



# PBC LEGISLATIVE UPDATE

The latest updates from Tallahassee, Florida.



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The House's proposed state budget bill (HB 5001) was easily approved Wednesday in the Appropriations committee, sending the measure to the full House. The Senate Appropriations Committee also advanced its budget bill (SB 2500) on Wednesday.

Prior to final floor action on the bills next week, the Senate (SB 2500) is proposing to spend \$95 billion (\$34.8 from General Revenue and \$60.2 billion from Trust Funds). In contrast, the House (HB 5001) proposes to spend just over \$97 billion (\$34.9 from General Revenue and \$62.1 billion from Trust Funds).

The Senate's budget would use \$70 million in land acquisition funds to build water injection wells north of Lake Okeechobee. The redirection is included in an implementing bill, SB 2416, filed last Friday. The bill would also direct \$50 million from the Land Acquisition Trust Fund for other water storage efforts in the Lake Okeechobee Watershed Restoration Project. The House's budget proposal does not include spending for the project.

Both budgets have both proposed nearly \$17.5 million to remove the grates and outfit the complex with new windows. The nonrecurring sum, provided by the Supervision Trust Fund, would complete Phase One of the Capitol Complex window replacement project. The allocation would also go toward completing Phase 3 of the Capitol Complex's HVAC upgrade.

## CAPITOL HEADLINES

### **COVID-19 Legal Protections Bill Signed**

Gov. Ron DeSantis signed legislation Monday to give businesses and health care providers that have made an effort to follow COVID-19 protection guidelines some protection from lawsuits stemming from the virus. The legislation is the first passed by lawmakers this session to be signed by the Governor, and was a top priority for legislators in the wake of the ongoing pandemic. The law went into effect immediately. Under the measure, plaintiffs suing over COVID contraction must show proof that a defendant deliberately ignored safety measures and would need an affidavit signed by a doctor who affirms that an injury or death caused by COVID-19 was a result of the defendant's actions.

### **Governor Won't Allow "Vaccine Passports"**


Gov. Ron DeSantis said Monday he'll sign an executive order to ban businesses from excluding customers who can't show they've been vaccinated against COVID-19. The governor said that he is adamant that there will be no requirement for "vaccine passports," in which businesses welcome customers who have been vaccinated, and exclude those who haven't.

### **Unemployment Benefits May Increase**

Florida's unemployment assistance program payments could increase from \$275 to \$375 in maximum weekly benefits under a bill that passed in its first committee on Monday. SB 1906 cleared the Senate Commerce and Tourism Committee on a 9-1 vote. The legislation has to be heard in two more committees, although similar House measures haven't exhibited similar traction.

### **Car Sharing App Surcharge Could Be Required**

Legislation that would add insurance and tax requirements for peer-to-peer car-sharing operations passed the Senate Transportation Committee on Tuesday. Peer-to-peer car-sharing companies such as Turo and Enterprise would have to pay a dollar-a-day surcharge tax and ensure at least state minimum insurance requirements under the bill, SB 566. The measure has two more committees to clear before it's ready for the floor. A similar House version, HB 365, has cleared its first committee.



### **House committee advances 2/3rds requirement to approve citizen amendments**

A bill (HJR 61 by Rep. Rick Roth) raising the threshold for amending Florida's Constitution cleared the House Public Integrity and Elections Committee Monday by a vote of 11-6. The legislation would put a question to voters whether there should be a two-thirds majority requirement for proposed constitutional amendments to pass. Right now, it takes a 60% majority to approve an amendment. The Senate Companion, SB 60, is in the Rules Committee.



## CAPITOL HEADLINES

### **Constitutional Review Commission Repeal Nearing Legislative Approval, Then on to Voters**

Both the House and Senate have filed measures to repeal the Constitution Revision Commission, (CRC) which meets every 20 years and suggests changes to Florida's constitution – which has been amended 140 times since the CRC was created in 1968. The House Judiciary Committee on Monday voted 16-4 in favor of HJR 1179 repealing the commission which sends the proposal to the full House for consideration. However, the House needs three-fifths of members to vote in favor of the bill in order for it to pass. The House could take up a measure repealing the commission that has already cleared the full Senate. After approval by lawmakers, the resolution would need to be ratified by 60% of Florida voters during the next General Election because repealing the CRC itself would require an amendment to the state's constitution. The full Senate voted 27-12 to pass SB 204 on March 25.

