2021 STATE LEGISLATIVE SESSION

FINAL REPORT
BOARD OF COUNTY COMMISSIONERS

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Vice Mayor Michael Udine, District 3
Nan Rich, District 1
Mark Bogen, District 2
Lamar Fisher, District 4
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Tim Ryan, District 7
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This report summarizes legislation that passed or failed through the House and Senate during the 2021 Legislative Session. The Legislature adjourned Sine Die at 2:40 p.m. on April 30, the 60th day of Session. The 2021 session included 3,140 bills and proposed committee bills filed, 2,632 amendments, 3,788 votes taken, 39 floor sessions, and 275 bills that passed both chambers. Overall, the Legislature passed 65 more bills during the 2021 session than it did in 2020.

This document reflects the bills that the Legislature heard from the beginning of committee weeks in January through the end of session that were important to the County.

While COVID-19 recovery and the overall Fiscal Year (FY) 2021-22 budget dominated much of the dialogue, the Legislature also focused heavily on issues important to Broward County including historic sea level rise and resilience policy and funding, dedicated affordable housing funding, and criminal justice reform.

The Intergovernmental Affairs/Boards Section worked both virtually and in-person with contract lobby teams in Tallahassee to pass County priority legislation and appropriations and lessen the impact of attempts at preemption and unfunded mandates.

Respectfully,

The Intergovernmental Affairs/Boards Section

C. Marty Cassini, Esq., Manager
Devon M. West, Legislative Policy Advisor
Britannie Lee, Legislative Policy Analyst
Naomie Labaty, Boards Administrator
Jeffrey Ortiz, Office Manager
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The bills in this section reflect the bills Intergovernmental Affairs/Boards Section tracked during session that passed and were priority policies adopted by the Board of County Commissioners under the 2021 State Legislative and Executive Program. Additionally, this section includes updates related to resolutions adopted by the board during the 2021 Legislative Session.

### AFFORDABLE HOUSING

#### SB 2512 – DOCUMENTARY STAMP TAX DISTRIBUTIONS, SENATE APPROPRIATIONS

**Passed the Senate 24-16 and the House 78-38. Approved by the governor on June 1, 2020 – Chapter No. 2021-39**

SB 2512 diverts the Documentary Stamp Tax collected for the Sadowski Affordable Housing Trust Fund, which funds the Local Government Housing Trust Fund and State Housing Trust Fund, towards the Water Protection and Sustainability Trust Fund, and Resilient Florida Trust Fund by revising the distribution formula for doc stamps.

The new percentages are as follows (after distributions made to the Land Acquisition Trust Fund, Department of Revenue Administration cost, and the General Revenue Service Charge):

- 5.4175 percent of the remainder to the newly created Resilient Florida Trust Fund to be used for the new Resilient Florida Program.
- 5.4175 percent of the remainder to the Water Sustainability and Accountability Program Trust Fund to be used for the wastewater grant program provided in s. 403.0673, F.S.
- 9.70254 percent of the remainder to the State Housing Trust Fund and Local Government Housing Trust Fund.

The newly enacted formula will dedicate $209.2 million towards affordable housing in Fiscal Year (FY) 2021-22, the largest appropriation in 12 years. The bill also provides $111.7 million in dedicated funding for both the Water Protection and Sustainability trust fund and the Resilient Florida Trust Fund. Under this bill, the Sadowski state and local housing trust funds will be recurring revenue, which means that the initial budget prepared by appropriations professional staff will automatically include the Sadowski housing trust fund money based on the above percentages. The amount of Sadowski funding may go up and down each year depending upon documentary stamp projections and may include growth from the doc stamp collections. In FY-2021-22, Broward County’s estimated city/county share of State Housing funds is $12,730,225, and the County’s specific allocation is $2,282,529.

While the Legislature chose to sweep a significant portion of the Sadowski Affordable Housing Trust Fund, the bill dedicates a percentage of the fund for affordable housing. Under SB 2512, the percentage of funds dedicated towards the Local Government Housing Trust Fund and the State Housing Trust Fund may not be swept to the General Revenue Fund in the General Appropriations Act after July 1, 2021. Broward County has consistently advocated for protecting the Sadowski Affordable Housing Trust Fund from legislative sweeps and ensure the money is properly appropriated for housing projects.

#### AFFORDABLE HOUSING FUNDING:

- **State Housing Initiatives Partnership (SHIP) program:** The SFY 2021-2022 budget allocates $146.7 million for the State Housing Initiatives Partnership (SHIP).
- **State Apartment Incentive Loan Program (SAIL):** The SFY 2021-2022 budget allocates $62.5 million for the State Apartment Incentive Loan Program (SAIL).
- **The total amount of housing trust fund sweeps $362.5 million.**
HB 363 – PRIVILEGED COMMUNICATIONS MADE TO CRIME STOPPERS ORGANIZATIONS, REP. CHAMBLISS

Passed unanimously by the Legislature. Approved by the governor on May 11, 2021 – Chapter No. 2021-21

HB 363 strengthens criminal prohibitions against the misuse or misappropriation of information reported to a crime stoppers organization. The bill extends civil and criminal liability protections to persons, including employees, board members, and volunteers of a crime stoppers organization, who use information reported to a crime stoppers organization in the performance of their duties and functions.

Specifically, the bill amends the current third-degree felony related to disclosure of privileged communications or protected information of a crime stoppers organization. The offense is expanded to add that a person who attempts to obtain or who obtains privileged communications or protected information commits the offense. The offense is limited by adding that the commission of the offense must be “knowingly and willfully” done.

The bill adds that the offense does not apply to a crime stoppers employee, board member, or volunteer acting in the course and scope of the person’s duties or functions. The bill provides that privileged information or communication may only be used to direct a law enforcement investigation. The bill also provides immunity from civil liability for a person who in the course and scope of his or her duties or functions, receives, forwards, or acts on a privileged communication, unless the act or omission was intentional or grossly negligent.

HB 7051 – LAW ENFORCEMENT AND CORRECTIONAL OFFICER PRACTICES, BY REP. BYRD

Passed unanimously by the Legislature. Approved by the governor on June 28, 2021 – Chapter No. 2021-241

HB 7051, known as the police reform bill, establishes basic training standards across the state around the use of force, requires agencies to report quarterly data about use-of-force encounters, and requires outside police agencies or a state attorney to investigate any case that involves a death, or someone wounded from a gunshot. The bill also includes a minimum arrest age of 7 years old and a baseline of policies around how officers use force.

The bill clarifies legislative findings that promote effective policing and correctional practices fulfills an important state interest in protecting the safety of law enforcement and correctional officers and the public. The Legislature intends that the requirements of this act operate as minimum standards and that nothing in this act prevents an employing agency from adopting policies that exceed the requirements of this act.

Additionally, rather than allowing police departments to have discretion with their policies around use-of-force, the committee bill sets standards for new police officers in basic training, including instruction on when use of force is justified, de-escalation techniques, and use of chokeholds. The bill limits the use of chokeholds for agencies that authorize their use to circumstances where the officer perceives an immediate threat of serious bodily injury or death to themselves or another person but does not outright ban them. Officers will also be trained on how to recognize and appropriately interact with people who have substance abuse or mental health issues.

The legislation also requires agencies to adopt two new policies: (1) the duty for officers to intervene when another officer uses too much force and (2) the duty to provide medical aid when someone is injured by police.

Currently police agencies have no legislative requirements to follow when conducting a use-of-force investigation. The bill requires any incident that results in death or injury by gunshot to be reviewed by either an outside police agency or a state attorney. The outside review also will have to include a report that is provided to the state attorney. Incidents like these, as well as any incident that results in “serious bodily injury, death, or discharge of a firearm at a person,” will be required to be reported on a quarterly basis to a national FBI database.

While a statewide misconduct registry was not established, the bill requires police agencies to thoroughly investigate new hires, including whether they have failed to disclose any pending investigations against them at other agencies. It would also require agencies to keep employment records for all officers who leave an agency for any reason for a minimum of five years. Currently, police departments have discretion as to how long they could keep these records.

Broward County supports criminal justice reform measures that include de-escalation and crisis intervention training for law enforcement officers. Broward County also supports legislation prohibiting law enforcement agencies from engaging in or tolerating police brutality and proposals that mandate racial equity and diversity training in the workplace.
PASS THE LEGISLATURE UNANIMOUSLY. APPROVED BY THE GOVERNOR ON JUNE 23, 2021 – CHAPTER NO. 2021-161

SB 100 – HIGHWAY PROJECTS, SEN. HARRELL

SB 100 repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) program and related provisions and instead creates programs related to arterial highway projects approved just two years ago as a top priority of then-Senate President Bill Galvano. The bill cancels the Heartland Parkway and an extension of the Florida Turnpike. The bill originated in the Senate, and until the seventh week of session had no House companion. The Broward County Commission adopted a resolution supporting legislation like SB 100 that would repeal the M-CORES program. Furthermore, Broward County supports reallocating the M-CORES funds to the state’s General Revenue Fund for projects that reduce gridlock, improve public transit, and are environmentally sound.

ONLINE REMOTE SALES TAX

SB 50 – ONLINE SALES TAX, SEN. GRUTERS

SB 50 requires marketplace providers and out-of-state retailers with no physical presence in Florida to collect sales tax on taxable items delivered to purchasers in Florida if the marketplace provider or out-of-state retailer makes a substantial number of sales in Florida. The collection of online sales tax was included in the Broward County 2021 State Legislative Program. The County supports this legislation as it would reform Florida’s sales and use tax laws that apply to online/remote/e-commerce sales from out of state retailers. A substantial number of remote sales means conducting any number of taxable retail sales in an amount exceeding $100,000 during the previous calendar year. The bill also inserts an express provision in s. 212.0596, F.S., requiring out-of-state retailers and marketplace providers to collect surtax when a taxable item is delivered into a county that imposes a surtax.

The bill also requires marketplace providers to collect and remit three fees related to the sales tax (the waste tire fee, lead-acid battery fee, and E911 prepaid wireless fee), beginning April 1, 2022. It also provides a safe harbor for businesses who failed to collect the sales tax prior to July 1, 2021, if they register with the Department of Revenue prior to October 1, 2021.

Additionally, the bill removes the requirement that dealers use a bracket system to calculate the applicable sales tax on transactions allowing for a rounding system. It provides that a seller may elect to compute tax on a per-item basis or on a per-invoice basis.

Finally, the bill directs $973.6 million (FY 2021-22), increasing to $1.08 billion (FY 2022-23 forward), to be distributed from sales tax collections to the Unemployment Compensation Trust Fund each year, until such time as the trust fund reaches its pre-pandemic balance ($4,071,519,600). The Reemployment Assistance (RA) tax calculation provisions are temporarily amended by the bill to disallow adjustments that are related to the pandemic and to further adjust rates as needed to ensure pandemic-related effects are not adversely affecting employers in the coming years. These changes are retroactive to June 29, 2020 and require the Department to notify employers of any changes to their RA tax rate due to the adjustments in the bill. For any 2021 RA tax payments made based on the existing calculation, the bill requires the Department to issue refunds for the difference between the old and new RA tax liabilities. Once the trust fund reaches its pre-pandemic balance, the bill reduces the business rent tax from 5.5% to 2%.
PEER-TO-PEER CAR SHARING

SB 566 – MOTOR VEHICLE RENTALS, SEN. PERRY

Passed the Senate 28-12 and the House 101-15. Approved by the governor on July 6, 2021 – Chapter No. 2021-175

Peer-to-peer car-sharing operations will have to pay one dollar-per-day surcharge taxes and ensure at least state minimum insurance requirements under SB 566 sponsored by Sen. Perry. The bill brings the internet-based, peer-to-peer car rental sector more in line with traditional rental car companies. The bill is a result of negotiations with both peer-to-peer car-sharing marketing platforms such as Turo, GetAround, and Avail, and big rental car companies such as Enterprise.

Under the bill, clients who rent their personal cars through peer-to-peer car-sharing businesses will see the platforms collect and pay the 6% state sales tax, the same as traditional rental car companies. However, in most cases, the peer-to-peer platforms will be charged $1 per day car rental surcharges for any vehicle rented for at least 24 hours, rather than the $2 per day surcharges paid by rental car companies.

Broward County’s Aviation Department had concerns with the legislation, as it does not expressly protect airports. Intergovernmental Affairs will work with the Legislature over the summer to require these companies to enter contracts to operate on airport property. This is necessary to ensure car-sharing services comply with various airport requirements met by traditional rental car companies.

SEA LEVEL RISE, FLOODING AND COASTAL RESILIENCE

SB 1954 - STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE, SEN. RODRIGUES (R)

Passed the Legislature unanimously. Approved by the governor on May 13, 2021 – Chapter No. 2021-28

SB 1954 establishes statewide resiliency programs that assess and address inland and coastal flooding and sea level rise. It will also fund resiliency projects throughout Florida and allow the state to partner with local governments to protect coastal communities. This comprehensive legislation that will ensure a coordinated approach to Florida’s coastal and inland resiliency.

Additionally, this bill and the 2021-2022 budget are part of the largest investment in the state’s history – over $640 million – to support efforts to ensure state and local communities are prepared to deal with the impacts of sea level rise, intensified storms, and flooding.

- $12.5 million for the Resilient Coastlines Initiative for resilience projects and coral reef protection.
- $29 million for establishment and planning efforts of the Resilient Florida Grant Program.
- $500 million in federal funding for implementation of statewide resilience projects through the Statewide Flooding and Sea Level Rise Resilience Plan.
- $100 million for Resilient Florida Grant Program projects in partnership with local communities, beginning in 2022.

