

PREEMPTIONS

Local Government Accountability (Oppose – Preemption)

SB 766 (Perry) imposes mandatory lobbyist registration requirements on all governmental entities as defined in the bill, including all municipalities and counties. The bill also amends statutory meeting notice requirements for cities and counties.

The bill requires the Florida Commission on Ethics to create the Local Government Lobbyist Registration System, and beginning October 2020, any local government lobbyist registration ordinance or requirement is preempted by the state system. The bill defines lobbying and provides exceptions and specifies activities that do not constitute lobbying. It defines the term “lobbyist” and provides exceptions to the definition.

A person may not lobby a government entity (which includes any municipality or county) until the person has electronically registered as a lobbyist with the commission. The bill specifies information to be included in the lobbyist registration. Registration is renewable annually and must include authorization from each principal identified. The bill requires the commission to publish lobbyist registration information on the internet. It requires a governmental entity to make reasonable efforts to ascertain whether a person who lobbies that entity is registered with the commission. Upon discovery of a violation of requirements of these provisions, the bill authorizes a person or governmental entity to file a complaint with the commission. If probable cause is found, a person may be subject to reprimand, censure, assessed a civil penalty not to exceed \$500 per violation or suspension from lobbying for a specified period.

The bill prohibits a governmental entity from requiring classes, certifications or additional requirements as a requisite for lobbyist registration. It does, however, authorize a governmental entity to require lobbyist compensation reporting, disclosure of lobbyist contacts with government officials and authorizes restrictions on the exchange of money or things of value between lobbyists and government officials.

By January 2021, a governmental entity shall notify the commission of any local requirement that imposes additional or more stringent obligations with respect to lobbyist compensation reporting or other lobbying activities and provide this information and any associated forms to the commission. By January 2022, each governmental entity shall conform its lobbyist regulation system, if any, to the commission’s system to eliminate duplicative requirements. The bill authorizes the commission to adopt rules to implement its provisions.

Lastly, the bill amends statutory meeting notice requirements for municipalities and counties. Except in the case of emergency meetings, the governing body of a municipality or governing board county shall provide notice of any meeting of the body or board at least seven days in advance by posting a notice on body or board’s website. The meeting notice must include a statement of the general subject matter to be considered by the body or board. (O’Hara)

Local Government Lobbyist Registration Fees (Oppose – Preemption and Mandate)

SB 768 (Perry) is linked to SB 766 (Perry). SB 768 establishes a statewide local government lobbyist registration fee. It provides the fee may not exceed \$40 for each principal represented for one county and governmental entities therein or exceed \$5 for each principal represented for each additional county and governmental entities therein. The bill prohibits a local government from charging a fee for the registration of lobbyists or principals, or for the enforcement of lobbyist regulation except as may be reasonable and necessary to cover the cost of such enforcement. Enforcement fees may be charged only if enforcement action is initiated and are limited to the direct and actual cost of the enforcement action. (O’Hara)

Home-Based Businesses (Oppose – Preemption)

SB 778 (Perry) and **HB 537** (Donalds) preempt the licensure and regulation of home-based businesses to the state. The bills prohibit local governments from enacting or enforcing any ordinance, regulation or policy or take any action to license or otherwise regulate a home-based business. However, such home-based businesses could not substantially increase traffic, noise, waste or recycling. (Cruz)

Retainage (Oppose – Preemption)

SB 246 (Hooper) and HB 101 (Andrade) would allow municipalities the ability to retain only up to 5 percent across an entire construction project. Currently, municipalities can withhold up to 10 percent of retainage for the first half of a construction project and up to 5 percent on the last half. Retainage serves as a safeguard against possible overpayment to the general contractor when the estimated percentage of project completion, used for periodic payments, exceeds the actual percentage completed. Additionally, retainage helps to ensure that the project is 100 percent complete prior to funds being released to the contractor. (Branch)

Clean Energy Programs (Oppose – Preemption)

HB 225 (Zika) substantially amends current law relating to “Property Assessed Clean Energy” (PACE) programs and requirements. The bill provides definitions for PACE administrator, PACE contractor, PACE loan, PACE loan contract, qualifying commercial real property and qualifying residential property. It provides that a local government may enter an agreement with a PACE administrator to administer the program and specifies that local government or PACE administrator may enter into a PACE loan contract only with the record owner of the property. It eliminates current language in law stating that a recorded PACE loan contract provides constructive notice that the assessment to be levied constitutes a lien of equal dignity to county taxes and assessments. The bill includes new provisions regarding a PACE loan’s lien position. It provides that a PACE loan is: subordinate to all liens on the property recorded before the PACE lien notice is recorded; subordinate to a first mortgage on the property recorded after the PACE notice is recorded; and superior to any lien recorded after the PACE notice is recorded. The bill imposes substantial new requirements on local governments financing for qualifying residential property (maturity date of PACE loan, limits on loan amount, total combined debt may not exceed 75 percent of assessed value). The bill specifies required contents for PACE loan

contracts for residential real property and prohibits such contracts from resulting in negative amortization, charging any interest upon interest or fees or containing any provision requiring forced arbitration or restricting class action. The bill prohibits a residential PACE contract from being entered until it has been verified the property owner has the ability to repay the loan: owner's monthly debt to income ratio does not exceed 43 percent and must have sufficient residual income to meet basic living expenses. The bill specifies methodology and sources for verification of property owner's income, debt and expenses. The bill requires the local government or PACE administrator, prior to execution of a contract, to confirm the key terms of the PACE agreement and scope of energy improvement work with the property owner in a live, recorded telephone conversation. The bill requires specific disclosures be made to the owner during the telephone call. The bill requires that prior to entering a PACE loan on residential property, the household be screened for eligibility for low-or no-cost programs that may be provided by government or utility service providers. The bill prohibits a local government from permitting a property owner from entering a contract unless the owner is given a right to cancel the contract within a specified timeframe. It requires the use of a specified financing estimate and disclosure form and that such form be provided to an owner at least three business days before a contract is signed. The bill delineates prohibited practices by PACE administrators or PACE contractors. The bill prohibits a local government or PACE administrator from entering into a PACE contract unless written notice has been provided to, and written consent obtained from, each of the holders of any mortgage on the qualifying residential or commercial property. It provides that a PACE loan shall not be made unless the holder of any mortgage on the qualifying property provides signed confirmation that entering into the loan contract does not constitute an event of default or give rise to any remedies under the terms of the mortgage loan. The bill provides for preservation of claims and defenses for successors in interest to property owners and provides for attorney fees and costs for aggrieved residential property owners. (O'Hara)

Deregulation of Professions and Occupations (Oppose – Preemption)

SB 474 (Albritton) deals with the deregulation of certain professions and occupations. Of concern to cities, the bill deletes the ability of the Florida League of Cities and the Florida Association of Counties to recommend a list of candidates for consideration to the Florida Building Commission. Under current law, FLC and FAC have a joint representative on the commission. The bill revises the membership of the Florida Building Commission from 27 members to 19. (Branch)

Firefighters' Bill of Rights (Oppose – Preemption)

HB 215 (Casello) and **SB 620** (Hooper) revise the current process that must be followed for the interrogation of firefighters. The bills revise the definition of "interrogation" to include questioning related to informal inquiries. The bills require all witnesses to be interviewed prior to beginning the interrogation of the firefighter when possible. The bills also require that the firefighter be provided the complaint, all witness statements and all other existing evidence

before the interrogation. A firefighter being interrogated may not be threatened with transfer, dismissal or disciplinary action. The bills also set a timeline for certain information to be provided to the firefighter and prohibit any retaliatory action against the firefighter for exercising his or her rights. The complaint and other investigative information are confidential and exempt from public records pursuant to the current law, and the “informal inquiry” does not include discussions such as safety sessions, normal operations fire debriefings and routine work-related discussions. (Hughes)

