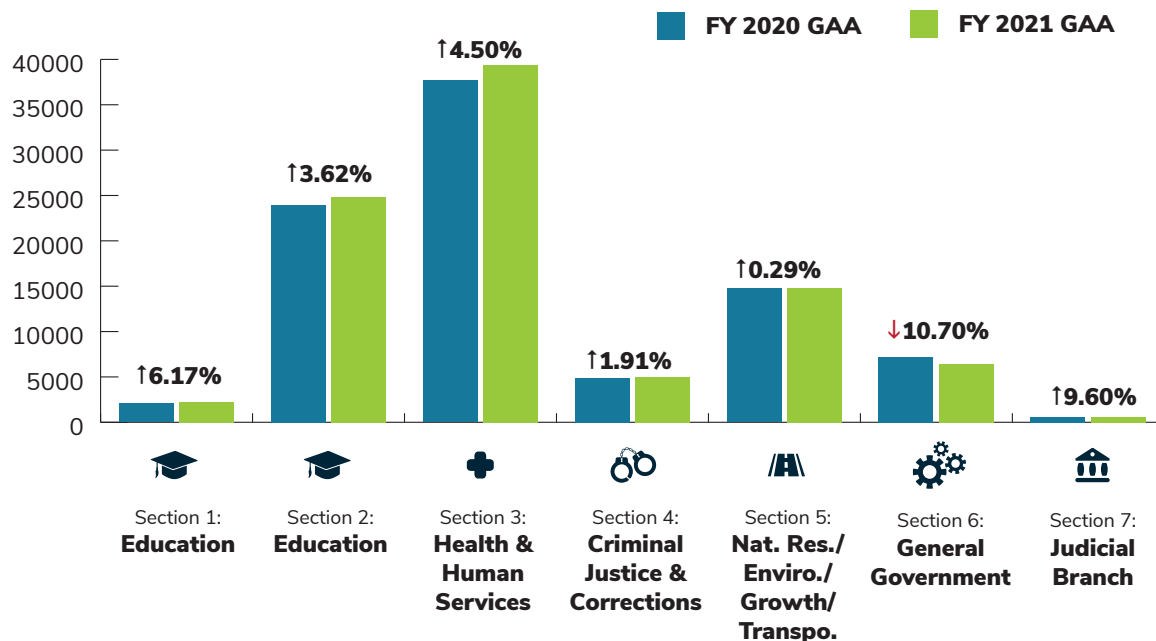
SFY 2021 House & Senate Budget

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.

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.

BUDGET COMPARISON BY SECTION

In Millions of Dollars

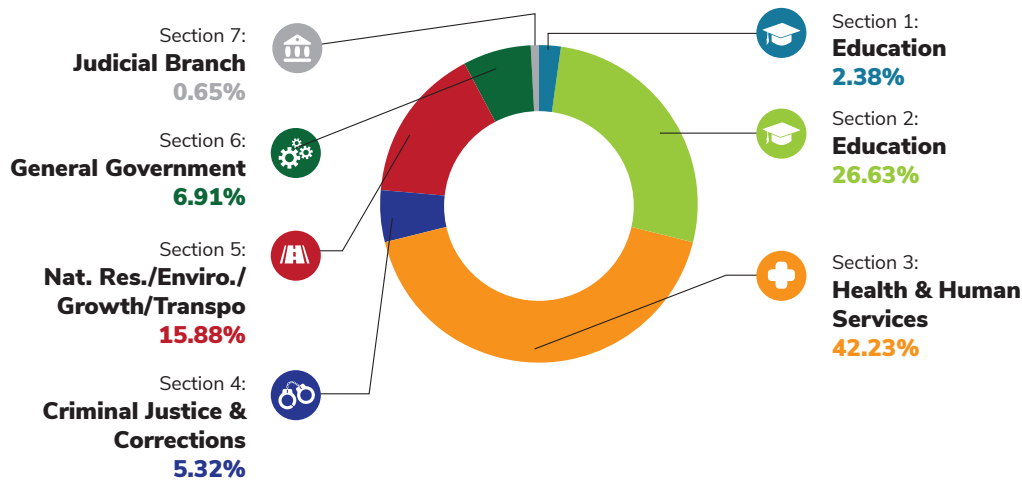


Health and Human Services received the largest portion of funding for the budget in SFY 2020-2021, totaling approximately \$39.4 billion. This represents a 4.5% increase in appropriations from the current year. All educational programs and services combined received the second largest amount of funding,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

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.