### **Senate Looks at Contribution Caps for Citizen-Led Ballot Initiatives**

A Senate committee Tuesday forwarded a bill seeking to limit contributions to political committees sponsoring citizen-led constitutional amendments. Known colloquially as the “John Morgan Bill,” after the financial sponsor of the state’s minimum wage and medical marijuana constitutional amendments, the Senate Committee on Ethics and Elections passed SB 1890, which would cap contributions at \$1,000 for “a political committee that is the sponsor of a constitutional amendment proposed by initiative.” Currently, no statewide limit exists on the amount that can be contributed to a political committee. However, the sponsor plans to offer an amendment that would set the contribution limits at \$3,000. The proposal would put the specified political committees in line with the same contribution limitations on state legislative candidates and county office candidates. The House companion, HB 699, passed its first of two committees on March 29.

### **Anti-Riot Bill to be Heard in the Senate, After All**

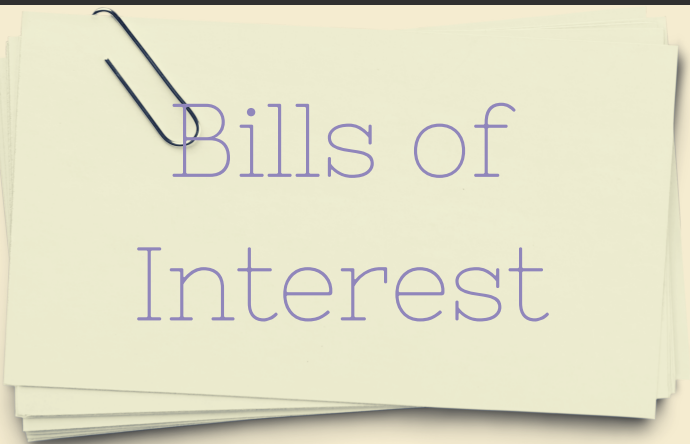
At a press conference after Thursday's Senate Session, Senate President Wilton Simpson switched up the committee assignments for a controversial anti-riot bill that had stalled without a hearing in the Senate Criminal Justice Committee, chaired by Democratic Sen. Jason Pizzo. Simpson said that the House version of the DeSantis-backed House measure (HB 1) would be referred to the Senate Appropriations Committee, which would likely allow the bill to reach the Senate floor. Had the Senate taken up the House version on the chamber floor, it would have required a two-thirds vote to pass. If that bill goes through the chamber's committee process first, a simple majority will suffice.

### **Limits on School Board Pay**

A House panel has given its approval to a proposed constitutional amendment to eliminate pay for school board members. The resolution (HJR 1461), passed the House Early Learning and Elementary Education Subcommittee Thursday. Next, it heads to the Education and Employment Committee, its final panel. There is no direct Senate companion bill, but SB 1180 would withhold salaries to elected school board members until after 8 years of service. It has not been heard in any of its committees of reference.

### **SB 50 / HB 15 - Taxation**

The House Commerce Committee backed a measure (HB 15) on Monday that would require out-of-state retailers to collect and remit the sales taxes, with the anticipated \$1 billion a year in revenue now proposed to go toward replenishing the state's Unemployment Compensation Trust Fund and to subsequently make a major cut in a tax on commercial rent, which would bring down the Commercial rent tax from 5.5% to 2% after the unemployment trust fund is replenished.



The commercial rent tax, long a target of business lobbying groups, was added to the House proposal Monday. The Senate last week already passed SB 50 that required the additional money to go to the unemployment fund, which has been depleted during the COVID-19 pandemic.

### **SB 1824 / HB 1153 - Public Records - Emergency Management**

SB 1824 provides that the following items held by the Division of Emergency Management or a local emergency management agency are exempt from disclosure under this state's public records laws: Emergency response assessment reports; Evaluation tools; and after-action reports. The bill also exempts all data and records contained in an "emergency management electronic collaboration system." SB 1824 passed its first committee of reference on Tuesday; the House bill waits to be agendaed in its first committee reference.