Preemption of Conditions of Employment (Oppose – Preemption)

HB 305 (Rommel) prohibits a political subdivision, including a municipality, from establishing, mandating or otherwise requiring an employer to offer conditions of employment not otherwise required by state or federal law. An “employer” is defined as any person who is engaged in any activity, enterprise or business in this state and employs at least one employee. The bills expressly preempt the regulation of minimum wage and other conditions of employment to the state. The bills do not limit the authority of a political subdivision to regulate minimum wage or to require conditions of employment for employees of the political subdivision, employees of a contractor or subcontractor who provides goods or services to the political subdivision and employees of an employer receiving a direct tax abatement or subsidy from the political subdivision as a condition of the direct tax abatement or subsidy. Any ordinance, regulation or policy of a political subdivision that is preempted by the bills and which existed before or on the effective date of this act is void. (Hughes)

Public Records (Watch SB 162/Oppose HB 195 – Preemption)

SB 162 (Perry) and **HB 195** (Rodrigues) are two bills relating to public record requests. SB 162 provides that if an agency files an action for declaratory judgement that certain records are confidential or exempt, and the court determines that the records are neither, the court must assess the reasonable costs of enforcement, including attorney fees, against the responsible agency for the benefit of the named respondent.

HB 195 prohibits a city, after receiving a public record request, from filing an action for declaratory judgement against the individual or entity making the request. This bill would prevent cities from seeking clarification from the courts as to whether a record is public or not. (Cook)

Fireworks (Oppose – Preemption)

SB 140 (Hutson) and **HB 65** (Rodriguez, A.M.) create an exemption allowing for the use of fireworks on four days: New Year’s Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4) and New Year’s Eve (December 31). These bills appear to preempt any existing local regulations relating to the sale or use of fireworks on these four days. (Cook)

Towing and Immobilizing Vehicles and Vessels (Oppose – Preemption)

HB 133 (McClain) requires local governments to establish maximum rates for the towing and immobilization of vessels and prohibits a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The bill provides that

an authorized wrecker operator may impose and collect an administrative fee and is required to remit the fee to the county or municipality only after it has been collected. The bill prohibits local governments from adopting or enforcing ordinances or rules that impose fees on the registered owner or lien holder of a vehicle or vessel removed and impounded by an authorized wrecker operator. The bill provides that a wrecker operator who recovers, removes or stores a vehicle or vessel must have a lien on the vehicle or vessel that includes the value of the reasonable administrative fee or charge imposed by a county or municipality. The bill exempts certain counties with towing or immobilization licensing, regulatory or enforcement programs as of January 1, 2020, from the prohibition on imposing a fee or charge on an authorized wrecker operator or on a towing business. The bill prohibits a municipality or county from enacting an ordinance or rule requiring an authorized wrecker operator or towing business to accept credit cards as a form of payment. The bill expressly preempts the regulation of attorney fees in connection with the towing of vehicles or vessels from private property to the state and voids any municipal or county ordinance on the subject. (Cook)

Monuments and Memorials (Oppose – Preemption)

HB 31 (Hill) preempts the ability of local governments to remove, alter, rename or otherwise disturb a memorial or monument on public property placed in memory of a veteran or war. This preemption includes the removal of Civil War memorials made to honor or commemorate the war, soldiers or government officials that aided the war effort. The legislation specifies that a remembrance erected, named or dedicated on or after March 22, 1822, on public property may be relocated, removed, altered, renamed, rededicated or otherwise disturbed only if necessary to accommodate construction, repair or improvements to the remembrance or to the surrounding property on which the remembrance is located. Additionally, the bill requires that a remembrance on public property that is sold or repurposed must be relocated to a location of equal prominence as the original location. (Cruz)

MANDATES

Supermajority Vote Required to Impose, Authorize or Raise Local Taxes or Fees (Oppose – Mandate)

HJR 477 (Rommel) proposes an amendment to the Florida Constitution requiring that any local tax or fee that is imposed, authorized or raised by a local jurisdiction, including municipalities, be approved by two-thirds of the membership of the jurisdiction. “Fee” is defined as any charge or payment required by ordinance or regulation. The proposed amendment requires any local tax or fee imposed or raised under this section to be contained in a separate resolution or ordinance. This proposed amendment would require 60 percent approval of the electorate for passage. (Hughes)

Local Government Lobbyist Registration Fees (Oppose – Preemption and Mandate)

SB 768 (Perry) is linked to SB 766 (Perry). SB 768 establishes a statewide local government lobbyist registration fee. It provides the fee may not exceed \$40 for each principal represented for one county and governmental entities therein or exceed \$5 for each principal represented

for each additional county and governmental entities therein. The bill prohibits a local government from charging a fee for the registration of lobbyists or principals, or for the enforcement of lobbyist regulation except as may be reasonable and necessary to cover the cost of such enforcement. Enforcement fees may be charged only if enforcement action is initiated and are limited to the direct and actual cost of the enforcement action. (O'Hara)

Local Government Public Construction Works (Oppose – Mandate)

SB 504 (Perry) and **HB 279** (Smith, D.) require the local government and other specified entities, in deciding whether it is in the public's best interest for the local government to perform a public building construction project using its own services, to consider the estimated costs of the project using generally accepted cost-accounting principles. This requirement includes all costs associated with performing and completing the work, including employee compensation and benefits and other determining factors.

The bills also require a local government that performs a public building construction project using its own services to disclose the actual costs of the project after completion to the auditor general. (Branch)

Growth Management (Oppose – Unfunded Mandate)

SB 410 (Perry) and **HB 203** (McClain) would require local governments to adopt by July 1, 2023, a new mandatory element in their comprehensive plans that addresses the protection of private property rights. (Cruz)

Discharge of Domestic Wastewater (Oppose – Mandate)

SB 454 (Rodriguez) prohibits the construction of new deep injection wells for domestic wastewater discharge or the expansion of existing wells. It limits the discharge capacity of domestic wastewater deep well injection and required current ocean outfall and deep well injection permit holders to install a functioning reuse system by specified dates. The bill prohibits the discharge of domestic wastewater through ocean outfalls and deep injection wells after specified dates and requires current deep injection well permit holders to submit a plan with specified requirements and annual progress reports to the Florida Department of Environmental Protection. (O'Hara)

Renewable Energy (Oppose – Mandate)

SB 446 (Brandes) allows the owner of a business or contracted third party to install, maintain and operate a renewable energy source device on or about the structure in which the business operates or on any property the business leases. The bill provides the business owner or third party may sell the electricity that is generated from the device to another business immediately adjacent to or within the same parcel as the business, and such sales shall not be considered or regulated as retail sales of electricity. The bill provides that if the energy-producing business or its customers require additional related services from a utility, such as backup generation capacity or transmission services, the utility may recover the full cost of providing those services. The bill authorizes a utility to enter a contract with a business to install, maintain or

operate any type of renewable energy source device on or about the structure from which the business operates and to sell the electricity to an adjacent business, and provides that such electricity sales shall not be considered or regulated as retail sales of electricity. The bill specifies that if the Public Service Commission determines that the level of reduction in electricity purchases by customers using renewable energy source devices is significant enough to adversely impact the rates that other customers pay in the rate territory, the commission may approve a utility's requests to recover its costs of providing the electricity needed by all customers, including customers using a renewable energy source device. The bill provides for methodology of such cost recovery, a process for customers to challenge the cost recovery and authorized rulemaking by the commission. The bill may have a negative fiscal impact on municipal revenues, including potential impacts to municipal electric franchise revenues and municipal public service utility taxes. (O'Hara)

BUILDING CODES/CONSTRUCTION

Retainage (Oppose – Preemption)