SFY 2021 GENERAL APPROPRIATIONS ACT

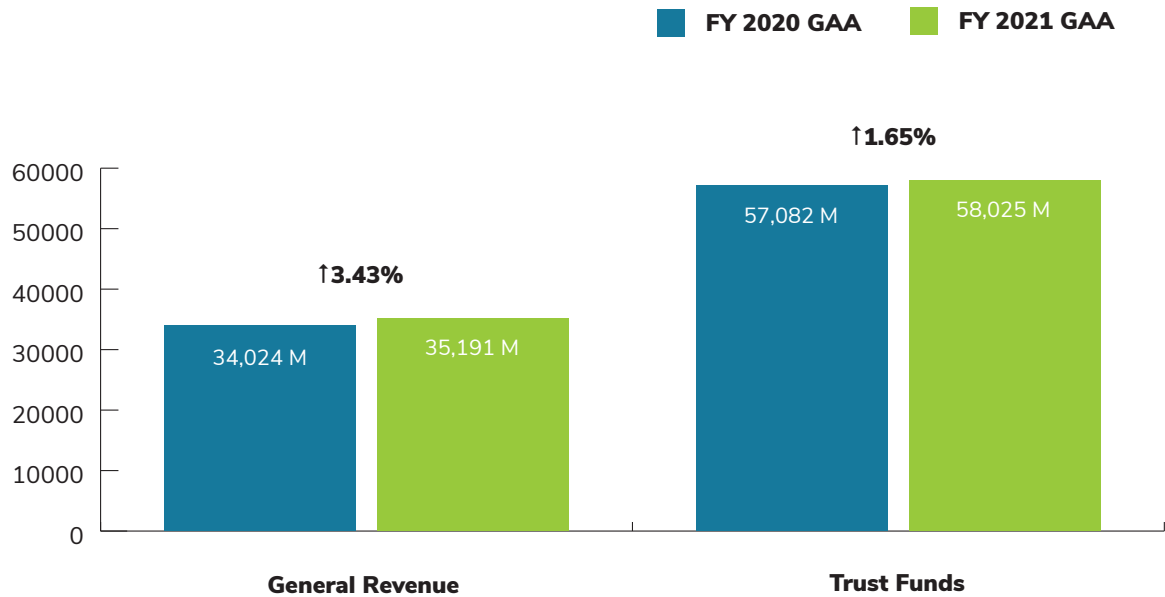
% of Budget



General revenue expenditures for the SFY 2020-2021 budget equals approximately \$35.2 billion, while trust fund expenditures total approximately \$58 billion. The chart below compares expenditures between the SFY 2020-2021 budget and the previous year's budget for SFY 2019-2020 by fund type.

BUDGET COMPARISON BY FUND TYPE

In Millions of Dollars



County Funding Highlights

HEALTH AND HUMAN SERVICES

Shared County/State Juvenile Detention: The SFY 2020-2021 budget estimates the counties' portion of total Shared County/State Juvenile Detention to be \$57,600,640. This represents an estimated increase of about \$0.4 million from the current year budget and 48.6% of the total Juvenile Detention funding (\$118,517,403).

Community Substance Abuse and Mental Health Services: Funded at approximately \$850,798,814 million in the budget, which represents a \$16 million increase from the previous fiscal year.

Community Action Treatment (CAT) Teams: The SFY 2020-2021 budget allocates \$30.8 million, directed to DCF to contract with providers throughout the state for operation of CAT teams, which provide community-based services for children (aged 11 to 21) with mental health and/or substance abuse diagnoses, which represents a \$0.75 million increase from the previous fiscal year.

Public Safety, Mental Health, and Substance Abuse Local Matching Grant Program: The SFY 2020-2021 budget allocates \$9 million for the program, which supports county programs that serve adults or youth who are in behavioral crisis and at risk of entering the criminal justice system. This represents the same budget year funding as the previous fiscal year.

Crime Labs: The SFY 2020-2021 budget allocates approximately \$61.7 million in grants and aids to local governments for criminal investigations, which represents a 1.42% increase over the previous fiscal year.

AGRICULTURAL & ENVIRONMENT

Water Quality Highlights

- **Water Quality Improvement Grant Program:** The SFY 2020-2021 budget allocates \$85 million. Specifically, the SFY 2020-2021 budget includes:
 - \$25 million provided for a grant program (up to 50% match) to local government agencies making wastewater and stormwater improvements, including septic conversion and remediation. No match is required for local governmental agencies defined as a rural area of opportunity, or if a local governmental agency is implementing a public private partnership pay for performance agreement. This item is in line with the Blue-Green Algae Task Force consensus findings.
 - \$25 million is directed to projects in the St. Johns River, Suwannee River, and Apalachicola River watersheds.
 - \$10 million is provided for coral reef ecosystem protection and restoration.
 - \$25 million for the Indian River Lagoon water quality improvement projects
- **Total Maximum Daily Loads:** The SFY 2020-2021 budget allocates \$25 million to include innovative water treatment projects that demonstrate the ability to most rapidly achieve department verified phosphorous and/or nitrogen load reductions consistent with the nutrient load reduction goals and

TMDLs established by the department. The department may also provide cost-share funding for innovative nutrient removal projects.

