



MEMORANDUM
Jose "Pepe" Diaz
Chairman
BOARD OF COUNTY COMMISSIONERS

To: Honorable Daniella Levine Cava, Mayor
Honorable Oliver G. Gilbert, III, Vice Chair and
Members, Board of County Commissioners

Date: July 29, 2021

Cc: Melissa Adames, Director, Clerk of the Board

From: Jose "Pepe" Diaz, Chairman

Re: 2021 Florida Legislature
End-of Session Report

This legislative session, the Florida Legislature passed a state budget totaling approximately \$101.5 billion, a substantial increase from last year's \$92.2 billion budget. Upon review, the Governor vetoed just over \$1.5 billion, leaving the approved state budget at \$100 billion.

The Governor signed the last presented bills on June 29, 2021.

The information compiled was provided by Miami-Dade's County Attorney's Office, the Office of Intergovernmental Affairs, and the contract lobbyists.

The sections are broken down as follows: Section A addresses Miami-Dade County Priorities as set by the Board of County Commissioners and other issues of significance; Sections B through I address issues in various policy areas.

A. Miami-Dade Priorities & Other Key Issues

1. **General Appropriations Act/State Budget/Septic-to-Sewer/Resiliency/Biscayne Bay -APPROVED-** SB 2500 was signed by the Governor and is effective as of July 1, 2021, the beginning of the new fiscal year.

The conference report on SB 2500 is the general appropriations act and is the state budget for the fiscal year beginning July 1, 2021 through June 30, 2022. It is the only bill the Legislature is required to pass each year. The state budget for state fiscal year 2021-2022 totaled \$101.5 billion, which is the first time the budget exceeded \$100 billion. The state budget includes \$6.7 billion that is contingent on receipt of Federal Coronavirus State Fiscal Recovery Funds.

The state budget includes:

- More than \$20 million in funding for Biscayne Bay, which the Board set as a Miami-Dade County priority for the 2021 session;
- Statewide funding in the amount of \$611 million for septic-to-sewer grants to be administered by the Florida Department of Environmental Protection (FDEP), the Board set funding for septic-to-sewer as a Miami-Dade County priority for the 2021 session; and
- Statewide funding in the amount of \$611 million for resiliency grants to be administered by FDEP.

Grant criteria for both the septic-to-sewer and resiliency grant programs will be developed and issued by FDEP in the upcoming months.

Here are some of the individual Miami-Dade County projects funded as line items in the conference report, as well as statewide funding of particular interest to Miami-Dade County:

Miami-Dade County Funding (approved unless indicated otherwise)

- Biscayne Bay- \$20 million
- Ludlam Trail - \$1 million
- The Underline - \$3 million
- Zoo Miami Animal Hospital - \$500,000
- Housing First Mental Health (Homeless Trust) - \$562,000
- Mosquito Control Adulticide - \$51,600 **(VETOED)**
- Laurel Wilt Disease - \$150,000 **(VETOED)**
- S-20 Collector Canal Everglades Wetland Restoration - \$350,000

Statewide Funding (approved unless indicated otherwise)

- Septic-to-Sewer Grants - \$611 million
- Resiliency Grants - \$611 Million
- Beach renourishment - \$150 million
- Affordable Housing - \$209 million
- FDOT Work Program /Restore to Pre-Pandemic Level - \$9.2 billion (\$250 million for seaports)
- African American Cultural and Historical Grant Program - \$30 million
- Medicaid Postpartum Extension - \$239.8 million
- Florida Forever Wildlife Corridor- \$300 million
- Visit Florida - \$75 million
- \$1,000 Payments to Pandemic State and Local First Responders/ State Corrections - \$208.4 million
- Derelict Vessel Removal - \$28.6 million

- **Elder Affairs/Meals -APPROVED-** \$7.1M in non-recurring countywide funds includes the following:

- Little Havana Activities & Nutrition - \$335K
- Hialeah Gardens Elder Meals Program - \$292K
- Hialeah Elder Meals Program - \$1.9M
- Sweetwater Elderly Activities Center - \$418K
- City of Miami Springs Senior Center /Meals - \$215K
- North Miami Foundation for Seniors Citizens-\$250K
- City of Opa locka Senior Programming - \$100K
- Elder at Risk Meals (Marta Flores) - \$623K
- Miami Beach Senior Center (Jewish Community Services)- \$158K
- West Miami Community Center - \$69K

2. Documentary Stamp Tax Distributions/Sadowski Act Affordable Housing Trust Fund/Septic-to-Sewer/Resilient Florida -APPROVED- SB 2512 is a budget conforming bill by the Senate Appropriations Committee that conforms state statutes to the funding decisions related to documentary stamp tax distributions in the state budget for Fiscal Year 2021-2022. SB 2512 was signed by the Governor and is effective July 1, 2021.

The bill:

- Revises the documentary stamp tax distributions of the remainder after distributions made to the Land Acquisition Trust Fund, Department of Revenue Administration cost, and the General Revenue Service Charge by:
 - Adding a distribution of 5.4175 percent of the remainder to the newly created Resilient Florida Trust Fund to be used for the new Resilient Florida Program;
 - Adding a distribution of 5.4175 percent of the remainder to the Water Sustainability and Accountability Program Trust Fund to be used for the wastewater grant program; and
 - Amending the distributions made to the State Housing Trust Fund and Local Government Housing Trust Fund to 9.70254 percent of the remainder; and
- Prevents funds distributed to the Sadowski Act State Housing Trust Fund and the Local Government Housing Trust Fund from being transferred to state General Revenue; and
- Amends the use of the Water Protection and Sustainability Program Trust Fund to authorize the fund to be used for the wastewater grant program.

SB 2512 is linked to the Resilient Florida Trust Fund bill (SB 2514) and the Statewide Flooding and Sea-Level Rise Resilience bill (SB 1954), both of which the Governor has already signed into law.

During state fiscal year 2021-22, the documentary stamp tax distributions revised in SB 2512 are anticipated to result in:

- \$111.7 million in funding for wastewater/septic-to-sewer grants;
 - \$111.7 million for resiliency grants; and
 - \$200 million for the Sadowski Act/Affordable Housing Trust Fund.
- These amounts are recurring in nature based on annual documentary stamp tax revenues. Federal American Rescue Plan funding was also allocated on a one-time basis to add an additional \$500 million each for wastewater/septic-to-sewer grants and resiliency grants for a total of \$611 million for each of these grant programs for state fiscal year 2021-22.

3. **Health Care/Postpartum Medicaid Eligibility for Pregnant Women/Retroactive Medicaid Eligibility -APPROVED-** SB 2518 is a budget conforming bill by the Senate Appropriations Committee relating to health care. SB 2518 was signed by the Governor and is effective July 1, 2021.

Among other provisions, SB 2518 extends postpartum Medicaid eligibility for pregnant women from 60 days to 12 months. SB 2518 also continues the policy that began in the 2018-2019 fiscal year by providing payments for Medicaid eligible services for eligible non-pregnant adults retroactive to the first day of the month in which an application for Medicaid is submitted, as opposed to 90 days before the month in which an application for Medicaid is submitted. Eligible children and pregnant women will continue to have retroactive Medicaid eligibility for a period of no more than 90 days before the month in which an application for Medicaid is submitted.

4. **Emergency Management/ Limitation on Emergency Powers/Vaccine Passports - APPROVED-** SB 2006 by Senator Danny Burgess (R – Zephyrhills) was signed by the Governor and is effective July 1, 2021.

The House substituted SB 2006 by Senator Danny Burgess (R – Zephyrhills) for HB 7047, a committee bill by the House Pandemics and Public Emergencies Committee, and adopted amendments to SB 2006.

SB 2006 is an omnibus emergency management bill that revises the State Emergency Management Act to address the threat posed by a pandemic or other public health emergency.

Regarding county or municipal emergency orders, the final version of SB 2006:

- Provides that an emergency order automatically expires seven days after issuance but may be extended by a majority vote of the governing body of the political subdivision, as necessary, in 7-day increments for a total duration of not more than 42 days;
- Requires the governmental entity 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 governmental interest” through the “least intrusive means”; and
- Provides that the Governor may, at any time, invalidate an emergency order issued by a political subdivision if the Governor determines that such order unnecessarily restricts individual rights or liberties.

The final version of SB 2006 also includes a prohibition on governments, businesses and educational institutions requiring documentation of COVID-19 vaccination or post-infection recovery, with an exemption for health care providers. It does authorize businesses to institute screening protocols consistent with government-issued guidance to protect public health.

5. **State Biscayne Bay Commission/Prohibit Sewage Disposal into Biscayne Bay - APPROVED-** HB 1177 by Representative Bryan Avila (R – Hialeah) and cosponsored by Representative Nick Duran (D-Miami) was signed by the Governor and is effective immediately.

6. **PACE Program, Septic-to-Sewer, Resiliency, Seawalls, Resiliency Energy Environment Florida (REEF) Program -DIED-** HB 387 by Representative Randy Fine (R – Palm Bay) died on the House floor calendar. The Senate companion bill, SB 1208 by Senator Ana Maria Rodriguez (R – Doral), died in the Senate Appropriations Committee.

This was the subject of Resolution Nos. R-1037-20, R-1093-20 and R-1251-20 (Critical Priority)

7. **Rename South and West Dixie Highway as Harriet Tubman Highway -DIED-** SB 1216 by Senator Shevrin Jones (D – Miami Gardens) and HB 813 by Representative Kevin Chambliss (D – Miami) were identical companion bills that would have renamed South and West Dixie Highway in Miami-Dade County as Harriet Tubman Highway. The bills did not receive committee hearings.

This was the subject of Resolution No. R-168-20 (Critical Priority)

8. **Transportation/Greater Miami Expressway Agency Board Composition/Seaport Ballot Initiative, Referendum/TPO Express Lane Revenue/TPO Membership Fees/Competitive Solicitations/Preemption/Airport Engineering and Inspection Services -APPROVED-** SB 1194 by Senator Ed Hooper (R – Port Harbor) was signed by the Governor and is effective July 1, 2021.

The House substituted SB 1194 by Senator Ed Hooper (R – Port Harbor) for HB 57 by Representative Alex Andrade (R – Pensacola) and passed SB 1194 with amendments.

The final version of SB 1194 includes the following provisions, among others:

- Increases the Governor's appointments to the Greater Miami Expressway Agency (GMX) board from three to four, one of whom must be a member of the TPO, resulting in the following GMX board composition:
 - Four governor appointments;
 - Two Miami-Dade Board of County Commissioners appointments;
 - Two Miami-Dade TPO appointments; and
 - The District 6 FDOT Secretary.