SB 246 (Hooper) and HB 101 (Andrade) would allow municipalities the ability to retain only up to 5 percent across an entire construction project. Currently, municipalities can withhold up to 10 percent of retainage for the first half of a construction project and up to 5 percent on the last half. Retainage serves as a safeguard against possible overpayment to the general contractor when the estimated percentage of project completion, used for periodic payments, exceeds the actual percentage completed. Additionally, retainage helps to ensure that the project is 100 percent complete prior to funds being released to the contractor. (Branch)

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Fire Station Diesel Exhaust Capture Systems (Watch)

HB 85 (Casello) requires the Florida Building Commission to incorporate into the Florida Building Code specified requirements relating to the installation of “diesel exhaust capture systems” in fire stations. (Branch/Hughes)

ECONOMIC DEVELOPMENT

Regional Rural Development Grants Program (Support)

SB 426 (Montford) makes changes to how the Regional Rural Development Grants Program operates. Specifically, the bill:

- requires grant recipients to serve or be located within a rural area of opportunity.
- authorizes organizations that serve an entire rural area of opportunity to receive grants of up to \$250,000 annually.
- increases the maximum amount of funds the Department of Economic Opportunity may expend for the program from \$750,000 to \$1 million annually.
- reduces the percentage of grant funds that must be matched with non-state funds from 100 percent to 25 percent of the state’s contribution.
- specifies that regional economic development organizations may use grant funds to build their professional capacity and provide technical assistance.
- establishes certain contract and public notice requirements. (Cook)

EMERGENCY MANAGEMENT

Emergency Mitigation and Response (Support)

SB 502 (Montford) creates the Hurricane Michael Recovery Task Force under the Division of Emergency Management. The purpose of the task force is to make recommendations to the Legislature regarding additional assistance needed from the effects of Hurricane Michael. (Branch)

State Preemption of the Regulation of Hoisting Equipment (Support)

SB 272 (Rodriguez) creates an exception to a state preemption preventing local governments from regulating hoisting equipment at local worksites. This preemption would not apply as it relates to precautions specific to hurricane preparedness. (Branch)

Emergency Reporting (Watch)

SB 538 (Diaz) requires a municipality or county to report certain emergency incidents to the State Watch Office within the Division of Emergency Management as soon as it is practicable following the initial response of the locale. (Branch)

Other Bills of Interest

SB 264 (Farmer) – Strategic Fuel Reserve

ETHICS & ELECTIONS

Local Government Accountability (Oppose – Preemption)

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Primary Elections (Watch)

SB 442 (Rader) requires a universal primary to be held to select candidates for any state office, U.S. representative or senator, or any county, municipal or district office. The bill requires all candidates to appear on a single ballot. The two candidates receiving the highest and next highest number of votes for that office would advance to the general election, regardless of party affiliation. The bill permits all qualified electors, regardless of party affiliation, to vote in the primary election. (O’Hara)

Other Bills of Interest

SB 516 (Gruters) – Campaign Financing

HB 491 (Payne) – Disposition of Surplus Funds by Candidates

FINANCE & TAXATION

Sales and Use Tax (Support)

SB 126 (Gruters) and **HB 159** (Clemons) require retailers with no physical presence in Florida to collect Florida’s sales tax on sales of taxable items delivered to purchasers in Florida if: 1) the retailer makes a substantial number of sales into Florida, and 2) provides for the taxation of sales facilitated through a marketplace provider. The bill also deletes a provision that exempts an out-of-state dealer which makes retail sales into this state from collecting and remitting any local option surtax. (Hughes)

Supermajority Vote Required to Impose, Authorize or Raise Local Taxes or Fees (Oppose – Mandate)

HJR 477 (Rommel) proposes an amendment to the Florida Constitution requiring that any local tax or fee that is imposed, authorized or raised by a local jurisdiction, including municipalities, be approved by two-thirds of the membership of the jurisdiction. “Fee” is defined as any charge or payment required by ordinance or regulation. The proposed amendment requires any local tax or fee imposed or raised under this section to be contained in a separate resolution or ordinance. This proposed amendment would require 60 percent approval of the electorate for passage. (Hughes)

Public Records Exemption – Email Addresses/Tax Notices (Support)

HB 7007 (Oversight, Transparency & Public Management Subcommittee) removes the

scheduled repeal date of the current public record exemption, thereby maintaining the public record exemption for taxpayer e-mail addresses held by tax collectors for certain tax notice purposes. (Hughes)

Senior Citizen and Teacher Property Tax Protection (Watch)

HB 141 (Bush) prohibits tax collectors from assessing or collecting certain charges on property tax bills from low-income seniors and schoolteachers at public schools who meet certain requirements. The bill also prohibits tax collectors from authorizing a debt collection entity to collect certain charges on property tax bills for those identified groups and prohibits tax collectors from selling tax certificates on certain properties if outstanding amounts due are only for delinquent payment of property tax. The bill requires the Department of Revenue to work with tax collectors to identify mechanisms, strategies and funding sources for helping certain populations pay for delinquent charges. (Hughes)

Constitutional Amendment: Homestead Property Tax Increased Portability Period (Watch)

SJR 146 (Brandes) and **HJR 369** (Roth) propose an amendment to the state constitution to increase the period from two to three years when accrued Save-Our-Homes benefits may be transferred from a prior homestead to a new homestead. These proposed amendments require 60 percent approval of the electorate for passage. (Hughes)

Implementing Bill: Homestead Property Tax Increased Portability Period (Watch)

SB 148 (Brandes) and **HB 371** (Roth) increase the timeframe, from two to three years, during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead. The bills also revise the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election and requires the passage of the amendment to the state Constitution proposed by SJR 146, HJR 369 or a similar joint resolution having substantially the same specific intent and purpose. (Hughes)

Homestead Exemptions (Watch)

HB 223 (Buchanan) and **SB 514** (Gruters) provide that a person receiving a homestead ad valorem tax exemption in Florida and simultaneously receiving a similar exemption in another state that requires permanent residency in that state is entitled to the Florida homestead exemption if that person or family unit can demonstrate that they did not apply for the exemption and that they have relinquished the exemption in the other state. The bills require forms to claim homestead exemption that are promulgated by the Department of Revenue to ask the taxpayer whether he or she receives an ad valorem tax exemption or tax credit in another state where permanent residency is required as a basis for the granting of that exemption. (Hughes)

First Responder Property Tax Exemption (Watch)

HB 281 (Hattersley) and **SB 484** (Simmons) expands the definition of “first responder” for purposes of eligibility for the property tax exemption to include a law enforcement officer or

firefighter who, before becoming a resident of this state, sustained a total and permanent disability in the line of duty while serving as a full-time paid law enforcement officer or firefighter in another state. This change would apply to the 2021 tax rolls. (Hughes)

Tourist Development Tax (Watch)

SB 334 (Stewart) expands the authorized use of the tourist development tax to include promoting or incentivizing film or television productions in this state. (Hughes)

Other Bills of Interest

SB 54 (Book) and **HB 87** (Mercado) – Sales Tax Exemption: Diapers and Incontinence Products

HB 93 (Casello) and **SB 192** (Berman) – Sales Tax Exemption: Assist Living Facilities

SB 90 (Stewart) – Discrimination in Labor and Employment

SJR 282 (Diaz) – Constitutional Amendment: Homestead Assessment Limitation for Certain Persons

SB 284 (Diaz) – Implementation Bill: Homestead Assessments for Certain Persons

SB 296 (Albritton) – Property Assessment Administration

HB 429 (Valdes) and **SB 508** (Baxley) – Sales Tax Absorption

SB 524 (Gruters) – Sales Tax Holiday for Disaster Preparedness Supplies

SB 542 (Perry) – Back-to-school Sales Tax Holiday

HB 453 (Duggan) – Law Enforcement and Correctional Officers

SB 456 (Rodriguez) – Minimum Wage

HB 161 (Toledo) and **SB 206** (Rouson) – Prohibited Discrimination

HOUSING

Assisted and Independent Living Facility Task Force (Support)

