



PBC LEGISLATIVE UPDATE

The latest updates from Tallahassee, Florida.



Newsletter Highlights

Capitol Headlines.....	2
Bills of Interest.....	3
Local Government.....	5
Environment.....	8

CAPITOL HEADLINES

Budget Issues Remain After Weekend of Talks

Several major budget issues remained unresolved heading into the week after weekend negotiations over the House and Senate spending plans for the coming fiscal year. Among the issues still to be worked out is a proposal by the governor to use federal aid money for one-time teacher bonuses.

Bump to Chairs Expected Tonight

Conference meetings will resume Monday afternoon, with unresolved issues expected to be bumped to the chambers' budget chairmen, Sen. Kelli Stargel and Rep. Jay Trumbull when meetings conclude Monday night.

Job Growth Grant Fund at Zero in House

Currently funded in House at 0, compared to the Senate's \$50 million, House leadership isn't against the JGGF in theory, but the chamber isn't in favor of funding another \$50 million when the account still has \$24 million in the bank. The House may be willing to meet halfway and bring the account balance back up to \$50 million.

HB 7061 - New Tax Package in the House

A Fourth of July Tax-Free period would be created for the promotion of outdoor activities. Tax breaks would be created for bait and fishing tackle \$5 or less each, sunscreen and insect repellent \$15 or less, and snorkels, goggles, and swimming masks \$25 or less. Also included under the exemption are water bottles, lanterns, and flashlights \$30 or less, collapsible camping chairs \$40 or less, and sleeping bags, portable hammocks, camping stoves, and hydration packs \$50 or less. The proposal also includes coolers, binoculars, sunglasses, life jackets, rods, and reels \$75 or less, camping tents \$100 or less, and inflatable tubes or floats \$150 or less.

This bill also includes the detrimental Tourism Development Taxes language that mirrors HB 1429; the Senate companion, SB 2008, had stalled in the Senate. We are already working on a strategy to have the language removed in the Senate.

After lengthy debate, Senate passes HB 1 - Combating Public Disorder

After hours of discussion, the Senate passed the Anti-riot bill on a 23-17 vote Thursday. This bill was immediately presented to the Governor who signed it on Monday morning, 4/19.

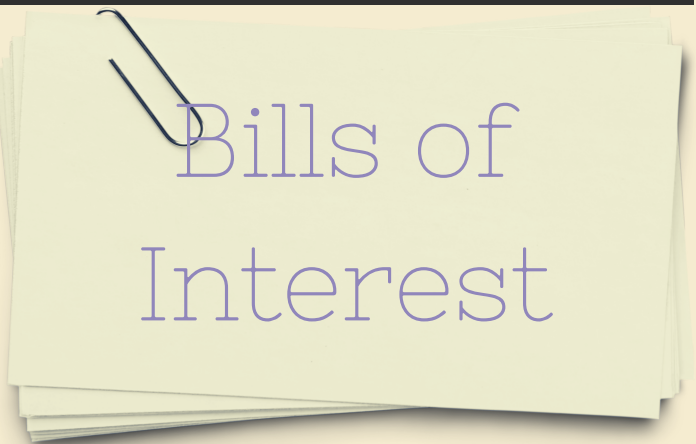
Arrest Booking Photographs

SB 1046 / HB 755 which would prohibit companies from publishing mugshots on the internet as the sole purpose of their business model passed unanimously in the House on Wednesday. The Legislature already attempted to rein in the companies bypassing an earlier law that says they can't publish mugshots and charge people money to take them down. But some companies have continued to make money off publishing them by relying on advertising. This bill has already been passed by the Senate and moves to the Governor.

SB 102 / HB 1053 - Attorney General Designation of Matters of Great Governmental Concern

This bill would authorize the Attorney General to declare that a matter is one of great governmental concern and provide the Attorney General with the sole authority to file certain civil proceedings, preventing local governments from enjoining in class action lawsuits. SB 102 will be heard in Senate

Appropriations Monday morning, 4/19. As of this morning, HB 1053 was not put on the House Judiciary agenda for Monday, 4/19; it's final scheduled meeting.



