



PBC 2021 Legislative Update

Department of Legislative Affairs

March 8, 2021 - Week 1

Palm Beach County Day 2021: Virtual

With COVID safety protocols in force in the Capitol, the first week of session went without a visit of hundreds from Palm Beach County, but Palm Beach County Day went ahead, virtually.

If we couldn't go to them, we brought them to us! Thank you to the leaders in Tallahassee who visited with Palm Beach County Day registrants virtually throughout the week. And, they wore their beads!

We enjoyed the opportunity to meet virtually with Lt. Governor Jeanette Nuñez, Chief Financial Officer Jimmy Patronis, Attorney General Ashley Moody, Commissioner of Agriculture Nikki Fried, Senate Minority Leader Gary Farmer, Senator Bobby Powell, Jr., Senator Gayle Harrell, PBC Delegation Chair David



Senators Powell, Polsky, Berman and Harrell represent the Palm Beach County Senate Delegation at Palm Beach County Day 2021!

Silvers & Vice-Chair Mike Caruso, House Minority Leader Bobby DuBose, and Florida Senate Dep. Chief of Staff Tom Yeatman.

A thank you to all of our legislative partners at the Economic Council of Palm Beach County, the PBC School Board, Palm Beach State College, Florida Atlantic University, the PBC League of Cities, COWBRA, and all of our community leaders for joining us on the call this week. We look forward to the 2022 Session when we can enjoy a Palm Beach County Day back in the Capitol!

Palm Beach County Appropriation priorities are moving forward in the House. Thank you to Senators Harrell, Berman, Powell, and Polsky, as well as Representatives Skidmore, Caruso, Silvers, Willhite, Snyder, Hardy, and Roth for sponsoring these BCC priorities.

One change to note this Session is that the House is moving the member appropriations bills via consent calendar. For those unfamiliar with the process, until this year, member bills had to be heard individually. This year, all bills being heard that week are placed on the calendar and any member can flag any bill to be pulled from the consent calendar, which will then be heard individually. All other bills are voted on en masse. Bills voted out of committee are "in play" for the budgetary process. Our goal for this week is to get as many county priority appropriations bills on the calendar this week as we can.

Bills PBC is watching into Week 2

HB 1 – Combating Public Disorder

The House moved ahead with a controversial proposal that seeks to crack down on violent protests, make it more difficult for local governments to trim spending on law enforcement and enhance penalties related to riots and injuries to police officers.

Critics, however, maintain that proposals released by the House and Senate carrying out DeSantis' plan would have a chilling effect on participation in peaceful protests, violate free-speech rights and allow people who plow vehicles into crowded protests to avoid civil penalties if they injure or kill someone.

The House Justice Appropriations Subcommittee signed off Wednesday on the House proposal (HB 1) in a party-line vote, after hearing from dozens of people who condemned the measure. The bill moves to the Judiciary Committee. Its Senate counterpart SB 484 has yet to be heard in a committee.

HB 7 – Civil Liability for Damages Relating to COVID

The House approved liability protections for most businesses on Friday by an 83-31 vote. The bill would shield businesses, schools, nonprofits and religious institutions who make a “good faith effort” to follow government health guidelines. Its Senate counterpart, SB 72, passed through the Commerce and Tourism Committee on Tuesday and moves to its final committee before heading to the Senate floor.

HB 9 – Protecting Consumers Against Pandemic-Related Fraud

A measure that would make it a felony to knowingly disseminate false information about COVID vaccines or personal protection equipment for monetary gain passed the House on Friday 113-0. SB 1608 has yet to be heard in any committee.

SB 44 – Drones

This bill increases the number of ways police and other emergency agencies are allowed to use drones to include traffic management, evidence collection and crowd monitoring, and was unanimously approved Thursday by the Senate Rules Committee

SB 50 – Sales and Use Tax

This is the online sales tax bill - retailers that sell above a certain amount of product to Florida through remote means, such as through an online store, would have to collect and remit sales tax under SB 50 approved by the Senate Appropriations Committee on Thursday. The unanimous vote puts the proposal in line for a vote by the full Senate. State revenue estimators this week said the bill if passed, could increase general revenue collections by more than \$973 million in the 2021-2022 fiscal year and by more than \$1 billion in future years. Its House companion, HB 15, is the House Ways and Means Committee awaiting its first hearing.

