



**PUBLIC
POLICY**



Legislative Update

**2021 Legislative Session
County Managers Annual Workshop
July 1, 2021**

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PREEMPTIONS



- **FAILED**

- Vacation Rentals (SB 522/HB 219)
- Public Funds for Lobbying by Local Governments (HB 215)
- Occupational Regulations Review Process (SB 344/HB 471)

PREEMPTIONS



- **PASSED**

- Local Occupational Licensing (HB 735/SB 268)
- Fuel Pump Preemption (SB 430/HB 991)
- Gas Station Preemption (HB 839/ SB 856)
- Utility Services Preemption (HB 919/ SB 1128)
- Florida Seaports Preemption (SB 1194/ HB 57)
- Solar Facility Preemption (SB 896/HB 539)
- Home-Based Businesses (HB 403/SB 266)
- Cottage Food Preemption (HB 663/SB 1294)
- Public Works Projects (HB 53/SB 1076)
- Firearms and Ammunition Preemption (SB 1884/ HB 1409)
- Florida Building Code (HB 401)

FINANCE, TAX, & ADMINISTRATION



SB 50: Taxation (Gruters) – **PASSED**

- SB 50 applies Florida's sales and use tax to online/e-commerce sales from out of state retailers regardless of whether the entity has a physical presence within the state, and requires Marketplaces to collect sales tax upon sales made to Floridians from their Marketplace sellers
 - Also expands the local option sales tax to apply to all sales made to Floridians by out of state entities
 - Local option sales tax collected from out of state dealers will be distributed back to local governments through the Quarterly Discretionary Pool
- The REC determined that in FY21-22 the bill would increase the General Revenue Fund by \$973.6 million and \$1.08 billion each year after and increase the state trust fund in FY 21-22 by \$.3 million and by \$3.3 million each year after
 - The bill directed the additional forecast state revenues to be distributed to the Unemployment Compensation Trust Fund to replenish the fund to pre-pandemic levels
- The bill also reduced the tax rate for commercial rent from 5.5% to 2.5%, with the effective date of the reduction being contingent upon when the Unemployment Trust Fund achieves its pre-pandemic level.
 - This reduction has a negative impact on state shared revenues of approximately \$145 million annually, depending upon when it goes into effect
- Assuming the commercial rent reduction takes place at the start of state fiscal year 2024-25, the total positive impact for local governments in the five-year forecast period of \$1.1 billion

FINANCE, TAX, & ADMINISTRATION



HB 337: Impact Fees (DiCeglie) – **PASSED**

- The bill revises the limitations and requirements to impose impact fees by local governments
- There are six provisions regarding impact fee increases within the bill
 - Increase must be pursuant to a plan
 - An increase of not more than 25% must be implemented in two equal annual increments
 - An increase of more than 25% but not more than 50% must be implemented in four equal installments
 - An impact fee increase may not exceed 50% of the current impact fee
 - An impact fee may not be increased more than once every 4 years.
- In order to increase an impact fee beyond the cap amount, three requirements must be met:
 - 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.
- Also provides a definition of "infrastructure" and establishes requirements for credits
 - Infrastructure means fixed capital outlay of expenditure associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least five years
 - Infrastructure includes public safety vehicles and the equipment necessary to outfit the vehicle for its official use
 - Expands the requirement to provide credits from contributions of education facilities to the contribution of any facility, but only if the local government charges an impact fee for that type of facility
 - Specifies that the provision allowing credits to be used in adjacent districts applies retroactively



