



# PBC LEGISLATIVE UPDATE

The latest updates from Tallahassee, Florida.



## Newsletter Highlights

Budget.....	1
Capitol Headlines.....	2
Bills of Interest.....	3
Local Government.....	6
Environment.....	9



Initial budget plans in the Senate and House will get their first real vetting this week. The Senate Appropriations Committee is slated Wednesday to consider a \$94.96 billion spending proposal for the fiscal year that starts July 1. Meanwhile, the House Appropriations Committee will consider a \$97.08 billion plan. Both would be larger than the current year's \$92.3 billion state budget. The House explains the increase in its plan to an infusion of federal money for Medicaid costs and COVID-19 response.

State economists are expected April 6 to revise estimates of general revenue, and that likely will give Senate and House leaders more cash as they negotiate a final budget during the closing weeks of the legislative session.

The tourism-marketing agency VISIT FLORIDA would get \$50 million, the same as in the current fiscal year, \$26 million for the Job Growth Grant Fund and \$3 million would go to election security under an initial budget proposal released Wednesday by the Senate. For beach funding, this is the best starting position we have seen in a long time – \$50M in the Senate; \$100M in the House.

## CAPTIOL HEADLINES


### **Sadowski Fund Sweep Returns**

Groups backing affordable workforce housing Thursday criticized a plan by legislative leaders to shift two-thirds of money designed for housing programs to address the effects of sea-level rise and upgrade sewage treatment. Despite an outcry from environmentalists and Realtors, the House Agriculture & Natural Resources Appropriations Subcommittee voted 10-5 along party lines to support the proposal (PCB ANR 21-01), which would redesignate portions of documentary-stamp taxes collected on real-estate transactions.

The money currently is directed toward affordable-housing programs in what is known as the Sadowski Trust Fund. That trust fund is an annual target of lawmakers who divert --- or “sweep” --- money to help pay for programs not related to affordable housing.

The Senate President and House Speaker suddenly announced plans to fund key infrastructure programs by redirecting documentary stamp tax dollars that currently go to the affordable housing trust fund. The legislative leader’s plans involve splitting those dollars into thirds to fund some of their top projects. One-third of documentary stamp tax dollars will go toward the “Always Ready: Flooding and Sea Level Rise Agenda” Sprowls announced last month. Another portion would go toward the Wastewater Grant Program, which DeSantis signed into law last year, within the Department of Environmental Protection. The final third of the plan would keep funding in the affordable housing realm with an added provision that those funds cannot be swept into general revenue.

The bill guarantees that funds in the Affordable Housing Trust Fund cannot be swept but also reduces distributions by 66%. It must be noted that this bill does not adjust any distributions to the Land Acquisition Trust Fund, which are constitutionally protected.



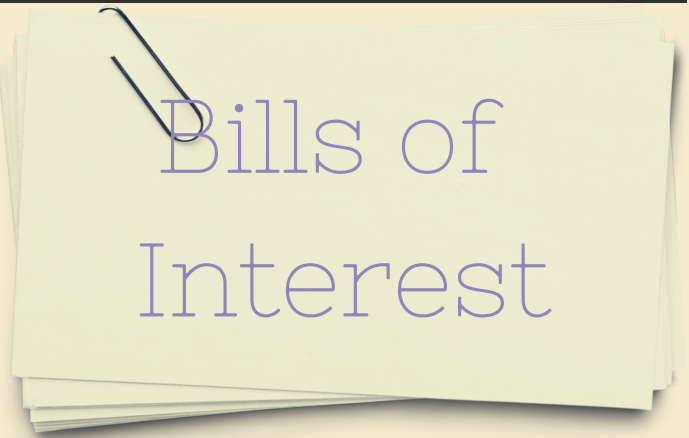
### **Medicaid extension for new mothers**

House Speaker Chris Sprowls on Tuesday outlined a plan to extend Medicaid coverage for pregnant women for one year after delivering their babies. Currently, mothers are covered for two months after the birth. Most of the funding would come from the federal government, with the state’s share of the bill measured at \$92 million. The postnatal period can be especially vulnerable, exposing mothers to many potential health complications. The speaker, with a group of bipartisan lawmakers, was careful not to use the word “expansion” while discussing the Medicaid plan. But he said he wants the House to spend an additional \$98 million in state funds to draw down additional matching federal dollars. In all, the plan would provide \$244 million for benefits, which also include mental health counseling.