SB 364 (Rader) and **HB 39** (Gottlieb) create the Assisted and Independent Living Facility Task Force within the Agency for Person with Disabilities. The task force must develop and evaluate policy proposals that incentivize developers or contractors to dedicate space for assisted living facilities or independent living facilities within mixed-use developments to house individuals with an intellectual disability, autism or mental illness. The task force membership includes a representative from the Florida League of Cities. (Branch)

State Housing Trust Fund (Support)

SB 306 (Mayfield) and **HB 381** (Silvers) specify that funds deposited in the State Housing Trust Fund and the Local Government Housing Trust Fund may not be transferred or used for any other purpose. (Branch)

Homelessness (Watch)

SB 68 (Book) **HB 163** (Altman) create a dedicated revenue source for grants provided to the state office on homelessness and local homeless continuums of care (CoC). The bills direct \$10 million annually from all document stamp tax money. The bills increase the amount of funds available to each CoC for challenge grants from \$500,000 to \$750,000 and reduces the amount

of matching funds or in-kind support required from local governments for a grant recipient from 100 percent to 25 percent. (Branch)

Other Bills of Interest

HB 6013 (Eskamani) – Rent Control Measures

IMMIGRATION

Federal Immigration Enforcement (Watch)

HB 6023 (Polo) would repeal legislation from the 2019 session relating to state and local government enforcement of federal immigration laws. (Cruz)

LAND USE & COMPREHENSIVE PLANNING

Private Property Rights (Oppose)

HB 519 (Grant, J.) opens the door for an explosion of potential lawsuits against cities by making one-sided changes to the Bert J. Harris Act and leaves taxpayers to pay the price. The Harris Act gives landowners a way to seek compensation when a local government takes action that impacts the use/potential use of their property. The Harris Act is detailed and fair. It allows local governments to negotiate with property owners who are filing a claim and calls on courts to consider the unique conditions of each claim.

HB 519 requires any settlement reached on a Bert Harris claim be automatically applied by the government entity to all similarly situated residential properties that are subject to the same rules or regulations. In essence, this provision would undo legislative action a government entity undertakes by requiring a settlement on one case to be applied across the board, turning Harris Act settlements into quasi class-action lawsuits. The bill does not define what a similarly situated property is, which opens the door for more litigation. The bill significantly amends the attorney fee provisions of the Harris Act, allowing only property owners to recover costs if they prevail. Additionally, HB 519 would now include business losses as part of a Bert Harris claim. The Florida League of Cities opposes making one-sided changes to the Harris Act that only benefit attorneys and leaves taxpayers footing the bill. (Cruz)

Growth Management (Oppose – Unfunded Mandate)

SB 410 (Perry) and **HB 203** (McClain) would require local governments to adopt by July 1, 2023, a new mandatory element in their comprehensive plans that addresses the protection of private property rights. (Cruz)

Development Orders (Watch)

SB 250 (Berman) and **HB 6019** (Casello) would repeal a provision of HB 7103 that was passed during the 2019 session regarding challenges of development orders. Current law now allows the prevailing party in a challenge to a development order to recover reasonable attorney fees

and costs incurred in defending the development order. SB 250 and HB 6019 bill would repeal this attorney fees provision. (Cruz)

Other Bills of Interest

HB 283 (Toledo) – Liens and Bonds

OTHER

Home-Based Businesses (Oppose – Preemption)

SB 778 (Perry) and **HB 537** (Donalds) preempt the licensure and regulation of home-based businesses to the state. The bills prohibit local governments from enacting or enforcing any ordinance, regulation or policy or take any action to license or otherwise regulate a home-based business. However, such home-based businesses could not substantially increase traffic, noise, waste or recycling. (Cruz)

Towing and Immobilizing Vehicles and Vessels (Oppose – Preemption)

HB 133 (McClain) requires local governments to establish maximum rates for the towing and immobilization of vessels and prohibits a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The bill provides that an authorized wrecker operator may impose and collect an administrative fee and is required to remit the fee to the county or municipality only after it has been collected. The bill prohibits local governments from adopting or enforcing ordinances or rules that impose fees on the registered owner or lien holder of a vehicle or vessel removed and impounded by an authorized wrecker operator. The bill provides that a wrecker operator who recovers, removes or stores a vehicle or vessel must have a lien on the vehicle or vessel that includes the value of the reasonable administrative fee or charge imposed by a county or municipality. The bill exempts certain counties with towing or immobilization licensing, regulatory or enforcement programs as of January 1, 2020, from the prohibition on imposing a fee or charge on an authorized wrecker operator or on a towing business. The bill prohibits a municipality or county from enacting an ordinance or rule requiring an authorized wrecker operator or towing business to accept credit cards as a form of payment. The bill expressly preempts the regulation of attorney fees in connection with the towing of vehicles or vessels from private property to the state and voids any municipal or county ordinance on the subject. (Cook)

Monuments and Memorials (Oppose – Preemption)

HB 31 (Hill) preempts the ability of local governments to remove, alter, rename or otherwise disturb a memorial or monument on public property placed in memory of a veteran or war. This preemption includes the removal of Civil War memorials made to honor or commemorate the war, soldiers or government officials that aided the war effort. The legislation specifies that a remembrance erected, named or dedicated on or after March 22, 1822, on public property may be relocated, removed, altered, renamed, rededicated or otherwise disturbed only if necessary to accommodate construction, repair or improvements to the remembrance or to the surrounding property on which the remembrance is located. Additionally, the bill requires that

a remembrance on public property that is sold or repurposed must be relocated to a location of equal prominence as the original location. (Cruz)

Constitution Revision Commission (Watch)

SB 142 (Brandes), **SB 176** (Rodriguez), **HB 303** (Drake) and **HB 301** (Drake) all involve the Constitution Revision Commission (CRC). Due to criticism of how the 2018 CRC handled the bundling of constitutional amendments on the 2018 ballot, SB 142, HB 301 and HB 303 seek to abolish the CRC. SB 176 does not seek to abolish the CRC but would require that any future CRC proposals be limited to a single subject. (Cruz)

Government-Sponsored Recreation Programs (Watch)

HB 83 (Duran) and **SB 668** (Book) define specified afterschool recreation programs as “government-sponsored recreation programs,” provide an exemption for such programs from specified child care facility requirements and authorize such programs to waive such exemption by notifying the Department of Children and Families. (O’Hara)

Law Enforcement Vehicles (Watch)

SB 476 (Hooper) and **HB 307** (LaMarca) provides that community associations may not prohibit a law enforcement officer who is a unit owner from parking his or her law enforcement vehicle in an area where the unit owner or his or her guest otherwise has a right to park. (Cook)

PARKS & RECREATION

Smoking (Support SB 630)

SB 630 (Mayfield), **SB 670** (Gruters) and **HB 457** (LaMarca) are bills filed relating to smoking. SB 630 authorizes cities to restrict smoking within the bounds of municipally owned public parks. SB 670 and HB 457 authorize counties to restrict smoking within any public beaches or parks that they own. Additionally, the bills prohibit smoking within the boundaries of a state park. (Cook)

Government-sponsored Recreation Programs (Watch)

SB 668 (Book) and **HB 83** (Duran) create a waiver of exemption from childcare facility licensing requirements for government-sponsored recreation programs that meet certain criteria, including having adopted their own standards of care. (Cook)

Youth Athletic Activities (Watch)

HB 99 (Andrade) requires entities that administer high-risk youth athletic activities or training related to such activities on land owned, leased, operated or maintained by the state or a political subdivision to require any unpaid or volunteer athletics personnel to complete a course approved by the Department of Health that provides information on how to prevent or decrease the chances of a participant from sustaining a serious physical injury. High-risk youth athletic activity is defined as any organized sport for children 14 years of age or younger in which there is a significant possibility for the child to sustain a serious physical injury. The term

includes football, basketball, baseball, volleyball, soccer, ice or field hockey, cheerleading and lacrosse. (Cook)

