

2021 Legislative Update

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Yellow highlighted text in the summaries below denotes a bill that has not yet been sent to the Governor for action, has been transmitted but the Governor has not yet acted, or a bill that has not yet been assigned a chapter law number, as of the date of this publication.

Agriculture & Environment

Anchoring Limitation Areas **CS/CS/CS/SB 1946 (Polsky)**

The bill authorizes counties, except for Monroe County, to establish an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic. The aggregate total of anchoring limitation areas in a county may not exceed ten percent of the county’s navigable-in-fact waterways as defined in the bill. The bill specifies requirements for anchoring limitation areas (current statutorily designated anchoring areas are grandfathered). It prohibits a person from anchoring a vessel for more than 45 consecutive days in any 6-month period in an anchoring limitation area. The bill establishes Monroe County as an anchoring limitation area within which a vessel may be anchored on waters of the state in the same location for a maximum of 90 days. The bill specifies conditions precedent for the Monroe County anchoring limitation area. The anchoring limitations do not apply to approved and permitted moorings and mooring fields. The bill establishes a process for a vessel owner or operator to provide proof that a vessel has not exceeded the anchoring limitations. It specifies that a vessel that is the subject of more than three violations within 12 months which result in dispositions other than dismissal or acquittal shall be declared to be a public nuisance.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-___, Laws of Florida.

**Biscayne Bay
CS/HB 1177 (Avila)**

The bill establishes the Biscayne Bay Commission and provides for the Commission's purpose, membership, duties, and authority. It prohibits sewage disposal facilities from disposing of any wastes into Biscayne Bay without providing for advanced waste treatment.

Effective date: Upon becoming law.
Approved by Governor, Ch. 2021-47, Laws of Florida.

**Express Preemption of Fuel Retailers & Related Transportation Infrastructure
CS/CS/HB 839 (Fabricio)**

The bill prohibits a local government from banning (or taking action that results in a de facto ban) gas stations or related transportation infrastructure necessary to provide fuel to gas stations. In addition, the bill prohibits a local government from requiring gas stations to install particular types of fueling infrastructure, such as electric vehicle charging stations. The bill clarifies that it does not preempt a local government from adopting and implementing requirements relating to the siting, development or redevelopment of gas stations or related transportation infrastructure, so long as the requirements do not amount to a de facto prohibition within zoning or land use classifications where such infrastructure is consistent with other allowable uses.

Effective date: Upon becoming law.
Approved by Governor, Ch. 2021-__, Laws of Florida.

**Farming Operations
CS/CS/CS/SB 88 (Brodeur)**

The bill amends the Florida Right to Farm Act, which is intended to protect reasonable agricultural activities from nuisance lawsuits. The Right to Farm Act specifies that no farm operation that has been in operation for one year or more and that was not a nuisance at the time of its establishment shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices. The bill expands the definition of "farm operations" in the Act to add "agritourism activities" to the list of farm operations that receive legal protections in nuisance suits, and it adds the generation of fumes and particle emissions to the list of conditions or activities that constitute farm operations under the Act. The "established date of operation" for an agritourism activity is the date the specific agritourism activity commenced, which may be different from the established date for the underlying farm operation. In addition, the bill provides limitations on liability from nuisance, trespass or tort actions that may be filed relating to farming or agritourism activities. It specifies that a farm may not be held liable for operations alleged to cause harm outside of the farm unless the plaintiff proves by clear and convincing evidence that the claim arises out of conduct that does not comply with state and federal environmental laws, regulations or best management practices. The bill further provides that a nuisance action may not be filed unless the property affected by the activity is located within one-half mile of the activity. The bill limits compensatory damages in a private nuisance action to the reduction in fair market value of the affected property. It prohibits the recovery of punitive damages for nuisance actions under specified conditions. Finally, the bill requires payment of attorney fees and costs by plaintiffs who fail to prevail in a nuisance action.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-007, Laws of Florida.