### **SB 1034 / HB 1629 - SR 715 Designation**

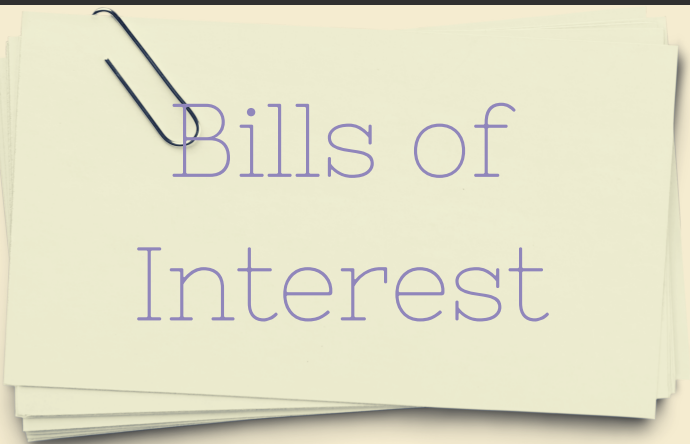
HB 1629 which contains the SR 715 designation for PBSO Deputies Deputy Sheriff Donta Manuel and Deputy Sheriff Jonathan Wallace passed the Infrastructure and Tourism Appropriations Committee on Monday and moves to the Commerce Committee. SB 1034 remains in the Appropriations Committee.

### **SB 1084 / HB 805 - Volunteer Ambulance Services**

The bill exempts certain faith-based volunteer first responder agencies that have operated for at least 10 consecutive years from the Certificate of Public Convenience and Necessity (CPCN) requirements. The bill prohibits a county or municipal government from limiting, prohibiting, or preventing a volunteer ambulance service from responding to an emergency or providing emergency medical services or transport within its jurisdiction. The bill also prohibits a county or municipal government from requiring a volunteer ambulance service to obtain a license or certificate or pay a fee to provide ambulance or air ambulance services within its jurisdiction. The House sponsor told the committee that he is working on requiring these services to meet county standards, but not up to the level of the COPCN. HB 805 passed its first committee on Wednesday, 16-0 and moves to its second of three committees. SB 1084 passed its first committee and has only the Appropriations Committee ahead of it.

### **SB 1002 / HB 673 – DNA Evidence Collected in Sexual Offense Allegations**

Rep. Emily Slosberg's bill (SB 673) to set up a statewide system for victims to track the processing of sexual assault evidence kits earned unanimous support in the House Justice Appropriations Subcommittee. The proposal, also known as "Gail's Law," is named after sexual assault survivor Gail Gardner, whose kit went unprocessed for 30 years unbeknownst to her. HB 673 moves to the Judiciary Committee; SB 1002 is in the Appropriations Committee on Criminal and Civil Justice.



### **SB 1924 / HB 945 – Emergency Management**

The Senate Military and Veterans Affairs, Space and Domestic Security Committee voted 4-3 along party lines to approve SB 1924 that would limit local-government emergency orders. The Senate sponsor said it could be merged into a larger package, potentially SB 2006. That would be similar to a wide-ranging House approach (HB 7047). The proposal would require majority votes of local governing bodies to extend emergency orders after 10 days and give the governor or the Legislature the power to invalidate the actions. Counties or cities also would be required to prove their actions are "narrowly tailored," serve a "compelling governmental interest," and are done with the "least intrusive means."

SB 1924 moves to the Rules Committee, where SB 2006 currently sits. HB 945 passed the House Local Administration and Veterans Affairs Subcommittee on Thursday morning and moves to the State Affairs Committee.

### **SB 1728 / HB 1273 – Out of State Fee Waiver for Non-Resident Students**

Bills to provide in-state tuition to the out-of-state grandchildren of Florida residents are moving in both the House and Senate. These bills would provide a lower rate to those students, a savings of \$490 per credit hour. To qualify, students would need to score in the 89th percentile or higher on standardized tests and have a grandparent who is a Florida resident. SB 1728 is in the Senate Appropriations Committee; HB 1273 is in its final committee, Education and Employment.

### **SB 84 - Retirement**

The Senate Appropriations Committee advanced a bill on Wednesday that would prevent state workers hired after July 2022 from joining the Florida Retirement System's traditional pension plan. The bill, SB 84, requires new public employees to enroll in a 401(k)-type investment plan instead of a defined benefit pension plan. The measure passed its final committee on a 12-8 vote but there is no House companion filed.