SB 2512: Documentary Stamp Tax Distributions (Senate Appropriations) – PASSED

- The bill revises the distributions from the Documentary Stamp Tax that are deposited into the Local Government Housing Trust Fund and State Housing Trust Fund, the Water Protection and Sustainability Trust Fund, and Resilient Florida Trust Fund
 - Under prior law for 2021-22, \$446.3 million would be distributed into Housing Trust Funds, \$312.7 million for State Housing Initiative Partnership (SHIP) and \$133.6 million for State Apartment Incentive Loans (SAIL)
 - Under new law, \$209.2 million will be distributed into Housing Trust Funds (\$146.7 million for SHIP and \$62.5 million for SAIL), while directing \$118.5 million each to the Resilient Florida Trust Fund and the Water Protection and Sustainability Trust Fund

FINANCE, TAX, & ADMINISTRATION



Other bills of interest:

- SJR 204: Abolishing the Constitution Revision Commission – **PASSED**
- HB 35: Legal Notices – **PASSED**
- SB 400: Public Records – **PASSED**
- HB 585: Payment for Construction Services – **PASSED**
- SB 838: Clerks of Circuit Court - **PASSED**
- SJR 1377: Limitation on Assessment of Elevated Properties – **PASSED**
- SB 84: Retirement – **FAILED**
- SB 132: Rental of Homestead Property - **FAILED**
- HB 573: Fiduciary Duty of Care for Appointed Public Officials and Executive Officers – **FAILED**
- SB 982: Extension of Qualified Targeted Industry Refund Program - **FAILED**
- HB 1429: Tourist and Convention Development Taxes – **FAILED**

TAX PACKAGE



HB 7061: Taxation (House Ways and Means Committee) – **PASSED**

- The bill originated as a committee bill. A strike all amendment was adopted on the Senate floor that replaced the House language with much of the Senate Tax Package, along with a few additional provisions.
 - Ad Valorem Provisions:
 - Fully exempts certain affordable housing properties currently receiving a 50% discount (\$22.8 million)
 - Use of Charitable Properties (insignificant)
 - Repeals section 193.019, Dealing with Hospitals, Community Benefit Reporting (indeterminate)
 - Change of Ownership, Calamity and Misfortune (indeterminate)
 - House of Worship Educational Property (\$7.6 million Nonrecurring, 0.5 million recurring)
 - Educational Facilities – S. 212.062 (\$0.6 million)
 - Sales Tax Provisions:
 - Data Center Exemption extension (\$1.4 million)
 - Independent Living items exemption (\$3.8 million)
 - Ten Day Back to School Sales Tax Holiday, including computers up to \$1000 - 7/31 to 8/9 (\$44.9 million)
 - Ten Day Disaster Preparedness Holiday 5/28 to 6/6 (\$6.0 million)
 - Seven Day Sales Tax Holiday – admissions and Outdoor Recreation Supplies (\$46.4 million)
 - Other Provisions:
 - Documentary Stamp Tax – Revision of Interest Rate Index (insignificant)
 - Multiple Taxes – Strong Families Tax Credit Program (\$5.0 million)
 - Corporate Income Tax – Internship Credit (\$2.5 million)
 - Contaminated Site Rehabilitation Tax Credit (\$17.5 million)



SB 64: Reclaimed Water (Albritton)- **PASSED**

- The bill creates a timeline to eliminate nonbeneficial surface water discharges by January 1st, 2032.
- The bill requires local governmental utilities to submit initial plans to DEP by 11/1/21.
- The bill provides exceptions for discharge and hardship conditions
- Timelines and plans must be implemented by 1/1/32. The bill 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.
- Other provisions in the bill include:
 - Authorizes DEP to convene a technical advisory group to coordinate rulemaking and review of reviews for potable reuse;
 - Specifies that potable reuse is an alternative water supply, for purposes of making reuse projects eligible for alternative water supply funding;
 - Incentivizes the development of potable reuse projects;
 - Requires each county, municipality, and special district to promote the beneficial reuse of water by authorizing the use of residential graywater technologies within its jurisdiction, requiring such technologies to meet certain requirements, and providing incentives to developers to fully offset the capital costs of the technology;
 - Specifies the total dissolved solids allowable in aquifer storage and recovery in certain circumstances.
- The bill heads to the Governor for final approval.