- **Harmful Algal Blooms:** The SFY 2020-2021 budget allocates \$60.6 million for innovative technologies and short-term solutions for addressing harmful algal blooms in fresh waterbodies; funds may also be used for the red tide emergency grant program and to support local government efforts in cleaning beach and coastal areas.
- **Water Quality Enhancement and Accountability:** The SFY 2020-2021 budget allocates \$10.8 million for increased water quality monitoring, continuation of the water quality public information portal, and to support the Blue-Green Algae Task Force.
- **Springs Restoration:** The SFY 2020-2021 budget allocates \$50 million from the Land Acquisition Trust Fund for springs restoration projects and land acquisition to protect springs.

Land Acquisition Funding Highlights:

- **Florida Forever:** \$100 million, \$8.7 million Rural and Family Lands
- **Florida Communities Trust:** \$10 million
- **Florida Recreation Development Assistance Grants:** \$12.3 million

Beach Management Funding Assistance Program: The SFY 2020-2021 budget allocates \$50 million for grants and aids to local governments and non-state entities for beach management assistance.

Resilient Coastline Initiative: The SFY 2020-2021 budget allocates \$10 million to assist local governments with sea level rise planning and coastal resilience projects, including storm resiliency as well as coral reef restoration and monitoring.

Mosquito control programs: The SFY 2020-2021 budget allocates \$2.7 million.

TRANSPORTATION AND ECONOMIC DEVELOPMENT

Affordable Housing:

- The SFY 2020-2021 budget allocates \$225 million for the State Housing Initiatives Partnership (SHIP).
- The SFY 2020-2021 budget allocates \$115 million for the State Apartment Incentive Loan Program (SAIL).
- The SFY 2020-2021 budget allocates \$30 million for the Hurricane Housing Recovery Program (HHRP).
- The Legislature did not sweep funds from the Sadowski Affordable Housing Trust Fund

Job Growth Grant Fund: The SFY 2020-2021 budget allocates \$20 million.

Visit Florida: The SFY 2020-2021 budget allocates \$50 million.

Small County Outreach Program (SCOP): The SFY 2020-2021 budget allocates \$96 million.

Small County Road Assistance Program (SCRAP): The SFY 2020-2021 budget allocates \$47.6 million.

GENERAL GOVERNMENT

Library Grants and Library Cooperatives: The SFY 2020-2021 budget allocates \$22.5 million.

Fiscally Constrained County Funding: The SFY 2020-2021 budget allocates \$30.2 million to offset the impacts of previously approved constitutional amendments.

Emergency Distributions: The SFY 2020-2021 budget allocates \$25.1 million for emergency distribution revenue sharing for small counties.

IMPLEMENTING & CONFORMING BILLS

Appropriations Implementing and Conforming bills make certain changes to substantive law in order to implement the proposed General Appropriations Act. Bills of notice include:

1. FRS Contribution Rates (HB 5007): Modifies employer contribution rates.

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

Class	FY 2019-20	FY 2020-21
Regular	3.19%	4.84%
Special Risk	12.61%	15.13%
Special Risk Administrative	3.61%	9.89%
Elected Officers (legislators)	6.67%	8.38%
Elected Officers (judges)	12.30%	13.31%
Elected Officers (county officers)	8.73%	10.07%
Senior Management	4.60%	6.39%
DROP	4.68%	7.03%

To address unfunded actuarial liabilities (UAL) of the system, the bill amends the current 2020 employer contribution rates for each membership class of FRS as follows:

Class	FY 2019-20	FY 2020-21
Regular	3.56%	3.44%
Special Risk	11.15%	7.60%
Special Risk Administrative	33.26%	24.23%
Elected Officers (legislators)	47.64%	48.81%
Elected Officers (judges)	27.98%	24.70%
Elected Officers (county officers)	38.37%	37.39%
Senior Management	19.09%	19.18%
DROP	8.26%	8.29%

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.

The SFY 2020-2021 Implementing bill (HB 5003) may be found [here](#).

The SFY 2020-2021 Conforming bill (HB 5005) may be found [here](#).