### **SB 60 / HB 883 – Code Enforcement**

The House Public Integrity & Elections Committee on Monday passed a bill 16-1 that would change county and municipal code-enforcement rules so that inspectors and enforcement officers would be blocked from initiating investigations unless people reporting alleged code violations provide their names and addresses. Code enforcement officers could still

take action on anonymous tips if they have reason to believe the violations present imminent threats to public health, safety, or welfare or may result in the imminent destruction of habitat or sensitive resources. The Senate version of the bill (SB 60) was approved in a 27-11 vote by the full Senate last week.



### **SB 1876 / PCS for HB 421 – Governmental Actions Affecting Private 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 PCS 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;
- Specifies that written settlement offers are presumed to protect the public interest;
- 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 he or she deems a law or regulation’s impact on his or her real property to be restrictive of allowable uses.

The PCS 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. Lastly, the PCS revises the definition of “land” and “real property” under FLUEDRA to have the same meaning as “real property” under the Bert Harris Act.

CS/HB 421 was passed (15-2) in the House Local Administration & Veterans Affairs Subcommittee on Thursday. The bill has one more committee reference: Judiciary. On Wednesday, the Senate Community Affairs Committee passed the identical Senate companion, CS/SB 1876 (6-3). The Senate bill has one last committee reference: Rules.

### **SB 268 / HB 735 - Preemption of Local Occupational Licensing**

These bill expressly preempt the licensing of occupations to the state and supersede any local government licensing of occupations, with the exception of those authorized by general law or already imposed before January 1, 2021. The exception would expire July 1, 2023 and those requirements in place by the deadline would be limited from being increased or modified.

Specific industries that could not be required for local licensure include painting, flooring, cabinetry, interior remodeling, driveway installation, handyman services, decorate stone installation, plastering, stuccoing, caulking, etc. Local governments could still issue journeyman licenses. SB 268 passed its second committee of reference, Senate Community Affairs, on Tuesday. HB 735 passed the full House on Thursday, 82-32.



### **SB 750 / HB 337 - Impact Fees**

House and Senate committees Wednesday approved bills that include putting limits on impact-fee increases and defining the types of infrastructure projects that can be funded with impact-fee money. The bills came after the approval or consideration of large impact-fee increases in areas such as Hillsborough County, according to the House sponsor. HB 337 passed 15-2 with an amendment that addresses vehicle concerns for first responders by clarifying expenditures like fire trucks and police cars are already in Florida statute and defined as infrastructure, so this amendment adds clarification.

The legislation would stop local governments from raising impact fees more than 50% over a four-year period. It would also define what qualifies as infrastructure to accommodate new growth in a community. The Senate bill would allow school districts to buy school buses and for county and city governments to purchase emergency vehicles like fire trucks and ambulances.

Counties still have concerns with the credit language with respect to transportation facilities. The language appears to require credits for contributions of public facilities such as surface streets including cul-de-sacs, that are not the type of public facilities for which impact fees are charged. Counties also continue to oppose any type of fee cap, limiting local government's ability to adjust to rises in construction costs. SB 750 moves to its final stop in Appropriations. HB 337 moves to its final stop in the State Affairs Committee.

### **SB 1396 / HB 1167 - Tree Pruning, Trimming, or Removal on Residential Property**

Current statute limits the ability of local governments to regulate tree maintenance, removal, and mitigation measures whenever a residential property owner acquires documentation from a certified arborist or a Florida licensed landscape architect that the tree presents a danger to persons or property. However, there is some confusion concerning what properties count as "residential." The City of Tampa, for example, considers mobile home parks to be commercial in



nature. This bill adds statutory definitions of both “residential property” and “mobile home park” to clarify that mobile home parks are to be considered “residential” for the purposes of this statute. On Tuesday, the (H) Civil Justice & Property Rights Subcommittee passed HB 1167 (12-4). The bill has two more committee references; the next one is the (H) Local Administration & Veterans Affairs Subcommittee. An identical bill, SB 1396, has been filed and has two committee references left.