The Florida House Speaker’s Office included Broward County’s comments and concerns reflected in the amendments filed to the sea level rise bill. Broward County supports SB 1954 as it is intended to assess the financial need to address Florida’s water infrastructure relating to conservation, the protection of water quality, stormwater, flood control and environmental protection and restoration. Broward County supports funding to assist local governments with storm resiliency, sea level rise planning, and coastal resilience projects, which is highlighted under this legislation. Furthermore, Broward County supports legislation that promotes adequate funding to address water infrastructure needs, as well as the development of prioritized and science-based grant programs for the implementation of projects identified by local governments, the water management districts, and state agencies.
**HB 217 – CONSERVATION AREA DESIGNATIONS, REP. HUNSCHOFSKY**

*Passed the Legislature unanimously. Approved by the governor on June 14, 2021 – Chapter No. 2021-107*

**HB 217** designates the Southeast Florida Coral Reef Ecosystem Conservation Area as the Kristin Jacobs Coral Reef Ecosystem Conservation Area and directs the Department of Environmental Protection to erect the appropriate markers. Both the House and Senate unanimously cosponsored the bill in honor of Representative Kristin Jacobs who lost her battle with cancer in April 2020. The bill sponsors, Senator Lauren Book and Rep. Christine Hunschofsky, agreed to file this legislation on behalf of Broward County at the request of Intergovernmental Affairs. The County attended every committee meeting to support this bill and ensure it passed the Legislature.

### POLICY ISSUES BY DEPARTMENT

**AVIATION**

**HB 77 – DIESEL EXHAUST FLUID, REP. JOSEPH**

*Passed the Legislature unanimously. Approved by the governor on June 3, 2021 – Chapter No. 2021-61*

**HB 77** addresses the safety issues associated with airport use of diesel exhaust fluid (DEF). Airports and airport tenants use DEF in diesel-powered vehicles used in an aircraft support role, including aircraft fire-fighting equipment, life-saving equipment, and emergency generators.

The bill requires each public airport with specified uses of DEF to require a safety mitigation and exclusion plan for each fixed-base operator that performs onsite treatment of aviation fuel with a fuel system icing inhibitor and provides minimum requirements for the plan. By January 1, 2022, each airport must make the plan available for review during inspections by the Florida Department of Transportation (FDOT). Intergovernmental Affairs monitored the bill on behalf of Fort Lauderdale-Hollywood International Airport.

### COUNTY ATTORNEY

**HB 1 – COMBATTING PUBLIC DISORDER, FERNANDEZ-BARQUIN**

*Passed the Senate 23-17 and the House 76-39. Approved by the governor on April 20, 2021 – Chapter No. 2021-6*

**HB 1** was proposed in the wake of civil rights protests that occurred during the summer of 2020. Passage of the bill was a key legislative priority for the governor heading into legislative session. The measure toughens penalties for crimes that occur during protests that turn violent. It allows authorities to hold arrested protesters until a first court appearance. It also establishes new felonies for organizing or participating in a violent demonstration.

While there is no direct impact on county governments, city governments can be held financially liable for damages if they fail to control protests that get out of hand. It strips municipalities of civil liability protections if they interfere with law enforcement’s efforts to respond to a violent protest and add language to state law that could force local governments to justify a reduction in law enforcement budgets. Intergovernmental Affairs tracked this legislation to ensure that the County would not be adversely impacted by efforts to amend the bill to include counties.

The legislation requires a mandatory six-month prison sentence for anyone convicted of battery on a law enforcement officer during a protest, and for fines and possibly up to a five-year prison sentence for anyone convicted of causing harm to a law enforcement officer or damaging property. The proposal would also make it a second-degree felony to destroy or demolish a memorial, plaque, flag, painting, structure, or other object that commemorates historical people or events. Violations are punishable by up to 10 years in prison.

Critics of the legislation argue that it would create a chilling effect on First Amendment rights and restrict political dissent. Supporters argued that it would protect law enforcement officers and prevent public disorder. On May 11, the NAACP Legal Defense and Educational Fund, Inc. (LDF), ACLU of Florida, and Community Justice Project filed a federal lawsuit in the U.S. District Court for the Northern District of Florida challenging HB 1 on behalf of Black-led organizations The Black Collective, Black Lives Matter Alliance Broward, Chainless Change, Dream Defenders, the Florida State Conference of the NAACP, and the Northside Coalition of Jacksonville.
HB 35 – LEGAL NOTICES, REP. FINE

Passed the Senate 39-0 and the House 105-9. Approved by the governor on May 7, 2021 – Chapter No. 2021-17

HB 35 gives a government agency the option to publish legal notices on a newspaper website instead of a print-based newspaper. An agency exercising this option must provide an additional notice in a print edition of a local newspaper to inform the public that additional legal notices may be found on the statewide legal notice website maintained by the Florida Press Association.

Additionally, the bill expands the types of publications that qualify for the posting of legal notices. Currently, a newspaper must, among other requirements, be “for sale to the general public” and be qualified to be admitted and entered as a periodical matter the local post office. By removing these two requirements, the bill will allow for legal notices to be published in smaller publications that are free to the public.

SB 72 – COVID-19 LIABILITY, SEN. BRANDES

Passed the House 83-31 and the Senate 24-15. Approved by the governor March 29, 2021 – Chapter No. 2021-1

SB 72 provides several COVID-19-related liability protections for businesses, educational institutions, government entities, certain healthcare facilities and religious organizations.

Under the bill, a covered entity that makes a good faith effort to substantially comply with applicable COVID-19 guidance is immune for civil liability from a COVID-19-related civil action. The bill also provides for certain criteria that needs to be met for a plaintiff to file a civil action against a covered entity and provides a one-year statute of limitation to bring a lawsuit forward. The act takes effect upon becoming a law and applies retroactively to actions filed after the effective date of the bill even if the action accrued before the effective date. Intergovernmental Affairs monitored the bill on behalf of the County to ensure that local governments remained exempt from COVID-19-related civil action.

SB 88 – FARMING OPERATIONS, SEN. BRODEUR

Passed the Senate 37-1 and the House 110-7. Approved by the governor April 29, 2021 – Chapter No. 2021-007

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

The bill defines “nuisance” to mean any interference with the reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all legal claims that meet the requirements of the definition of nuisance, regardless of whether a plaintiff designates those claims as brought in an action for nuisance, negligence, trespass, personal injury, strict liability, or some other tort. The burden of proof that a plaintiff must meet in a nuisance action is raised to the clear and convincing evidence standard if the claim is based upon allegations that the defendant’s conduct did not comply with state or federal environmental laws, regulations, or best management practices.

The bill limits those who may bring a nuisance action against a farm operation to people whose real property that is alleged to be damaged is located within one-half mile of the alleged source of the nuisance. The bill limits compensatory damages in a private nuisance action to the reduction in the fair market value of the plaintiff’s property, which may not exceed the fair market value of the property. The bill prohibits a plaintiff from recovering punitive damages for a farm operation in a nuisance action unless the alleged nuisance is based on substantially the same conduct that was subject to a civil enforcement judgment or criminal conviction and the conviction or judgment occurred within 3 years of the first action that formed the basis of the nuisance action. A losing plaintiff is liable for a farm’s litigation costs and expenses incurred defending a nuisance action if the farm operation has been in existence for 1 year or more before the legal action was instituted and the farm operation conforms to generally accepted agricultural and management practices or government environmental laws.
Broward County was opposed to this legislation. State law and Broward County’s environmental code establish strict liability for environmental violations, and the Broward County Code of Ordinances includes a finding that violations are a public nuisance. The bill is problematic in that the clear and convincing evidence must be of a violation of state and federal environmental laws, regulations, or best management practices, which is inconsistent with Section 403.182, F.S., providing for local pollution control programs and that such programs may be stricter than the state. Additionally, the amendments to the Florida Right to Farm Act could impact the viability of the exceptions to the Agricultural Lands and Practices Act passed in Section 163.3162(3)(g)-(k), F.S.

**SJR 204 – ABOLISHING THE CONSTITUTION REVISION COMMISSION, SEN. BRANDES**

Passed the Senate 27-12 and the House 86-28. The Senate Joint Resolution No. 204 was filed in the Office of the Secretary of State on May 18, 2021 and will appear on the November 2022 general election ballot.

**SJR 204** abolishes the Constitution Revision Commission by repealing provisions establishing it in the State Constitution. Currently, the State Constitution requires that a constitution revision commission convene once every 20 years to examine the State Constitution and propose any amendments that it deems appropriate. The constitutional amendment proposed in the resolution will be considered during the 2022 General Election or at an earlier special election specifically authorized by law for that purpose. If approved by at least 60 percent of the votes cast on the measure, the proposed amendment will take effect January 3, 2023.

**SB 400 – PUBLIC RECORDS, SEN. RODRIGUES (R)**

Passed the Legislature unanimously. Approved by the governor on July 6, 2021 – Chapter No. 2021-173

**SB 400** prohibits an agency that receives a public records request from responding to the request by filing an action for declaratory relief against the requester to determine whether that record meets the definition of a public record or if it is confidential or exempt.

This bill is of significant concern Broward County, because it increases the risk of the County incurring legal fees in cases where it is unclear whether records are confidential or exempt. The bill would prohibit the County from seeking declaratory judgment when it receives a public records request for records that the County believes or has been informed are confidential or exempt from disclosure. By seeking declaratory judgment, the County can attempt to comply with both the public records laws and the laws regarding confidentiality of records, and the risk of the County being required to pay the requester’s legal fees is diminished. While there are other ways of trying to avoid this risk, such as requiring the third-party asserting confidentiality to file the lawsuit, seeking an Attorney General opinion, or mediation under the public records mediation program, they do not provide the same protection as a declaratory action.

**HB 421 – RELIEF FROM BURDENS ON REAL PROPERTY RIGHTS, REP. TUCK**

Passed the House 79-37 and the Senate 34-6. Approved by the governor on July 6, 2021 – Chapter No. 2021-203

**HB 421** modifies the Bert Harris Act to:

- Revise the terms “action of a governmental entity” and “real property;”
- Reduce the timeframe under which a claimant must notify the government before filing an action;
- Specify that written settlement offers are presumed to protect the public interest;
- Allow the claimant to have the court, rather than a jury, determine damages;
- Extend the point from which a prevailing claimant may recover attorney fees and costs; authorize a property owner, under specified conditions, to notify the government that he or she deems a law or regulation’s impact on his or her real property to be restrictive of allowable uses.

The bill also allows a property owner to challenge an unlawful government exaction upon his or her property without waiting for a written notice of the action if the local government action is imminent. It also revises the definition of “land” and “real property” under the Florida Land Use and Environmental Dispute Resolution Act. The bill only applies prospectively from July 1, 2021. The bill takes effect October 1, 2021, if signed by the Governor.

The County was opposed to this legislation as it expands the County’s potential liability for claims under the Bert Harris Act, shortens the amount of time the County must respond to pre-suit claims, makes it easier to sustain claims against the County, and increases the County’s potential liability for legal fees for successful claims brought by property owners.
SB 1884 — PREEMPTION OF FIREARMS AND AMMUNITION REGULATION, SEN. RODRIGUES (R)

Passed the House 78-39 and the Senate 24-16. Approved by the governor on May 11, 2021 – Chapter No. 2021-15

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

Under current law, any person or organization whose membership is adversely affected by any ordinance, regulation, measure directive, rule, enactment, order, or policy promulgated in violation of s. 790.33 F.S., may file suit against the governmental entity for a declaratory judgment and injunctive relief. If a court determines the plaintiff is the prevailing party, the plaintiff may recover actual damages of up to $100,000 in addition to any attorney fees. The bill also provides a mechanism for a plaintiff to recover damages and attorney’s fees when a government entity changes its regulation while the regulation is being challenged under s. 790.33, F.S. Specifically, when a government entity voluntarily changes the regulation that was challenged pursuant to a complaint, the plaintiff challenging that regulation is considered the prevailing party and may recover actual damages and attorney fees.

Broward County is opposed to the Legislature’s attempt to prohibit local governments from implementing firearms regulations and was therefore opposed to this bill under the County’s Guiding State Policies adopted as part of the 2021 State Legislative Program.

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

SB 44 – DRONES, SEN. WRIGHT

Passed the House 88-24 and the Senate unanimously. Approved by the governor on June 28, 2021 – Chapter No. 2021-165

SB 44 provides additional exceptions in s. 934.50(4), F.S., for law enforcement agencies, fire departments, state agencies, and political subdivisions to use drones.

The new exceptions allow law enforcement agencies to use drones to gain an aerial perspective of a crowd of 50 or more persons (language that was removed from the original bill earlier in committee weeks due to concerns over racial profiling in crowd control); assist with traffic management, except that the agency may not issue a traffic infraction based on images or video captured by a drone; and facilitate evidence collection at a crime scene or traffic crash scene.

The bill requires policies and procedures political subdivisions to use drones for damage assessment due to a flood, wildfire, or natural disaster, or for vegetation and wildlife management purposes on publicly owned land or water.

The bill also allows certified fire department personnel to use drones to perform tasks within the scope and practice authorized under their certification. Additionally, the bill limits the use of a drone by a state agency or political subdivision for the assessment of damage due to a flood, a wildfire, or any other natural disaster to floods, wildfires, or other natural disasters that are the subject of a state of emergency declared by the state or by a political subdivision before the expiration of the emergency declaration.