**SB 2008 / HB 1429 - Tourist and Convention Development Taxes**

A bill offering local governments the power to use tourist development taxes to address sea level rise sailed through a House committee Monday despite steadfast opposition from the tourism industry. This bill would give local governments the power to use money raised through the tourist development

tax or the convention development tax for flooding mitigation and improvements. The House bill was amended to remove a provision that would have required all Tourist Development Taxes to go before voters every five years. The amended version would only require new TDTs or increases to be approved by voters.



We are continuing to oppose this bill even as amended because of the potential dilution of TDT revenue, which local governments use to fund the local match for beach projects. The bill passed the House Ways & Means Committee unanimously on 3/22. It will next be heard in the State Affairs Committee on 3/29. This is its last committee stop in the House. The Senate companion is on the Community Affairs agenda on 3/30.

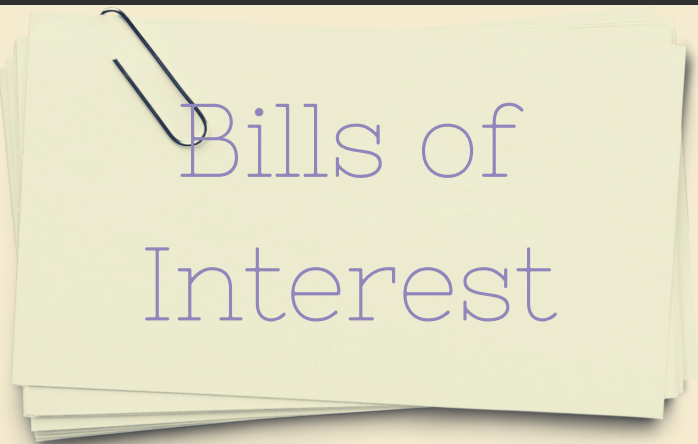
**PCB PIE 21-05 - Elections**

A wide-ranging Elections PCB heard by the House Public Integrity and Elections Committee on Monday would require 24-hour monitoring of ballot drop boxes — either by guards, elections officials during work hours or by surveillance cameras during off-hours — and require voters to provide identification, such as their Social Security numbers, to update registration information. The Senate is considering its own changes to how vote-by-mail ballots are handled, including the outright banning of drop boxes, with the intention of keeping elections offices from writing their own rules for monitoring drop boxes and handling ballots. Both versions would also narrow the time period covered by a single application for an absentee ballot from two general elections cycles to just one — and wipe out the advantage Democrats now have over Republicans in the number of absentee voters.

The bill would also require that county commissioners in Florida who are elected in districts that get revised in the redistricting process every 10 years stand for election in 2022, which could be earlier than their term would normally be up. If implemented, it would be similar to what happens with Florida state senate seats. Normally half of Senate seats are up each election year, but after redistricting all Senate seats are up for election.

### **SB 138 / HB 817 - Electric Vehicles**

One of two measures involving electrical vehicles approved Tuesday by a Senate committee could start the state on a path toward eventually replacing some of the revenue from the gas tax that is expected to accompany a shift to more electric cars, and until then would help build EV charging infrastructure. SB 140 would impose flat \$135 registration fee on electric vehicles weighing less than 10,000 pounds starting this year. The fee would be \$235 for large electric trucks, and \$35 for plug-in hybrid electric vehicles. Currently electric vehicle drivers pay the same registration fees as drivers of cars with combustion engines. In the short-term the money collected in fees would go to a grant program created by SB 138, which would pay for the building out of publicly available electric vehicle charging infrastructure. SB 138 is in Appropriations, its final committee. HB 817 has yet to be agendaed in its first of three committees.



### **SB 1128 / HB 919 - Preemption Over Restriction of Utility Services**

HB 919 preempts local governments from restricting the fuel types utility companies can use for energy production or of prohibiting a resident from selecting their own energy utility service. Under the bill, any previously passed actions from local municipalities would be void. The sponsor said the bill is needed to protect natural gas, but it does not limit municipalities from supporting or implementing clean energy.

CS/HB 919 passed favorably (14-4) in the House Local Administration & Veterans Affairs Subcommittee. It has one more committee reference. CS/CS/SB 1128 by Hutson also has one last committee reference.

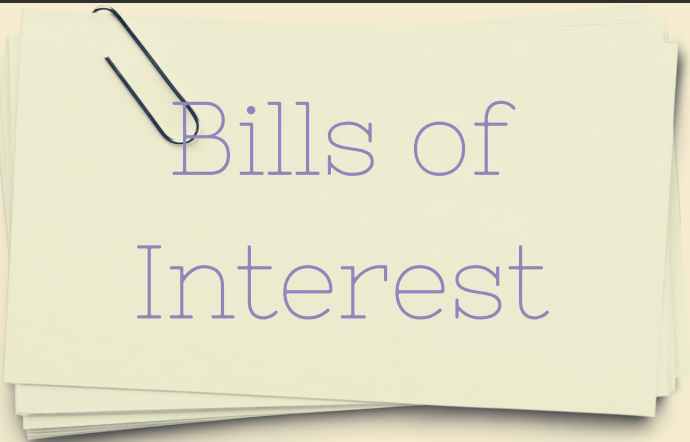
### **SB 102 / HB 1053 - Attorney General Designation of Matters of Great Governmental Concern**

These bills 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.