Senator Annette Taddeo filed a Senate floor amendment to remove the GMX provisions from SB 1194, but the amendment did not pass;

- Provides that a local ballot initiative or referendum may not restrict maritime commerce with respect to any seaport that receives or is eligible to receive state funding (language preempting local regulation of seaports was not included in SB 1194);
- Provides that any remaining toll revenue from high-occupancy toll lanes or express lanes shall be used by the Florida Department of Transportation (FDOT) (in addition to the construction, maintenance, or improvement of any road) to support public transportation projects that benefit the operation of high-occupancy toll lanes or express lanes on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the road where the toll revenues were collected. The Board identified as a priority for the 2021 session legislation that increased revenue sources and funding for public transportation projects;

- Deletes a provision passed in 2019 that prohibits a class of metropolitan planning organizations that includes the Miami-Dade County TPO from assessing any fees for municipalities, counties, or other governmental entities that are members of the organization;
- Excludes certain airports from the prohibition against the same entity performing design and performing construction engineering and inspection services on a project funded by FDOT and administered by a local governmental entity;
- Precludes governmental entities from prohibiting certain entities holding a certificate of qualification from the FDOT or the appropriate construction license from bidding on road, bridge, or other specified public construction service projects;
- Revises construction, engineering, and inspection requirements for airports; and
- Revises statutory provisions regarding innovative transportation projects.

9. **Florida Retirement System/ Closure of Pension -DIED-** The Senate passed SB 84 by Senator Ray Rodrigues (R – Fort Myers) but it died in messages to the House when the House did not take up the bill before the session ended.

10. **Biscayne Bay Specialty License Plate -APPROVED-** SB 676 by Senator Dennis Baxley (R – Lady Lake) was signed by the Governor and is effective October 1, 2021.

11. **Elections Administration/Vote-By-Mail Ballots/Drop Boxes -APPROVED-** SB 90 by Senator Dennis Baxley (R – Lady Lake), was substituted for HB 7041. SB 90 was signed by the Governor and is effective January 1, 2022.

12. **Environmental Compliance Costs/Ocean Outfalls/Water Reuse -APPROVED-** HB 1051 by Representative Juan Fernandez-Barquin (R – Miami) was signed by the Governor and is effective July 1, 2021.

HB 1051 expands the definition of “environmental compliance costs” to include costs or expenses prudently incurred by an electric utility after July 1, 2021, pursuant to an agreement between the electric utility and a governmental wastewater utility for the exclusive purpose of the electric utility constructing and operating a wastewater reuse system where operation of the system will serve to further compliance with environmental laws or regulations applicable to the electric utility and where the system fully or partially satisfies a local government’s statutory reclaimed water reuse requirements. The bill also requires at least 50 percent of the reclaimed water the reuse system produces to be used in conjunction with the water requirements of an electrical generating facility owned by the electric utility to offset all or part of the electric utility’s water use authorized by permit.

13. **Vacation Rentals/Preemption -DIED-** SB 522 by Senator Manny Diaz (R – Hialeah Gardens) died in the Senate Rules Committee. HB 219 by Representative Jason Fischer (R – Jacksonville) died in the House Ways and Means Committee.

B. **Education, Library, Cultural Affairs and Parks & Recreation**

14. Library Grants and Initiatives -APPROVED- \$23.5M statewide formula funding for local libraries.

15. Cultural and Museum Grants -APPROVED- \$23.2M in statewide grant funds of which, \$4.7M are countywide funds, which include:

- **Miami-Dade County** - \$80K
- **Miami-Dade Auditorium**- \$77K
- **Zoo Miami Foundation** - \$78K

C. Transportation, Tourism & Economic Development Issues

16. Transportation Energy Infrastructure/Preemption -APPROVED- HB 839 by Representative Tom Fabricio (R – Hialeah) was substituted for SB 856 by Senator Travis Hutson (R – Palm Coast). HB 839 was signed by the Governor and is effective immediately.

HB 839 expressly preempts a municipality, county, or other political subdivision from adopting an ordinance or resolution that:

- Prohibits the siting, development, or redevelopment of a gas station or other fuel retailer or its necessary related transportation infrastructure;
- Results in a de facto prohibition on a fuel retailer or its necessary related transportation infrastructure; and
- Requires a fuel retailer to install or invest in a particular kind of fuel infrastructure, including, but not limited to, electric vehicle charging stations.

HB 839 does not preempt any such action which is consistent with zoning, land use, and other allowable uses and general law, so long as it does not result in a de facto prohibition of fuel retailers or related transportation infrastructure.

17. Tourist and Development Taxes -DIED- HB 1429 by Representative Bryan Avila (R-Hialeah); SB 2008 by Senator Manny Diaz (R-Hialeah). As filed, these bills require local governments to conduct a referendum every five years to keep the tax in place. This would jeopardize local match for projects such as beach projects and would make it impossible to bond proceeds from the tax. HB 1429 died in the House. SB 2008 died in committee. The language was also not included in the tax package.

18. Airports/Diesel Exhaust Fluid Safety Mitigation and Exclusion Plan -APPROVED- HB 77 by Representative Tobin Overdorf (R – Stuart) was substituted for SB 1082 by Senator Ben Albritton (R – Bartow). HB 77 was signed by the Governor and is effective October 1, 2021.

HB 77 relates to aircraft diesel exhaust fluid (DEF), which is an exhaust additive that reduces diesel emissions by neutralizing nitrogen oxide into harmless nitrogen gas and

water. HB 77 requires certain public airports that utilize DEF to create a DEF safety mitigation and exclusion plan and provides minimum requirements for each plan. However, the governing body may, at its discretion, delegate the creation and implementation of the plan to the onsite fixed-based operator. The plan must be approved by the governing body of the airport and submitted to the Florida Department of Transportation (DOT). The airport must regularly review its plan and annually certify compliance to DOT.

- 19. Motor Vehicle Rentals -APPROVED-** SB 566 by Senator Keith Perry (R – Gainesville) was substituted for HB 365 by Representative Mike Caruso (R – Boca Raton). SB 566 was signed by the Governor and is effective January 1, 2022.

HB 365 establishes statutory requirements for peer-to-peer car-sharing, including surcharge and tax payments, and liabilities and insurance obligations among participants. The bill:

- Requires peer-to-peer car-sharing programs to collect and remit sales tax on the lease or rental of motor vehicles on their platform;
- Requires peer-to-peer car-sharing programs to collect and remit a \$1 surcharge on the lease or rental of a motor vehicle;
- Defines terms, including “peer-to-peer car sharing,” which is the authorized use of a motor vehicle by an individual other than the vehicle's owner through a peer-to-peer car-sharing program. Further, it is not rental, for-hire, or joint use of motor vehicles, such as ridesharing or carpooling;
- Establishes insurance requirements and coordinated coverage for each party involved in car sharing; and
- Allows motor vehicle insurers insuring the shared vehicle owner to exclude coverage for use of the vehicle in car-sharing.

An amendment that would have required a peer-to-peer car-sharing service to enter into an agreement with a publicly owned airport to provide such services was not adopted.

- 20. Low-Speed Autonomous Delivery Vehicles -APPROVED-** HB 1289 by Representative Fiona McFarland (R – Sarasota) was signed by the Governor and is effective July 1, 2021. HB 1289 provides requirements for low-speed autonomous delivery vehicles; authorize the operation of a low-speed autonomous delivery vehicle on streets and roads where the posted speed limit is 35 miles per hour or less; authorize the operation of a low-speed autonomous delivery vehicle on streets or roads with a posted speed limit of up to 45 miles per hour under specified conditions; and provide that fully autonomous vehicles are not subject to certain laws or regulations.

- 21. Florida Department of Transportation Package/TPO/Airport -APPROVED-** SB 1126 by Senator Gayle Harrell (R – Stuart) was substituted for HB 1385 by Representative Chip LaMarca (R – Lighthouse Point). SB 1126 was signed by the Governor and is effective July 1, 2021.

SB 1126 is the Florida Department of Transportation's (FDOT) legislative package for the 2021 Legislative Session. The bill contains a number of FDOT-related revisions to current law including, among other provisions:

- Revises from October 1 to August 1 the date for a metropolitan planning organization's (MPO) annual submissions of project priorities to the FDOT districts for purposes of developing the FDOT's tentative work program and MPO transportation improvement programs;
- Grants the FDOT rulemaking authority for the purpose of implementing statutory provisions relating to airport zoning;
- Increases from \$275 to \$300 million the authorized dollar amount representing an alternative debt service cap on Right-of-Way Acquisition and Bridge Construction Bonds issued to finance or refinance the cost of acquiring real property for state roads or the cost of bridge construction; and
- Revises provisions relating to a notice and hearing the FDOT is required to provide when a transportation project on the State Highway System modifies an existing access to an abutting property owner to provide clarity and improve readability.

22. Repeal of the Multi-use Corridors of Regional Economic Significance (M-CORES) Program/Reversion of Program Funds -APPROVED- SB 100 by Senator Gayle Harrell (R – Stuart) was signed by the Governor and is effective July 1, 2021.

SB 100 was a Senate leadership priority that had passed the Senate on April 16. It repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) Program and related provisions, but retains the associated funding within the State Transportation Trust Fund (STTF). The bill draws on the recommendations of the M-CORES task forces and prioritizes strategic improvements to existing highway facilities. More specifically, the bill:

- Authorizes the Florida Department of Transportation (FDOT) to upgrade existing arterial roadways with targeted improvements, such as adding new tolled or non-tolled limited access alignments to manage congestion points and retrofitting roadways with tolled or non-tolled grade separations that provide alternatives to a signalized intersection for through traffic;
- Prohibits reduction of any non-tolled general use lanes of an existing facility, requires maintenance of existing access points, and limits the location of any tolling points such that a non-tolled alternative exists for local traffic;
- Subjects portions of any project to be tolled to federal and state environmental reviews and generally to the same review and development requirements and processes as are currently applicable to the FDOT's projects;
- Directs the FDOT to develop, by December 31, 2035, and include in the work program, construction of controlled access facilities to achieve free flow of traffic on U.S. 19 and requires the facility to be developed using existing or portions of existing roadway by specified improvements;
- Directs the FDOT to identify and include in the work program projects to widen certain two-lane arterial rural roads serving high volumes of truck traffic to four lanes and provides funding for such projects;
- Directs the FDOT to begin the project development and environmental phase for a project to extend the Florida Turnpike from its current terminus in Wildwood to a terminus as determined by the FDOT, and to submit a summary report by December 31, 2022;

- Retains in the STTF the revenue redirected to it as a result of the 2019 M-CORES legislation for purposes of funding the authorized controlled access facility projects and widening projects on arterial rural highways.