The bill limits drone purchase, acquisition, or use by governmental agencies to drones manufactured by an approved manufacturer. The bill requires the Department of Management Services, in consultation with the state chief information officer, to develop and publish a list of approved manufacturers by January 1, 2022. Upon publication of the list of approved manufacturers, a governmental agency may only purchase or acquire a drone from an approved manufacturer. The department will adopt rules identifying the requirements of a comprehensive plan governmental agencies must follow for discontinuing the use of drones not produced by an approved manufacturer by July 1, 2022. By January 1, 2023, all governmental agencies must discontinue the use of drones not produced by an approved manufacturer. The department will establish by rule, consistent with federal guidance on drone security, minimum security requirements for data collected, transmitted, or stored by a governmental agency drone.
HB 59 – GROWTH MANAGEMENT, REP. CLEMONS

Passed the House 82-32 and the Senate 38-0. Approved by the governor on July 6, 2021 – Chapter No. 2021-195

HB 59 requires all local governments include a private property rights element in their comprehensive plans in their next proposed plan amendments or by July 1, 2024, whichever is first. The bill provides an enumerated list of considerations a local government must consider when drafting the private property rights element, and states that the element may not conflict with those proposed rights. Broward County’s Environment Protection and Growth Management Department was opposed to requiring local governments inclusion of private property rights in their comprehensive plans as it was deemed redundant to laws that have already been enacted.

SB 60 – COUNTY AND MUNICIPAL CODE ENFORCEMENT, SEN BRADLEY

Passed the House 81-35 and the Senate 27-11. Approved by the governor on July 6, 2021 – Chapter No. 2021-167

SB 60 prohibits county and municipal code inspectors from initiating an investigation into violations of city or county codes or ordinances based upon an anonymous complaint. It also requires that an individual making a complaint of a potential violation provide his or her name and address to the local government body before an investigation may occur. The prohibition does not apply if the code inspector has reason to believe the alleged violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources. Broward County is neutral on this legislation after the bill was amended to provide the exemptions to the prohibition when the safety of the complainants is at stake.

HB 337 – IMPACT FEES, REP. DICEGLIE

Passed the House 94-23 vote and the Senate 28-12. Approved by the governor on June 3, 2021 – Chapter No. 2021-63

HB 337 revises the limitations and requirements to impose impact fees by local governments. There are six provisions regarding impact fee increases within the bill: an impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fee that complies with this section; any increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual installments; an increase to a current impact fee that exceeds 25 percent but not more than 50 percent of the current rate must be implemented in four equal installments; no impact fee increase may exceed 50 percent of the current impact fee rate; an impact fee may not be increased more than once every 4 years; and an impact fee may not be increased retroactively for a previous or current fiscal or calendar year. However, a political subdivision may increase an impact fee rate beyond the cap amounts. To increase an impact fee beyond the cap amount, three requirements must be met, including:

- A demonstrated need study justifying the increase that has been completed within 12 months prior to the adoption of the impact fee that expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations;
- Two publicly noticed workshops dedicated to the extraordinary circumstances creating the need to exceed the phase-in limitations; and
- Impact fee increase must be approved by no less than a two-thirds vote of the governing body. The cap language operates retroactively to January 1, 2021.

The bill also revises the provision that passed into law last year providing that impact fee credits are assignable and transferable at any time to another development that is within the same or an adjoining impact fee zone or district. The above requirement applies to all impact fee credits without regard to whether the credits were established before or after the effective date of this act. Furthermore, the bill revises the credit requirements on certain contributions against the collection of an impact fee: contributions related to improvement of public facilities or infrastructure must be credited, credits must be applied on impact fees collected for the general category or class of public facilities or infrastructure for which the contribution was made; and credits cannot be applied if a local government does not charge and collect an impact fee for the general category or class of public facilities.

Broward County’s Environment Protection and Growth Management Department was concerned with the limitation that impact fees may not be increased more than once every four (4) years. For many years, Broward County has increased these fees annually by an inflation factor (which is codified). This approach prevents “sticker shock” of a large increase every few years, and the political challenge of getting increase approved thru public hearing process.
SB 378 – PAYMENT FOR CONSTRUCTION SERVICES, SEN. BRADLEY

Passed the Legislature unanimously. Approved by the governor on June 23, 2021 – Chapter No. 2021-124

SB 378 increases the interest rate from 1 percent per month to 1.5 percent per month for untimely construction services payments by the state or local government. The bill also provides that a party who receives payment from the state, any local government, or public authority for a public works construction project that knowingly and intentionally fails to pay the undisputed contract obligations to another party that commit misapplication of construction funds.

HB 403 – HOME-BASED BUSINESSES, BY REP. GIALLOMBARDO

Passed the House 77-41 and the Senate 19-18. Approved by the governor on July 6, 2021 – Chapter No. 2021-202

HB 403 preempts local governments from certain regulations on home-based businesses. The bill provides that a home-based business regulation on noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more restrictive for home-based businesses than other residential property; omits Senate provision that states the bill does not prohibit local governments from enacting or enforcing noise ordinances.

Additionally, the bill:

- Clarifies that a business may have additional remote employees that do not work at the residential dwelling.
- Requires local regulations of home-based business parking not be more stringent than other residential property.
- Removes ability for local government to regulate hours of operation of a home-based business.
- Requires the use of the residential property, as viewed from the street, to be consistent with surrounding residential properties.
- Removes provision allowing local governments to regulate activities conducted outside the primary residential structure of the business. Instead, the amendment prohibits a business from conducting transactions at a structure other than the residence, except incidental business uses.
- Provides that a home-based business may not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government’s jurisdiction.
- Provides that the bill does not supersede local ordinances and regulations related to transient public lodging establishments.

The bill passed (77-41) as amended in the House and the Senate concurred in the House amendment and passed the bill on a vote of 19-18. Some four minutes later, however, Sen. Farmer raised a point of order as to the passage of the bill because three Senators, who were on the Floor, failed to vote in violation of the Senate’s Rules. The Senate President ruled the point of order well taken and requested the House return the bill for the Senate to take further action. The House failed to return the bill before adjourning Sine Die.

Broward County was opposed to every iteration of this legislation as it preempted local authority. Due to the nature of how the bill passed the Legislature, the Florida Association of Counties requested the governor exercise his authority granted by Art. III, § 8 of the Florida Constitution to withhold approval and veto HB 403. However, the governor signed the bill into law in spite of significant opposition from local governments.

SB 430 – PETROLEUM MEASURING DEVICES, SEN. RODRIGUEZ (A)

Passed the Senate unanimously and in the House 111-4. Approved by the governor on June 14, 2021 – Chapter No. 2021-97

SB 430 was endorsed by Agriculture & Consumer Services Commissioner Nikki Fried, which would apply new safeguards in place to protect consumers against gas station skimmers in the state.

According to her office, a total of $84 million was lost to fraud in 2018 and gas skimmers represent a large portion of that problem. In 2021 alone, 251 skimmers were found, with 110 of those in the South Florida area. Among some of the safeguards in the bill are pressure-sensitive security tape that will prevent unauthorized opening of the panel. As of Jan. 1, 2022, that tape would no longer suffice as the only barrier for protection and require encryption device for customer payments, a locking physical mechanism to prevent the reader from being opened or a system that makes the pump inoperable if an unauthorized individual opens it.
HB 663 – COTTAGE FOOD OPERATIONS, BY REP. SALZMAN

Passed the Senate 30-10 and the House 91-24. Approved by the governor on July 6, 2021 – Chapter No. 2021-211

HB 663, known as the “Home Sweet Home Act,” passed the Legislature on the last day of session. The bill allows the sale and delivery of cottage food products by United States Postal Service or commercial mail delivery service.

It also Increases the gross annual sales threshold on cottage food operation from $50,000 to $250,000 and revises the definition of these businesses to clarify that an operator can have business partners.

Finally, the bill preempts the regulation of cottage food operations to the state, and prohibits local laws, ordinances, or regulations that prohibit a cottage food operation or regulate the preparation, processing, storage or sale of cottage food products, except as authorized under the newly passed Home-based Business Bill (HB 403). Broward County opposed this bill as it preempted local authority.

HB 667 – BUILDING INSPECTIONS, BY REP. MOONEY

Passed unanimously in the Legislature. Approved by the governor on July 6, 2021 – Chapter No. 2021-212

HB 667 requires local building code enforcement agencies to allow requests for inspections be submitted electronically and in person in non-electronic form at the official’s discretion. The bill provides that any government entity with the authority to enforce the Florida building code may perform virtual inspections at their own discretion, except for certain structural inspections, and defines “virtual inspection.”

The bill provides that a local enforcement agency must refund 10 percent of the permit and inspection fees if:

- The inspector or building official determines the work, which requires the permit, fails an inspection; and
- The inspector or building official fails to provide a reason that is based on compliance with the Florida Building Code, the Florida Fire Prevention Code, or local ordinance, indicating why the work failed the inspection within 5 business days.

Broward County Building Code Services Division opposed the 10 percent refund of the permit and inspection fees required under this bill. For example, on a $1 million permit, a $100,000 penalty would be applied for failing to provide a code section during a failed inspection. Broward County’s Building Department operates solely on permit fees collected. Requiring the Building Department to refund money could have a dramatic negative fiscal impact on the County and create unforeseen budget shortfalls.

Intergovernmental Affairs and the Florida Association of Counties worked with the bill sponsors to amend the 10 percent provision; however, the Florida House would not accept any amendments to the bill.

SB 694 – DISPLACEMENT OF PRIVATE WASTE COMPANIES, SEN. RODRIGUES (R)

Passed unanimously in the Senate and 112-2 in the House. Approved by the governor on June 16, 2021 – Chapter No. 2021-125

SB 694 removes the discretion for the local government to pay a displaced company in lieu of providing a three-year notice period. The bill makes mandatory the three-year notice requirement before local governments may provide actual service and requires local governments to pay displaced private waste companies an amount equal to the company’s gross receipts for the preceding 18 months after the 3-year waiting period ends.

The bill was amended in committee to continue to allow local governments and private companies to negotiate displacement notice periods or buyout terms that are different than those prescribed in current law. The amendment also provides that the bill does not apply if a local government has provided the three years’ notice of displacement to a private company on or before December 31, 2020.
HB 735 – PREEMPTION OF LOCAL OCCUPATIONAL LICENSING, BY REP. HARDING

Passed the House 82-32 vote and the Senate 22-18. The governor has not yet acted on this legislation.

HB 735 expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing of occupations adopted prior to July 1, 2021, will continue to be effective until July 1, 2023, at which time it will expire. Any licensing of occupations authorized by general law is exempt from the preemption.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman licensed by the Construction Industry Licensing Board, and specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, handyman services, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities.

Intergovernmental Affairs and Broward County’s lobbying team worked with the Senate to negotiate on this bill, specifically to protect the County’s newly enacted locksmith ordinance, which will be immediately null and void if this bill is signed. The County also worked with the Senate bill sponsor to extend the sunset date. The County had amendments filed to the bill with the support of the Senate sponsor, however, at the last minute they were all voted down and/or withdrawn at the request of the Senate President. On May 25, 2021, Intergovernmental Affairs staff transmitted a veto request letter to the governor to request that he exercise his authority granted by Art. III S. 8 of the Florida Constitution to withhold approval and veto the bill.

HB 839 – EXPRESS PREEMPTION OF FUEL RETAILERS AND RELATED TRANSPORTATION, REP. FABRICIO

Passed the House 79-38 and the Senate 26-12. Approved by the governor on June 14, 2021 – Chapter No. 2021-111

HB 839 applies transportation energy preemptions to “fuel retailers.” The bill prohibits local governments from adopting a law, ordinance, regulation, policy, or resolution that prohibits the siting, development, redevelopment of a fuel retailer or the related transportation infrastructure that is necessary to provide fuel to a fuel retailer within a local government’s jurisdiction. The County does not prohibit any fuel retailers, so the legislation does not have any effect on existing ordinances.

The original bill was extremely concerning to Port Everglades’ ability to regulate energy and Intergovernmental Affairs worked with the bill sponsor to ensure that the original scope of the bill was amended to only preempting a local government from prohibiting gas stations within its jurisdiction.

SB 896 – RENEWABLE ENERGY, BY SEN. BRODEUR

Passed the Senate 25-14 and the House 86-29. Approved by the governor on July 6, 2021 – Chapter No. 2021-178

A bill that classifies landfill gas as renewable energy was amended in the last week of session to ban local governments from blocking proposed solar projects on agricultural land. While this would have a minimal impact on Broward County, the preemption will have negative implications for Broward’s neighbors in Miami-Dade and Palm Beach Counties.

SB 896 changes state law to allow gas produced by landfills and wastewater treatment plants to be classified as renewable energy. The bill had faced limited environmental opposition until it was amendment and environmental justice advocates subsequently objected strongly to including the language from SB 1008, which allowed solar energy plants in agricultural zoning districts. The Florida Association of Counties requested the governor exercise his authority granted by Art. III, § 8 of the Florida Constitution to withhold approval and veto SB 896. However, the governor signed the bill into law.

HB 919 – PREEMPTION OVER RESTRICTION OF UTILITY SERVICES, REP. TOMKOW

Passed the Senate 27-13 and the House 81-34. Approved by the governor on June 18, 2021 – Chapter No. 2021-150

HB 919 prevents counties, municipalities, special districts, or other political subdivisions from enforcing a resolution, ordinance, or code restricting or prohibiting the types of fuel sources of energy that can be used, delivered, converted, or supplied by a public utility.
HB 1289 – AUTONOMOUS VEHICLES, REP. MCFARLAND

Passed the Senate 39-1 and in the House 116-0. Approved by the governor on July 6, 2021 – Chapter No. 2021-233

SB 1289 defines the term “low-speed autonomous delivery vehicle” as a fully autonomous vehicle that meets the current federal definition. The bill authorizes such vehicles to operate only on streets or roads where the posted speed limit is 35 miles per hour or less but are not prohibited from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. A low-speed autonomous delivery vehicle may operate on a street or road with a posted speed limit of more than 35 miles per hour, but no more than 45 miles per hour, under certain conditions. The bill sets out equipment requirements for such vehicles and provides that the new provisions are superseded by any conflicting federal regulations. The bill also establishes insurance coverage requirements for such vehicles. The provisions of any motor vehicle equipment laws or regulations of this state, relating to or supporting motor vehicle operation by a human driver but not relevant for an automated driving system, are rendered inapplicable to fully autonomous vehicles designed to be operated exclusively by the automated driving system for all trips.