WATER & ENVIRONMENTAL SUSTAINABILITY



SB 1954: Statewide Flooding and Sea-level Rise Resilience (R. Rodrigues) – PASSED

- The bill creates the Resilient Florida Grant Program within the Department of Environmental Protection to provide grant funding, subject to appropriation, to local governments for resiliency planning and projects to adapt critical assets
- Establishes a three-year Statewide Flooding and Sea Level Rise Resilience Plan
- The bill authorizes counties to enter into agreements to form regional resilience coalitions for the purpose of planning for the resilience needs of communities and coordinating intergovernmental solutions including multijurisdictional vulnerability assessments and project proposals for the statewide resilience plan
- Funding will support vulnerability assessments and mitigation plans to prepare for the threats of flooding and sea level rises
- Establishes the Florida Flood Hub for Applied Research
- Signed by the Governor

SB 2514: Resilient Florida Trust Fund (Senate Appropriations)- PASSED

- The bill creates the Resilient Florida Trust Fund within the Department of Environmental Protection as a funding source for the Resilient Florida Grant Program and the Statewide Flooding and Sea Level Rise Resilience Plan, including the costs to operate and develop the plan, and grants to the regional resilience coalitions
- The Resilient Florida Trust fund will be terminated on July 1, 2025, unless re-created by the Legislature
- Signed by the Governor

WATER & ENVIRONMENTAL SUSTAINABILITY



Other bills of interest:

- HB 217: Conservation Area Designations (Hunschofsky) – **PASSED**
- SB 2516: Water Storage North of Lake Okeechobee – **PASSED**
- HB 1309: Ratification of Department of Environmental Protection Rules – **PASSED**
- SB 694: Waste Management – **PASSED**
- SB 1054/ HB 705: Soil and Groundwater Contamination (Broxson/Andrade) – **FAILED**
- SB 1480/ HB 1173: Land Acquisition Trust Fund/Florida Forever Bonds (Brodeur/Roth) – **FAILED**
- SB 1522 / HB 1225: Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil) – **FAILED**
- HB 387/ SB 1208: Property Assessed Clean Energy – **FAILED**
- HB 773/SB 1058: Sanitary Sewer Laterals – **FAILED**
- HB 315/SB 514: Office of Resiliency – **FAILED**

ACCESS 67



- **HB 1239: Broadband Internet Infrastructure (Tomkow) – PASSED**
- The legislation adopted provisions from several broadband bills to create a multifaceted approach to addressing the Digital Divide in Florida.
 - FAC supported provisions addressing broadband mapping improvements including funding to address the discrepancies in access maps offered by providers and reported speeds as well as enhancements to local technology planning teams
 - The bill also featured a “Opportunity Grant” program to expand access. This session the Legislature did not provide funding for the grant program in hopes of further developing the requirements for applicants.
 - The bill also contained provisions addressing telecom access to municipal electric utility poles.
- **Broadband Bills that FAILED:**
 - SB 2004—Broadband Internet by Senator Burgess failed this session. Some provisions of the bill bolstering the Office of Broadband were absorbed into HB 1239; however, the funding for a feasibility study was not included in the budget.
 - SB 1560—Broadband Internet Service by Senator Ausley, cleared all of its committees. The mapping components of the bill were incorporated into the “broadband package”.