23. Miami-Dade Aviation -APPROVED- \$18.8M (Aviation Development /Grants)

24. South Dade Transit Way Project -APPROVED- \$1.8M (County Transportation Programs)

25. Asset Maintenance -APPROVED- \$9.2M (Highway Maintenance Contracts)

26. Miami-Dade Countywide Lighting -APPROVED- \$3.9M (Highway Maintenance Contracts)

27. MDT Palmetto Intermodal Terminal -APPROVED- \$3.1M (Intermodal Development Grants)

28. MDT Park and Ride /SW 8 St and SW 14 Ave -APPROVED- \$1.3M (Intermodal Development Grants)

29. Miami-Dade Pedestrian & Bicycle Safety -APPROVED- \$2M (interstate Highway Construction)

30. Miami-Dade Transit and Public Works -APPROVED- \$44M (Public Transit/Development Grants), which includes the following:

- **Miami-Dade Transit -State Transit Block Grant** - \$22.6M
- **Miami-Dade County TPO Metro Planning** -\$2.2M
- **Miami-Dade Transit Dade/Broward I-95 Express Bus Service-** \$9.5M
- **Miami-Dade DTPW Southland Mall Park and Ride** -\$1M
- **Miami-Dade DTPW I-75 Express Bus-** \$1.1M
- **South FL Commuter Services in Miami-Dade County / Marketing-** \$1.4M

31. Port of Miami to SR836/I395 -APPROVED- \$28.4M (Intrastate Highway Construction)

32. Port Miami Tunnel/MPO Priority -APPROVED- \$17M (Intrastate Highway Construction)

33. Miami-Dade MPO FY 2020-2021/2021-2022 Unified Planning Work -APPROVED- \$5.1M (Transportation Planning Grants)

D. Public Safety, Regulatory, Animal Services & Procurement

34. Certificate of Public Convenience and Necessity -APPROVED- HB 805 by Representative Mike Caruso (R – Boca Raton) was signed by the Governor and is effective July 1, 2021.

HB 805 exempts from the certificate of public convenience and necessity (COPCN) requirements certain faith-based volunteer first responder agencies that have operated for

at least ten consecutive years, and which provide advanced or basic life support services solely through at least 50 unpaid licensed emergency medical technician or paramedic volunteers. The COPCN exemption created in the bill may be granted to no more than four counties, which likely will consist of Miami-Dade, Broward, Palm Beach and Orange Counties.

HB 805 prohibits a county or municipal government from limiting, prohibiting, or preventing such 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 such volunteer ambulance services to obtain a license or certificate or pay a fee.

HB 805 requires an applicant to take all reasonable efforts to enter into a memorandum of understanding with the emergency medical services licensee within the jurisdiction the applicant will provide services in order to facilitate communications and coordinate emergency services for situations beyond the scope of the applicant's capacity and for situations of advanced life support that are deemed priority 1 or priority 2 emergencies.

Under HB 805, an emergency medical services provider or fire rescue services provider operated by a county, municipality, or special district is responsible for the care and transport of an unresponsive patient if a volunteer ambulance service arrives at the scene of an emergency simultaneously with such a provider and a person authorized to consent to the medical treatment of the unresponsive patient is not present.

HB 805 authorizes vehicles of such volunteer ambulance services as authorized by the chief of police of an incorporated city or any sheriff of any county, to display red lights and operate emergency lights and sirens while responding to an emergency. HB 805 also authorizes privately owned vehicles belonging to medical staff physicians and technicians of volunteer ambulance services to use red lights on privately owned vehicles and to disregard specified traffic laws and ordinances while responding to an emergency. Under the bill, any emergency medical technician, doctor, or paramedic who is using his or her personal vehicle with a red light to respond to an emergency call must have completed a 16-hour emergency vehicle operator course.

35. Home-Based Business/Preemption -APPROVED- HB 403 by Representative Mike Giallombardo (R – Cape Coral) was substituted for SB 266 by Senator Keith Perry (R - Gainesville) with an amendment. HB 403 was signed by the Governor and is effective July 1, 2021.

The final version of HB 403 eliminates some of the provisions the Senate had included in SB 366 to mitigate the potential impact of home-based businesses. The final version of HB 403:

- Provides that any local regulations on noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more restrictive for home-based businesses than other residential property; and omits the Senate provision that states the bill does not prohibit local governments from enacting or enforcing noise ordinances;
- Clarifies that a business may have additional remote employees that do not work at the residential dwelling;

- Requires that local regulations of home-based business parking not be more stringent than other residential property;
- Omits “traffic” from the bill’s restrictions on parking generated by a business;
- Omits examples of what the term “heavy equipment” includes;
- Removes ability for local government to regulate hours of operation of a home-based business;
- Requires the use of the residential property, as viewed from the street, to be consistent with surrounding residential properties;
- Removes the provision allowing local governments to regulate activities conducted outside the primary residential structure of the business, and instead, prohibits a business from conducting transactions at a structure other than the residence, with the exception of incidental business uses;
- Provides that a home-based business may not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government’s jurisdiction;
- Provides that the bill does not supersede local ordinances and regulations related to transient public lodging establishments.

This was the subject of Resolution No. R-107-21.

36. Local Occupational Licensing/Preemption -APPROVED- HB 735 by Representative Joe Harding (R – Ocala) was substituted for SB 268 by Senator Keith Perry (R – Gainesville). HB 735 was signed by the Governor and is effective July 1, 2021.

HB 735 expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations, with the exception of local government licensing of occupations authorized by general law or occupational licenses imposed by a local government before January 1, 2021, which are grandfathered until July 1, 2023. Local government occupational licensing requirements in place by the deadline may not be increased or modified thereafter.

HB 735 specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation. It precludes local governments from requiring a license for painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, handyman services, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, and canvas awning and ornamental iron installation.

Finally, HB 735 authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical, and HVAC trades, as well as the electrical and alarm system trades, which is the current practice by counties and municipalities. Local journeyman licensing is exempted from the preemption of local licensing to the state since it would be authorized under general law.

An amendment to grandfather counties, including Miami-Dade, that required occupational licenses before March 2, 2021 was filed by Senator Ileana Garcia (R – Miami) but was not adopted.

This was the subject of Resolution No. R-108-21.

37. Airports/Diesel Exhaust Fluid Safety Mitigation and Exclusion Plan -APPROVED-

HB 77 by Representative Tobin Overdorf (R – Stuart) was signed by the Governor and is effective October 1, 2021.

HB 77 addresses safety issues associated with airport use of diesel exhaust fluid (DEF), and directs each public airport with specified uses of DEF to require a safety mitigation and exclusion plan for each fixed-base operator that performs onsite treatment of aviation fuel with a fuel system icing inhibitor and provides minimum requirements for the plan. By January 1, 2022, each airport must make the plan available for review during inspections by the Florida Department of Transportation (FDOT).

HB 77 also requires the FDOT, by November 1, 2021, to convene a workgroup of public airport representatives to develop uniform industry standards based on a National Air Transportation Association best practice relating to the handling of DEF, and authorizes the FDOT to adopt rules to develop a uniform industry standards form for the required plans based on the workgroup recommendations.

38. Waste Management/Auxiliary Containers, Wrappings, Disposable Plastic Bags/Storm-Generated Yard Trash -APPROVED- SB 694 by Senator Ray Rodrigues (R – Fort Myers) was signed by the Governor and is effective July 1, 2021.

SB 694 requires the Florida Department of Environmental Protection (DEP) to review and update its 2010 report analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags. DEP must submit the updated report to the Legislature no later than December 31, 2021.

SB 694 also provides that a private solid waste or debris management service provider is not required to collect storm-generated yard trash, unless otherwise specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider.

SB 694 also amends requirements for a local government that provides solid waste collection services which displace a private waste company, prohibiting the private company from continuing to provide the same service. The local government must provide three years' notice to the private company before engaging in such services. At the end of the three-year notice period, the local government must pay the displaced company an amount equal to the company's preceding 18 months' gross receipts for the displaced service in the displacement area.

39. Utility and Communications Poles/Redundant, Abandoned Poles -APPROVED-

SB 1944 by Senator Ben Albritton (R – Bartow) was substituted for HB 1567 by Representative Nick DiCeglie (R-Largo). SB 1944 was signed by the Governor and is effective immediately.

SB 1944 creates a process for handling redundant utility poles and abandoned pole attachments and vests the Florida Public Service Commission with jurisdiction to administer the bill's provisions. Under the bill, the commission is authorized to regulate and enforce rates, charges, terms, and conditions for pole attachments when parties are unable to reach an agreement; and to regulate safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles and pole attachments.

This is the subject of resolution no. R-371-21.

- 40. Residential Property Insurance/Roof Replacement -APPROVED-** SB 76 by Senator Jim Boyd (R – Bradenton) was substituted for HB 305 by Representative Bob Rommel (R – Naples) and passed SB 76 with amendments. SB 76 was signed by the Governor and is effective July 1, 2021.

SB 76 makes various changes to state law governing property insurance policies. The final version of SB 76 did not include language relating to roof replacement. This language would have allowed an insurance company to offer homeowner's insurance policies that adjust claims on roofs 10-years old or older on the basis of a roof surface reimbursement schedule without also having to offer a policy that provides full replacement cost adjustment for such a roof. The roof surface reimbursement schedule would have provided for a percentage of repair or replacement based on the age of the roof and the roof surface type. In the event of a total loss regarding a roof, an insurance company would not have had to provide the full replacement cost of the roof more than ten years old, and would only have to pay a percentage. This language was not included in the final version of SB 76.

This was the subject of resolution no. R-190-21.

- 41. Public Works Projects/Preemption/Local Wage/Benefit/Hiring/Training Programs/Wastewater/Stormwater -APPROVED-** HB 53 by Representative Nick DiCeglie (R – Largo) was substituted for SB 1076 by Senator Jason Brodeur (R – Lake Mary) and passed with an amendment. HB 53 was signed by the Governor and is effective July 1, 2021.

Current law provides that for a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from the state, a local preference may not be applied. HB 53 removes the 50 percent threshold. It also removes the local preference prohibition in favor of a prohibition against a local ordinance or regulation that prevents the participation of a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier in the bidding process based on certain criteria. The new prohibition applies to all solicitations that will be paid for with any state-appropriated funds.

HB 53 also amends the definition of the term "public works project" to remove the 50 percent or more cost threshold and to provide that the term applies to activities exceeding

\$1 million in value which are paid for with any amount of state funds. HB 53 prohibits the state or any political subdivision that contracts for public works projects, except as required by federal or state law, from preventing a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid on a public works project or the residence of an employee of such contractor, subcontractor, or material supplier or carrier.

HB 53 provides that these restrictions do not apply to projects funded by the Charter County and Regional Transportation System Sales Surtax.

HB 53 also includes provisions relating to wastewater and stormwater. Beginning with the annual assessment due January 1, 2022, the bill requires the Legislature's Office of Economic and Demographic Research (EDR) to include an analysis of the expenditures necessary to repair, replace, and expand water-related infrastructure in their annual assessment of Florida's water resources and conservation lands. By June 30, 2022, and every five years thereafter, the bill requires each county, municipality, or special district providing wastewater or stormwater services to develop a needs analysis for its jurisdiction over the subsequent 20 years. The analyses must be compiled and submitted to EDR, which must evaluate the compiled documents for the purpose of developing a statewide analysis for inclusion in the annual assessment due January 1, 2023.

- 42. Cottage Food Operations/Zoning/Preemption -APPROVED-** HB 663 by Representative Michelle Salzman (R – Pensacola) was substituted for SB 1294 by Senator Jason Brodeur (R – Lake Mary) with an amendment. HB 663 was signed by the Governor and is effective July 1, 2021.