EMERGENCY MANAGEMENT

HB 327 – PUBLIC RECORDS EXEMPTION/PERSON SEEKING SHELTER, BY REP. ROMMEL

Passed the Legislature unanimously. Approved by the governor on May 7, 2021 - Chapter No. 2021-19

HB 327 exempts from public inspection and copying requirements the address and telephone number of a person which are held by an agency providing public emergency shelter to the person during a storm or catastrophic event. The bill provides that the exemption created under the bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will be repealed on October 2, 2026, unless reviewed and extended. The bill is necessary to protect a person from those who might seek to exploit their vulnerability following a catastrophic event. This measure was brought forward by Palm Beach County and was included in the Florida Association of Counties 2021 Legislative Program.

SB 1892 – EMERGENCY PREPAREDNESS AND RESPONSE FUND, SEN. DIAZ

Passed the Senate 37-0 and the House 113-1. Approved by the governor on June 1, 2021 – Chapter No. 2021-31

SB 1892 creates the Emergency Preparedness and Response Fund within the Executive Office of the Governor. Moneys specifically appropriated to the fund are available as a primary funding source for the Governor for purposes of preparing or responding to a disaster declared by the Governor as a state of emergency that exceeds regularly appropriated funding sources. In accordance with Article III, section 19(f)(2) of the Florida Constitution, the Emergency Preparedness and Response Fund terminates on July 1, 2025, unless terminated sooner. Before the fund terminates the Division of Emergency Management and the Governor must recommend to the Legislature whether to recreate the fund or allow it to terminate.

SB 2006 – EMERGENCY MANAGEMENT, SEN. BURGESS

Passed the House 78-36 and the Senate 23-15. Approved by the governor on May 3, 2021 – Chapter No. 2021-8

SB 2006 makes reforms to emergency management in the state and significantly amends the emergency powers of local governments. The bill impacts Broward County in the following ways:

- Targets county ordinances, orders, or other exercises of police power by political subdivisions.
- Focuses more narrowly on emergency orders that infringe rights or liberties. It also exempts orders in response to a hurricane or other weather-related emergency.
- Requires orders that infringe rights or liberties to be narrowly tailored to serve a “compelling public health or safety purpose.” The bill targets a smaller category of local actions (emergency orders) but allows these to be upheld in court only if they serve one type of governmental interest (a public health or safety purpose).

The bill also limits local government emergency orders to 7 days, and limits renewals of an order to 5 times, for a total of 42 days. Additionally, subsequent emergency orders for the same event may not be substantially similar to the original executive order.
The bill originally included a provision authorizing governing bodies of political subdivisions to meet virtually to renew emergency orders, which was removed before the bill’s final passage. Additionally, the bill authorizes the governor to invalidate an order that unnecessarily restricts individual rights or liberties.

The bill also prohibits any business, governmental entity, or educational institutions from requesting COVID-19 vaccine documentation, also known as “vaccine passports.” Finally, the bill also imposes a fine of up to $5,000 per violation of non-compliance with the new law.

**HEALTH AND HUMAN SERVICES**

**SB 804 – SUBSTANCE ABUSE SERVICE PROVIDERS, BY SEN. HARRELL**

*Passed the Legislature unanimously. Approved by the governor on June 16, 2021 – Chapter No. 2021-128*

**SB 804** allows credentialing entities to determine if an owner, director, chief financial officer, or administrator of a recovery residence qualifies for exemption disqualification from employment with a substance abuse treatment provider. The bill also requires licensed service providers who are fined by final order of DCF for referring patients to uncertified recovery residences to pay interest on administrative fines. The bill requires DCF to immediately suspend the license of a service provider who does not pay such fines plus interest within 60 days. The bill also requires DCF to immediately suspend the license of a service provider or service component for not paying an administrative fine plus applicable interest for committing any violation specified in DCF’s tier-based violation system. Broward County Addiction Recovery Center supported this legislation.

**SB 1826 – HUMAN TRAFFICKING, SEN. DIAZ**

*Passed the Legislature unanimously. The governor has not yet acted on this legislation.*

**SB 1826** establishes a privilege for communication between human trafficking victims and human trafficking advocates or trained volunteers. The bill provides that communication between a human trafficking victim advocate or trained volunteer and a human trafficking victim is “confidential,” if it is not intended to be disclosed to third persons, except to specified persons. A human trafficking victim has a privilege to refuse to disclose and prevent any other person from disclosing such confidential communication or record made in the course of advising, counseling, or providing services to the victim. Additionally, the bill defines the terms “anti-human trafficking organization,” “human trafficking victim advocate,” “trained volunteer,” and “human trafficking victim,” and provides training requirements for human trafficking victim advocates and trained volunteers.

The bill expands the definition of “human trafficking,” to include the “purchasing, patronizing, [or] procuring” another person for the purpose of exploitation of that person. Additionally, the definition of “obtain,” is amended to mean “in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof.”

The bill expands the scope of specified human trafficking offenses relating to children under 18 years of age to include an adult believed to be under 18 years of age. The bill provides that the Legislature encourages each state attorney to adopt a pro-prosecution policy for human trafficking offenses and requires the state attorney to determine whether to file, nonfile, or divert criminal charges even when there is no cooperation from a victim or over the objection of the victim, if necessary. The bill prohibits the clerk of the court from charging any fees, such as filing or copy fees, for a petition to expunge a criminal offense of a human trafficking victim. It clarifies that a human trafficking victim may petition to expunge a criminal history record that results from the arrest or filing of charges for one or more offenses in certain circumstances. Further, the bill requires the clerk to treat a human trafficking victim’s petition to expunge more than one eligible offense as a single petition. It also removes language that is required to be included in the sworn statement that must accompany such petition which states that the petitioner “does not have any other petition to expunge or any petition to seal pending before any court.”

The bill also expands the list of offenses in which a court must impose special conditions on probationers or community controlers who are placed under supervision or on community control or sex offender probation for committing a specified human trafficking offense on or after a certain date.
SB 96 – CHILD WELFARE, SEN. BOOK

Passed the Legislature unanimously. Approved by the governor on July 6, 2021 – Chapter No. 2021-170

SB 96 makes several changes related to Department of Children and Families (DCF) contracts with community-based care lead agencies (CBCs) and managing entities (MEs) to increase transparency regarding salaries and use of funding and address conflicts of interest. The bill also creates a process for an alternative plan for providing community-based services if DCF cannot competitively contract with a CBC in a service area.

The bill reorganizes, relocates, and amends current law related to the hotline by separating provisions on the hotline’s operation and maintenance from those related to reporting requirements, adding an animal control officer or agent to those who must disclose his or her name when making a report, and requiring DCF to comply with new requirements relating to reports of juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior. The bill also includes the Agency for Health Care Administration as an agency permitted to receive reports of abuse and neglect and requires DCF to grant access to confidential and exempt records to a legislative committee within seven days, upon request.

The bill increases support for foster parents and kinship caregivers by requiring DCF to establish a Foster Information Center. It also allows the Office of Criminal Conflict and Civil Regional Counsels to establish a multidisciplinary legal representation model program to serve families who are in the dependency system if the program meets certain requirements.

The bill includes in statute a description of children’s advocacy center services and specifies that critical incident rapid response teams can include an expert in sexual abuse for certain cases. The bill also makes changes to statute to align with federal requirements regarding Title IV-E funding.

OFFICE OF MANAGEMENT AND BUDGET/FINANCE AND ADMINISTRATIVE SERVICES

HJR 1377 – LIMITATION ON ASSESSMENT OF REAL PROPERTY USED FOR RESIDENTIAL PURPOSES, REP. CHANEY

The Legislature passed the bill unanimously. The House Joint Resolution No. 1377 was filed with the Office of the Secretary of State on May 11, 2021 and will appear on the November 2022 general election ballot.

HB 1377 is a resolution that proposes an amendment to the Florida Constitution to authorize the Legislature to prohibit the consideration of any change or improvement to real property used for residential purposes made to improve the property’s resistance to flood damage.

The electorate will consider the constitutional amendment at the next general election in November 2022. If adopted at the 2022 general election, the resolution would take effect January 1, 2023.

The bill specifies that changes, additions, or improvements that replace all or a portion of a homestead or non-homestead residential property for the purpose of voluntarily elevating the property do not increase the property’s assessed value if:

- The square footage of the property after the voluntary elevation does not exceed 1,500 square feet or does not exceed 110 percent of the square footage of the property before the elevation.
- Before the voluntary elevation, the property did not comply with FEMA’s National Flood Insurance Program requirements and Florida Building Code elevation requirements and was elevated in compliance with such requirements.

HB 7061 – TAXATION, REP. PAYNE

Passed the House 109-3 and the Senate unanimously. Approved by the governor on May 13, 2021 – Chapter No. 2021-31

HB 7061 was approved by the Legislature on the last day of session. The legislation passed unanimously by the Senate and 117 to 1 in the House. The bill will deliver tax relief to families and businesses across the state, with a focus on sales tax holidays that offer a savings for Floridians preparing for the upcoming 2021 Hurricane Season and the 2021-2022 school year, as well as individuals and families enjoying outdoor activities and events.

The bill also expands the current tax exemption for affordable housing properties and creates a permanent sales tax exemption for items that support independent living.
This bill incentivizes advanced planning with tax breaks on key supplies families and businesses need for disaster preparedness. The bill also provides tax relief for a variety of outdoor events and activities.

This legislation offers a tax break on items Floridians can use to make their homes safer for older Floridians as well as other family members who may face mobility challenges.

The bill also reauthorizes the Qualified Target Industry Tax Refund Program by repealing the June 30, 2020, deadline for applicants to be certified for the program.

**Expands the Tax Credit for Affordable Housing**

Florida law currently offers property owners who provide affordable housing to low-income individuals and families a 50 percent discount for property taxes on these units. The discount applies only to properties with more than 70 units and begins after the property has been recorded as an affordable housing property for 15 years. To incentivize more property owners to offer affordable housing units, the bill expands the property tax discount to 100 percent of property taxes. The 100 percent exemption does not begin until the property has been recorded as an affordable housing property for 15 years.

**Permanent Sales Tax Exemption for Independent Living Items**

The legislation creates a permanent sales tax exemption for items that assist in independent living. When purchased for noncommercial, home or personal use, the exemption applies to bed transfer handles selling for $60 or less, bed rails selling for $110 or less, grab bars selling for $100 or less, and shower seats selling for $100 or less.

**Establishes the 2021 Back-to-School Sales Tax Holiday**

The legislation creates a 10-day “back-to-school” sales tax holiday from July 31 to August 9, 2021, for clothing, footwear, and backpacks costing $60 or less, school supplies costing $15 or less, and the first $1,000 of the sales tax price of personal computers or personal computer-related accessories.

**Establishes the 2021 Disaster Preparedness Sales Tax Holiday**

The legislation creates a 10-day “disaster preparedness” sales tax holiday from May 28 to June 6, 2021, for disaster preparedness supplies. Some tax-free items include flashlights and lanterns costing $40 or less; radios costing $50 or less; tarps costing $100 or less; coolers costing $60 or less; batteries costing $50 or less; and generators costing $1,000 or less.

**Establishes the 2021 Freedom Week Sales Tax Holiday**

During the week of July 1 – July 7, 2021, purchases of admissions to music events, sporting events, cultural events, specified performances, movies, museums, state park annual passes, and fitness facilities for events held from July 1 – December 31, 2021, will be tax free. Additionally, purchases of season tickets are also exempted.

The Freedom Week Sales Tax Holiday also applies to sales of boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, and sports equipment.

**Boating and Water Supplies:** The tax holiday applies to the first $75 of the sales price of life jackets and coolers; the first $50 of the sales price of safety flares; the first $150 of the sales price of water skis, wakeboards, kneeboards, and recreational inflatable water tubes or floats capable of being towed; the first $300 of the sales price of paddleboards and surfboards; the first $500 of the sales price of canoes and kayaks; the first $75 of the sales price of paddles and oars; and the first $250 of the sales price of snorkels, goggles, and swimming masks.

**Camping Supplies:** The tax holiday applies to the first $200 of the sales price of tents; the first $50 of the sales price of sleeping bags, portable hammocks, camping stoves, and collapsible camping chairs; and the first $30 of the sales price of camping lanterns and flashlights.

**Fishing Supplies:** The tax holiday applies to the first $75 of the sales price of rods and reels, if sold individually, or the first $150 of the sales price if sold as a set; the first $30 of the sales price of tackle boxes or bags; and the first $5 of the sale price of bait or fishing tackle, if sold individually, or the first $10 of the sales price if multiple items are sold together.

**General Outdoor Supplies:** The tax holiday applies to the first $15 of the sales price of sunscreen or insect repellant; the first $100 of the sales price of sunglasses; the first $200 of the sales price of binoculars; the first $30 of the sales price of water bottles; the first $50 of the sales price of hydration packs; the first $250 of the sales price of outdoor gas or charcoal grills; the first $50 of the sales price of bicycle helmets; and the first $250 of the sales price of bicycles.