SB 84 - Retirement

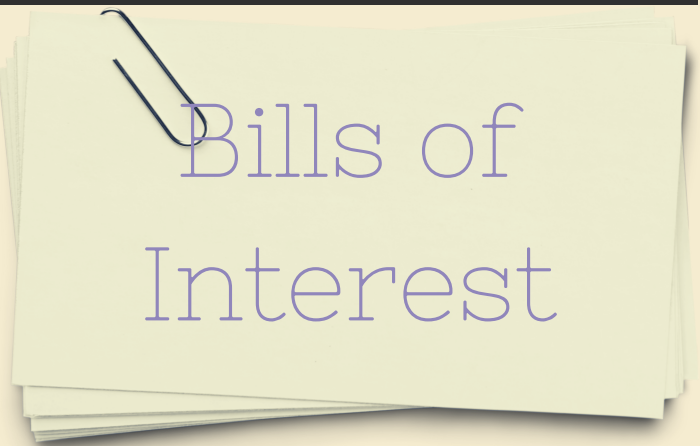
This bill closes the pension plan (defined benefit) to new enrollees, except for members of the Special Risk Class, and requires participation in the investment plan (defined contribution), effective July 1, 2022. The bill does not impact the rights of any current FRS enrollee to select participation in the pension plan or the investment plan. Changes included in the bill only pertain to non-Special Risk Class FRS members initially enrolled in the system on or after July 1, 2022. SB passed the Senate on 4/8 and was sent to the House in Messages. The bill is now in the House State Affairs Committee.

SB 1014 / HB 835 - Employee Organizations

The bill requires a public employee who desires to join an employee organization (union) to sign a membership authorization form. The form must contain an acknowledgment that Florida is a right-to-work state and union membership and payment of union dues is not required as a condition of employment. An employee organization is required to revoke an employee's membership upon the employee's written request. If the employee must complete a form to request a revocation, the form may not require the employee to provide a reason for membership revocation. The bill does not apply to an employee organization that has been certified as the bargaining agent to represent law enforcement officers, correctional officers, correctional probation officers, or firefighters. HB 835 is on the House Special Order calendar for Tuesday, 4/20, and currently has 31 amendments filed. SB 1014 is being considered in the Rules Committee on Wednesday, 4/21.

SB 90 / HB 7041 - Elections

SB 90 initially banned mail-in ballot drop boxes, but an amendment to be considered in the Senate Rules Committee on Tuesday morning would allow them under certain circumstances. HB 7041 allows for drop boxes so long as they are staffed with someone to check IDs or take written attestation forms in lieu of IDs. The location of drop boxes must be provided to the



Division at least 30 days before an election and cannot be moved. Designees whom the voter has designated via a written designation form may drop off ballots so long as the designation form is attached to the envelope. Immediate family members, including grandchildren, can be designees. A person may also be a designee for up to two people not in their immediate family. SB 90 prohibits anyone who is not the voter or the voter's immediate family from possessing the ballot. Both bills change the canvassing process, require voters to request mail-in ballots more frequently, and require signatures to match the ones on file. HB 7041 also prohibits private funding for official election-related business; expands the 150-foot prohibition on solicitation to include voter assistance solicitation and anything that could influence the voter; requires a full application for changing a voter's party registration or name, and requires County Commissioners to run in the next decennial election following redistricting. However, an amendment exempted charter counties from this provision (as their terms are provided in the Constitution), which would include Palm Beach County. SB 90 is scheduled to be heard in the Rules Committee on Tuesday morning. HB 7041 will be heard by the House State Affairs Committee on Monday, 4/19.