HB 663 preempts the regulation of cottage food operations to the state. The final version of HB 663 requires a cottage food operation to comply with the conditions for the operation of a home-based business, as passed in HB 403.

Cottage foods are defined as foods that are not potentially hazardous due to time or temperature, such as baked goods; jams, jellies, and preserves; fruit pies and dried fruits; dry herbs, seasonings, and mixtures; and homemade pasta, among others.

HB 663 allows individual cottage food operations to sell, offer for sale, and accept payment for cottage food products as a business entity. The bill also allows 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.

HB 663 increases the annual gross sales limit for cottage food operations from up to \$50,000 to up to \$250,000.

- 43. Petroleum Fuel Measuring Devices/Preemption -APPROVED-** SB 430 by Senator Ana Maria Rodriguez (R – Miami) was signed by the Governor and is effective July 1, 2021.

SB 430 preempts regulation of petroleum fuel measuring devices to the state and provides that the state may only impose penalties for violations of petroleum fuel measuring device

rules if an owner or operator of a petroleum fuel measuring device has failed to install a security device or measure.

- 44. Vessel Anchoring Limitation Areas -APPROVED-** SB 1946 by Senator Tina Polsky (D – Boca Raton) was substituted for HB 1515 by Representative Wyman Duggan (R – Jacksonville). SB 1946 was signed by the Governor and is effective immediately.

Among other provisions, SB 1946 provides that, notwithstanding the existing prohibition on local regulation of anchoring of vessels outside of the marked boundaries of mooring fields, a county may establish an anchoring limitation area within densely populated urban areas that meet certain requirements imposed under the bill. The bill provides that the aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's navigable waterways.

SB 1946 prohibits a person from anchoring a vessel for more than 45 consecutive days in a six month period in an anchoring limitation area, except under existing exceptions.

A vessel that is the subject of more than three violations within 12 months, which resulted in dispositions other than acquittal or dismissal, is a public nuisance and subject to existing procedures for abandoned or lost property and relocation and removal of derelict vessels.

- 45. Operation and Safety of Vessels/Derelict Vessels -APPROVED-** SB 1086 by Senator Travis Hutson (R – Palm Coast) was substituted for HB 639 by Representative Tyler Sirois (R – Merritt Island). SB 1086 was signed by the Governor and is effective July 1, 2021.

Among other provisions, SB 1086 authorizes local governments to adopt an ordinance establishing a slow speed, minimum wake boating-restricted area if the area is within the boundaries of a permitted public mooring field and there is a buffer around the mooring field of up to 100 feet.

SB 1086 addresses derelict vessels by:

- Creating the derelict vessel prevention program within the Florida Fish and Wildlife Conservation Commission (FWC);
- Authorizing FWC to relocate an at-risk vessel that is near a mangrove or upland vegetation;
- Requiring a law enforcement officer to provide notice to the owner of a derelict vessel in a certain form; and
- Authorizing a law enforcement agency or its designee to remove, destroy, and dispose of a derelict vessel or authorize the vessel's use as an artificial reef under certain circumstances.

- 46. Traffic and Pedestrian Safety/Mid-Block Crosswalks/Unfunded Mandate -DIED-**

HB 1113 by Representative Randy Fine (R – Palm Bay) died in messages when the Senate didn't take up the bill. The Senate companion bill, SB 1412 by Senator Keith Perry (R - Gainesville), died in committee.

HB 1113 would have required local governments to take certain actions relating to mid-block crosswalks with yellow flashing lights, including removing such crosswalks under certain circumstances. It was estimated that HB 1113 could have had a significant negative impact on local governments with such crosswalks.

- 47. Restaurants/Alcoholic Beverages to Go -APPROVED-** SB 148 by Senator Jennifer Bradley (R – Orange Park) was substituted for HB 329 by Representative Josie Tomkow (R – Auburndale). SB 148 was signed by the Governor and is effective July 1, 2021.

SB 148 allows restaurants and other food service establishments to sell and deliver beer, wine, and liquor for off-premises consumption under certain conditions. SB 148 would make permanent a provision the Governor included in an executive order to provide restaurants with additional revenue sources during the COVID-19 pandemic.

- 48. Administration of Vaccines/Pharmacies -APPROVED-** SB 768 by Senator Dennis Baxley (R – Lake Lakes) was signed by the Governor and is effective July 1, 2021.

SB 768 expands the types of vaccines that pharmacists and pharmacy interns may administer to adults within the framework of an established protocol with a licensed supervising physician. Additionally, SB 768 authorizes pharmacists who are certified to administer vaccines and immunizations to adults to also administer influenza vaccines to children seven years of age or older.

- 49. Substance Abuse Service Providers/Recovery Residences/Sober Homes - APPROVED-** SB 804 by Senator Gayle Harrell (R – Stuart) was signed by the Governor and is effective July 1, 2021.

SB 804 makes several changes to provisions governing the licensure and regulation of substance abuse treatment programs, including recovery residences.

SB 804 makes it a third degree felony to falsify information, or to withhold material facts, on an application for licensure as a substance abuse service provider. Substance abuse service providers operated directly by, or under contract with, any state agency must be licensed by the Florida Department of Children and Families (DCF) and are not currently subject to a penalty for falsification of information or withholding of material facts in an application for licensure.

SB 804 also authorizes DCF to suspend a service provider's license for failing to pay, within 60 days of a date set by DCF, administrative fines and accrued interest related to disciplinary action taken against the service provider.

SB 804 also broadens the eligibility for exemption from employment disqualification for certain prior criminal offenses to specified employees of an applicant recovery residence and to applicant recovery residence administrators. This change will allow additional qualified individuals with knowledge of and experience within recovery residences to be eligible for employment within recovery residences.

Finally, SB 804 prohibits certain classes of dwellings that are used as recovery residences from having their occupancy category changed or being reclassified for the purpose of enforcement of the Florida Building Code and for the Florida Fire Prevention Code's requirement for installation of fire sprinklers.

50. Law Enforcement and Correctional Officer Practices/Child Arrest/Use of Force - APPROVED- HB 7051, a committee bill by the Judiciary Committee was signed by the Governor and is effective July 1, 2021.

HB 7051 makes several changes to the requirements for the operations and standards of law enforcement and correctional agencies and training for law enforcement officers, correctional officers, and correctional probation officers including:

- Prohibiting a child younger than seven years of age from being arrested, charged, or adjudicated delinquent for a delinquent act or violation of law, unless the violation of law is a forcible felony;
- Requiring an applicant for employment as a law enforcement officer, correctional officer, or a correctional probation officer to disclose whether he or she is the subject of a pending investigation and whether he or she separated or resigned from previous criminal justice employment while under investigation;
- Requiring a law enforcement or correctional agency to include the facts and reasons an applicant was separated from previous employment as part of a background check investigation of an applicant for employment;
- Requiring a law enforcement or correctional agency to maintain an officer's employment information for a minimum of five years following the date of an officer's termination, resignation, or retirement;
- Requiring the Criminal Justice Standards and Training Commission to develop basic skills training and each law enforcement or correctional agency to develop policies in the use of force, including:
 - Proportional use of force;
 - Alternatives to use of force, including de-escalation techniques;
 - Limiting the use of a chokehold, if the employing agency authorizes the use of a chokehold, to circumstances where the officer perceives an immediate threat of serious bodily injury or death to himself, herself, or another person;
 - The duty to intervene if an officer is on-duty and witnesses another officer using or attempting to use excessive force when such intervention is reasonable based on the totality of the circumstances and the observing officer may intervene without jeopardizing his or her safety;
 - The duty to render medical assistance following the use of force when an officer knows, or when it is otherwise evident, that a person who is detained or in custody is injured or requires medical attention and the action is reasonable based on the totality of the circumstances and the officer may render aid without jeopardizing his or her safety; and
 - Instruction on the recognition and characteristics of a person with a substance abuse disorder or mental illness and appropriate responses to such a person.
- Requiring an independent review of a use of force incident involving death or the intentional discharge of a firearm that results in injury or death to any person to be conducted by another law enforcement agency, a law enforcement officer employed by another agency, or the state attorney and requiring such agency or officer to complete a report to be provided to the state attorney; and

- Requiring each law enforcement agency to report use of force incidents that result in serious bodily injury, death, or the discharge of a firearm at a person to the Florida Department of Law Enforcement (FDLE) on a quarterly basis.

51. Drones/Law Enforcement/Fire/Natural Disaster/Vegetation, Wildlife Management - APPROVED- SB 44 by Senator Tom Wright (R – Port Orange) was substituted for HB 1049 by Representative Mike Giallombardo (R – Cape Coral). SB 44 was signed by the Governor and is effective July 1, 2021.

SB 44 expands the exceptions to the prohibition on drone surveillance to permit the use of a drone:

- To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more, but only if:
 - The law enforcement agency establishes policies and procedures, including guidelines:
 - For the agency's use of a drone;
 - For the proper storage, retention, and release of images or video captured by the drone; and
 - Addressing the personal safety and constitutional protections of the people being observed; and
 - The head of the law enforcement agency using the drone provides written authorization for such use and maintains a copy of such authorization on file at the agency.
- To assist a law enforcement agency with traffic management, except that a drone may not be used to issue a traffic infraction citation based on images or video captured by the drone.
- To facilitate a law enforcement agency's collection of evidence at a crime scene or traffic crash scene.
- By a state agency or political subdivision:
 - To assess damage due to a flood, wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state or by a political subdivision, before the expiration of the emergency declaration; or
 - For vegetation or wildlife management on publicly owned land or water.
- By certified fire department personnel to perform tasks within the scope and practice of their certification.

SB 44 limits drone purchase, acquisition, or use by governmental agencies to drones manufactured by an approved manufacturer. The amendment requires the Florida Department of Management Services (DMS), in consultation with the state chief information officer, to develop and publish a list of approved manufacturers by January 1, 2022. Upon publication of the list of approved manufacturers, a governmental agency may only purchase or acquire a drone from an approved manufacturer. DMS is directed to adopt rules identifying the requirements of a comprehensive plan governmental agencies must follow for discontinuing the use of drones not produced by an approved manufacturer by July 1, 2022. By January 1, 2023, all governmental agencies must discontinue the use of drones not produced by an approved manufacturer. DMS is also directed to establish by rule, consistent with federal guidance on drone security, minimum security requirements for data collected, transmitted, or stored by a governmental agency drone.

SB 44 is based on a departmental request by the Miami-Dade Police Department that was approved by the Board as part of the 2021 State Legislative Package.

52. DNA Evidence Collected in Sexual Offense Investigations/Rape Kits -APPROVED-

HB 673 by Representatives Scott Plakon (R – Longwood) was substituted for SB 1002 by Senator Linda Stewart (D – Orlando). HB 673 was signed by the Governor and is effective July 1, 2021.

HB 673 requires that the Florida Department of Law Enforcement (FDLE) create and maintain a statewide database, the purpose of which is to track the location, processing status, and storage of sexual assault evidence kits (SAKs). Beginning with SAKs collected after the database is implemented, they will be tracked from evidence collection throughout the criminal justice process. The database must be created no later than July 1, 2023, and is subject to appropriation by the Legislature.