PERSONNEL

Fire Prevention and Control (Support)

HB 487 (Fetterhoff) creates the Firefighter Cancer Decontamination Grant Program. The program will provide financial assistance to help fire departments procure equipment, supplies and education training designed to mitigate exposure to hazardous, cancer-causing chemicals. The Division of State Fire Marshal within the Department of Financial Services will administer the program and annually award grants to fire departments on an as-needed basis. (Hughes)

Firefighters' Bill of Rights (Oppose – Preemption)

HB 215 (Casello) and **SB 620** (Hooper) revise the current process that must be followed for the interrogation of firefighters. The bills revise the definition of “interrogation” to include questioning related to informal inquiries. The bills require all witnesses to be interviewed prior to beginning the interrogation of the firefighter when possible. The bills also require that the firefighter be provided the complaint, all witness statements and all other existing evidence before the interrogation. A firefighter being interrogated may not be threatened with transfer, dismissal or disciplinary action. The bills also set a timeline for certain information to be provided to the firefighter and prohibit any retaliatory action against the firefighter for exercising his or her rights. The complaint and other investigative information are confidential and exempt from public records pursuant to the current law, and the “informal inquiry” does not include discussions such as safety sessions, normal operations fire debriefings and routine work-related discussions. (Hughes)

Preemption of Conditions of Employment (Oppose – Preemption)

HB 305 (Rommel) prohibits a political subdivision, including a municipality, from establishing, mandating or otherwise requiring an employer to offer conditions of employment not otherwise required by state or federal law. An “employer” is defined as any person who is engaged in any activity, enterprise or business in this state and employs at least one employee. The bills expressly preempt the regulation of minimum wage and other conditions of employment to the state. The bills do not limit the authority of a political subdivision to regulate minimum wage or to require conditions of employment for employees of the political subdivision, employees of a contractor or subcontractor who provides goods or services to the political subdivision and employees of an employer receiving a direct tax abatement or subsidy from the political subdivision as a condition of the direct tax abatement or subsidy. Any ordinance, regulation or policy of a political subdivision that is preempted by the bills and which existed before or on the effective date of this act is void. (Hughes)

Salary Incentives for Law Enforcement Officers (Watch)

HB 75 (Hill) revises payment amounts under the salary incentive program for law enforcement officers. Beginning in January 2021, the bill provides for annual inflation adjustment amounts. (Hughes)

FRS: Special Risk Cost-of-Living Adjustment (Watch)

HB 425 (Clemons) requires the Department of Management Services to calculate a cost-of-living factor for each retiree and beneficiary who was a member of the Special Risk Class on June 30, 2011, is a member of the Special Risk Class on his or her effective date of retirement and retires on or after July 1, 2011, with service credit earned before July 1, 2011. This factor shall equal the product of 3 percent multiplied by the quotient of the sum of the member's service credit earned for service before July 1, 2011, divided by the sum of the member's total service credit earned as of June 30, 2020. (Hughes)

Peer-to-peer Support for First Responders (Watch)

SB 160 (Perry) creates a privileged exception for peer-to-peer communications between first responders, such as law enforcement officers, firefighters, emergency medical technicians/paramedics, public safety communications officers and dispatchers. The bill provides that such peer-to-peer communications are confidential and prevents first responders from testifying to the contents of such communications during legal proceedings and disciplinary hearings. The bill also creates several exceptions to the privilege. (Hughes)

Background Screening (Watch)

SB 616 (Powell) and **HB 473** (Omphroy) prohibit a public employer from inquiring into or considering an applicant's criminal history on an initial employment application unless otherwise required by law. A public employer could inquire into or consider an applicant's criminal history only after the applicant's qualifications have been screened and the employer has determined the applicant meets the minimum employment requirements for the position. (Hughes)

PROCUREMENT

Acquisition of Certain Professional Services (Support)

HB 257 (Antone) amends the Consultants' Competitive Negotiation Act to clarify that cooperative purchasing between governmental agencies is allowed if certain conditions are met. (Cook)

Public Procurement of Services (Support)

SB 506 (Perry) and **HB 441** (DiCeglie) amend current law to increase the maximum dollar amount for continuing contracts for public construction projects from \$2 million to \$5 million. The bills also increase the cap for study activity associated with public construction projects from \$200,000 to \$500,000. The bills also direct the Department of Management Services to annually adjust by rule the statutory maximum dollar amounts for continuing contracts based on the *Engineering News-Record's* Construction Cost Index. (Cook)

PUBLIC RECORDS & PUBLIC MEETINGS

Public Records (Watch SB 162/Oppose HB 195 – Preemption)

SB 162 (Perry) and **HB 195** (Rodriguez) are two bills relating to public record requests. SB 162 provides that if an agency files an action for declaratory judgement that certain records are confidential or exempt, and the court determines that the records are neither, the court must assess the reasonable costs of enforcement, including attorney fees, against the responsible agency for the benefit of the named respondent.

HB 195 prohibits a city, after receiving a public record request, from filing an action for declaratory judgement against the individual or entity making the request. This bill would prevent cities from seeking clarification from the courts as to whether a record is public or not. (Cook)

Electronic Payment of Governmental Fees (Watch)

SB 196 (Taddeo) requires cities to provide an electronic payment option for the payment of fees associated with a public record request. (Cook)

PUBLIC SAFETY

Fireworks (Oppose – Preemption)

SB 140 (Hutson) and **HB 65** (Rodriguez, A.M.) create an exemption allowing for the use of fireworks on four days: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4) and New Year's Eve (December 31). These bills appear to preempt any existing local regulations relating to the sale or use of fireworks on these four days. (Cook)

Drones (Support)

SB 520 (Gruters) allows police and fire departments to use drones to manage crowd control and traffic as well as gather evidence at a crime or traffic crash scene. The bill would also permit a state agency or political subdivision to operate drones for assessing damage after a natural disaster. (Branch)

Use of Wireless Communications Devices While Driving "Hands-Free" (Watch)

HB 249 (Slosberg) prohibits a person from operating a motor vehicle while holding or touching a wireless communication device. This bill does provide several exceptions such as first responders performing in their official capacity or drivers accessing safety-related information including emergency, traffic or weather alerts. (Branch)

Cannabis Offenses (Watch)

SB 242 (Braynon) and **HB 25** (Jones) reduce criminal penalties for possession of 20 grams or less of cannabis and products containing less than 600 milligrams of THC and specify that first-time juvenile violators are eligible for civil citation or other prearrest diversion programs. (Cook)

Prohibited Places for Weapons and Firearms (Watch)

HB 183 (Ponder) authorizes city and county commissioners who are appropriately licensed to carry concealed weapons or firearms to a meeting of the governing body of which he or she is a member. (Cook)

Prohibited Places for Weapons and Firearms (Watch)

SB 428 (Braynon) adds performing arts centers or legitimate theaters to the list of places where weapons or firearms are prohibited. (Cook)

Carrying of Firearms (Watch)

HB 273 (Sabatini) removes a requirement that a license is needed to carry a concealed weapon or firearm. (Cook)

Preemption of Firearms and Ammunition (Watch)

SB 134 (Taddeo) and **HB 6009** (Daley) repeal the current statutory preemption prohibiting cities from regulating firearms and ammunition. (Cook)

Use of Force by Law Enforcement Officers (Watch)

SB 562 (Bracy) revises the circumstances under which a law enforcement officer is authorized to use objectively reasonable force and prohibits the use of deadly force against a person based on the danger that person poses to the law enforcement officer, if an objectively reasonable law enforcement officer would believe that the person does not pose an imminent threat of death or serious physical harm to the law enforcement officer or others. (Cook)