SB 1294 / HB 663 - Cottage Food Operations

These bills revise the regulations on cottage food operations and cottage food sales. The bills allow individual cottage food operations to sell, offer for sale, and accept payment for cottage food products as a business entity. The bills also allow cottage food products to be sold, offered for sale, and paid for by mail order and permits cottage food products to be delivered by mail. The bill increases the permitting exemption for cottage food operations to maximum allowable gross sales of \$250,000, from the \$50,000 limit currently in statute. HB 663 passed off the House floor in week 5. SB 1294 is still waiting to be heard in its final committee, Senate Rules, and is scheduled on the agenda for April 20.

SB 1788 / HB 1059 - Construction Permits

This bill would require local code enforcement to post applications for building permits online along with required attachments; accept applications, attachments, and payments electronically; post the status of applications online, and post the procedures for reviewing and processing applications online. It would also require a reduction in permit fees when

local code enforcement fails to meet deadlines; require local code enforcement to allow an applicant whose permit for a single-family home is denied 10 business days to correct their applications; and prohibits local governments from requiring a copy of a contractor's contract with owners, subcontractors, and suppliers for commercial properties the local government does not own or lease. If a local government fails to approve or deny a master building permit application within 120 days, they must reduce the building permit fee by 10 percent. The application would be denied if the applicant does not correct their applications within 10 business days. SB 1788 moves to the Senate floor; HB 1059 has already passed the House, 113-0



SB 268 / HB 735 - Preemption of Local Occupational Licensure

The bills expressly prohibit licensure requirements for jobs that do not substantially correspond to those licensed by the Construction Industry Licensing Board. This includes jobs such as painting, flooring, cabinetry, driveway installation, stuccoing, decorative stone, tile, marble, etc. The bill expressly still allows local licensure for plumbing, pipefitting, mechanical and HVAC systems, and alarms and electrical systems. Ordinances adopted before January 1, 2021, must expire in 2023. An amendment to grandfather in existing ordinances was offered and supported by the Florida Association of Counties, Lee, Broward, and Miami-Dade Counties. The amendment was ultimately withdrawn with commitment from the sponsor to work more on local government concerns. However, the sponsor also indicated that- if one county has an issue it is likely other counties also have an issue necessitating uniformity. SB 268 is ready for the Senate floor but has not been put yet on Special Order. Senator Hooper has filed an amendment to preserve ordinances supported by a special act. Senator Farmer has additionally filed an amendment to push back the preservation date of existing ordinances until 2026, three years longer than the language in the current bill. HB 735 has already passed the House 82-32 and is in Senate Messages.

**SB 418 / HB 327 - Public Records-
Persons Seeking Shelter**

The Senate Rules Committee unanimously advanced SB 418 which exempts the address and phone number of persons who are provided shelter during an emergency. The individual's name is not included in the exemption. The legislation is a priority of county emergency departments and is supported by the Florida Association of Counties. SB 418 moves to the Senate Floor on

Wednesday, 4/21; HB 327 has already passed the House, 115-0.



SB 2006 / HB 7047 - Emergency Management

SB 2006 was amended to include language from SB 1924 limiting the duration of a local emergency order to 10 days. It prohibits the local government from passing a new emergency order responding to the same emergency after the original is allowed to expire. It also requires local governments to post any orders conspicuously on their website and to file the order with the recorder or clerk within 3 days of its issuance. The language also provides that the local government bears the burden of proving that the exercise of its police powers via an emergency order which is found to curtail rights or fundamental liberties is: narrowly tailored, serves a compelling governmental interest, and accomplishes its goal through the least intrusive means. It would also allow the Governor and Legislature, via concurrent resolution, to overrule any local government emergency order if they find it unnecessarily restricts rights and liberties. HB 945 limits the duration of local emergency orders to 7-days with extensions up to 42 days total with the allowance for extensions via virtual meetings.