**Liability of Persons Providing Areas for Public Outdoor Recreational Purposes
CS/SB 920 (Bradley)**

The bill amends current law which provides that a property owner who enters an agreement with a state agency for outdoor recreation purposes, where the agreement recognizes the agency is responsible for personal injury, loss or damage resulting from the agency's use of the property under the terms of the agreement subject to the limitations of Section 768.28, Florida Statutes, owes no duty of care to keep the area safe for entry or use by others or to give warning of any hazardous conditions. The bill expands the definition of "state agency" to include any public entity created by law and revises the "outdoor recreation" purposes included within its scope to include traversing property for the purpose of ingress and egress to or from public lands that are used for outdoor recreation purposes. In addition, the bill creates an exception where the owner of an area used for outdoor recreational purposes may derive revenue from concessions or special events and retain the liability protection provided by this statute if such revenue is used exclusively to maintain, manage, and improve the outdoor recreational area.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-56, Laws of Florida.

**Preemption Over Restriction of Utility Services
CS/CS/HB 919 (Tomkow)**

The bill prohibits a local government from taking any action that restricts or prohibits, or has the effect of restricting or prohibiting, the types or fuel sources of energy production which may be used, delivered, converted, or supplied by various electric or gas utilities, transmission companies or dealers. The prohibition is retroactive in nature. The bill does not prohibit a governmental entity from adopting regulations or policies governing an electric or natural gas utility that it owns or operates and directly controls.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

**Ratification of Department of Environmental Protection Rules
HB 1309 (Overdorf)**

The bill ratifies the Department of Environmental Protection's proposed biosolids rules, which are anticipated to have an estimated regulatory cost exceeding \$1 million. The bill exempts the biosolids rules from review and approval by the Environmental Regulation Commission. In addition, the bill ratifies the Department's proposed rules relating to the Central Florida Water Initiative (CFWI), modifies section 373.0465, F.S., relating to the CFWI, and creates section 373.0466 to establish the CFWI Grant Program. Finally, the bill expands the eligibility requirements for the state drinking water revolving loan fund to include priority consideration for projects that implement water supply plans and develop water sources as an alternative to continued reliance on the Floridan Aquifer.

Effective date: Upon becoming law.
Approved by Governor, Ch. 2021-28, Laws of Florida.

**Statewide Flooding & Sea Level Rise Resilience
CS/CS/SB 1954 (Rodrigues)**

The bill establishes a state program to address inland and coastal flooding and sea level rise. It establishes the “Resilient Florida Grant Program” within the Department of Environmental Protection (DEP), which provides funding to local governments for the costs of resilience planning and projects to adapt certain “critical assets” (defined in the bill). The grants require a minimum of 50 percent cost-share from the local sponsor, which may be waived for certain “financially disadvantaged small communities” (defined in the bill). The bill creates the “Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment,” to be updated every five years by the DEP. The data set must be completed by July 2022 and include statewide sea level rise projections. The assessment must be completed by July 2023 and identify vulnerable areas, infrastructure, and critical assets. The bill requires the DEP to annually submit a “Statewide Flooding and Sea Level Rise Resilience Plan” that proposes up to \$100 million funding for projects that address risks from flooding and sea level rise. The initial plan must be submitted by December 2021. Local governments, regional resilience entities, and water management districts are authorized to submit projects to DEP for inclusion in the plan. The bill requires DEP to implement a scoring system for submitted projects. In addition, DEP is authorized to provide funding to regional resilience entities for providing technical assistance, coordinating multi-jurisdictional vulnerability assessments, and developing project proposals for the statewide resilience plan. The bill also directs the University of South Florida to create a “flood hub” to coordinate and lead statewide efforts for research and innovation, and requires the Office of Economic and Demographic Research to add an analysis of flooding issues to its annual assessment of Florida’s water resources and conservation lands.

Effective date: Upon becoming law.
Approved by Governor, Ch. 2021____, Laws of Florida.