Sports Equipment: The tax holiday applies any item used in individual or team sports, not including clothing or footwear, selling for $40 or less.
HB 1463 – DEPARTMENT OF ECONOMIC OPPORTUNITY, SEN. BEAN

Passed the Legislature unanimously. The Governor approved the bill May 7, 2021 – Chapter No. 2021-25

HB 1463 modifies provisions related to the Department of Economic Opportunity. The County’s main concern with this legislation is in Section 13 of the bill, which requires local governments to expedite the approval of building permits applied for by contractors on behalf of a property owner participating in the CDBG-Disaster Recovery program. Current law gives local governments 30 days to approve building permits; however, the bill would lower the timeframe to 15 days and could negatively affect Broward County. The negative impacts could be compounded by HB 667 that would require a 10 percent refund of the permit and inspection fees for failing to provide a code section during a failed inspection within 5 days.

HB 1507 – WORKFORCE RELATED PROGRAMS AND SERVICES, REP. YARBOROUGH

Passed the House and the Senate unanimously. The governor approved the bill June 24, 2020 – Chapter No. 2021-164

HB 1507 is an overhaul Florida’s workforce system. The Reimagining Education and Career Help (REACH) Act creates a new REACH Office within the governor’s office to coordinate access points to education and career help. The bill authorizes the governor to seek federal waivers to create greater flexibility to create a new streamlined workforce system.

A “no-wrong-door” strategy will allow Floridians to access services from any workforce partner with a common intake form and case management system. Additionally, an online “opportunity portal” would provide job seekers access to information about in-demand jobs, the skills they need for those jobs, and how to get those skills and more.

It also seeks to improve accountability by creating higher standards for training providers, adding term limits for appointed local workforce board members, and create uniform performance expectations and public letter grades for each local workforce board.

The bill also creates a “Money-Back Guarantee Program” that requires each school district and Florida College System institution to refund tuition to students who cannot find a job within six months of completing select programs.

In January, the U.S. Department of Labor Employment and Training Administration published a report that highlighted dozens of compliance issues within the Florida Department of Economic Opportunity. Subsequently, these bills were filed less than two months later.

PORT EVERGLADES

SB 1194 – TRANSPORTATION, SEN. HOOPER

Passed the House 75-40 and the Senate 21-17. Approved by the governor on July 6, 2021 – Chapter No. 2021-188

The bill, among other broader transportation-related changes, prohibits governmental entities from prohibiting certain entities holding a certificate of qualification from the Florida Department of Transportation (FDOT) or the appropriate construction license from bidding on road, bridge, or other specified public construction service projects.

The bill also contains language that the Florida Airports Council (FAC) supports, which would exempt airports from the requirement that a construction project administered by a local entity cannot perform both design services and construction, engineering, design, and inspection (CEI) services when using state-appropriated FDOT funds. According to the FAC, airports need to remain agile in projects they deliver to ensure that each project is completed in a safe, timely and cost-effective manner. This exemption is identical to the one currently in place for seaports that passed in the original bill HB 905, during the 2019 session.

The Senate adopted an amendment to SB 1194 in the last days of session to include the negotiated seaport preemption language in SB 426, which stakeholders had thought died on the calendar. The otherwise innocuous transportation bill contains the prohibition prohibits a local referendum or voter initiative from regulating commerce at a seaport. The language applies retroactively to overturn the City of Key West’s referendum to ban large cruise ships from docking at their municipal port.
HB 53 – PUBLIC WORKS PROJECTS, BY REP. DICIEGLIE | SB 1076, BY SEN. BRODEUR

Passed the Senate 24-16 and the House 78-36. The governor has not yet acted on this legislation.

HB 53 provides that for competitive solicitations for construction services using state-appropriated funding exceeding $1,000,000 a local government that contracts for a public works project is prohibited from preventing a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier, or carrier submitting a bid on a public works project or the residences of employees of such contractor, subcontractor, or material supplier or carrier.

The bill also includes wastewater and stormwater requirements. Under the adopted committee substitute, the Office of Economic & Demographic Research (EDR) is required to include an analysis of the expenditures necessary to repair, replace, and expand water-related infrastructure in their annual assessment of Florida’s water resources and conservation lands. By June 30, 2022, and every five years thereafter, the bill requires each county, municipality, or special district providing wastewater or stormwater services to develop a needs analysis for its jurisdiction over the subsequent 20 years. The analyses must be compiled and submitted to EDR, which must evaluate the compiled documents for the purpose of developing a statewide analysis for inclusion in the annual assessment due January 1, 2023 to clarify that provide a prohibition on local preference penalties to all solicitations that will be paid for with funding that is state-appropriated exceeding $300,000 in value.

Finally, the bill retains language exempting Broward County’s transportation surtax from the prohibitions provided under the legislation. Intergovernmental Affairs worked closely with the bill sponsors and stakeholders to minimize the negative impacts that the original bill could have had on the County.

SB 90 – ELECTIONS, SEN. BAXLEY

Passed the House 77-40 and the Senate 23-17. Approved by the governor on May 6, 2021 - Chapter No 2021-11

SB 90 imposes new rules on voting and new penalties for those who do not follow them, making it harder for millions of voters to cast ballots in Florida. The legislation was a priority of the governor who has indicated his support for the new voting laws and is expected to sign it.

The bill limits the use of drop boxes; adds more identification requirements for those requesting absentee ballots; requires voters to request an absentee ballot for each election, rather than receive them automatically through an absentee voting list; limits who could collect and drop off ballots, allowing only certain family members to do so or limiting individuals to turning in the ballots of just two nonfamily members; and further empowers partisan observers during the ballot-counting process. The legislation would also expand a current rule that prohibits outside groups from providing items “with the intent to influence” voters within a 150-foot radius of a polling location. Additionally, supervisors who leave a drop box accessible outside those hours are subject to a civil penalty of $25,000. The state’s association of county election supervisors opposed the legislation.

Finally, the bill also amends Florida’s resign-to-run law regarding local officials, repealing the requirement that a vacancy must be filled by an election. Rather, the governor would have the authority to appoint a seat vacated by a local government official. The bill also repeals a provision of law that expressly permits the unexpired term of an elective charter county officer or elective municipal officer required to resign under the resign-to-run law to be filled in a manner provided by the county or municipal charter.
SB 64 – RECLAIMED WATER, SEN. ALBRITTON

Passed unanimously by the Legislature. Approved by the governor on July 6, 2021 – Chapter No. 2021-168

SB 64 requires local governmental utilities to submit plans to the Department of Environmental Protection for the elimination of surface water discharges by November 21, 2021, which should not impact Broward County as there is already an existing Ocean Outfall Plan in place that can be amended.

The bill provides exceptions for discharge conditions including when associated with an indirect potable reuse project, wet weather discharge, stormwater management system discharge withdrawn for irrigation purposes, utilities operating 90 percent reuse of annual average flow, or when discharges provide direct ecological or public water supply benefits. Provides exceptions for hardship conditions including when a utility demonstrates that the project is: technically, economically, or environmentally infeasible, or the utility is within a fiscally constrained county. The utility must update plans annually to verify hardship conditions.

The bill also extends the deadline for timelines and plans that must be implemented from January 1, 2028 to January 1, 2032. The bill also authorizes utilities to include conceptual plans for potable reuse projects or projects that provide direct ecological or public water supply; however, those plans cannot extend the timeline for implementation of the plan.

Most importantly, Intergovernmental Affairs worked to ensure the Ocean Outfall Law provisions (403.086 (10) F.S.) remained intact from Representative Maggard’s original 2020 bill that did not pass.
GOVERNOR’S VETOES

SB 54 – MOTOR VEHICLE INSURANCE, SEN. BURGESS

Passed the Senate 37-3 and the House 100-16. Vetoed by the governor on Jun 29, 2021 – Veto Transmittal Letter

**SB 54** would have repealed the Florida Motor Vehicle No-Fault Law (No-Fault Law), which currently requires every owner and registrant of a motor vehicle in this state to maintain Personal Injury Protection (PIP) coverage. Beginning January 1, 2022, the bill would have enacted financial responsibility requirements for liability for motor vehicle ownership or operation, as follows:

- For bodily injury (BI) or death of one person in any one crash, $25,000, and, subject to that limit for one person, $50,000 for BI or death of two or more people in any one crash.
- The bill set a lower financial responsibility requirement of $15,000 for BI or death of one person, and $30,000 for BI or death of two or more persons, for persons having a household income of 200 percent or less of the federal poverty guidelines and for full time students attending a secondary or post-secondary school.
- The existing $10,000 financial responsibility requirement for property damage (PD) would have been retained. The bill would have increased required coverage amounts for garage liability and commercial motor vehicle insurance. It also would have increased the cash deposit amount required for a certificate of self-insurance establishing financial responsibility for owners and operators of motor vehicles that are not for-hire vehicles.

The bill would have required insurers to offer medical payments coverage (MedPay) with limits of $5,000 or $10,000 to cover medical expenses of the insured. Insurers could have also offered other policy limits that exceed $5,000. Insurers would have been required to offer a zero-deductible option for MedPay and may have also offered deductibles of up to $500. Insurers would have been required to reserve $5,000 of MedPay benefits for 30 days to pay physicians or dentists who provided emergency services and care or who provided hospital inpatient care.

SB 274/SB 166 – JUVENILE DIVERSION PROGRAM EXPUNCTION, SEN. PERRY

Passed unanimously by the Legislature. Vetoed by the governor on June 29, 2021 – Veto Transmittal Letter

**SB 274** would have permitted a juvenile who completed a diversion program for any offense, including felony offenses, to apply to have the nonjudicial arrest record expunged. This would have expanded the current law, which only permits juvenile diversion expunction for a misdemeanor offense. Additionally, this bill would have permitted a juvenile who completed a diversion program for any offense, including a felony or subsequent offense, to lawfully deny or fail to acknowledge his or her participation in the program and the expunction of the nonjudicial arrest record. This would have expanded the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

Passed unanimously by the Legislature. Vetoed by the governor on June 29, 2021 – Veto Transmittal Letter

**SB 166**, which passed unanimously by the Legislature, would have been the public records exemption linked to SB 274. This bill would have provided that a nonjudicial record of the arrest of a minor who has successfully completed a diversion program and is eligible for expunction would made confidential and exempt from public disclosure, except that the record would have been required to made available only to criminal justice agencies for specified purposes.

Broward County supports expungement and sealing of juveniles who have successfully completed a probationary or rehabilitation program, specifically a County operated civil citation or prearrest diversion program.
The Legislature approved the $101.5 billion state budget (SB 2500) on the final day of the 60-day legislative session. The final budget is 9.3 billion larger than the current year’s $92.2 billion budget, a ten percent increase mostly provided for by federal coronavirus relief funding. The Senate passed the budget unanimously, while the house voted 117-1.

The final budget details were reconciled Monday, April 26 as leaders agreed on approximately $350 million in supplemental funding for local projects that were not included in the original budget offers from either chamber. Additionally, lawmakers decided to provide an additional $1.2 million to increase the salaries of some state agency heads and a pay raise to $13 per hour for the lowest paid state workers.

The Legislature appropriated more than $6.6 billion of the $10.1 billion stimulus money from the American Rescue Plan Act, which includes an extra $25 million for VISIT Florida for tourism marketing, an additional $25 million to rehabilitate the state’s springs, $250 million for cruise ports directly impacted by COVID-19, and $56 million more for Everglades restoration. Money for tourism marketing, springs restoration, and the Everglades also is included in other parts of a budget. The state has at least three years to allocate money from the federal stimulus package.

The federal stimulus will also provide $50 million to fund DeSantis’ request for the Job Growth Grant Fund program, which the governor can use for regional job training and public infrastructure projects. Money for the fund had been previously cut out of the budget process.

The Legislature also agreed to reduce the amount of state money used to fund the Medicaid program after the federal government agreed to extend a 6.2 percentage-point increase in federal Medicaid funding for the first three months of FY 2021-22.

In mid-April, the Biden Administration extended a public health emergency because of the COVID-19 pandemic. The extension means the state will receive about $400 million in additional Medicaid money from the federal government in July, August, and September. That additional federal money freed up state revenue that was previously directed to Medicaid and allows it to be used in other areas of the budget, according to legislative staff.

The state budget also provides $300 million in Florida Forever funding to complete “missing links” in the Florida Wildlife Corridor. The corridor is intended to provide habitat for wide-ranging species like Florida panthers and black bears.

Additionally, the budget contains $100 million of the federal money to clean up a former phosphate plant in Manatee County; $300 million on the statewide wildlife corridor under the Florida Forever program; $2 billion to offset losses to the state transportation trust fund during the pandemic; and $500 million to convert septic tanks to sewage systems.

The Legislature also appropriated $500 million for the Resilient Florida Trust Fund, which is tied to a grant program that would address sea-level rise and flooding. Finally, lawmakers spent $1 billion for an emergency preparedness and response fund proposed by the House and will put $350 million into the state’s Budget Stabilization Fund, which is a reserve fund.

This year, Broward County submitted two appropriations requests to the Legislature. The Nancy J. Cotterman Advocate Program request of $250,000, sponsored by Senator Lauren Book and Rep. Chip LaMarca, will support two essential programs that serve child and adult victims of abuse, sexual assault, and human trafficking. This request was fully funded in the budget. Additionally, the budget contains $158,000 appropriations request for the Broward Addiction Recovery Center that will fund an injectable buprenorphine pilot project for the treatment of moderate to severe opioid use disorder. Senator Shevrin Jones and Rep. Bobby DuBose sponsored this request.
Health and Human Services received the largest portion of funding for the budget in SFY 2021-2022, totaling approximately $44.6 billion. This represents a 13.2% increase in appropriations from the current year. All educational programs and services combined received the second largest amount of funding, totaling approximately $30.1 billion. This represents an increase of approximately 11.3% from the current fiscal year.