HEALTH, SAFETY, & JUSTICE



SB 2006: Emergency Management (Burgess) - **PASSED**

- The bill amends the State Emergency Management Act to address the threat posed by a future pandemic or other public health emergency
- The bill requires the political subdivision imposing an ordinance or other measure that deprives a person of a right, a liberty, or property, to prove that the measure is “narrowly tailored” and serves a “compelling public health or safety purpose.”
- The Governor has the authority to invalidate an emergency order that “unnecessarily restricts individual rights or liberties

HEALTH, SAFETY, & JUSTICE



HB 1: Combating Public Disorder (Fernandez-Barquin) - **PASSED**

- HB1 was signed into law and was effective immediately on Monday, April 19, 2021
- The bill defines crimes related to rioting and enhances penalties for aggravated rioting, including, but not limited to, acts of assault, battery, mob intimidation, destroying a memorial or historic property, and cyber intimidation
- Provides that if a tentative budget of a municipality contains a funding reduction to the operating budget of the municipal law enforcement agency, the state attorney for the judicial circuit in which the municipality is located, or a member of the governing body who objects to the funding reduction may file an appeal to the Administration Commission.

HEALTH, SAFETY, & JUSTICE



Other bills of interest:

- HB 805: Volunteer Ambulance Services (Caruso/McClure) - **PASSED**
- SB 348: Medicaid (A. Rodriguez) – **PASSED**
- SB 60: County and Municipal Code Enforcement (Bradley) - **PASSED**
- SB 1080: Tobacco and Nicotine Products (Hutson) - **PASSED**
- HB 885: Juvenile Justice Programs & Detention (Plasencia) – **PASSED**
- SB 530: Nonopioid Alternatives (Perry) - **PASSED**
- HB 1113: Traffic and Pedestrian Safety (Fine) - **FAILED**
- SB 334: Regulation of Smoking in Public Places (Gruters) - **FAILED**
- SB 510: State Funds (Hooper) - **FAILED**

COMMUNITY & URBAN AFFAIRS



HB 421: Governmental Actions Affecting Private Property Rights (Tuck/Persons-Mulicka) – PASSED

- As passed, the bill modifies the Bert Harris Act by:
 - Revising the term “action of a governmental entity” to include adopting or enforcing any ordinance, resolution, regulation, rule, or policy and clarifies the term “real property” to include surface, subsurface, and mineral estates and other land interest held by a property owner.
 - Reducing the timeframe, from 150 days to 90 days, under which a property owner must notify the government before filing a court action.
 - Specifying that written settlement offers are presumed to protect the public interest.
 - Allowing the property owner to have the court, rather than a jury, determine damages.
 - Extending the point from which a prevailing property owner may recover attorney fees and costs – from the date of filing the circuit court action to the date the property owner presents the claim to the head of the governmental entity.
 - Allowing a property owner, who files a Harris claim but later relinquishes title to the property, to continue pursuing the claim through final resolution including any appeals. Essentially reverses the Second DCA's recent opinion (April 7, 2021) in *Dean Wish, LLC v. Lee County*.



HB 1059: Construction Permits (Fischer) – **PASSED**

- The bill sets timeframes for reviews of additional information requested by a county or municipality from a building permit applicant.
- Requires local government to post on its website each type of building permit application and all required attachments; procedures for processing, reviewing, approving applications; and the status of each application.
- Local governments must allow electronic submission of all applications, attachments and payments.
- If a local government fails to meet established deadlines for reviewing and issuing a building permit for a single-family residential dwelling , **it must reduce the original permit fee by 10% for each day its late.**
- Requires the local government to provide notice of the reason(s) why the permit application fails to meet the FBC or the agency's laws and provide the applicant 10 business days to correct the application. If corrected and submitted within 10 business days, local government must approve or deny the application within 10 business days; if not, the local government **must reduce the original permit fee by 20% for the first day, and 10% for each additional day late afterwards up to 5 business days.**

COMMUNITY & URBAN AFFAIRS



HB 667: Building Inspections (Mooney, Jr.) – **PASSED**

- The bill requires local enforcement agencies to allow requests for building code inspections to be submitted electronically.
- Accepted methods of electronic submission include but are not limited to: E-mail; Electronic fill-in form available on the building department's website or a third-party submission management software; or an application that can be downloaded on a mobile device.
- The bill also 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 of the inspection.
- The bill authorizes a state or local enforcement agency to perform virtual inspections, except structural inspections on a threshold building, and defines "virtual inspection" to mean a form of visual inspection using visual or electronic aids to allow a building code administrator, inspector, or team of inspectors, to perform an inspection without being physically present at the job site.