**Resilient Florida Trust Fund
SB 2514 (Appropriations)**

The bill creates the Resilient Florida Trust Fund within the Department of Environmental Protection and provides the trust fund is established as a depository for certain Documentary Stamp Tax revenues.

Effective date: Upon becoming law, except as otherwise provided.
Approved by Governor, Ch. 2021-29, Laws of Florida

**Documentary Stamp Tax Distributions
SB 2512 (Appropriations)**

The bill revises distributions from the Documentary Stamp Tax. It adds distributions to the newly created Resilient Florida Trust Fund and to the Water Sustainability and Accountability Trust Fund (used for the wastewater grant program established in section 403.0673, F.S.). It reduces current distributions to the State Housing Trust Fund, but also prevents funds distributed

to the housing trust fund from being transferred to General Revenue. Based on these modified distributions, in the upcoming fiscal year affordable housing programs will receive approximately \$200 million, and programs established for resiliency and wastewater would receive approximately \$111 million.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-39, Laws of Florida

Reclaimed Water

CS/SB 64 (Albritton)

The bill requires domestic wastewater utilities to submit a plan to the Department of Environmental Protection (DEP) by November 2021 for eliminating nonbeneficial surface water discharges (e.g., treated effluent, reclaimed water or reuse water) by January 2032. It requires DEP to approve such plans if a plan meets the following conditions: The plan will result in eliminating the surface water discharge, the plan will result in meeting statutory requirements relating to ocean outfalls, or the plan does not provide for the complete elimination of the surface water discharge but affirmatively demonstrates that specified conditions are present. The conditions are: The discharge is associated with an indirect potable reuse project, the discharge is a wet weather discharge in accordance with a permit, the discharge is into a stormwater system for subsequent withdrawal for irrigation purposes, the utility has a reuse system that achieves 90% reuse of reclaimed water, or the discharge provides direct ecological or public water supply benefits. A utility that fails to timely submit an approved plan may not discharge to surface waters after January 2028. Violations of the bill's requirements are subject to administrative and civil penalties. The bill requires DEP to submit an annual report to the governor and legislature detailing implementation status. The bill exempts the following domestic wastewater facilities from its requirements: facilities located in a fiscally constrained county; facilities located in a municipality that is entirely within a rural area of opportunity; and facilities located in a municipality having less than \$10,000 in total annual revenue. The bill authorizes DEP to establish a potable reuse technical advisory committee, provides that potable reuse projects are eligible for alternative water supply funding and provides that potable reuse projects are eligible for expedited permitting and priority state funding. In addition, the bill requires local governments to offer a 25% density or intensity bonus to developers if 75% of a development will have graywater systems installed or a 30% bonus if 100% of a development will have graywater systems installed. The bonus is in addition to any other bonus that may be in effect on July 1, 2021.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Renewable Energy

CS/CS/SB 896 (Brodeur)

The bill provides legislative intent encouraging renewable solar electrical generation and declares the importance of constructing solar facilities to maintain the availability of renewable

energy that is vital to Florida's energy production and economy. The bill defines the term "solar facility." Additionally, the bill mandates that solar facilities are a permitted use in all agricultural land use categories in a local government's comprehensive plan, and all agricultural zoning districts within an unincorporated area. Solar facilities must comply with setback and landscape buffer requirements and a county may enact an ordinance establishing such setback and buffer requirements. The bill provides the bill's solar facility provisions do not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021. This applicability provision is meant to apply to two solar projects that were rejected by Alachua and Walton counties.

The bill also defines the term "biogas" to mean a mixture of gases produced by the biological decomposition of organic materials which is largely comprised of carbon dioxide, hydrocarbons, and methane gas, and defines the term "renewable natural gas" to mean anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for electric generation or is of a quality capable of being injected into a natural gas pipeline. The Public Service Commission (PSC) may approve a gas public utility's cost recovery for contracts for renewable natural gas purchases that exceed current market natural gas prices but which purchase the PSC deems reasonable and prudent. Finally, the bill makes several conforming changes to other statutes, including correcting certain statutory references.