Natural Resources, Environmental Issues, Growth Management and Transportation Expenditures represent the third largest portion of the budget in SFY 2021-2022 with funding equaling $14.7 billion. This represents a slight decrease of approximately -0.80% from the current fiscal year.

*Note* Funding for the Education silo of the state budget is broken down into two sections. Funds in Section 1 are provided by the Education Enhancement “Lottery” Trust Fund. Funds in Section 2 are all other funds including all other education trust funds and general revenue.
General revenue expenditures for the SFY 2021-2022 budget equals approximately $36.3 billion, while trust fund expenditures total approximately $65.2 billion. The chart below compares expenditures between the SFY 2021-2022 budget and the previous year’s budget for SFY 2020-2021 by fund type.

*Note* that the amounts above reflect the appropriations that are not contingent upon the receipt of federal funds from the American Rescue Plan Act (ARPA).

### COUNTY APPROPRIATION REQUESTS

**NANCY J. COTTERMAN CENTER – CRISIS INTERVENTION PROGRAMS | AMOUNT REQUESTED: $250,000**

**AMOUNT APPROVED: $275,000**

Sponsors: Rep. LaMarca | Sen. Book

Full funding will support two essential Nancy J. Cotterman Center (NJCC) programs that serve child and adult victims of abuse, sexual assault, and human trafficking in Broward County. Monies will be spent solely for project operations and direct services. The Advocate Program will affect a minimum of 300 victims of sexual assault and abuse; and the Anti-Human Trafficking Program will provide direct and intensive services for up to 25 victims. Both programs seek to empower at-risk individuals, victims (survivors), and county residents to get be aware, get involved, and report these horrifying incidents so the offender may be fully prosecuted. The programs also provide a comprehensive array of direct and intensive intervention services to victims for them to maneuver through the criminal justice system and everyday life. Both programs have received state funding in the past given the need for such services in the community and both programs received a significant reduction in funding this past fiscal year, severely impacting services received by victims.

**INJECTABLE BUPRENORPHINE – PILOT PROGRAM | AMOUNT REQUESTED: $158,814**

**AMOUNT APPROVED: $158,184**


The Broward County Addiction Recovery Center (BARC) seeks to implement a pilot program making long-acting injectable buprenorphine available to individuals suffering from severe opioid use disorders. The target population are the largely indigent, without health insurance, and typically lack enough housing and social supports to manage daily dosing of oral buprenorphine. This program will also address the need to provide effective treatment for individuals who suffer from severe opioid use disorder by using long-acting injectable Buprenorphine instead of a daily dose of oral Buprenorphine.

Funding this program will assist in reducing the costs and services related to emergency room visits, medical examiners, detoxification, and first responders’ functions. The program will provide medication assisted treatment services to 45 clients. Specifically, clients served will receive: 2 months of extended-release injectable buprenorphine medication at a cost of $1,680 per injection. An initial assessment and education services at a cost of $155.19 per 1-hour session.
### SB 2500 Overview

**SB 2500 Summary**

- General Revenue (GR): $36.3 billion
- Trust Funds (TF): $65.2 billion

Reserves: $3.9 billion Total Aggregate:

- $1.3 billion - Working Capital
- $1.7 billion - Budget Stabilization Fund
- $858 million - Lawton Chiles Endowment Fund

### Environment and Natural Resources

**Total Budget: $6.7 billion [$768.2 million GR; $1.3 billion LATF; $4.6 billion Other TF]**

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<thead>
<tr>
<th>Program</th>
<th>FY 2021-22</th>
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<tbody>
<tr>
<td>Florida Forever / Land Acquisition DEP</td>
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<td>Everglades Restoration</td>
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<td>Beach Management Program</td>
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<td>Alternative Water Supply Grants</td>
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<td>Wastewater Grant Program</td>
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<td>Septic Upgrade Incentive Program</td>
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<td>Resilient Florida Program</td>
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<td>Florida Resilient Coastal Initiative</td>
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<td>Coral Reef Disease Response</td>
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<td>Reef Protection and Tire Abatement</td>
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<td>Petroleum Tanks Cleanup Program</td>
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<td>Drinking Water State Revolving Loan Program</td>
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<td>Wastewater Revolving Loan Program</td>
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### Health and Human Services

**Total Budget: $44,570.6 million [$12,117.7 million GR; $32,452.9 million TF]**

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<tr>
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<td>Federal Emergency Shelter Grant</td>
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<td>Homeless Housing Assistance Grants</td>
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<td>Additional Community Action Treatment (CAT) Teams</td>
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<td>Community Care for the Elderly</td>
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<td>Alzheimer’s Respite Care</td>
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<tr>
<td>Community Substance Abuse &amp; Mental Health</td>
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</table>
## TRANSPORTATION AND ECONOMIC DEVELOPMENT

**Total Budget: $13.7 billion [GR: $273.9 million; TF: $13.5 billion]**

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FY 2021-22</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AFFORDABLE HOUSING</strong></td>
<td></td>
</tr>
<tr>
<td>State Apartment Incentive Loan (SAIL)</td>
<td>$62,500,000</td>
</tr>
<tr>
<td>State Housing Initiatives Partnership (SHIP)</td>
<td>$62,500,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$209,200,000</td>
</tr>
<tr>
<td><strong>TRANSPORTATION</strong></td>
<td></td>
</tr>
<tr>
<td>Aviation Development/Grants</td>
<td>$395,521,413</td>
</tr>
<tr>
<td>Public Transit Development/Grants</td>
<td>$405,951,983</td>
</tr>
<tr>
<td>Seaport – Economic Development</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Seaport – Access Program</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Seaport Grants</td>
<td>$88,110,883</td>
</tr>
<tr>
<td>Seaport Security Grants</td>
<td>$2,000,000</td>
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<tr>
<td>Seaport Investment</td>
<td>$10,095,000</td>
</tr>
<tr>
<td>Rail Development Grants</td>
<td>$81,767,430</td>
</tr>
<tr>
<td>Intermodal Development Grants</td>
<td>$74,438,222</td>
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<tr>
<td><strong>CULTURAL AFFAIRS &amp; LIBRARIES</strong></td>
<td></td>
</tr>
<tr>
<td>Program</td>
<td>FY 2020-21</td>
</tr>
<tr>
<td>Cultural and Museum Grants</td>
<td>$13,600,000</td>
</tr>
<tr>
<td>Libraries</td>
<td>$20,500,000</td>
</tr>
</tbody>
</table>

### FEDERAL CORONAVIRUS - STATE FISCAL RECOVERY FUNDS

**SUMMARY**
- $6.7 billion total - contingent on receipt of Federal Coronavirus State Fiscal Recovery Funds
- Budget Stabilization Fund: $350 million

### EMERGENCY RESPONSE

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FEDERAL FUNDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Preparedness and Response Fund</td>
<td>$1 billion</td>
</tr>
<tr>
<td>First Responders $1,000 Bonus Payment</td>
<td>$208.4 million</td>
</tr>
<tr>
<td>Childcare $1,000 Bonus Payment</td>
<td>$166 million*</td>
</tr>
<tr>
<td>Classroom teachers and principals $1,000 Bonus Payment</td>
<td>$215.7 million**</td>
</tr>
<tr>
<td>Childcare assistance for essential workers</td>
<td>$950.4 million**</td>
</tr>
</tbody>
</table>

* From Coronavirus Response and Relief Supplemental Appropriations Act – Child Care Specific Funds  
** From American Rescue Plan Act – Education Specific Funds  
*** From American Rescue Plan Act – Child Care Specific Funds
**INFRASTRUCTURE IMPROVEMENTS AND ENHANCEMENTS**

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FEDERAL FUNDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Highway System</td>
<td>$1.8 billion</td>
</tr>
<tr>
<td>Cruise Port Grants</td>
<td>$250 million</td>
</tr>
<tr>
<td>State Emergency Operations Center</td>
<td>$100 million</td>
</tr>
</tbody>
</table>

**WATER QUALITY AND ENVIRONMENTAL PROTECTION**

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FEDERAL FUNDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resilient Florida Grants</td>
<td>$500 million</td>
</tr>
<tr>
<td>Wastewater Grant Program</td>
<td>$500 million</td>
</tr>
<tr>
<td>Wildlife Corridor (DEP Land Acquisition)</td>
<td>$300 million</td>
</tr>
<tr>
<td>Piney Point</td>
<td>$100 million</td>
</tr>
<tr>
<td>Coastal Mapping Services</td>
<td>$100 million</td>
</tr>
<tr>
<td>Beach Management Funding Assistance Program</td>
<td>$50 million</td>
</tr>
<tr>
<td>Petroleum Underground Storage Cleanup Program</td>
<td>$50 million</td>
</tr>
<tr>
<td>C-51 Reservoir</td>
<td>$48 million</td>
</tr>
<tr>
<td>Alternative Water Supply</td>
<td>$40 million</td>
</tr>
<tr>
<td>Springs Restoration</td>
<td>$25 million</td>
</tr>
<tr>
<td>Small Community Wastewater Grants</td>
<td>$25 million</td>
</tr>
<tr>
<td>Derelict Vessel Removal Program</td>
<td>$25 million</td>
</tr>
<tr>
<td>Total Maximum Daily Loads</td>
<td>$20 million</td>
</tr>
</tbody>
</table>

*Note: In instances where funds from the American Rescue Act Plan are provided to existing programs in DEP, these funds supplement those allocated in the Agriculture, Environment and General Government section of SB 2500. For example, in Line item 1670 of SB 2500, $75 million is provided for the Petroleum Tanks Cleanup Program. The funds provided above supplement that amount meaning that program will receive $125 million in FY 21-22.*

**ECONOMIC DEVELOPMENT AND WORKFORCE SUPPORT**

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FEDERAL FUNDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workforce Information Technology System</td>
<td>$100 million</td>
</tr>
<tr>
<td>Reemployment Assistance System</td>
<td>$56.4 million</td>
</tr>
<tr>
<td>Job Growth Grant Fund</td>
<td>$50 million</td>
</tr>
<tr>
<td>African American Cultural Grant Program</td>
<td>$30 million</td>
</tr>
<tr>
<td>Visit Florida</td>
<td>$25 million</td>
</tr>
</tbody>
</table>
COMMISSION PRIORITY BILLS THAT FAILED

The bills in this section reflect the bills Intergovernmental Affairs/Boards Section tracked during session that failed, but were priority policies adopted by the Board of County Commissioners under the 2021 State and Executive Legislative Program. Additionally, this section includes updates related to resolutions adopted by the board during the 2021 Legislative Session.

AFFORDABLE HOUSING

HB 567/SB 1068 – LOCAL HOUSING ASSISTANCE PLANS, REP. BARTLEMAN/SEN. TADDEO

HB 567 died in House Local Administration & Veterans Affairs Subcommittee. SB 1068 died in Senate Community Affairs Committee.

HB 567 and SB 1068 would have revised the restrictions for the use of funds disbursed to local governments through the State Housing Initiatives Partnership (SHIP) program for affordable housing. The bills altered the threshold limits that dictate the types of activities local governments may fund using SHIP program funding. Specifically, the bills would have enabled local governments to expend a larger portion of SHIP funds on certain rental assistance activities than allowed under current law, and decreased the expenditure threshold for new construction/rehabilitation/emergency repair. The Florida Housing Finance Corporation, through the SHIP program, provides funding to all 67 counties and 52 cities on a population-based formula to finance and preserve affordable housing based on locally adopted affordable housing plans. The SHIP program is funded through a statutory distribution of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund. Under the bills:

- At least 50 percent, instead of 75 percent, of SHIP funds must be reserved for construction, rehabilitation, or emergency repair of affordable housing; and
- Up to 50 percent, instead of 25 percent, of SHIP funds may be reserved for permitted rental services (i.e., security and utility deposit assistance, eviction prevention, rent subsidies, etc.);
- Within those restrictions, at least 50 percent, instead of 65 percent, of SHIP funds must be reserved for home ownership for eligible persons.

While neither bill was heard in any committee, the Senate bill was placed on the Senate Community Affairs agenda before being temporarily postponed. During that committee, Sen. Taddeo provided a brief statement as to the unique affordable housing issues that Broward County faces and stressed the importance of revising the SHIP formula.

CRIMINAL JUSTICE REFORM

SB 474 – PROSECUTING CHILDREN AS ADULTS, SEN. BRACY

SB 474 died in Senate Rules Committee.

Under SB 474, fourteen-year-olds would no longer be charged as adults for serious crimes at the discretion of state attorneys. The bill would have also set the minimum age at 17 for a minor to be charged as an adult for less serious felonies or for misdemeanors where the defendant had a previous felony conviction.

Currently, state attorneys have the option to “direct file” in criminal court, bypassing juvenile courts, on 14 and 15-year-olds who are charged with murder, manslaughter, carjacking, carrying, or displaying a gun during a crime, kidnapping, aggravated assault, aggravated child abuse, armed burglary, and similar crimes. Sixteen or 17-years-old can be direct filed if charged with any felony or if charged with a misdemeanor and they have two or more prior offenses, one of which is a felony.

Florida did have laws mandating charging juveniles as adults for the most serious crimes, but those were repealed in 2019.

Finally, SB 474 would have set the age for charging the most serious felonies at 15 to 16 and set the minimum age for less serious felonies, or misdemeanors with a prior felony conviction, at 17. The Senate bill had no House companion and only passed one of three committees of reference.
SB 482 — CRIMINAL CONVICTIONS, SEN. BRACY

**Died in Senate Criminal Justice Committee.**

SB 482 would have resulted in shorter prison sentences for offenses and allowed for more offenders to be sentenced to a nonstate prison sanction in lieu of prison. The bill would have increased the sentence point thresholds of the Criminal Punishment Code, which define whether a court may or must sentence an offender to a nonstate prison sanction. The Senate bill had no House companion and only passed one of three committees of reference.