The alleged victim, who has reported the crime to law enforcement, will have the ability to access the database and follow his or her SAK from the collection site, to law enforcement agency storage, then to the crime laboratory for forensic testing and back to law enforcement agency storage.

If there is a DNA match between the SAK evidence and a person whose DNA is stored in a local, state, or federal database and who may be a suspect or person of interest in the case, the alleged victim will be notified of the match, but not the person's identity, via the newly-created statewide database.

Law enforcement agencies, medical facilities, crime laboratories, and any other facilities that collect, receive, maintain, store, or preserve the SAKs must participate in the database, as required by the FDLE.

53. Registration of Sexual Predators/Offenders -APPROVED- SB 234 by Senator Lauren Book (D – Plantation) was substituted for HB 193 by Representative Charles Wesley "Chuck" Clemons (R – Jonesville). SB 234 was signed by the Governor and is effective immediately.

A Florida appellate court recently interpreted state law relating to sexual offenders in such a way that it allowed a person, otherwise required to register as a sex offender, to forgo registration by refusing to pay any court imposed fine. SB 234 provides that a person's failure to pay a fine does not relieve him or her of the requirement to register as a sexual offender.

54. False Reports of Crimes/Swatting -APPROVED- HB 371 by Representative Robert Charles "Chuck" Brannan, III (R – Lake City) was signed by the Governor and is effective immediately.

HB 371 relates to "swatting" by establishing felony charges for falsely reporting a crime in which a police response results in death or great bodily harm. HB 371 amends the current first degree misdemeanor offense of willful making of a false report of a crime to provide that this offense is committed by willfully imparting, conveying, or causing to be imparted

or conveyed to a law enforcement officer or employee of a public safety agency false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has actually been committed.

HB 371 defines a “public safety agency” as a law enforcement agency, professional or volunteer fire department, emergency medical service, ambulance service, or other public entity that dispatches or provides first responder services to respond to crimes, to assist victims of crimes, or to apprehend offenders.

HB 371 also provides that if the willful making of a false report of a crime results in a response by a federal, state, district, municipal, or other public safety agency and the response results in:

- Great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a third degree felony; or
- Death to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a second degree felony;

A court shall order any person convicted of misdemeanor or felony willful making of a false report to pay restitution, which shall include full payment for any cost incurred by a responding public safety agency.

55. Preemption of Firearms and Ammunition Regulation/Unwritten Policies/Changes to Ordinance/Policy/Firearm Lawsuits -APPROVED- SB 1884 by Senator Ray Rodrigues (R – Fort Myers) was substituted for HB 1409 by Representative Cord Byrd (R – Jacksonville Beach), was signed by the Governor and is effective.

SB 1884 provides that unwritten policies are subject to provisions allowing for recovery of damages if such policies violate the state law preemption of the regulation of firearms and ammunition. SB 1884 also provides that a plaintiff challenging local government regulation concerning firearms may be considered the prevailing plaintiff for recovery of attorney’s fees if, after the filing of a complaint, a defendant voluntarily changes the ordinance, regulation, measure, directive, rule, enactment, order, or policy.

Having passed both the House and Senate, SB 1884 next goes to the Governor.

56. Firearms/Religious Institutions -APPROVED- HB 259 by Representative Cord Byrd (R – Jacksonville) was signed by the Governor and is effective immediately.

Florida law does not generally prohibit a licensee from carrying a concealed firearm or weapon in a church, synagogue, or other religious institution. However, because many places of worship are often a preschool or college, carrying a firearm or weapon on the premises is a crime.

HB 259 authorizes a licensee to carry a concealed firearm on any property owned or leased by a church, synagogue, or other religious institution that is located on the same property as or attached to a school. HB 259 provides that a religious institution and owner of property used by a religious institution may continue to prohibit firearms as they choose.

57. COVID-19 Vaccines/Consumer Protection -APPROVED- HB 9 by Representative Ardian Zika (R – Land O’ Lakes) was signed by the Governor and is effective immediately.

HB 9 provides that it is a third degree felony to make a materially false or misleading statement or to disseminate false or misleading information relating to the characteristics, authenticity, effectiveness, or availability of personal protective equipment.

HB 9 also provides that it is a third degree felony to knowingly and willfully make a materially false or misleading statement or to knowingly and willfully disseminate false or misleading information regarding the availability of or access to a vaccine for COVID-19 or a vaccine for any other pandemic disease.

A second or subsequent violation of the previously-described offenses is a second degree felony. If the Attorney General reasonably believes that a person has committed either offense, the Attorney General may institute a civil action for the violation or to prevent the violation. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.

58. Restriction of Utility Services/Preemption -APPROVED- HB 919 by Representative Josie Tomkow (R – Auburndale) was substituted for SB 1128 by Senator Travis Hutson (R – Palm Coast), was signed by the Governor and is effective July 1, 2021.

HB 919 prohibits a municipality or county from enacting or enforcing a resolution, ordinance or policy, or taking any other action that restricts or prohibits, the types of fuel which may be used, delivered, converted, or supplied by utilities. HB 919 apparently arises from the City of Tampa, which recently considered a proposal that would ban natural gas in new construction.

59. Renewable Energy/Solar Facilities/Agricultural Land Use/Preemption -APPROVED- SB 896 by Senator Jason Brodeur (R – Lake Mary) was substituted for HB 539 by Representative Cord Byrd (R – Jacksonville Beach). SB 896 was signed by the Governor is effective July 1, 2021.

SB 896 incorporates preemption language from SB 1008 and HB 761 and requires solar facilities to be a permitted use in all agricultural land use categories in a local government’s comprehensive plan, and in all agricultural zoning districts within an unincorporated area.

SB 896 requires solar facilities to comply with setback and landscaped buffer area criteria for similar uses in the agricultural district and allows a county to adopt ordinances specifying buffer and landscaping requirements for facilities. Such requirements may not exceed those of similar uses involving construction of other facilities permitted in agricultural land use categories and zoning districts.

SB 896 also defines the terms “biogas” and “renewable natural gas,” and expands the term “renewable energy” to include renewable natural gas. It also authorizes the Florida

Public Service Commission to approve cost recovery by gas public utilities for contracts for purchase of renewable natural gas if specified conditions are met.

60. Minimum Age/Tobacco and Nicotine Products/Preemption -APPROVED-

SB 1080 by Senator Travis Hutson (R – Palm Coast) was substituted for HB 987 by Representative Jackie Toledo (R – Tampa), was signed by the Governor and is effective October 1, 2021.

Among other provisions, SB 1080 increases the minimum age relating to sale, use and position of tobacco and nicotine products from 18 to 21 years of age, with certain exceptions, to comply with federal law. SB 1080 also preempts local governments from establishing the minimum age for purchasing or possessing, and regulating the marketing, sale, or delivery of, nicotine products.

E. Housing, Health & Human Services

61. Farm Share Program -APPROVED- \$5M in statewide funding.

62. Juvenile Diversion Program/Expunction of Record/Public Records Exemption - VETOED- SB 274 by Senator Keith Perry (R – Gainesville) was substituted for HB 93 by Representative David Smith (R – Winter Springs). SB 274 was vetoed by the Governor.

SB 274 would have permitted a juvenile who completed a diversion program for any offense, including felony offenses, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, SB 274 would have also permitted a juvenile who completed a diversion program for any offense, including a felony or subsequent offense, to lawfully deny or fail to acknowledge his or her participation in the program and the expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

63. Public Records/Juvenile Criminal History -APPROVED- HB 7009, a committee bill by the House Government Operations Subcommittee was signed by the Governor and is effective October 1, 2021.

HB 7009 extends the current public records exemption for criminal history information of juveniles compiled by the Criminal Justice Information Program, except when the juvenile has been taken into custody for, charged with, or found guilty of a felony offense, or the juvenile has been transferred to adult court.

64. Office of Minority Health and Health Equity -APPROVED- HB 183 by Representative Kamia L. Brown (D – Orlando) was signed by the Governor and is effective July 1, 2021.

HB 183 requires the Office of Minority Health and Health Equity within the Florida Department of Health (DOH) to develop and promote the statewide implementation of policies, programs, and practices that increase health equity in this state, including increased access to and quality of health care services for racial and ethnic minority populations. HB 183 also requires the office to coordinate with agencies, organizations, and providers across the state to perform certain tasks, including gathering and analyzing data relating to health disparities. The bill establishes that a representative from each county health department will serve as a liaison to the office and that the office will serve as a liaison to the federal Offices of Minority Health and Regional Health Operations. HB 183 requires DOH to maintain specified information and data on its website that must be updated at least annually.

65. Child Care Facility Vehicles/Child Safety Alarm -APPROVED- SB 252 by Senator Linda Stewart (D – Orlando) was signed by the Governor and is effective October 1, 2021.

SB 252 creates the “Child Safety Alarm Act” and requires that after January 1, 2022, all vehicles used by childcare facilities to transport children must be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area. This change is in response to reported deaths of small children who have been left in vehicles during periods of hot weather. The bill requires the Florida Department of Children and Families to adopt minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

66. Purple Alert/Missing Adult with Mental, Cognitive Disability -APPROVED- SB 184 by Senator Lori Berman (D – Boynton Beach) was signed by the Governor and is effective July 1, 2021.

SB 184 establishes criteria and processes for issuing Purple Alerts to assist in finding a missing adult:

- Who has a mental or cognitive disability that is not Alzheimer’s disease or a dementia-related disorder; an intellectual disability or a developmental disability; a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who does not meet the criteria for activation of a local Silver Alert or the Silver Alert Plan of the Florida Department of Law Enforcement.

67. Services for Veterans and Their Families/Florida Veterans’ Care Coordination Program -APPROVED- HB 231 by Representative Ardian Zika (R – Land O’ Lakes) was passed and signed by the Governor and is effective on July 1, 2021.

HB 231 creates the Florida Veterans' Care Coordination Program to provide veterans and their families dedicated behavioral health care referral services, primarily for mental health and substance abuse. Through the program, a veteran may call a separate veteran-dedicated support line to receive assistance and support from a fellow veteran who is trained to respond to such calls.

HB 231 requires the Florida Department of Veterans' Affairs to establish the program and contract with an accredited nonprofit entity that has statewide phone capacity to serve veterans. The contracting entity must enter into agreements with Florida 211 Network participants to provide services to veterans.

This is the subject of resolution no. R-85-21.

- 68. Veterans Treatment Courts -APPROVED-** HB 7023, a committee bill by the House Criminal Justice and Public Safety Subcommittee was substituted for SB 764 by Senator Danny Burgess (R – Zephyrhills). HB 7023 was signed by the Governor and is effective July 1, 2021.