TORT LIABILITY

Other Bills of Interest

SB 450 (Brandes) – Whistleblower's Act 2020

HB 255 (Antone) – Florida Commission on Human Relations

TRANSPORTATION

Traffic Offenses (Support)

SB 308 (Baxley) and **HB 455** (McClain) provide criminal penalties for a person who commits a moving violation that causes serious bodily injury to or causes the death of a vulnerable road user. Of interest to cities, current law defines “vulnerable road user” to include a person engaged in work on a highway such as a utility service worker. (Branch)

Electric Vehicle Charging Stations (Watch)

SB 452 (Rodriguez) requires the Department of Transportation, in coordination with the Office of Energy within the Department of Agriculture and Consumer Services and the Florida Clean Cities Coalitions, to develop a master plan for installing electric vehicle charging stations on the state highway system. (Branch)

High-speed Passenger Rail (Watch)

SB 676 (Mayfield) and **HB 465** (Sirois) provide guidelines for the creation of safe and cost-effective transportation options for residents and visitors of this state, including a high-speed rail system. The bills enhance the safety requirements of high-speed passenger rail in order to protect the health, safety and welfare of the public. The bills also require the Florida Division of Emergency Management to offer training to local emergency officials on responding to an accident involving rail passengers or hazardous materials. (Branch)

Other Bills of Interest

SB 368 (Rouson) and **HB 503** (Diamond) – Tampa Bay Area Regional Transit Authority

UTILITIES & ENVIRONMENT

Water Resources (Support)

HB 147 (Jacobs) and **SB 690** (Albritton) direct the Florida Department of Environmental Protection to develop a comprehensive and quantitative needs-based overview of the state's water resources. To determine the level of need, the overview must include an assessment of funds necessary for current and future demands with respect to infrastructure, including amounts necessary to address hazard mitigation, infrastructure replacement costs, future capacity costs, natural resources protection and restoration, and flood protection. The overview must cover short-term (five-year) and long-term (20-year) planning timeframes. In addition, the overview must identify potential funding options to meet anticipated demands. The initial overview must be submitted to the governor and Legislature by January 1, 2022, with subsequent reports due every five years thereafter. (O'Hara)

Energy 2040 Task Force (Support)

SB 144 (Brandes) creates the Energy 2040 Task Force within the Florida Public Service Commission to project the state's electric energy needs over the next 20 years and determine how to best meet those needs while increasing competition and consumer choice. It directs the task force to recommend appropriate electric policies and statutory changes, including consideration of the effects of allowing nonutility retail sales of renewable energy, the use of microgrids, emerging electric technologies and concepts, the impacts of state and local government taxes on government revenues and the electric supply, and the environmental impact of electricity production, generation and transmission. The bill specifies task force members, authorizes the task force to establish any necessary advisory committees and directs the task force to submit its recommendations to the governor and Legislature by January 2022. (O'Hara)

Advanced Well Stimulation Treatment – Fracking (Support)

SB 200 (Montford) prohibits the performance of "high-pressure well stimulation" and "matrix acidization" (commonly referred to as "fracking") as defined in the bill. (O'Hara)

Climate Fiscal Responsibility (Support)

SB 280 (Rodriguez) directs the state Economic Estimating Conference to annually prepare a climate fiscal responsibility report in cooperation with various state agencies. The bill requires the report to analyze the estimated impact of climate change on the state's general obligation credit rating, debt capacity and tax base associated with increased frequency and intensity of natural disasters, as well as long-term trends like sea level rise and global temperature changes. The report must also recommend actions to be taken over the next five, 10 and 20 years. (O'Hara)

Climate Health Planning (Support)

SB 278 (Rodriguez) requires the Florida Department of Health to prepare an annual climate health planning report to assess the threat to human health caused by climate change and to develop strategies to help the state's communities prepare for the health effects of climate change. The bill directs the DOH to consult with various state and local agencies in preparing the report and include one-year, five-year, 10-year and 20-year recommendations for policy and budget priorities associated with identified threats. (O'Hara)

Identification of Underground Facilities (Support)

SB 592 (Pizzo) and **HB 6039** (Duran) delete a preemption in existing state law that prohibits local governments from regulating the types of paint or marking device, or from requiring removal of such marks used to identify underground facilities. (O'Hara)

Preemption of Recyclable and Polystyrene Materials (Support)

SB 182 (Stewart) deletes existing statutory preemptions of local laws relating to the regulation of auxiliary containers, wrappings or disposable plastic bags and repeals the statutory preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services. (O'Hara)

Land Acquisition Trust Fund (Support)

SB 332 (Stewart) appropriates \$100 million annually from the state Land Acquisition Trust Fund to the Florida Forever Trust Fund and prohibits the use of moneys in the state Land Acquisition Trust Fund from being used for agency executive direction and support services. (O'Hara)

Property Assessed Clean Energy Program (Support)

HB 365 (Watson, B.) amends the definition of "qualifying improvements" under the Property Assessed Clean Energy (PACE) Program to include sewage treatment and seawall improvements. PACE is a means for property owners to voluntarily finance private property improvements related to renewable energy and energy efficiency through assessments levied on their property tax bill. (O'Hara)

***Sargassum* Seaweed Matching Grant Program (Support)**

SB 648 (Berman) directs the Department of Environmental Protection to develop a *Sargassum* Seaweed Matching Grant Program to provide annual grants, subject to legislative appropriation, to qualified local government entities to fund projects related to the buildup of *Sargassum* seaweed in coastal communities. The bill directs the grant program to require a 50 percent match of local funds and requires the department to provide annual reports regarding the projects funded. (O'Hara)

Stormwater Management Systems (Support)

SB 686 (Gruters) and **HB 405** (Good) direct the Department of Environmental Protection to adopt statewide environmental resource permitting rules for stormwater management in coordination with the water management districts. The bills direct the water management districts to adopt rules governing design and performance standards that increase the removal of nutrients from stormwater discharges from all new development and redevelopment projects, and direct DEP to incorporate the design and performance standards by reference for use within each district to ensure that new pollutant loadings are not discharged into water bodies. The bills direct that by December 2020, the department and districts shall amend the applicant's handbook to include revised best management practices design criteria, low-impact design best management practices and design criteria that increase the removal of nutrients from stormwater discharges from all new development and redevelopment and measure for consistent application of net improvement performance standards to ensure that new pollutant loadings are not discharged into impaired water bodies. The bills provide for a rebuttable presumption that a stormwater system designed, constructed and maintained in accordance with the criteria adopted by the DEP and districts and a valid permit issued pursuant to such standards does not cause or contribute to violations of applicable water quality standards. The bills require training and assessment of government staff including coordination of field inspections of publicly and privately owned stormwater controls. The bills require the rules to be updated based on new scientific information by July 2021. Finally, the bills modify requirements for electronic self-certification by registered professionals for stormwater system permits serving project areas of 10 acres or less. (O'Hara)

Clean Energy Programs (Oppose – Preemption)