Preemptions

CS/HB 55 - Building Design

HB 55 was heard in the House Local Administration & Veterans Affairs Subcommittee, its second committee of reference. The bill prohibits local governments from adopting regulations requiring specific design elements for single/two-family dwellings, except under certain conditions, including historic properties, implementation of the National Flood Insurance Program, in compliance with Florida Building Code or dwellings located in community redevelopment areas. The bill further defines “building design elements” as exterior color, type, or style of exterior cladding, style or material of roof structures or porches, exterior nonstructural architectural ornamentation, location or styling of windows or doors, location and orientation of garage, and number and layout of rooms. It does not include setback, height, bulk, orientation, location of zoning plot, or buffering and screening. On Wednesday, the bill passed favorably (12-6) and moves to House Commerce Committee. A similar bill, SB 284 - Building Design by Senator Perry has been referenced to committees but is not yet scheduled for a hearing.

SB 522/HB 219 – Vacation Rentals

These vacation rental preemption bills are not currently scheduled for a committee this week, but an amendment removing many of the preemptions is expected shortly. We are following all preemption bills closely.

CS/SB 60 – County and Municipal Code Enforcement

CS/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.

This bill passed the Senate Governmental Oversight and Accountability Committee 4-1 on Wednesday and moves to its last stop, Rules. The House companion, HB 883, is on the agenda of its first of three committees on Tuesday.

CS/SB 496 - Growth Management

This is a comprehensive growth management bill relating to comprehensive plans, pre-existing development orders, local government development agreements, disposal of real property by the Department of Transportation (DOT), and developments of regional impact. Most notably this bill requires the inclusion of a new Private Property Rights Element in a local government's Comprehensive Plan.

The committee adopted one (1) amendment changing the deadline a local government must adopt a property rights element into their comprehensive plan by the earlier of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. The amendment also provided that a comprehensive plan for a newly incorporated municipality that became effective January 1, 2016 (instead of January 1, 2019) must:

- Incorporate development orders existing before the comprehensive plan's effective date;
- May not impair the completion of development in an existing development order; and
- Must vest the density and intensity approved by such development order.

On Wednesday, the bill passed favorably (9-0) with committee substitute and moves to Senate Judiciary. A similar bill, CS/CS/HB 59 has not been scheduled for its last committee of reference, House State Affairs Committee.

Water and Environment

SB 64 – Reclaimed Water

CS/SB 64 creates a timeline and plan to eliminate nonbeneficial surface water discharge within 5 years. It contains a series of conditions authorizing discharges that are being beneficially used or otherwise regulated, and for specified hardships. The bill requires domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge, to submit a 5- year plan to eliminate nonbeneficial surface water discharge to the Department of Environmental Protection (DEP). SB 64 passed the Community Affairs Committee on Wednesday and moves to Appropriations. House companion HB 263 moved to Ag & Natural Resources Appropriations after passing its first committee Wednesday.

SB 88 - Farming Operations

SB 88 is a measure aimed at protecting farming operations against nuisance lawsuits, a quiet priority in the Senate. The bill would restrict the types of civil lawsuits based on farming activities, require plaintiffs to prove noncompliance with state or federal requirements, and limit who may file nuisance lawsuits against farmers. It amends the Right to Farm Act, adding “agritourism” (such as attractions like corn mazes, rural bed-and-breakfasts and wine tours) as protected farming activities. Specifically, the bill raises the burden of proof for civil nuisance claims against agriculture operators to one of “clear and convincing evidence.” It passed its final committee on Thursday and now awaits a Senate floor vote. The House companion, HB 1601, remains in its first committee.