SB 102 has been put on the agenda for Tuesday's Senate Community Affairs meeting, which will be its first committee hearing. We are reaching out to committee members to relay Palm Beach County's concerns. In addition, we are advocating with the Chair of House Civil Justice and Property Rights, Wyman Duggan, to keep HB 1053 off of his agenda. Our hope is to prevent the bill from moving in the House.

**SB 1080 / HB 987 - Tobacco and Nicotine Products**

On Wednesday, the Senate Health Policy Committee passed SB 1080 that would raise the smoking age from 18 to 21, Create regulations for the sale and delivery of nicotine products and nicotine dispensing devices through the mail and over the Internet, and preempt local regulations on tobacco marketing and minimum age requirements.



**SB 1488 / HB 1207 - Public Records/Members of the Legislature**

Proposals that would create a public-records exemption for information about state lawmakers are moving forward in the Florida House and Senate. In the bill's first committee, the House Government Operations Subcommittee voted 12-4 on Wednesday to approve HB 1207 that would allow lawmakers to keep private information including their home addresses and telephone numbers. The bill also would allow similar information about lawmakers' spouses and children to be exempt from public records. The Senate bill is in its second of three committees, awaiting a hearing.

**SB 86 - Bright Futures**

A proposal to cut Bright Futures scholarship awards for some students studying majors that may not obviously lead to high paying jobs is being dropped amid heavy criticism of the idea and a signal of disapproval from the governor, who supports fully funding the program. The measure's sponsor dropped the controversial provision that sought to only reward students to choose to major in certain fields that seem more likely to lead to jobs. The amended version would continue to require the creation of the list, and require students to affirm they understand "the employment and wage prospects for his or her declared major," but wouldn't tie Bright Futures scholarship awards to majors.

**CS/HB 387 - Improvements to Real Property**

This bill differs from its Senate version in that it does not greatly expand the number of home projects that can be covered by Property Assessed Clean Energy (PACE) financing. The bill includes a number of residential consumer protection provisions designed to ensure the fairness of PACE financing agreements and avoid defaults. Lastly, the bill provides guidelines and requirements PACE administrators must enforce when enrolling and overseeing contractors in the program.

On Tuesday, the House Local Administration & Veterans Affairs Subcommittee passed CS/HB 387 without amendment (15-0). It has two more committee references; the next one is the (H) Ways and Means Committee. CS/CS/SB 1208 has one last committee reference; Appropriations.

### **SB 522 / HB 219 – Vacation Rentals**

The House Ways & Means Committee was slated to take up the controversial proposal, but the bill was temporarily postponed without further explanation. The House bill would prevent local ordinances or regulations requiring licensure or inspections of vacation rental properties. Regulation of vacation rentals

would be allowed if such regulation also would apply to all residential properties — a concept that local governments have fought. The postponement came after the Senate Appropriations Committee on March 11 watered down the Senate version (SB 522), including stripping out a provision that would have blocked local governments' ability to license and inspect the properties.



### **SB 266 / HB 403 – Home-Based Businesses**

This bill creates a new section of law prohibiting local governments from regulating home-based businesses in a manner different from other businesses in their jurisdictions and prescribes requirements the business must meet to qualify as such. Home-based businesses may only be taxed by the county and municipality in which they are physically located and any adversely affected current or prospective home business may also bring civil action against a local government regulation, with the prevailing party able to recover attorney's fees and costs.

The Senate bill was passed by the Commerce and Tourism Committee on Monday and moves to the Rules Committee; the House bill will be on Special Order on Wednesday.

### **SB 1892 / HB 1595 – Emergency Preparedness and Response Fund**

A new pool of money for emergencies, separate from the state's traditional "rainy day" funds, would be created in the Governor's office under a pandemic relief measure approved Tuesday by the Senate Military and Veterans Affairs, Space and Domestic Security Committee. SB 1892 would set up the "Emergency Preparedness and Response Fund." The Legislature, in its annual budget process, would have to set the initial amount going into the fund, with the anticipation that the Federal Emergency Management Agency would reimburse any money spent during an emergency. Both bills are in their final stop in their respective Appropriations Committees.