HB 7023 redesignates the existing Military Veterans and Servicemembers Program as the Veterans Treatment Court Program. The bill authorizes courts to develop and operate a veterans treatment court. Like existing law, the program is open to a servicemember, veteran, and a current or former defense contractor or military member of a foreign allied country. However, the bill expands participation to include not just a member of the Florida National Guard, but also a National Guard of another state. In addition, unlike the current program which is open to all veterans regardless of discharge status, the bill provides that the court will decide whether to admit a dishonorably discharged veteran to the program, on a case-by-case basis, after a hearing.

HB 7023 encourages the court, with input from the state attorney, defense counsel and other interested parties, to develop policies and procedures, including, but not limited to, integrating substance abuse and mental health treatment with justice case processing, employing a nonadversarial approach; identifying participants early in the process; and engaging in partnerships among other veterans treatment courts, the United States Department of Veterans Affairs, the Florida Department of Veterans' Affairs, public agencies, and community-based organizations.

A Military Veterans and Servicemembers Court in operation as of June 30, 2021, is grandfathered in to continue as a Veterans Treatment Court, but must comply with changes made under this bill.

- 69. Veterans Employment and Training/SkillBridge -APPROVED-** HB 435 by Representative Tyler I. Sirois (R – Merritt Island) was substituted for SB 586 for Senator Tom Wright (R – Port Orange), was signed by the Governor and is effective July 1, 2021.

HB 435 designates "Florida is for Veterans" as the state's principal assistance organization under the United States Department of Defense's SkillBridge program for employers and transitioning servicemembers.

In its role under the program, Florida is for Veterans is required to:

- Establish and maintain its certification for either the Skillbridge program or a similar workforce training and transition program established by the department;
- Educate businesses, business associations, and transitioning servicemembers on the SkillBridge program and its benefits, and educate military command and personnel within the state on opportunities available to transitioning servicemembers through the program;
- Assist businesses in obtaining approval for skilled workforce training curricula under the program, including apprenticeships, internships, or fellowships; and
- Match transitioning servicemembers who are deemed eligible for program participation by their military command with training opportunities offered by Florida is for Veterans or participating businesses, with the intent of having transitioning servicemembers achieve gainful employment in the state upon completion of their training.

70. Domestic Violence Centers/Public Records Exemption/Staff and Volunteers - APPROVED- SB 68 by Senator Ileana Garcia (R – Miami) was substituted for HB 691 by Representative David Borrero (R – Miami), was signed by the Governor and is effective July 1, 2021.

SB 68 creates a public records exemption for personal information of staff of certified domestic violence centers and domestic violence advocates, as well as personal information relating to their spouses and children. Such personal information includes home addresses, telephone numbers, places of employment, dates of birth, photographs of such personnel, and names and locations of schools and day care facilities attended by the children of such personnel.

A person commits a misdemeanor of the first degree, punishable by up to one year imprisonment and a \$1,000 fine for a first violation of this offense. SB 68 reclassifies the penalty from a first degree misdemeanor to a third degree felony for a second or subsequent violation. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine.

This was the subject of Resolution No. R-109-21.

71. Injured Police Canines -APPROVED- SB 388 by Senator Tom Wright (R – Port Orange) was signed by the Governor and is effective July 1, 2021.

SB 388 authorizes an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic or similar facility if no person requires medical attention or transport at that time. SB 388 also authorizes emergency medical technicians and paramedics to provide emergency medical care to an injured police canine at the scene of an emergency and while the canine is being transported.

72. Medicaid/Non-Emergency Transportation -APPROVED- SB 348 by Senator Ana Maria Rodriguez (R – Miami) was signed by the Governor and is effective July 1, 2021.

SB 348 requires Florida Medicaid to reimburse for Medicare crossover claims for non-emergency ambulance services provided to persons enrolled in both Medicare and Medicaid. Under pre-existing law, Medicaid pays for emergency transportation crossover

claims but not for non-emergency transportation crossover claims. SB 348 requires Florida Medicaid to pay all deductibles and coinsurance for Medicare-covered services provided to Medicare-eligible recipients by ambulances.

73. Homeless Trust/Housing for Homeless with Special Needs -APPROVED- \$562K

F. Agriculture, Natural Resources, and Permits & Zoning

74. Environmental and Water Funding -APPROVED-

- **Everglades Restoration** - \$283.6M
Some of the funded programs include:
 - Restoration Strategies - \$32M
 - Comprehensive Everglades Restoration Plan (CERP) - \$16.5M (additional)
- **Florida Forever** - \$100M
- **Waste Water Grant Program** - \$116M
- **Beach Projects** - \$150M- This line item funds the FY 21/22 Local Government Funding Request (LGFR). Proviso language gives the Department of Environmental Protection additional flexibility to fund storm repair projects and land management, as well as contractual services and administrative expenses, since the LGFR is only \$68M for FY 21/22.
- **Storage Tank Compliance Verification Program** - \$6.5M
- **Petroleum Tanks Cleanup** - \$75M
- **Algal Blooms and Nutrient Pollution Solutions/Technologies** - \$10M
- **Local Government Cleanup Contracting** - \$11.8M

75. Florida Resilient Coastline Initiative - \$10.1M - \$8M of this appropriation will be used to fund local government grants for storm resilience, sea level rise planning, coastal resilience projects, and coral reef health. Note that this is in addition to \$500M in the back of the bill.

76. Federal CARES Act - funding for environmental programs was substantial and appears in the back of the bill. Notable highlights for environmental programs include:

- **Resilient Florida Trust Fund** - \$500M -This is in addition to \$10.1M in the front of the bill.

- **Wastewater Treatment Grant Program**- \$500M - this is in addition to \$116M.
- **Land Acquisition** - \$300M- This will be used to fund land acquisition projects. Priority shall be provided to lands that preserve, protect, or enhance wildlife habitats or corridors and linkages for agricultural or rural lands.
- **Coastal Mapping** - \$100M -This will be used to provide high-resolution seafloor data from the coast to the edge of the continental shelf or beyond.
- **Piney Point** - \$100M -This funding will be used to expedite the closure of the Piney Point facility, which is an emergency response to the recent failure of the facility.
- **Everglades Restoration** - \$59M- This will provide \$59M for CERP in addition to the \$16.5M (above).
- **Beach Management Funding Assistance Program** - \$50M -this in an addition to \$100M in funding in the front of the bill.
- **Inland Protection Trust Fund** - \$50M- This is in addition to \$75M for petroleum tanks cleanup in the front of the bill.

77. Conservation Area Designations/Kristin Jacobs Coral Reef Ecosystem Conservation Area -APPROVED- HB 217 by Representative Christine Hunschofsky (D – Coconut Creek) was signed by the Governor and is effective July 1, 2021.

HB 217 designates the Southeast Florida Coral Reef Ecosystem Conservation Area as the “Kristin Jacobs Coral Reef Ecosystem Conservation Area.” The Southeast Florida Coral Reef Ecosystem Conservation Area was established in 2018 and consists of submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of Biscayne National Park.

78. Resiliency -APPROVED- HB 7019 and HB 7021 by Representative Demi Busatta Cabrera (R-Coral Gables) and SB 1954 by Senator Ray Rodrigues (R-Fort Myers). SB 1954 and HB 7019 create the Resiliency Florida program within the Department of Environmental Protection (DEP). HB 7021 and SB 2514 create the Resilient Florida Trust Fund. SB 1954 and SB 2514 were signed by the Governor and are effective immediately.

79. Reclaimed Water -APPROVED- SB 64 by Senator Ben Albritton (R-Bartow) and SB 263 by Representative Randy Maggard (R-Zephyrhills). SB 64 was substituted for HB 263. SB 64 was signed by the Governor and is effective immediately.

SB 64 requires all domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge, to submit to the Florida Department of Environmental Protection (DEP) for review and approval a plan for eliminating non-

beneficial surface water discharges within five years by November 1, 2021. Upon approval of a plan by DEP, the bill requires a utility to fully implement the approved plan by January 1, 2028. However, if the utility proposes to implement a potable reuse project, the utility has until January 1, 2030, to implement the potable reuse project component of the plan, provided the utility has implemented all other components of the plan.

SB 64 declares that reclaimed water is deemed a water source for public water supply systems. The bill also declares that potable reuse is an alternative water supply, and potable reuse projects are eligible for alternative water supply funding.

The bill specifies that potable reuse projects developed as qualifying public-private partnerships are eligible for expedited permitting beginning January 1, 2026. In addition, such projects are eligible for priority funding from the Drinking Water State Revolving Fund and water management district cooperative funding.

SB 64 requires counties, municipalities, and special districts to authorize the use of residential graywater technologies under certain circumstances and to provide incentives for the implementation of such technologies.

This is the subject of resolution no. R-228-21.

80. Ratification of Biosolids Rule -APPROVED-HB 1309 by Representative Bobby Payne (R-Palatka) was substituted for SB 7060 by the Senate Environmental and Natural Resource Committee. HB 1309 was signed by the Governor and is effective immediately. These bills ratify the administrative rules for biosolids promulgated by the DEP and exempt them from review by the Environmental Regulation Commission (ERC). They were also amended to ratify the Central Florida Water Initiative (CFWI) administrative rules.

81. Impact Fees -APPROVED- HB 337 by Representative Nick DiCeglie (R – Largo) was substituted for SB 750 by Senator Joe Gruters (R – Sarasota), was signed by the Governor and is effective July 1, 2021.

HB 337 relates to impact fees, and among other provisions, defines the terms “infrastructure” and “public facilities”, and requires local governments to credit against the collection of impact fees any contribution related to public facilities towards impacts on the same type of public facilities for which the contribution was made. All credits against impact fee collections must be made regardless of any provision in a local government or special district charter, comprehensive plan policy, ordinance, resolution, or development order or permit. In addition, HB 337 provides that the assignability and transferability of impact fees apply to all impact fee credits regardless of whether the credit was established before or after the effective date of the bill.

82. Building Design Elements/Residential Dwellings/Preemption -APPROVED- HB 401 by Representative Elizabeth Fetterhoff (R – Deland) was signed by the Governor and is effective July 1, 2021.

HB 401 requires municipalities and counties to use final flood maps issued by the Federal Emergency Management Agency (FEMA) for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits, and prohibits the use of preliminary FEMA flood maps; and authorize certain building inspections to be performed virtually and permit applications and affidavits to be signed with electronic signatures and be submitted to local building officials electronically.

In addition, HB 401:

- Prohibits a local government from requiring a contract between a builder and an owner as a condition to apply for or obtain a building permit;
- Provides that a local government may use excess funds generated by Building Code enforcement for the construction of a building or structure that houses the local government's building department or provides training programs for building officials, inspectors, or plans examiners;
- Clarifies that local government entities may use private providers for their own construction projects;
- Provides that excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than four years;
- Allows a substantially affected person to petition the Florida Building Commission for a non-binding advisory opinion on whether a local government regulation is an improper amendment to the Building Code, and establishes a process for such petitions;
- Requires the Commission to adopt rules for approving product evaluation entities in addition to the ones already listed and approved in current law; and
- Clarifies that the Commission may suspend product evaluation entities.