HB 225 (Zika) substantially amends current law relating to "Property Assessed Clean Energy" (PACE) programs and requirements. The bill provides definitions for PACE administrator, PACE contractor, PACE loan, PACE loan contract, qualifying commercial real property and qualifying residential property. It provides that a local government may enter an agreement with a PACE administrator to administer the program and specifies that local government or PACE administrator may enter into a PACE loan contract only with the record owner of the property. It eliminates current language in law stating that a recorded PACE loan contract provides constructive notice that the assessment to be levied constitutes a lien of equal dignity to county taxes and assessments. The bill includes new provisions regarding a PACE loan's lien position. It provides that a PACE loan is: subordinate to all liens on the property recorded before the PACE lien notice is recorded; subordinate to a first mortgage on the property recorded after the PACE

notice is recorded; and superior to any lien recorded after the PACE notice is recorded. The bill imposes substantial new requirements on local governments financing for qualifying residential property (maturity date of PACE loan, limits on loan amount, total combined debt may not exceed 75 percent of assessed value). The bill specifies required contents for PACE loan contracts for residential real property and prohibits such contracts from resulting in negative amortization, charging any interest upon interest or fees or containing any provision requiring forced arbitration or restricting class action. The bill prohibits a residential PACE contract from being entered until it has been verified the property owner has the ability to repay the loan: owner's monthly debt to income ratio does not exceed 43 percent and must have sufficient residual income to meet basic living expenses. The bill specifies methodology and sources for verification of property owner's income, debt and expenses. The bill requires the local government or PACE administrator, prior to execution of a contract, to confirm the key terms of the PACE agreement and scope of energy improvement work with the property owner in a live, recorded telephone conversation. The bill requires specific disclosures be made to the owner during the telephone call. The bill requires that prior to entering a PACE loan on residential property, the household be screened for eligibility for low-or no-cost programs that may be provided by government or utility service providers. The bill prohibits a local government from permitting a property owner from entering a contract unless the owner is given a right to cancel the contract within a specified timeframe. It requires the use of a specified financing estimate and disclosure form and that such form be provided to an owner at least three business days before a contract is signed. The bill delineates prohibited practices by PACE administrators or PACE contractors. The bill prohibits a local government or PACE administrator from entering into a PACE contract unless written notice has been provided to, and written consent obtained from, each of the holders of any mortgage on the qualifying residential or commercial property. It provides that a PACE loan shall not be made unless the holder of any mortgage on the qualifying property provides signed confirmation that entering into the loan contract does not constitute an event of default or give rise to any remedies under the terms of the mortgage loan. The bill provides for preservation of claims and defenses for successors in interest to property owners and provides for attorney fees and costs for aggrieved residential property owners. (O'Hara)

Discharge of Domestic Wastewater (Oppose – Mandate)

SB 454 (Rodriguez) prohibits the construction of new deep injection wells for domestic wastewater discharge or the expansion of existing wells. It limits the discharge capacity of domestic wastewater deep well injection and required current ocean outfall and deep well injection permitholders to install a functioning reuse system by specified dates. The bill prohibits the discharge of domestic wastewater through ocean outfalls and deep injection wells after specified dates and requires current deep injection well permitholders to submit a plan with specified requirements and annual progress reports to the Florida Department of Environmental Protection. (O'Hara)

Renewable Energy (Oppose – Mandate)

SB 446 (Brandes) allows the owner of a business or contracted third party to install, maintain and operate a renewable energy source device on or about the structure in which the business operates or on any property the business leases. The bill provides the business owner or third party may sell the electricity that is generated from the device to another business immediately adjacent to or within the same parcel as the business, and such sales shall not be considered or regulated as retail sales of electricity. The bill provides that if the energy-producing business or its customers require additional related services from a utility, such as backup generation capacity or transmission services, the utility may recover the full cost of providing those services. The bill authorizes a utility to enter a contract with a business to install, maintain or operate any type of renewable energy source device on or about the structure from which the business operates and to sell the electricity to an adjacent business, and provides that such electricity sales shall not be considered or regulated as retail sales of electricity. The bill specifies that if the Public Service Commission determines that the level of reduction in electricity purchases by customers using renewable energy source devices is significant enough to adversely impact the rates that other customers pay in the rate territory, the commission may approve a utility's requests to recover its costs of providing the electricity needed by all customers, including customers using a renewable energy source device. The bill provides for methodology of such cost recovery, a process for customers to challenge the cost recovery and authorized rulemaking by the commission. The bill may have a negative fiscal impact on municipal revenues, including potential impacts to municipal electric franchise revenues and municipal public service utility taxes. (O'Hara)

Acquisition of Water & Wastewater Systems (Watch)

HB 207 (McClain) and **SB 658** (Albritton) would authorize a public water or wastewater utility to establish the rate base of an existing water or wastewater system it acquires using the fair market value of the utility, require the Florida Public Service Commission to provide specified information relating to utility valuation and require the commission to develop related rules. (O'Hara)

Anchoring Limitation Areas (Watch)

SB 606 (Bean) and **HB 417** (Duggan) add the Ortega River and the Cedar River in Duval County as statutorily designated "anchoring limitation areas." (O'Hara)

Apalachicola Environmental Stewardship Act (Watch)

SB 638 (Montford) appropriates at least \$12 million annually from the Florida Forever Trust Fund for five years to the Apalachicola Area of Critical State Concern. It renames the area as the Apalachicola Area of Critical State Concern. The bill provides additional principles for guiding development within the area to include land acquisition and projects for stormwater facilities, central sewage facilities, onsite sewage treatment systems and other projects that protect and improve surface and groundwater quality. (O'Hara)

Beverage Container Deposits (Watch)

SB 50 (Rader) would require consumers to pay deposit fees on specified beverage containers at the point of sale. The bill establishes requirements and registration processes for the operation of beverage container redemption centers by local governments, nonprofit agencies and other individuals for refunding beverage container deposits and arranging for the recovery and recycling of the beverage containers. The bill preempts local governments from imposing or collecting any assessment or fee on deposit beverage containers for the same purposes as specified in the bills. (O'Hara)

Environmental Regulation (Watch)

SB 326 (Perry) and **HB 73** (Overdorf) would require that contracts between local governments and vendors for the collection, transport and processing of residential recycling materials must include terms and conditions to define and reduce levels of contamination. Specifically, the bills provide that a recyclable materials collector or facility is not required to collect, transport or process "contaminated recyclable material," as defined in the appropriate contract. Each contract is required to define "contaminated recyclable material." The bills specify that contracts should define the term in a manner that is appropriate for the local community, based on available markets and other relevant factors. Contracts must include provisions for identifying and documenting contamination, as well as the respective obligations of the parties regarding education and enforcement, but specific terms are left to the discretion of the contracting parties. The new requirements would apply to new contracts and contracts extended after October 1, 2020. In addition, the bills clarify an exemption in current law from state environmental permitting requirements for various projects by specifying that local governments may not require a person to provide additional verification from the Department of Environmental Protection of entitlement to such an exemption. Also, the bills modify an existing state permit exemption for the replacement and repair of existing docks and piers, by specifying the replacement or repair must be "within 5 feet of the same location and no larger in size," and that no additional aquatic resources may be adversely impacted. (O'Hara)

Florida Drug and Cosmetic Act (Watch)

SB 172 (Bradley) and **HB 113** (Roach) preempt the regulation of over-the-counter proprietary drugs or cosmetics to the state. (O'Hara)

Indian River Lagoon State Matching Grant Program (Watch)

HB 153 (Fine) and **SB 640** (Harrell) provide that certain projects identified in the Indian River Lagoon Comprehensive Conservation and Management Plan are eligible for funding consideration from the Department of Environmental Protection (agency program funds). The bills direct DEP to coordinate with water management districts to identify projects and requires annual reports from local governments and the districts. Projects include upgrade of facilities to advanced waste treatment, expansion of service connections of wastewater facilities and septic-to-sewer-conversions. Projects require a 50 percent local match. The bills require annual reports by the DEP and require local governments receiving state funds to submit annual status reports. (O'Hara)

Land Acquisition Trust Fund (Watch)

SB 438 (Harrell) and **HB 489** (Plasencia) provide that 7.6 percent or \$50 million must be appropriated each year from the Land Acquisition Trust Fund for projects dedicated to the conservation and management of the Indian River Lagoon. The bills specify the funds shall be used for grant funding of projects to implement the Indian River Lagoon Comprehensive Conservation and Management Plan and specify that grants for sewer system connection projects and discharge management projects must require a minimum 50 percent local match. (O'Hara)

Local Government Recycling Programs (Watch)