### **SB 1382 / HB 667 – Building Inspections**

The bill requires local enforcement agencies to allow requests for inspections to be submitted electronically. Accepted methods of electronic submission include, but are not limited to: E-mail; an electronic fill-in form available on the building department’s website; a third-party submission management software; or an application that can be downloaded on a mobile device. 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. An amendment accepted on Thursday lengthened the time from 3 – 5 days, and added the word “and” underlined above. HB 667 moves to the Commerce Committee. SB 1382 passed its first committee without these changes.

### **SB 1076 / HB 53 - 1076 – Public Works Projects**

These bills prohibit a county, municipality or other entity from imposing certain penalties in competitive solicitations for construction services when any state-appropriated funds are to be used to fund the project. Current law provides that for a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds, a political subdivision of the state may not use a local ordinance or regulation that provides a preference based upon: (1) the contractor’s maintaining an office or place of business within a particular local jurisdiction; (2) the contractor’s hiring employees or subcontractors from within a particular local jurisdiction; or (3) the contractor’s prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

The Senate amendment clarifies that the bill does apply to public works projects that are funded 100% locally, clarifies that the bill does not apply to public works projects with a cost of \$300,000 or less, clarifies that the bill will not interfere with the ability of public entities to incentivize certain behaviors or establish goals via their procurement process, and clarifies that voter referendums paid for with surtax dollars are not subject to the bill. SB 1076 passed its first committee 6-3. A similar bill, HB 53, passed the Public Integrity and Elections Committee on Monday 11-6. Both bills move to their second of three committee stops.

### **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. CS/HB 1601 was passed (14-4) in the House Environment, Agriculture & Flooding Subcommittee on Tuesday and has one last committee reference; Judiciary. CS/SB 88 is in Messages to the House.

### **SB 64 / HB 263 – Reclaimed Water**

This bill requires certain domestic wastewater utilities to submit to the DEP by a certain date a plan for eliminating nonbeneficial surface water discharge within a specified timeframe. It further requires domestic wastewater utilities applying for permits for new or expanded surface water discharges to prepare a specified plan for eliminating nonbeneficial discharges as part of its permit application. The bill provides for potable reuse is an alternative water supply and projects relating to such reuse are eligible for alternative water supply funding. The bill also requires counties, municipalities, and special districts to authorize graywater technologies under certain circumstances and to provide incentives for the implementation of such technologies.

The House version contains additional provisions requiring the density/intensity bonuses awarded to developers who implement graywater technology be set at 15% and made available to any proposed or existing development where at least 75% of the development has graywater systems installed. CS/HB 263 was passed out of the House Agriculture & Natural Resources Appropriations Subcommittee (15-0). E1/SB 64 is currently in Messages to the House.

### **SB 1058 / HB 773 – Sanitary Sewer Laterals**

A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system. In 2020, the Legislature passed House Bill 1091, which encouraged each county and municipality to establish an evaluation and rehabilitation program for sanitary sewer laterals. This bill authorizes local governments that have established a program to develop specifications and standards for the repair/replacement of any damaged laterals on properties. By July 1, 2023, local governments will be able to access private properties to repair and replace the laterals, with 14 days-notice given to the property owners.



Environment

On Thursday, the House Local Administration & Veterans Affairs Subcommittee passed HB 773 (15-0) with one amendment, which requires specifications and standards for repair/replacement of damaged laterals to accord with specified industry standards. HB 773 has one more committee reference; State Affairs. SB 1058 is in its final committee: Appropriations.



### **SB 856 / CS/HB 839 – State Preemption of Energy Infrastructure Regulation**

This House PCS expressly preempts a municipality, county, special district, or political subdivision from prohibiting the siting, development, or redevelopment of a fuel retailer or the necessary related transportation infrastructure within that specific local government's entire jurisdiction. It also further preempts any action by a political subdivision resulting in a de facto jurisdiction-wide prohibition. The PCS preempts mandating any required infrastructure on a fuel retailer, including electric vehicle charging stations. It does not preempt a local government from adopting and implementing ordinances, regulations, policies, or resolutions on the siting, development, or redevelopment of fuel retailers or infrastructure that are consistent with other allowable uses and general law.

On Thursday, the House Local Administration and Veterans Affairs Subcommittee passed this PCS for CS/HB 839 (15-0). It has one committee reference left: Commerce. SB 856 is in its final committee: Rules.



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