SB 492 — COUNCIL ON THE DISCRETIONARY IMPOSITION OF CRIMINAL JUSTICE AND TRAFFIC FINES AND FEES, SEN. ROUSON

**Died in Senate Appropriations Subcommittee on Criminal and Civil Justice.**

SB 492 would have created the Council on the Discretionary Imposition of Criminal Justice and Traffic Fines and Fees (council). The council would have reviewed the impact of fines, fees, restitution, and other court costs on individuals having low incomes and publish a report with findings and recommendations on how to reduce financial hardships created by fines, fees, and other costs. The council would have received administrative support from the Department of Legal Affairs within the Office of the Attorney General. Membership of the council was to consist of members appointed by elected state leaders and other public officials and representatives from various community stakeholders. The Senate bill had no House companion and only passed one of three committees of reference.

HB 771/SB 638 — DIRECT FILING OF AN INFORMATION, REP. BUSH III/SEN. POWELL

**HB 771 died in House Criminal Justice and Public Safety Committee. SB 638 died in Senate Appropriations Subcommittee on Criminal and Civil Justice.**

HB 771 and SB 638 would have provided that a child who was prosecuted as an adult in criminal court may not have been housed in a jail or other facility intended for the detention of adults unless the court held a hearing and made findings, based on specified criteria, that the child should have been prosecuted as an adult. The Senate bill would have permitted the transfer of a child to a jail or other adult facility when the child had been charged as an adult and waived his or her right to the due process evidentiary hearing that was established in the bill. Additionally, the bill removed the state attorney’s judgement and discretion in determining whether public interest requires that a child be treated as an adult. The Senate bill passed one of three committees; however, the House bill was never heard.

HB 1215/SB 1032 — SENTENCING, REP. CARUSO/SEN. PERRY

**HB 1215 died in House Criminal Justice and Public Safety Committee. SB 1032 died in Senate Appropriations Committee.**

HB 1215 and SB 1032 would have provided a comprehensive overhaul to the current system of gain-time, which allows prisoners to reduce the term of prison sentences and revises licensing requirements for individuals with criminal convictions, revises the purpose of the Criminal Punishment Code.

The bills would have prohibited the Department of Business and Professional Regulation (DBPR) from denying an application for licensure for certain professions if more than two years have passed since the applicant’s conviction, with exceptions. The bills also would have required the DBPR to approved educational courses offered by correctional institutions or facilities, to satisfy applicable training requirements for licensure for certain professions.

The bills would have revised the purpose of the Criminal Punishment Code to provide that criminal offenders are to be appropriately punished and rehabilitated, rather than ensuring that violent criminal offenders are incarcerated. The bill also provides that the dual purpose of sentencing in the criminal justice system are punishment and rehabilitation of the offender so that he or she can successfully transition back into the community. The Senate bill passed two of three committees of reference; however, the House bill was never heard.
HB 1459/SB 662 – RESENTENCING, REP. JOSEPH/SEN. BRANDES

HB 1459 died in House Criminal Justice and Public Safety Committee. SB 662 died in Senate Appropriations Committee.

HB 1459 and SB 662 would have allowed a state attorney to file a petition for a new sentencing hearing if the original sentence no longer advanced the interests of justice. Under the bills, trial courts were required to have resentenced the offender, and could have considered prison disciplinary records, rehabilitation, recidivism risk, and other changed circumstances. The revised sentence would have likely been shorter and could not exceed the current sentence. The state attorney would have been required to attempt to notify victims, who might have appeared at the resentencing. The bills would have applied to felony offenders serving a criminal sentence currently or prospectively. The Senate bill passed two of three committee references; however, the House never heard the companion bill.

ECONOMIC DEVELOPMENT

HB 757 – ENTERTAINMENT INDUSTRY, REP. TRABULSY/SEN. GRUTERS

HB 757 died in House Tourism, Infrastructure & Energy Subcommittee. SB 704 died in Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

HB 757 and SB 704 would have created the Film, Television, and Digital Media Targeted Rebate Program within the Department of Economic Opportunity in order to broaden the entertainment industry’s impact, enhance tourism, and encourage more family-friendly productions to be produced in Florida.

Under the bills, the program would have given rebates on qualified expenditures to film, television, and digital media production projects that, among other requirements, employed a crew of which at least 60 percent were Florida residents and spent at least 70 percent of their production days in Florida. A project may only have received a rebate after it had completed production and its expenditures had been verified by the Office of Film and Entertainment.

The Senate bill passed one of three committees of reference; however, the House companion was never heard. Intergovernmental Affairs/Boards Section supported the bill in committee on behalf of Broward County.

EDUCATION

SB 86 – STUDENT FINANCIAL AID, SEN. BAXLEY

Passed the full Senate on a vote of 22-18. Died in House Messages.

The contentious Bright Future’s college scholarship proposal originally included language that tied Bright Futures awards to degrees that directly produce jobs. An amendment during week 4 of session stripped the provision that limited scholarships to 60 credit hours for students in an associate in arts or bachelor’s degree program. The original intent was to lower the amount for students who pursued degrees in fields not considered marketable.

The bill would have ensured future award amounts for Florida’s top Bright Futures scholarships would be set in the state budget. Additionally, state agencies would have been required to create a list of degrees and programs that do not lead directly to unemployment. Finally, the bill would have required state universities to put a hold on student transcripts after their first year in college to ensure they enroll in some sort of career planning program.

Intergovernmental Affairs opposed this bill in committee after the Board of County Commissioners adopted a resolution in opposition to the legislation. The House never filed a companion and refused to hear the Senate bill in committee or on the floor.
HB 315/SB 514 – STATEWIDE OFFICE OF RESILIENCY, REP. LAMARCA/SEN. RODRIGUES (R)

*HB 315 died in House Environment, Agriculture & Flooding Subcommittee. SB 514 died in Senate Appropriations Subcommittee on Agriculture, Environment, and General Government.*

*HB 315 and SB 514 would have established the Statewide Office of Resiliency within the Executive Office of the Governor. The bills also would have created the Statewide Sea-Level Rise Task Force adjunct to the Office of Resiliency to recommend consensus projections of the anticipated sea level rise and flooding impacts along Florida’s coastline. The Senate bill was heard in one of three committees of reference; however, the House companion was never heard. The County supported this bill.*

HB 387/SB 1208 – IMPROVEMENTS TO REAL PROPERTY, REP. FINE/SEN. RODRIGUEZ (A)

*HB 387 died on the House Second Reading Calendar. SB 546 died in Senate Appropriations Committee.*

*HB 387 would have provided enhanced consumer protection measures to equip residential homeowners with tools and safeguards preventing them from entering into Property Assessed Clean Energy (PACE) Program contracts unwisely. SB 1208 included similar consumer protection measures and expanded qualifying improvements to the PACE program to include wastewater treatment, flood and water damage mitigation, health and environmental hazards mitigation, and water conservation and efficiency projects. The House bill passed all three committees of reference; however, the Senate companion only passed one of three committees of reference.*

HB 1019/SB 972 – ADMINISTRATIVE ENTITY TELECOMMUNICATION MEETINGS, REP. CASSELLO/SEN. RODRIGUEZ (A)

*HB 1019 died in Government Operations Subcommittee. SB 1072 died in Senate Rules Committee.*

*Broward County worked with the bill sponsors to file HB 1019 and SB 972 on behalf of the Southeast Florida Regional Climate Change Compact (Climate Compact). This bills were the number one priority of the Climate Compact this session and would have allowed the organization to host public meetings virtually. The Senate bill passed two of three committees; however, the House bill was never heard. Intergovernmental Affairs supported this bill in committee.*

MENTAL HEALTH AND SUBSTANCE ABUSE

HB 83/SB 130 – MENTAL HEALTH AND SUBSTANCE USE DISORDERS, REP. HART/SEN. ROUSON

*HB 83 died in House Children, Families, and Seniors Subcommittee. SB 130 died in House Messages.*

*HB 83 and SB 130 would have promoted the use of peer specialists to assist an individual’s recovery from substance use disorder or mental illness. Peer specialists are persons who have recovered from a substance use disorder or mental illness who support a person with a current substance use disorder or mental illness. The Senate bill passed the full chamber; however, the House companion was never heard in committee.*

HB 405/SB 828 – MENTAL HEALTH AND SUBSTANCE ABUSE, REP. MANEY/SEN. BOOK

*HB 405 died in House Children, Families, and Seniors Subcommittee. SB 828 died in Senate Judiciary Committee.*

*HB 405 and SB 828 would have modified the Baker Act and made significant changes to the Marchman Act, the statutory processes for mental health and substance abuse examinations and treatment, respectively. Click here to see a full analysis of the proposed bill changes. The Senate bill passed one of three committees of reference; however, the House bill was not heard.*
HB 509 – BROWARD COUNTY SENIOR SERVICES DISTRICT, REP. DALEY

*Died in House Local Administration & Veterans Affairs Subcommittee.*

HB 509 was sponsored by Rep. Daley on behalf of Broward County. The local bill would have created a special act titled the “Edith Schaffer Lederberg Senior Services Act” that would have allowed the County Commission to create an independent special district and would have established the district’s governing board known as the “Senior Services Council of Broward County” to provide and fund senior services throughout Broward County.

The bill would have authorized the Council to annually levy ad valorem taxes (not to exceed ½ mills) on all taxable property within Broward County if approved by a majority vote of the County’s electors voting in the November 2022 countywide General Election. The bill also provided for dissolution of the Council and a reauthorization at a general election every 12 years. The House refused to hear any bills that would have allowed local governments to create new special taxing districts.

HB 1491 – BROWARD COUNTY AFFORDABLE HOUSING TRUST FUND, REP. GOTTLIBE

*Died in House Local Administration & Veterans Affairs Subcommittee.*

Rep. Gottlieb filed HB 1491 on behalf of Broward County. The bill would have authorized a discretionary surtax on documents pursuant to Section 202.031, Florida Statutes, to finance affordable housing throughout the County. The House refused to hear any bills this session that would have allowed local governments to collect additional revenues.
BILLS THAT FAILED BY DEPARTMENT

ADMINISTRATION

HB 61/SB 1276 – PERCENTAGE OF ELECTOR VOTES REQUIRED TO APPROVE A REFERENDUM OR A REVISION, REP. ROTH/SEN. DIAZ

HB 61 died on the House Second Reading Calendar. SB 1276 died in Senate Rules.

HB 61 and SB 1276 proposed an amendment to the State Constitution to increase the percentage of elector votes required to approve an amendment to or a revision of the State Constitution from 60 percent to 66 and 2/3 percent. The House bill passed all its committees of reference; however, the Senate companion only passed one of three committees of reference.

SB 62 – REGIONAL PLANNING COUNCILS, SEN. BRADLEY

Died in Senate Judiciary.

SB 62 would have eliminated Regional Planning Councils (RPCs) from Florida law, but would have allowed RPCs governed by an existing interlocal agreement to continue to function. Per the bill, a local government would have also been allowed to enter into an agreement to create a regional planning entity at the local level. The current functions and duties of RPCs under state law would have been reassigned to other state agencies and local governments under the bill.

HB 185/SB 490 – JUNETEENTH DAY – REP. MCCURDY/SEN. BRACY

HB 185 died in Government Operations Subcommittee. SB 490 passed the full Senate, was substituted for HB 1553 and died in House Returning Messages.

HB 185 and SB 490 would have designated June 19, also known as “Juneteenth Day”, as a legal holiday. SB 490 passed the full Senate; the House companion was never heard. However, a bill (HB 1553) that would have established a day to remember victims of communism passed the full House and was later amended by the Senate to include the Juneteenth Day language. The bill died, however, when the House did not take up the amended bill in returning Messages from the Senate.

HB 835/SB 1014 – EMPLOYEE ORGANIZATIONS, REP. BYRD/SEN BAXLEY

HB 835 died on the House Second Reading Calendar. SB 1014 died in Senate Rules.

Among other provisions, HB 835 and SB 1014 would have required a public employee who joins a union to sign an authorization form. The form would have noted that Florida is a right-to-work state and that union membership and dues are not required for employment. Moreover, the bills would have prohibited some unions from deducting dues from members’ paychecks and would have required members to annually acknowledge they were not required to join a union. The Senate bill passed one of two committees of reference, while the House bill passed all three committees of reference before being temporarily postponed on the floor.

COUNTY ATTORNEY

HB 853 – LOCAL GOVERNMENT ETHICS REFORM, REP. SIROIS

Passed the full House unanimously. Referred to and died in Senate Rules Committee.

HB 853 would have made numerous changes to Florida’s Code of Ethics for Public Officers and Employees (Code) as it related to local government officers, employees, and lobbyists. Specifically, the bill:

- Specified that a material interest in a business is included in the Code’s prohibition on conflicting employment or contractual relationships;
- Required special district governing board members to annually complete four hours of ethics training, a requirement that mirrors the current law applicable to constitutional officers and elected municipal officers;
• Required local officers that must abstain from voting on a measure due to a conflict of interest to disclose the conflict prior to participating in the measure;
• Required elected mayors and member of the governing body of a municipality with $10 million or more in total revenue for three consecutive years to file a full and public disclosure of their financial interests in lieu of the less detailed form of disclosure required under current law;
• Required Dept. of Financial Services to file a verified report with the Legislature and Commission annually showing the total revenues for each municipality in each of the 3 previous fiscal years and whether the municipality timely filed its annual financial report;
• Required officer or members who are required to complete annual ethics training to provide name of training provider on their statement of financial interest.

While the bill passed the full House unanimously, there was never a Senate companion filed, and the Senate refused to consider the House bill in its chamber.