83. Virtual Building Permit Inspections/Electronic Requests/Refunds -APPROVED- HB 667 by Representative Jim Mooney (R – Islamorada) was substituted for SB 1382 by Senator Keith Perry (R – Gainesville). HB 667 was signed by the Governor and is effective July 1, 2021.

HB 667 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 or a third-party submission management software; or an application that can be downloaded on a mobile device.

HB 667 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 Building Code, the Florida Fire Prevention Code, or local ordinance, indicating why the work failed the inspection within 5 business days.

The bill clarifies that any government entity with authority to enforce the Building Code may perform virtual inspections at the discretion of the government entity. However, a

government entity may not perform a virtual inspection for structural inspections on threshold buildings.

84. Urban Agriculture/Farm Equipment -APPROVED- SB 628 by Senator Darryl Ervin Rouson (D – St. Petersburg) was signed by the Governor and is effective July 1, 2021.

SB 628 exempts propelled equipment used on a farm or used to transport farm products for the purpose of urban agriculture from the requirement that the farm equipment be stored, maintained, or repaired within the boundaries of the owner's farm and be located at least 50 feet away from a public road. SB 628 does not exempt nonresidential farm buildings, fences, or signs located on lands used for urban agriculture from the Florida Building Code or local governmental regulations.

SB 628 also authorizes the Florida Department of Agriculture and Consumer Services to approve five urban agricultural pilot project programs in municipalities throughout the state. The bill authorizes local governments to regulate urban agriculture under certain circumstances.

85. Construction Permits -APPROVED- HB 1059 by Representative Jason Fischer (R – Jacksonville) was substituted for SB 1788 by Senator Jim Boyd (R – Bradenton). HB 1059 was signed by the Governor and is effective October 1, 2021.

HB 1059 makes various amendments to the Florida Building Codes Act and related statutes. More specifically, HB 1059:

- Prohibits government entities from requiring a copy of a contractor's contract with owners, subcontractors, or suppliers in order to obtain a building permit for projects on commercial property, except for improvements owned or leased by a government entity;
- Requires local governments to review additional information for an application for a development permit or development order within a certain time-period;
- Clarifies and requires local enforcement agencies to:
 - post each building permit application, including a list of any required attachments, such as drawings or plans, on their websites;
 - allow applicants to submit completed building permit applications electronically including any required payments and attachments, such as plans;
 - post the current status of every received building permit application on their website; and
 - post their procedures for reviewing, processing, and approving building permit applications on their websites;
- Requires government entities which enforce the Building Code that fail to meet current established deadlines for reviewing building permit applications to reduce the fee for such permits for every business day that they miss the deadline, unless the applicant agrees to a longer period; and
- Requires government entities that deny a building permit application for a single-family residential dwelling to allow the applicant 10 business days to correct the application.

- 86. Contractor Advertising/Alarm Systems -APPROVED-** HB 823 by Representative Amber Mariano (R – Hudson) was signed by the Governor and is effective July 1, 2021.

HB 823 amends the fire alarm permit application procedure in state law, when a local enforcement agency requires a fire alarm permit to repair a previously permitted alarm system. Under the bill, a contractor must file a Uniform Fire Alarm Permit Application but may begin the repair work before receiving the permit. Until the required permit has been issued and the local enforcement agency has approved the repair, a repaired fire alarm system is not in compliance with applicable codes and standards. HB 823 also removes a requirement in the Uniform Fire Alarm Permit Application that a contractor certify that no work or installation has commenced before the filing of the application.

- 87. Small Scale Development Amendments/Growth Management/Development Orders/Water Systems -APPROVED-** HB 487 by Representative Wyman Duggan (R – Jacksonville) was substituted for SB 1274 by Senator Keith Perry (R – Gainesville). HB 487 was signed by the Governor and is effective July 1, 2021.

HB 487 increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres and increases the maximum acreage for a small-scale comprehensive plan amendment within a rural area of opportunity from 20 acres to 100 acres.

HB 487 also provides that any landowner with a development order existing before the incorporation of a municipality may elect to abandon the development order and develop the vested density and intensity contained in the development order pursuant to the municipality's comprehensive plan and land development regulations so long as the vested uses, density, and intensity are consistent with the municipality's comprehensive plan and all existing obligations in the development order regarding concurrency remain.

HB 487 also provides an exception to a prohibition against certain entities exercising the power of eminent domain over or acquiring title to water and wastewater facilities or property.

G. Finance & Tax /Insurance/ Government /Property and Elections

- 88. Tolling, Extension of Permits During States of Emergency/Consumptive Use of Water Permits/Development Permits/Agreements -APPROVED-** SB 912 by Senator Ben Albritton (R – Bartow) was signed by the Governor and is effective immediately. SB 912 specifies additional permits and authorizations that may be tolled and extended during a state of emergency, including consumptive use of water permits and development permits and development agreements.

The bill applies retroactively to any declaration of a state of emergency issued by the Governor since March 1, 2020. Under this retroactive application, existing permits and authorizations added by the bill may receive the emergency tolling

and extension for the state of emergency declared in response to the COVID-19 pandemic.

89. Tax Cut Package/Sales Tax Holidays/Affordable Housing/Independent Living - APPROVED- HB 7061, a committee bill by the Ways and Means Committee was substituted for SB 7068. HB 7061 was signed by the Governor and is effective July 1, 2021.

HB 7061 is the tax cut package, and the final version of HB 7061 includes the tax provisions agreed to by the House and Senate, including, among other provisions:

For sales tax:

- Provides a 10-day “back-to-school” sales tax holiday in late July and early August for certain clothing, school supplies, and personal computers;
- Provides a 10-day “disaster preparedness” sales tax holiday in late May and early June for specified disaster preparedness items;
- Provides a seven-day “freedom week” sales tax holiday the first week of July for admissions and supplies used to enjoy outdoor entertainment activities – such as boating, camping and outdoor sporting events; and
- Provides a permanent sales tax exemption for items that assist in independent living, including bed transfer handles selling for \$60 or less, bed rails selling for \$110 or less, grab bars selling for \$100 or less, and shower seats selling for \$100 or less.

For property tax:

- Increases the property tax discount from 50 percent to 100 percent for certain multifamily projects that provide affordable housing to low-income families;
- Provides that an exemption for the portions of property used for charitable, religious, scientific, or literary purposes is not affected so long as the predominant use of such property is for charitable, religious, scientific, or literary purposes; and
- Requires that the tax collector accept late payments on the first installment of prepaid property taxes; and removes the late payment penalty.

For the corporate income tax, the bill:

- Creates the Strong Families Tax Credit Program, capped at \$5 million total annually, for businesses that make monetary donations to certain eligible charitable organizations that provide services focused on child welfare and well-being.

The final version of HB 7061 also creates a student intern tax credit program similar to HB 531 by Representatives Dan Daley (D – Sunrise) and Felicia Robinson (D – Miami Gardens) that provides a corporate income tax credit of \$2,000 per student intern up to \$10,000 a year for qualified businesses employing student interns if certain criteria are met, including that at least 20 percent of the full-time employees were employed by the business as student interns.

The final version of HB 7061 does not include:

- Provisions passed by the House in both HB 7061 and HB 1429 by Representative Bryan Avila (R – Hialeah) that would have required that all new or increased tourist development and convention development taxes be approved by voters at a referendum, and provided that each of the tourist development and convention development taxes can be used for flood mitigation projects at the discretion of local government; and

- An exemption from property tax for structures and equipment used in the production of aquaculture products from separate ad valorem assessment. This exemption was estimated to have a \$4.6 million fiscal impact in the first year and a \$9.9 million recurring fiscal impact, and is largely based on a facility in Miami-Dade County, so the fiscal impact would have been borne by the County and taxing authorities within the County. This provision was not passed.

90. Homestead Exemption/Income Verification/Seniors 65 and Older -APPROVED- HB 597 by Representative Marie Paule Woodson (D – Pembroke Pines) was signed by the Governor and is effective July 1, 2021. HB 597 simplifies the process by which a senior verifies his or her income for purposes of receiving certain income-based homestead property tax exemptions. HB 597 provides that an ordinance enacted by a local government authorizing an additional homestead exemption for low-income seniors must require the taxpayer to submit a sworn statement of household income when claiming the exemption for the first time only, rather than annually. The bill also requires the property appraiser to annually notify each taxpayer claiming the exemption of the adjusted income limitation for that year. The taxpayer must then notify the property appraiser if his or her income exceeds the income limitation.

91. Public Records/County Supervisor of Elections/Information Technology - APPROVED- HB 1639 by Representative Michael Grant (R – Port Charlotte) was signed by the Governor and is effective immediately.

HB 1639 creates a public records exemption for portions of records held by a supervisor of elections that contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents.

HB 1639 provides that the confidential and exempt records must be made available to the Auditor General and may be made available to another governmental entity for information technology security purposes or in the furtherance of the entity's official duties.

HB 1639 provides for retroactive application of the public records exemption.

92. Driver License Services/Appointed Tax Collectors/Private-Owned License Plate Agents -DIED- HB 613 by Representative Vance Aloupis (R – Miami) died on the House calendar when it wasn't heard on the House floor. The Senate companion bill, SB 884 by Senator Ana Maria Rodriguez (R – Doral), did not receive a committee hearing.

HB 613 would have provided that, effective October 1, 2021, the appointed tax collector of any charter county may contract with one or more privately-owned license plate agents (LPAs) to provide certain driver license services.

93. Community Associations/Discriminatory Restrictions in Recorded Title Transactions -APPROVED- SB 630 by Senator Dennis Baxley (R – Lady Lake) was signed by the Governor and is effective July 1, 2021.

SB 630 is an omnibus bill that revises the regulation and governance of condominium, cooperative, and homeowners' associations under state law. SB 630 also authorizes condominium, cooperative, and homeowners' associations to extinguish discriminatory restrictions in recorded title transactions.

94. Community Associations/Value Adjustment Board Petitions -APPROVED-

HB 649 by Representative Juan Fernandez-Barquin (R – Miami) was substituted for SB 996 by Senator Ileana Garcia (R – Miami). HB 649 was signed by the Governor and is effective July 1, 2021.

HB 649 authorizes a condominium or cooperative association to defend its members that are unit or parcel owners in ad valorem tax suits brought by a property appraiser after a value adjustment board (VAB) decision and to appeal such decisions on the owners' behalf. The bill also requires an association to notify, in a specified manner, its members of its intention to petition the VAB and that, by not opting out of the petition, the owner agrees that the association may represent him or her in any subsequent proceedings.

95. Assessment of Residential Real Property/Resistance to Flood Damage - APPROVED- House Joint Resolution (HJR) 1377 by Representative Linda Chaney (R – St. Petersburg) was substituted for Senate Joint Resolution (SJR) 1182 by Senator Jeff Brandes (R – St. Petersburg). HB 1377 was signed by Officers and filed with Secretary of State.

HJR 1377 proposes for a statewide vote an amendment to the Florida Constitution that if adopted would authorize the Legislature to prohibit consideration of improvements made to residential real property to address the property's resistance to flood damage in determining assessed value of such property for ad valorem taxation purposes. HB 1379 is a linked implementing bill, the substance of which passed in the tax package, HB 7061, see item above.