COMMUNITY & URBAN AFFAIRS



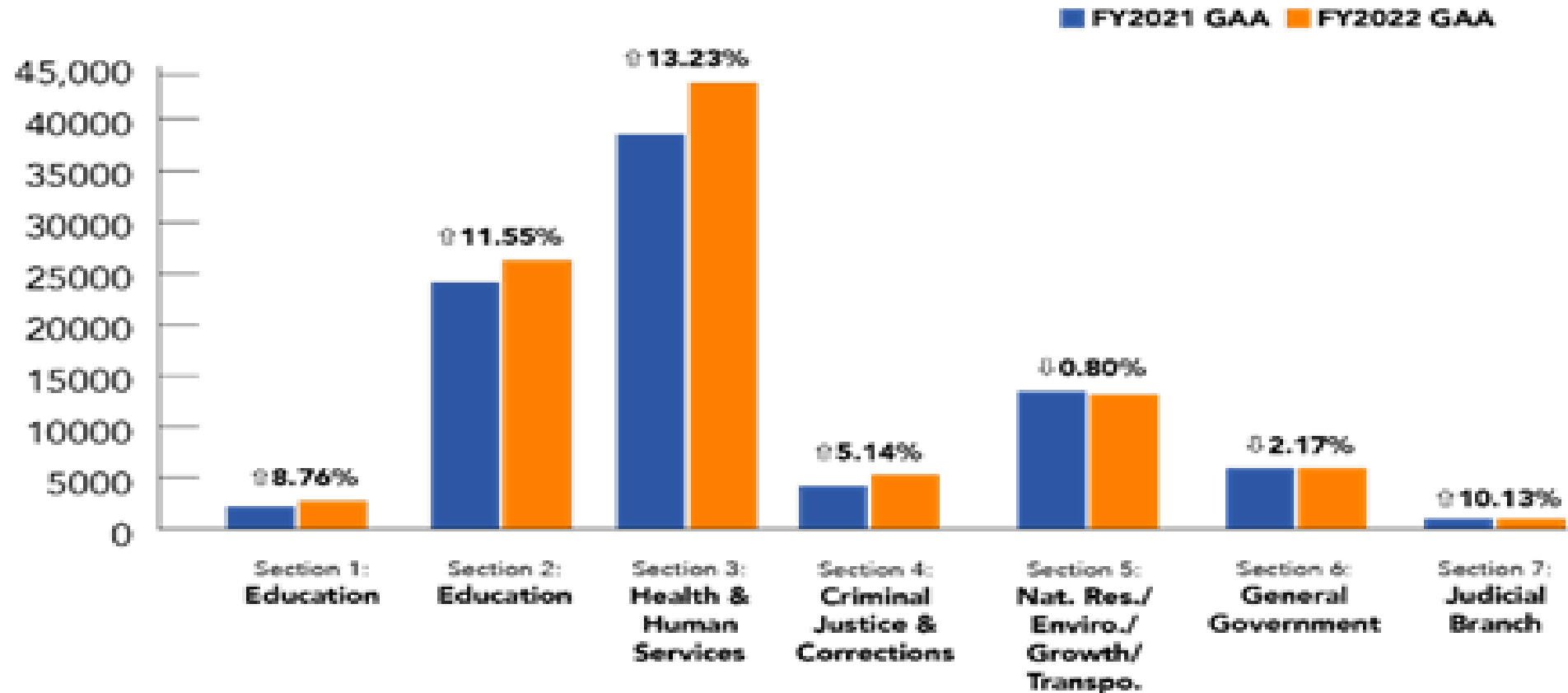
Other bills of Interest:

- **HB 59: Growth Management (McClain) – PASSED**
- SB 100: Highway Projects (Harrell) – **PASSED**
- HB 37: Abandoned Cemeteries (Driskell) – **PASSED**
- HB 1463: Department of Economic Opportunity (LaMarca) - **PASSED**
- SB 912: Tolling & Extension of Permits During States of Emergency (Albritton) - **PASSED**
- **SB 102/ HB 1053 – Matters of Great Governmental Concern (Burgess/Overdorf) - FAILED**
- **SB 62: Regional Planning Councils (Bradley) – FAILED**
- HJR 1603/HB 1605: Recall of County Officers and Commissioners (Williamson) – **FAILED**
- HB 567/SB 1068: Local Housing Assistance Plans (Bartleman/Taddeo) – **FAILED**
- HB 853: Local Government Ethics Reform (Sirois) – **FAILED**
- Hb 573/SB 758: Fiduciary Duty of Care for Appointed Public Officials & Executive Officers (Beltran/Diaz) - **FAILED**
- HB 21/SB 270: Construction Defects (Andrade/Perry) – **FAILED**
- HB 1393/ SB 1808: Abandoned Residential Real Property (Davis/Powell) – **FAILED**
- HB 205/ SB 1350: Requirements for Establishing or Increasing Tolls (Borrero/Jones) - **FAILED**

2021 BUDGET SUMMARY



BUDGET COMPARISON BY SECTION (IN MILLIONS OF DOLLARS)



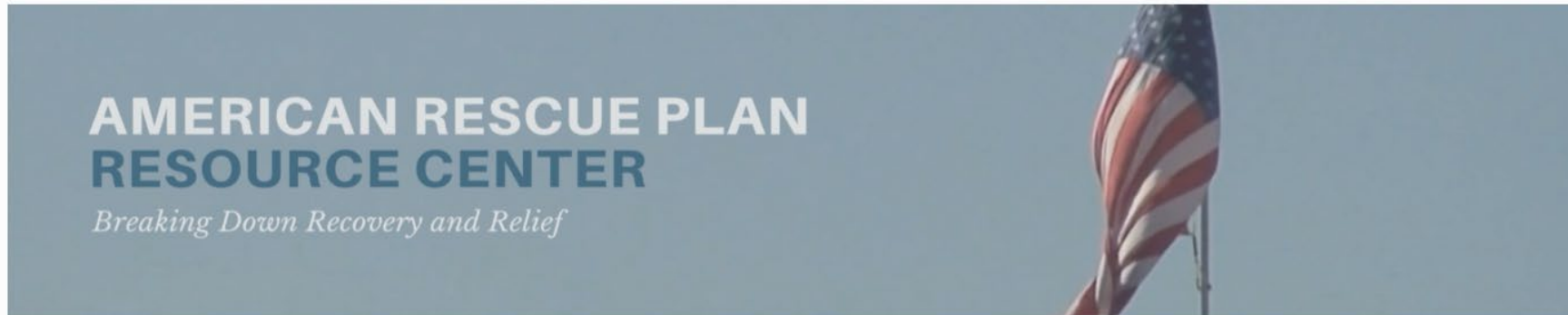
COUNTY FUNDING HIGHLIGHTS



- Community Substance Abuse and Mental Health Services: \$1.051 billion
- Homeless Programs Challenge Grants: \$3.2 million
- Resilient Florida Trust Fund and program: \$500 million
- Septic-to-Sewer/Stormwater Improvements: \$626 million
- Inlet/Beach Management: \$75 million
- State Housing Initiatives Partnership (SHIP): \$146.7 million
- Small County Outreach Program (SCOP): \$88.8 million
- Small County Road Assistance Program (SCRAP): \$38.2 million



FAC's American Rescue Plan Resource Page Launched



Website: <https://flicg.org/american-rescue-plan-resources/>



**PUBLIC
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Questions?

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FOR MORE
INFORMATION



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