The bill also requires the Department of Emergency Management to include health-related emergencies in the state comprehensive emergency management plan in consultation with AHCA, as well as maintaining a supply of PPE. It requires DEM to contract with entities to provide services for individuals with special needs and requires planning for sheltering individuals. The bill also requires the Governor, if he or she closes schools or businesses, to state specific reasons why the schools or businesses need to close with regular review.

An amendment was offered to SB 2006 but withdrawn, that would have codified the Governor's emergency orders prohibiting vaccine passports and vaccine requirements by private businesses and public entities. However, the sponsor stated he was willing to accept the amendment and would work with the Senator on incorporating language. SB 2006 moves to the Senate floor for a vote on Wednesday, 4/21; HB 7047 passed its final committee on Monday 4/19 in Health & Human Services.

SB 1876 / CS HB 421 - Relief from Burdens on Real Property Rights

Under the Bert Harris Property Rights Protection Act, landowners may sue the state or political subdivisions for actions that may not rise to the level of a “taking”, but which nonetheless impairs their use and enjoyment of their property.



This CS modifies the Bert Harris Act as follows:

- Revises the terms “action of a governmental entity” to include adopting or enforcing any ordinance, resolution, regulation, rule, or policy; and “real property” to include any legal interest in land, including surface, subsurface, and mineral estates and any other relevant land interest held by a property owner;
- Reduces the timeframe under which a claimant must notify the government before filing an action from 150 days to 90;
- Allows the claimant to have the court, rather than a jury, determine damages;
- Extends the point from which a prevailing claimant may recover attorney fees and costs, and;
- Authorizes a property owner, under specified conditions, to notify the government that they deem a law or regulation’s impact on their real property to be restrictive of allowable uses.

The CS also allows a property owner to challenge an unlawful government exaction upon their property without waiting for a written notice of the action if the local government action is imminent. On Thursday, the House Judiciary Committee passed CS/CS/HB 421 (14-5) and has no more committee references. CS/HB 1876 is scheduled to be heard on Tuesday in Senate Rules, its last committee of reference.



SB 64 / HB 263 - Reclaimed Water

The bill requires domestic wastewater utilities that dispose of effluent, reclaimed, or reuse water by surface water discharge to submit a 5-year plan to completely eliminate non-beneficial surface water discharge to DEP by November 1, 2021.

On Tuesday, the House took up CS/HB 263 and substituted the bill with CS/SB 64. The Senate then adopted a delete-all amendment that made the following changes:

- Requires the DEP to submit its surface water discharge plan within five years,
- Clarifies that any applicable environmental and public health protection requirements provided by law or DEP rule must be incorporated into new utility permits,
- Provides an exemption from certain requirements to mobile home parks, and
- Provides a 25% density/intensity bonus to developers who implement greywater technology in at least 75% of their development.

SB 64 was passed out of the House on Wednesday (118-0).

SB 88 / HB 1601 - Farming Operations

This bill amends the Right to Farm Act adding “agritourism” and the generation of “particle emissions” to the statutory definition of “farm operations” covered by the Act. Specifically, the bill raises the burden of proof for civil nuisance claims against agriculture operators to one of clear and convincing evidence. The bill also prohibits nuisance actions from being filed against farm operations unless specified conditions are met. To recover punitive damages, the alleged nuisance must substantially be the same conduct that was subject to a civil enforcement judgment or criminal conviction (regardless of whom brought it) within the past 3 years prior to the first action.

A contingent of Glades community leaders including Mayors Joe Kyles and Steve Wilson traveled to testify in person on the bill. CS/HB 1601 passed (18-2) in the House Judiciary Committee with one amendment that made substantive conforming changes, aligning the bill more closely with SB 88 (described above).

CS/CS/HB 1601 is on the Special Order calendar for Wednesday, 4/21. SB 88 is in House Messages.



**Department of Legislative Affairs
301 N. Olive Avenue, Suite 701
West Palm Beach FL, 33401**