96. County and Municipal Code Enforcement/Prohibition on Anonymous Complaints - APPROVED- The House substituted SB 60 by Senator Jennifer Bradley (R - Orange Park) for HB 883 by Representative Tobin Overdorf (R – Stuart). SB 60 was signed by the Governor and is effective July 1, 2021.

SB 60 amends the county and municipal code enforcement statutes to prohibit code inspectors and code enforcement officers from initiating an investigation or enforcement proceeding for an alleged code violation based upon an anonymous complaint. SB 60 requires each person reporting a potential violation of a code or ordinance to provide his or her name and address to the governing body of the county or municipality before an investigation occurs. This provision does not apply if a code inspector or code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or may result in the imminent destruction of habitat or sensitive resources.

97. Tax Collectors/Vehicle and Vessel Registration/Private-Owned License Plate Agents -APPROVED- SB 342 by Senator Manny Diaz (R – Hialeah Gardens) was

substituted for for HB 621 by Representative Jayer Williamson (R – Pace). SB 342 was signed by the Governor and is effective July 1, 2021.

SB 342 provides that a tax collector may exercise his or her authority to contract with a privately owned license plate agent, and may determine any additional service charges that will be collected by the license plate agent. Any additional service charges must be fully itemized and disclosed to a person paying the service charges.

The bill requires the license plate agent to enter into a contract with the tax collector regarding the disclosure of additional service charges. The bill also requires tax collectors and their approved license plate agents to enter into a memorandum of understanding with the Florida Department of Highway Safety and Motor Vehicles regarding use of the Florida Real Time Vehicle Information System.

98. Increase in Sovereign Immunity Caps/Counties/Hospitals -DIED- SB 1678 by Senator Manny Diaz (R – Hialeah Gardens) and HB 1129 by Representative Juan Fernandez-Barquin (R – Miami) did not receive committee hearings.

SB 1678 would have increased the statutory limits on liability for tort claims against the state and counties, cities and other political subdivisions from \$200,000 per person and \$300,000 per incident to \$500,000 per person and \$1 million per incident. SB 1678 also would have required that such limits be adjusted every year for inflation.

SB 1678 also would have provided that the sovereign immunity limitations do not apply to a licensed hospital, which is owned or operated by a public health trust, among other entities.

This pair of bills would have had a significant negative fiscal impact on Miami-Dade County conservatively estimated at \$16 million annually, with commensurate negative fiscal impacts to the Public Health Trust and other local governments.

99. Repeal Motor Vehicle No-Fault Insurance -VETOED- SB 54 by Senator Danny Burgess (R – Zephyrhills) was substituted for HB 719 by Representative Erin Grall (R – Vero Beach) and was vetoed by the Governor.

SB 54 repeals the Florida Motor Vehicle No-Fault Law (No-Fault Law), which requires every owner and registrant of a motor vehicle in this state to maintain Personal Injury Protection (PIP) coverage. Beginning January 1, 2022, the bill enacts certain financial responsibility requirements for liability for motor vehicle ownership or operation.

Some stakeholders have asserted that the bill could raise auto insurance rates, especially at minimum coverage levels. SB 54 also could have a negative fiscal impact on Miami-Dade County and other local governments relating to motor vehicle accident litigation.

100.Moment of Silence -APPROVED- HB 529 by Representative Randy Fine (R – Palm Bay) passed both chambers, while SB 282 by Dennis Baxley (R-Ocala) died in committee. HB 529 was signed by the Governor and is effective July 1, 2021.

HB 529 requires a moment of silence to be set aside for students during each school day. HB 529 directs the principal of each public school to require teachers in first-period classrooms in all grades to set aside one to two minutes daily for a moment of silence, during which students may not interfere with other students' participation.

The bill provides that a teacher:

- May not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence; and
- Must encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

HB 529 is effective July 1, 2021.

101.Abolishing the Constitution Revision Commission -APPROVED- Senate Joint Resolution (SJR) 204 by Senator Jeff Brandes (R – St. Petersburg) was substituted for House Joint Resolution (HJR) 1179 by Representative Mike Beltran (R – Valrico). SB 204 was signed by Officers and filed with the Secretary of State.

SJR 204 proposes for a statewide vote an amendment to the Florida Constitution that would abolish the Constitution Revision Commission.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature, but does not require approval by the Governor.

102.Abandoned/Unmarked African-American Cemeteries -APPROVED- HB 37 by Representative Fentrice Driskell (D – Tampa) was signed by the Governor and is effective July 1, 2021. HB 37 creates a 10-member Task Force on Abandoned African-American Cemeteries, adjunct to the Florida Department of State, to study the extent that unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state and to develop and recommend strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased.

The task force must hold its first meeting by August 1, 2021, and may meet as many times as it deems necessary to complete its duties. The task force must submit a report by January 1, 2022, detailing its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives.

103.Relief from Burdens on Real Property Rights/Bert Harris -APPROVED- HB 421 by Representative Kaylee Tuck (R – Sebring) was substituted for SB 1876 by Senator Ben

Albritton (R – Bartow). HB 421 was signed by the Governor and is effective October 1, 2021.

The floor amendment provided that a property owner entitled to relief under the Bert Harris Act retains such entitlement to pursue the claim if the property owner filed a claim but subsequently relinquishes title to the subject real property before the claim reaches a final resolution.

HB 421 combines the provisions of HB 421 and HB 1101. It provides procedures and remedies to landowners whose property is inordinately burdened by a local government regulation. It modifies the Bert Harris Act to:

- Revise the terms “action of a governmental entity” and “real property”;
- Reduce the timeframe under which a claimant must notify the government before filing an action;
- Specify that written settlement offers are presumed to protect the public interest;
- Allow the claimant to have the court, rather than a jury, determine damages;
- Extend the point from which a prevailing claimant may recover attorney fees and costs; and
- Authorize 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.

HB 421 also:

- Allows a property owner to challenge an unlawful government exaction upon his or her property without waiting for a written notice of the action if the local government action is imminent; and
- Revises the definition of “land” and “real property” under the Florida Land Use and Environmental Dispute Resolution Act.

104. Liens and Bonds/Leaseholds/Government Owned Property -DIED-

SB 622 by Senator Keith Perry (R – Gainesville) passed the Senate, but the House temporarily postponed consideration of SB 622 on the floor and never returned to the bill.

As filed, SB 622 would have revised the definition of “real property” to expressly include a private leasehold interest in government owned property, which means that a private leasehold interest can be subject to a lien when the real property itself cannot. The Senate removed this provision from the bill in a floor amendment.

105. Foreign Influence/Gift Disclosure -APPROVED- HB 7017, a committee bill by the House Public Integrity and Elections Committee was substituted for SB 2010 by Senator Manny Diaz (R – Hialeah Gardens), was signed by the Governor and is effective July 1, 2021.

HB 7017 provides safeguards against foreign influence through establishing processes that govern screening and disclosure of foreign gifts, contracts, employment, travel, and research arrangements, as well as cultural agreements, with countries of concern. Among other provisions, HB 7017 requires state agencies, cities, counties and other political subdivisions that apply for or receive any gift or grant with a value of \$50,000

or more from any foreign source to disclose such gift or grant to the appropriate agency, along with additional specified information. Failure of a state agency or political subdivision to provide records requested due to reasonable suspicion of a violation of obtaining the disclosures constitutes a \$5,000 fine for the first violation and a \$10,000 fine for any subsequent violation.

106. Public Records/Preemption/Lawsuit/Declaratory Relief -APPROVED- SB 400 by Senator Ray Rodrigues (R – Fort Myers) was substituted for HB 913 by Representative Lawrence McClure (R – Plant City). SB 400 was signed by the Governor and is effective July 1, 2021.

SB 400 prohibits any governmental entity that receives a public record request from responding to such request by filing an action for declaratory relief against the requester to determine whether that record meets the definition of a public record or is confidential or exempt.

107. Payments for Public Construction Services/Interest Rate Increase on Late Payments -APPROVED- SB 378 by Senator Jennifer Bradley (R – Orange Park) was substituted for HB 585 by Representative Nick DiCeglie (R – Largo), was signed by the Governor and is effective July 1, 2021.

SB 378 enhances the statutory interest rate for public and private parties that fail to make required payments for certain construction labor, services, and material. In addition, the bill clarifies that parties that contract with a public or private entity for construction services and knowingly and intentionally fail to pay the undisputed contract obligations for construction labor, services, or materials, commit misapplication of construction funds. The state Construction Industry Licensing Board must take disciplinary action against a construction industry licensee found guilty of committing misapplication of construction funds and suspend the licensee's license for a minimum of one year.

108. Florida Retirement System/Employer Contribution Rates -APPROVED- The Senate and House chambers adopted the conference report on SB 7018. SB 7018 was signed by the Governor and is effective July 1, 2021.

SB 7018 establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2021. The rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. The modifications to employer contribution rates included in SB 7018 have a negative fiscal impact on Miami-Dade County and all other employers that participate in FRS, including the state.

109. Legal Notices/Website Publication -APPROVED- HB 35 by Representative Randy Fine (R – Palm Bay) was substituted for SB 402 by Senator Ray Rodrigues (R – Fort Myers). HB 35 was signed by the Governor and is effective January 1, 2022.

HB 35 gives a governmental agency the option to publish government agency notices on a newspaper website instead of only in a print-based newspaper. An agency wishing to exercise this option may only do so upon the agency finding, pursuant to a publicly noticed hearing, that such an internet-based publication is in the public interest and that residents

have sufficient access to the Internet in order to review any legal notices published in this format. Any legal notice published in print or through a website must also be published on the statewide legal notice website: www.FloridaPublicNotices.com.

Additionally, HB 35 expands the types of publications that qualify for the posting of legal notices. Currently, a newspaper must, among other requirements, be “for sale to the general public” and be qualified to be admitted and entered as a periodical matter at the local post office. By removing these two requirements, the bill will allow for legal notices to be published in some smaller publications that are free to the public.

HB 35 likely would have a positive fiscal impact on Miami-Dade County, although not as large as had the original version of HB 35 passed.

110. Growth Management -APPROVED- HB 59 by Representative McClain was substituted for SB 496 by Senator Perry. HB 59 was signed by the Governor and is effective July 1, 2021.

Among other provisions, these bills require a property rights element to the comprehensive plan. HB 59 passed the Legislature and goes next to the Governor for final action.

111. Claim Bill/Emilio Jesus Vizcaino-Aday/Miami-Dade County -APPROVED- HB 6503 by Representative Anthony Rodriguez (R – Miami) was signed by the Governor and is effective immediately. HB 6503 is a claim bill in the amount of \$350,000 based on a settlement agreement between the estate of Emilio Jesus Vizcaino-Aday and Miami-Dade County relating to an auto accident involving the Miami-Dade Police Department. The County previously paid \$300,000 pursuant to the sovereign immunity caps.