SB 94 -Water Storage North of Lake Okeechobee

SB 94 was passed in its first committee stop, Senate Environment and Natural Resources. The bill directs the South Florida Water Management District (SFWMD) to request that the United States Army Corps of Engineers (Corps) seek congressional approval of a project implementation report for the Lake Okeechobee Watershed Restoration Project (LOWRP) by a specified date. Further, it requires the SFWMD to seek a partnership agreement with the Corps and expedite implementation of the LOWRP. Its last committee stops in Appropriations before heading to the floor.

This bill is a priority of the Senate President, but does not yet have a House companion bill.

PCB EAF 20-01 – Statewide Flooding and Sea Level Rise Resilience

PCB EAF 20-02 – Resilient Florida Trust Fund

These two proposed committee bills are being presented in the House Environment, Agriculture, and Flooding Subcommittee on Monday 3/8 at 3:45 pm.

EAF 20-01 creates the Resilient Florida Grant Program, which authorizes the Department of Environmental Protection (DEP) to provide grants to local governments to fund the costs for community resilience planning to prepare for threats from flooding and sea-level rise. The bill requires vulnerability assessments funded by the grant program to include an analysis of the vulnerability of and risks to critical assets, including regionally significant assets, owned or managed by the local government. By July 1, 2022, the bill requires DEP to complete the development of a comprehensive flood vulnerability and sea-level rise data set. By July 1, 2023, the bill requires DEP to use the data set to complete a comprehensive statewide flood vulnerability and sea-level rise assessment that identifies inland and coastal infrastructure, geographic areas, and communities that are vulnerable to flooding and sea-level rise and the associated risks.

Beginning December 1, 2021, the bill requires DEP to annually develop a three-year Statewide Flooding and Sea Level Rise Resilience Plan and submit it to the Governor and the Legislature. The plan must consist of ranked projects that address risks of flooding and sea-level rise to coastal and inland communities. DEP must implement a scoring system for assessing each project submitted for inclusion in the plan and each project must have a minimum 50 percent cost-share.

The bill authorizes counties and municipalities to enter into agreements to form regional resilience coalitions for the purpose of planning for the resilience needs of communities and coordinating intergovernmental solutions.

EAF 20-02 creates the Resilient Florida Trust Fund within the Department of Environmental Protection to fund the Resilient Florida Grant Program and Sea Level Resilience Plan. Any vote to create a new trust fund requires a 3/5 vote in both the House and Senate.

SB 972 - Administrative Entity Telecommunication Meetings

Brought forth by the Southeast Florida Regional Climate Change Compact, this bill would work to allow required meetings of the Compact by means of telecommunication.

The bill amends s. 163.01, F.S. (Florida Interlocal Cooperation Act of 1969), expanding the statute to include administrative entities and member agencies located in four contiguous counties. In effect, the bill allows administrative entities such as the Southeast Florida Regional Climate Change Compact committee to conduct meetings and workshops via communication media technologies. On Wednesday, the bill passed favorably (9-0) in Community Affairs and moves to Senate Governmental Oversight and Accountability. The companion bill, HB 1019 - Administrative Entity Telecommunication Meetings by Representative Casello has been referenced to committees but is not scheduled for a hearing.

HB 839 - State Preemption of Energy Infrastructure Regulation

HB 839 was on the agenda for the House Tourism, Infrastructure & Energy Subcommittee, its first committee of reference. The bill prohibits local governments from regulating transportation energy infrastructure, specifically preempting such regulation to the state. The bill defines “energy infrastructure” as the infrastructure used to support the production, import, storage, and distribution of natural gas, petroleum, electricity, biomass, renewable fuels, hydrogen, solar, wind, or geothermal energy. The bill prohibits a local government from implementing or enforcing any policy, resolution, or ordinance that has the effect of prohibiting, restricting, or requiring the construction of new or the expansion, upgrade, or repair of existing energy infrastructure. The bill also prohibits local governments from imposing requirements that are more stringent than state law.

On Wednesday, the bill was temporarily postponed but is on the agenda for Monday 3/8. On Friday, a PCS for HB 839 was filed amending “energy infrastructure” to “transportation energy infrastructure.” A similar bill, SB 856 - State Preemption of Energy Infrastructure Regulations by Senator Hutson, is scheduled to be heard in Senate Regulated Industries Committee.