SB 724 (Albritton) extends the date by which each county must meet a statutorily established 75 percent recycling goal for recyclable waste from 2020 to 2024 and exempts fiscally constrained counties from statutory recycling goals. The bill authorizes the Department of Environmental Protection to direct a county that fails to meet statutory recycling goals by January 2025 to develop a plan to expand recycling programs to existing commercial and multifamily dwellings. The bill directs the DEP to issue a report to the governor and Legislature by January 2021 identifying any additional programs or statutory changes needed to achieve statutory recycling goals. (O'Hara)

Private Property Rights – Renewable Energy (Watch)

SB 288 (Rodriguez) exempts from the definition of “public utility” property owners who own and operate a renewable solar energy source device with a capacity of up to 2.5 megawatts on the property, produce renewable energy from that device and provide or sell the renewable energy to users located on that property. (O'Hara)

Prohibition of Plastic Carryout Bags and Straws (Watch)

SB 40 (Rader) would prohibit stores and food service businesses from providing plastic carryout bags to customers. The bill provides exceptions for specified items. In addition, the bill prohibits a food service business from selling or providing single-use plastic straws to customers. The business may provide a straw upon request to a person who requires a straw due to a disability or medical condition. The bill provides a \$500 penalty for a first violation and up to \$1,000 for a subsequent violation. (O'Hara)

Public Financing of Construction Projects (Watch)

SB 178 (Rodriguez) requires contractors to conduct a sea-level impact projection (SLIP) study on state-funded buildings within the coastal building zone. Buildings subject to this requirement would include construction projects of a municipality, county or any other public agency that is using state-appropriated funds for the project. The bill requires the Department of Environmental Protection to develop rules for conducting a SLIP study. In addition, DEP must also approve and publish copies of all SLIP studies for at least 10 years. (O'Hara)

Public Notification of Pollution (Watch)

SB 492 (Cruz) amends the Public Notification of Pollution statute to impose new duties on local governments, the Department of Environmental Protection and the Department of Health. The

bill includes the discharge of perfluorooctanoic acid or perfluorooctanesulfonic acid as reportable releases of pollution under the statute, as well as the discharge of any substance that, if it impacted a water system, would result in a violation of state water quality standards. The bill requires DEP to notify by U.S. mail property owners with private wells in a 1-mile radius of any reported release or discharge under the law. In addition, the bill requires the DOH or a local government entity to notify the DEP and the owner or operator of an installation within 24 hours of discovery of any reportable release as defined in the statute, regardless of whether the department or the local government was the owner or operator of the installation responsible for the release. (O'Hara)

Sanitary Sewer Laterals (Watch)

SB 150 (Brandes) encourages municipalities and counties to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within their respective jurisdictions to identify and reduce leakage from lateral lines. The voluntary program may encompass methods to identify damaged laterals, consider methods for property owners to repair or replace damaged laterals, and establish a publicly accessible database to store information on properties where defective laterals have been identified. The bill would also require sellers of property to disclose to prospective purchasers any known defects of the property's sanitary sewer lateral to the purchaser. (O'Hara)

State Renewable Energy Goals (Watch)

HB 97 (Eskamani) and **SB 256** (Rodriguez) direct the Office of Energy within the Department of Agriculture and Consumer Services to develop a statewide plan to generate the state's electricity from renewable energy by specified dates, requiring 40 percent renewable energy by 2030 and 100 percent by 2050. The bills would require state and public entities and utilities to cooperate as requested and would require the Office of Energy to submit the plan and updates to the governor and Legislature. In addition, SB 256 would require the Florida Public Service Commission to adopt rules by 2021 for ratification by the Legislature providing for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly by procurement or through the purchase of renewable energy credits. (O'Hara)

Tax Credit for Carbon Farming (Watch)

SB 286 (Rodriguez) establishes a carbon tax credit to reward and incent farmers in Florida to maintain or adopt agricultural practices that help maximize the state's carbon sequestration potential. The bill defines "carbon farming" as the use of strategies to reduce, mitigate and sequester greenhouse gas emissions on land to support a farm operation using the U.S. Department of Agriculture's COMET-Planner and other quantification tools. (O'Hara)

Water Quality Improvements (Watch)

SB 712 (Mayfield) makes a variety of changes to current law relating to water quality improvements: septic systems; requirements for areas located near Outstanding Florida Springs; basin management action plans (BMAPs); stormwater management systems; sanitary sewer overflows; local government fertilizer ordinances; wastewater projects grants; and monetary penalties for environmental permit violations.

- Transfer of Septic Tank Program – The bill requires the Department of Environmental Protection and the Department of Health to report to the Legislature by July 2021 on transferring regulatory oversight of the septic tank program from DOH to DEP.
- Statewide Stormwater Rules – The bill directs the DEP and water management districts to adopt statewide environmental resource permit rules for stormwater management systems, including performance management and design standards that increase nutrient removal from discharges and ensure new nutrient loadings are not discharged into impaired waters.
- Outstanding Florida Springs – The bill provides additional requirements for areas within Outstanding Florida Springs. Local governments located within such areas that fail to adopt the state model fertilizer ordinance are subject to daily monetary penalties pursuant to Florida Statutes, Chapter 403 and are ineligible for DEP wastewater grants.
- BMAPs/Septic Remediation Plans – The bill provides additional requirements relating to BMAPs. Agricultural operations must undertake specified actions if a BMAP is not adopted within 90 days after the adoption of a nutrient total maximum daily load. The bill directs DEP, DOH and relevant local governments to develop a septic tank remediation plan, to be adopted as part of the BMAP, if septic tanks are contributing to at least 20 percent of nonpoint source pollution or if DEP determines the remediation plan is necessary to achieve a total maximum daily load. DEP shall hold at least one public hearing before adopting a remediation plan. The bill authorizes DEP to impose restrictions on certain septic tanks within specified areas as part of a remediation plan. Local governments that fail to meet timelines or requirements of a remediation plan are ineligible for DEP wastewater grants and shall be assessed monetary penalties pursuant to Chapter 403. The bill establishes a wastewater grant program, subject to appropriation, for DEP to provide grants for projects that will reduce nutrient pollution within a BMAP.
- Sewer Overflows – The bill requires wastewater utilities to provide 24 hours' notice to customers of any sanitary sewer overflow into a waterway or aquifer and provides the utility is ineligible for DEP wastewater grants until DEP determines necessary repairs or improvements have been implemented. In addition, the overflow shall subject the utility to daily monetary penalties pursuant to Chapter 403 until the repair or improvement has been implemented. DEP is authorized to reduce a penalty based on a utility's investment in assessment and maintenance activities to identify and address conditions that may cause sewer overflows. DEP is required to post consent orders relating to sewer overflows on its website, including any reports filed by the utility.
- Monetary Penalties – The bill increases the minimum threshold for DEP's administrative penalty from \$10,000 to \$20,000. In addition, it specifies that any statutory restrictions on the amount of administrative penalties DEP may assess do not apply to violations of a BMAP or to any unauthorized or unpermitted wastewater discharge or effluent limitation exceedance that results in a water quality violation.
- Mandatory Fertilizer Ordinances – The bill requires all local governments to adopt the state Model Ordinance for Florida-Friendly Fertilizer Use by January 2021. Local governments that fail to comply are subject to monetary penalties pursuant to Chapter

403 and are ineligible for DEP wastewater grants. The bill requires local governments to conduct educational campaigns on the ordinance, provide enforcement programs, provide notice to affected property owners and submit a report on implementation efforts to DEP. (O'Hara)

Other Bills of Interest

SB 168 (Cruz) and **HB 139** (Jenne) – Drinking Water in Public Schools

SB 318 (Stewart) – Sale of Sunscreen

SB 338 (Rodriguez) – Energy Efficiency in State Agencies

HB 237 (Roth) – Agricultural Products

SB 386 (Bradley) – Water Management District Boundaries Levy County

HB 401 (Jacobs) and **SB 680** (Hutson) – Shark Fins

SB 702 (Albritton) – Petroleum Cleanup