HB 1053/SB 102 – MATTERS OF GREAT GOVERNMENTAL CONCERN, REP. OVERDORF/SEN. BURGESS

HB 1053 died in House Judiciary Committee. SB 102 died in Senate Rules Committee.

HB 1053 and SB 102 would have had the effect of limiting or prohibiting various civil actions and class action matters by local governments including recent class actions involving opioids, PFAS and predatory lending.

HB 1053 would have authorized the attorney general to unilaterally declare circumstances involving economic loss or harm to governmental entities in five or more counties as a “matter of great governmental concern.” SB 102 would have authorized the Legislature by concurrent resolution to declare any circumstance that has caused economic or similar harm to governmental entities in 15 or more counties to be a matter of great governmental concern. Upon such a declaration, the attorney general would have had sole authority to file a civil action on behalf of the affected governmental entities. The bills authorized the attorney general to intervene in any pending civil proceeding in federal or state court (including pending appeals) and dismiss, consolidate, settle or take any action he or she believes to be in the public interest.

A declaration by the attorney general that a matter is of great governmental concern would have operated to abate or stay any pending civil action unless and until the attorney general takes an action in the proceeding. The bills required governmental entities that are parties to any action that had been declared a matter of great governmental interest to notify the attorney general of the existence of the action and provide that any settlement or resolution of a proceeding by a governmental entity after the attorney general’s declaration and without the attorney general’s consent was void.

The bills provided a process by which governmental entities may apply to a court to recover attorney fees and costs incurred prior to the attorney general’s declaration, but failed to identify a source of funding, responsible party or conditions for obtaining such recovery. The House bill passed one of two committees of reference, while the Senate bill passed one of three committees of reference.

HB 1355/SB 1602 – PUBLIC RECORDS EXEMPTION/COUNTY ATTORNEYS AND ASSISTANT COUNTY ATTORNEYS, REP. ARRINGTON/SEN. STEWART

HB 1355 died in Government Operations Subcommittee. SB 1602 died in Senate Judiciary Committee.

HB 1355 and SB 1602 would have created a public records exemption for current and former county attorneys and assistant county attorneys. Specifically, the bills would have exempted:
• Home addresses, dates of birth, photographs, and telephone numbers of current and former county attorneys and assistant county attorneys;
• Names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of spouses and children of county attorneys and assistant county attorneys; and
• Names and locations of schools and day care facilities attended by the children of county attorneys and assistant county attorneys.

The House bill passed one of three committees of reference; however, the Senate bill was never heard.
ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT

HB 55/SB 284 – BUILDING DESIGN, REP. OVERDORF/SEN. PERRY

HB 55 died in the Senate Rules Committee after passing the full House. SB 284 died in Senate Rules Committee.

HB 55 and SB 284 would have prohibited local governments from enforcing residential design standards through local zoning codes. The bills allowed local governments to adopt land development regulations requiring certain building design elements to single- and two-family dwellings when certain conditions are met. Under the bills, local governments would have been able to apply building design restrictions to dwellings in a planned unit development or a master planned community created by a local ordinance enacted on or before July 1, 2021. The Senate bill passed two of three committees of reference, while the companion bill passed the full House.

HB 219/SB 522 – VACATION RENTALS, REP. FISCHER/SEN. DIAZ

HB 219 died in House Ways and Means Committee. SB 522 died in Senate Rules Committee.

HB 219 and SB 522 would have required online platforms such as Airbnb to collect and remit taxes on vacation rental properties, ensured that only properly licensed rentals were advertised, and provided the state with specific information about the rentals. In exchange, vacation rental regulations would have been preempted to the state. Additionally, the bills would have prohibited local laws, ordinances, or regulations regarding inspections or licensing of public lodging establishments. The Senate bill differed from the House bill after it was amended during the committee process to remove a provision that would have blocked local governments' ability to continue to license and inspect the properties. The bill also preempted the regulation of advertising platforms to the state. The Senate bill passed two of three committees of reference, while the House companion only passed one of three committees of reference.

HB 239/SB 334 – REGULATION OF SMOKING IN PUBLIC PLACES, REP. ALTMAN/SEN. GRUTERS

HB 239 died in House Environment, Agriculture & Flooding Subcommittee. SB 334 died in Senate Rules.

HB 239 and SB 334 would have amended the “Florida Clean Indoor Air Act,” which regulates vaping and tobacco smoking in Florida. The Senate bill would have allowed counties and municipalities to restrict smoking, except for smoking cigars and pipe tobacco, within the boundaries of any of the public beaches and public parks they own. Currently, the regulation of smoking is preempted to the state, and counties and municipalities are prohibited from regulating smoking. The House bill would have allowed local governments to regulate all types of smoking on their public beaches and public parks.

HB 333/SB 772 – EVERGLADES PROTECTION AREA, REP. ALOUPIIS/SEN. RODRIGUEZ (A)

HB 333 died in House State Affairs Committee. SB 772 died in Senate Environment and Natural Resources Committee.

HB 333 and SB 772 would have prohibited the Department of Environmental Protection from granting permits for drilling of wells for oil and gas structures intended for drilling for, or production of oil, gas, or other petroleum within the Everglades Protection Area. The House bill passed two of three committees of reference; however, the Senate bill was never heard.

HB 705/SB 1054 – SOIL AND GROUNDWATER CONTAMINATION, REP. ANDRADE/SEN. BROXSON

HB 705 died in House Environment, Agriculture & Flooding Subcommittee. SB 1054 died in Senate Appropriations Subcommittee on Agriculture, Environment, and General Government.

SB 1054 would have required the Department of Environmental Protection (DEP) to adopt statewide cleanup target levels for perfluoroalkyl and polyfluoroalkyl substances (PFAS) in soils and groundwater, which do not take effect until ratified by the Legislature. The bill also provided a limitation of liability, until DEP’s rules have been ratified for a particular PFAS constituent, from actions brought by local or state government entities to compel or enjoin site rehabilitation, require payment of site rehabilitation costs, or require payment of fines or penalties regarding rehabilitation based on the presence of that PFAS constituent. HB 705 would have exempted airports from liability related to PFAS. The Senate bill passed one of three committees; however, the House companion was never heard.
HB 817/SB 138 – ELECTRIC VEHICLES, REP. TOLEDO/SEN. BRANDES

HB 817 died in House Tourism, Infrastructure & Energy Subcommittee. SB 138 died in Senate Appropriations.

HB 817 and SB 138 would have directed the Florida Department of Transportation (FDOT) to establish the Electric Vehicle Infrastructure (EVI) Grant Program to provide financial assistance to encourage the installation of publicly-available electric vehicle charging infrastructure for electric vehicles, electric semi-trucks, and electric aircraft on public or private property. The bills would have authorized state agencies, public universities, public transit agencies, ports, airports, and local governments to apply to the FDOT for grants for technical assistance for the development and adoption of local or regional plans establishing charging infrastructure and for assistance with the purchase of related equipment and costs of installation. The Senate bill passed two of three committees of reference; however, the House never heard the companion legislation.

HB 819/SB 140 – FEES/ELECTRIC VEHICLES, REP. LEARNED/SEN. BRANDES

HB 819 died in House Tourism, Infrastructure & Energy Subcommittee. SB 140 died in Senate Appropriations.

SB 140 and HB 819 would have imposed flat fees by weight, in addition to existing license taxes, for electric vehicles beginning July 1, 2021, and increasing January 1, 2025. The bills would have likewise imposed an additional flat fee for plug-in hybrid electric vehicles, which also increases on January 1, 2025. The bills would have authorized any person or entity registering an electric or plug-in hybrid electric vehicle to renew the registration biennially in accordance with current law. These fees would have been contingent upon passage of a linked bill, SB 138. The Senate bill passed two of three committees; however, the House companion was never heard.

SB 916 – RESIDENTIAL HOME PROTECTION, SEN. BRODEUR

 Died in Senate Judiciary Committee.

SB 916 would have prohibited local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property owner obtains documentation from an arborist certified by the International Society of Arboriculture, or a Florida licensed landscape architect, that the tree presents a danger to persons or property. The bill had no House companion and only passed one of three committees of reference.

HB 1167/SB 1396 – TREE PRUNING, TRIMMING, OR REMOVAL ON RESIDENTIAL PROPERTY, REP. SNYDER/SEN. GRUTERS

HB 1167 died in House Local Administration & Veterans Affairs Subcommittee. SB 1396 died in Senate Community Affairs Committee.

HB 1167 and SB 1396 would have redefined residential property to include a residential mobile home park and would extend the current preemption on local governments’ regulation of tree trimming, maintenance, removal and mitigation measures to include mobile home park owners. This legislation is in response to a 2019 mobile home park owner who felled 27 trees on his property with the appropriate documentation from a certified arborist but was subsequently fined $420,000 by the City of Tampa as the law was determined not to cover mobile home parks zoned as commercial property. The House bill passed one of three committees of reference; however, the Senate companion was never heard.

HB 1335/SB 1668 – SEAGRASS MITIGATION BANKS, REP. SIROIS/SEN. RODRIGUEZ (A)

HB 1335 died in House Agriculture and Natural Resources Appropriations Subcommittee. SB 1668 died in Senate Community Affairs Committee.

HB 1335 and SB 1668 would have authorized the Board of Trustees establish seagrass mitigation banks to ensure the preservation and regeneration of seagrass and to offset the unavoidable impacts of projects when seagrass banks meet the public interest requirements related to state-owned lands. Both the House and Senate bills only passed one of three committees of reference.
SB 1550 – PUBLIC FINANCING OF POTENTIALLY AT-RISK STRUCTURES, SEN. RODRIGUEZ (A)

_Died in Senate Community Affairs Committee._

SB 1550 would have broadened the geographic applicability of the requirements, for public entities commissioning or managing coastal construction projects using funds appropriated from the state, to create sea level impact projection (SLIP) studies. The bill provided two definitions:

- “Areas at-risk due to sea level rise” meant an inland or coastal area where sea level rise can substantially increase flood risk, including tidal, storm surge, and groundwater inundation.
- “Potentially at-risk structure” meant a major structure or uninhabitable structure within an at-risk area.

The bill only passed one of three committees of reference and had no house companion.

HEALTH AND HUMAN SERVICES

SB 84 – RETIREMENT, SEN. RODRIGUES (R)

_Passed the full Senate on a vote of 24-16, subsequently referred to and died in House State Affairs Committee._

The Florida Retirement System (FRS) is the primary retirement plan for employees of the state and county government agencies, district school boards, community colleges, and universities. The FRS also serves as the retirement plan for participating employees of the 177 cities and 151 independent hospitals and special districts that have elected to join the system. Under current law, members of the FRS have two plan options available for participation: the defined benefit plan (pension plan) and the defined contribution plan (investment plan). **SB 84** would have closed the pension plan to new enrollees and required all new enrollees to participate in the investment plan, effective July 1, 2022. The bill did not impact the rights of any current FRS enrollee to select participation in the pension plan or the investment plan. Changes included in the bill only pertained to FRS members initially enrolled in the system on or after July 1, 2022.

OFFICE OF MANAGEMENT AND BUDGET/FINANCE AND ADMINISTRATION

HB 1429/SB 2008 – TOURIST AND CONVENTION DEVELOPMENT TAXES, REP. AVILA/SEN. DIAZ

_HB 1429 passed the full House on a vote of 114-2, subsequently referred to and died in Senate Appropriations Committee. SB 2008 died in Senate Appropriations Committee._

HB 1429 and SB 2008 would have authorized all tourist development taxes (TDT) or convention development taxes (CDT) revenue to be used to finance flood mitigation projects. The House bill, as originally drafted, required all TDTs and CDTs to be approved by referendum every five years and requires any TDT or CDT currently imposed to be renewed in a referendum on or before July 1, 2026. The House bill passed off the floor but, the Senate bill was never heard in committee.

PUBLIC WORKS

HB 1113/SB 1412 – TRAFFIC AND PEDESTRIAN SAFETY, REP. FINE/SEN. PERRY

_HB 1113 passed the full House on a vote of 91-25, subsequently referred to and died in Senate Appropriations Committee. SB 1412 died in Senate Appropriations Committee._

HB 1113 and SB 1412 would have required traffic engineering be conducted by a Florida licensed professional engineer prior to installing a new mid-block crosswalk (MBC). MBCs installed on public roads would have been required to conform to certain provisions of the latest Manual on Uniform Traffic Control Devices (MUTCD) and other applicable DOT standards, manuals, and specifications, and would have been required to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian. The bill required, by October 1, 2024, that the entity with jurisdiction over a public highway, street, or road with an MBC to ensure that such crosswalk be controlled by the required coordinated traffic control signal devices and pedestrian control signals. Alternatively, the entity had the option to remove the crosswalk under the bill. The House bill passed the full House and the Senate bill passed all three committees of reference; however, the Senate chose not to hear the bill on the floor.
HB 773/SB 1058 – SANITARY SEWER LATERALS, REP. MCCLURE/SEN. BURGESS

HB 773 died in House State Affairs Committee. SB 1058 died in Senate Appropriations.

HB 773 and SB 1058 would have authorized each county or municipality that had established an evaluation and rehabilitation program to develop detailed specifications and standards for repairing or replacing any leaking, damaged, deteriorated, or clogged laterals on such properties. The bill specified that before a county or municipality accessed a residential or commercial property, it was required to notify the property owner by mail at least 14 days before the start of the project of the counties or municipality’s intent to access the property to clean, repair, recondition, or replace the sanitary sewer lateral. Broward County opposed this legislation, as it would have placed a mandatory requirement on counties and cities to pay for the lateral repairs or replacements. Both the House and Senate bills each passed two of three committees of reference.