### **CS/SB 284 / HB 55 - Building Design**

This 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 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. Local governments may apply building design restrictions in planned unit developments or master-planned communities created by local ordinances enacted on or before July 1, 2021 (House Version).

On Tuesday, the Senate Regulated Industries Committee passed CS/SB 284 favorably (8-1). The bill has one more committee reference: Rules. CS/CS/HB 55 is on Second Reading in the House.

### **CS/CS/CS/SB 496 / HB 59 - Growth Management**

This bill 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.

Each local government must adopt a property rights element into its comprehensive plan either as part of its next proposed plan amendment after July 1, 2021, or during the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191 (whichever occurs sooner). Any comprehensive plan for a newly incorporated municipality effective as of 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 a development in an existing development order; and
- Must vest the density and intensity approved by such development order.

On Wednesday, the Senate Rules Committee passed CS/CS/SB 496 with one amendment (17-0). The amendment re-inserted provisions requiring the DOT to offer the right of first refusal to previous plot owners. SB 496 has no more committee references. A similar House bill, HB 59 is already in the House chamber on Second Reading.



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

These bills 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 is scheduled for its second committee of reference, Senate Community Affairs, on Tuesday. HB 735 has been placed on the House Special Order Calendar for Wednesday, so our efforts are currently focused on the Senate.

**SB 1208 / HB 387 - Resiliency Energy Environment Florida Program (REEF)**

A bill aimed at speeding up septic-to-sewer conversions cleared another Senate committee and took on a new name. SB 1208 would expand property assessed clean energy, or PACE, financing to cover wastewater treatment improvements and septic-to-sewer conversion, in addition to the suite of projects currently in the program. An amendment adopted in the Senate Finance and Tax Committee would also chuck the PACE acronym in favor of REEF, which is short for Resiliency Energy Environment Florida. The new name is intended to reflect the expanded scope of the program. SB 1208 is in the Appropriations Committee, its final stop. A similar, but not identical bill, HB 387, is in its third of four committee stops.

**SB 722 / HB 333-Everglades Protection Area**

This bill prohibits the permitting or construction of any structure intended for drilling or producing oil and gas within the Everglades Protection Area.

HB 333 was passed unanimously (18-0) Tuesday in the House Environment, Agriculture & Flooding Subcommittee. It has two more committee references.

The Senate companion, SB 722 was recently filed and assigned three committees.

**CS/HB 7019 & HB 7021 - Statewide Flooding and Sea Level Rise Resilience**

This PCS creates the Resilient Florida Grant Program that includes a DEP administered grant fund to provide funding to local governments for the costs of resilience planning such as vulnerability assessments and new plans or policies, a DEP developed “Comprehensive Statewide Flood Vulnerability and Sea-Level Rise Data Set and Assessment” to be updated every three years, and

Statewide Flooding and Sea Level Rise Resilience Plan identifying and ranking those local municipal projects (minimum local 50% match) that will address the issue via scoring system.

Local governments will be authorized to enter into regional resiliency coalitions for the purposes of identifying shared vulnerabilities and project development. The bill also requires EDR to include an analysis of adverse economic effects due to flooding in its annual water resources and conservation land assessment. Lastly, the bill creates the Florida Flood Hub for Applied Research and Innovation, a state-sponsored clearinghouse to establish community-based programs to improve flood monitoring and prediction.

SB 7021, the companion funding measure, creates the Resilient Florida Trust Fund for the purpose of funding the Resilient Florida Grant Program and all the other programs described herein.

On Wednesday, the House State Affairs Committee passed a PCS for HB 7019 with one amendment (20-0). The amended PCS has a few substantive differences from the original. Namely it clarifies that the items required in a local vulnerability assessment need only be included if they are applicable to the jurisdiction. It also allows local governments to assess a smaller area under certain conditions.

CS/HB 7019 has no more committee reference. The funding bill, HB 7021, was passed as well.



**CS/SB 972 / HB 1019 - Administrative Entity Telecommunication Meetings**

SB 972 was heard by its first committee, which would allow administrative entities such as the Southeast Florida Regional Climate Change Compact to conduct meetings and workshops via communication media technologies.



On Wednesday, the (S) Governmental Oversight and Accountability Committee passed SB 972 (6-0) with one amendment. The amendment expressly provides that s. 286.0114, F.S., (which sets the requirements for public participation at public meetings) applies to public meetings and workshops conducted by means of communication media technology.

CS/SB 972 has one more committee reference: (S) Rules. The House companion, HB 1019 by Casello, has been referred to two committees but has not yet been heard in either of them.



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