Effective date: July 1, 2021

Approved by Governor, Ch. 2021-__, Laws of Florida

Urban Agriculture CS/SB 628 (Rouson)

The bill creates a distinction for local government regulatory purposes between traditional farm operations and "urban agriculture." The term "urban agriculture" applies to any new or existing noncommercial agricultural uses on land that is: within a dense urban land area; not classified as agricultural; not zoned as agriculture as its principal use; and designated by a municipality for inclusion in an urban agriculture pilot project that has been approved by the Department of Agriculture and Consumer Services (DACS). The term does not apply to vegetable gardens for personal consumption on residential properties. The bill exempts equipment used on a farm or used to transport farm products for the purpose of urban agriculture from the current law requirement that 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. It does not exempt nonresidential farm buildings, fences, or signs located on lands used for urban agriculture from the Florida Building Code or local government regulation. It expressly preserves the authority of local governments to regulate urban agriculture if the activities are part of a DACS-approved pilot project, the municipality enacts regulations applicable to urban agriculture, and the regulation designates existing farm operations as legally nonconforming before the regulation's adoption. The bill authorizes DACS to approve five urban agricultural pilot programs in municipalities. It sets forth requirements, timeframes, and reporting requirements for the programs.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Waste Management

CS/CS/SB 694 (Rodrigues)

The bill requires a local government that “displaces” a private waste company to provide a 3-year notice period to the company and pay the displaced company an amount equal to the company’s preceding 18 months’ gross receipts at the end of the notice period. The term “displacement” as used in the bill refers to circumstances in which a local government decides to move from a non-contracted or non-franchise system of waste services to either providing the waste service itself or by contracting or franchising with one or more private waste companies. The bill also defines “storm generated yard trash” and clarifies that a private waste company providing regular residential solid waste service is not responsible for collecting certain storm-generated yard trash unless specified in a contract or agreement with a local government. In addition, the bill requires the Department of Environmental Protection to update its 2010 report on retail plastic bags and submit the updated report and recommendations to the legislature by December 2021.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Petroleum Fuel Measuring Devices

CS/CS/SB 430 (Rodriguez)

The bill preempts to the state the regulation of fuel measuring devices. Additionally, effective January 1, 2022, the owner or manager of a retail petroleum fuel measuring device who chooses to install a pressure-sensitive security tape must also include at least one other security measure. An owner or operator of a fuel measuring device must report to the department within 3 business days upon finding that a required security measure has been breached and has failed to restrict the unauthorized access of customer payment card information. An owner or operator of a pump or a registered meter mechanic must report to the department any illegal skimming or filtering device found within 3 business days.

Effective date: July 1, 2021

Approved by Governor, Ch. 2021-__, Laws of Florida.

Ethics & Elections

Campaign Financing

CS/CS/SB 1890 (Rodrigues)

The bill imposes a \$3,000 limit on contributions made to political committees sponsoring or opposing a constitutional amendment proposed by initiative. The limit will not apply once the Secretary of State has issued a certificate of ballot position and a designating number for a

proposed constitutional amendment. In addition, the bill preempts local governments from enacting or adopting any limitation or restriction involving campaign or committee contributions and expenditures or establishing contribution limits different from those established in the Florida Election Code. Lastly, the bill amends current law provisions relating to the distribution of surplus funds by candidates.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-16, Laws of Florida.

Election Administration

CS/CS/CS/SB 90 (Baxley)

The bill revises multiple provisions of the Florida Elections Code relating to voter registration, third-party voter registration, ballots, voting systems, vote-by-mail ballots, canvassing boards, voter signatures and secure drop boxes. It provides that in any civil action in which a state or county agency or officer is a party, the action may not be settled if the settlement conflicts with any provision of the Florida Election Code unless notification is given to the legislature and the Attorney General of the commencement of settlement negotiations, a proposed settlement is reported to the legislature and the Attorney General, and notice is given to the legislature and the Attorney General at least ten days before the settlement becomes final. The bill prohibits the use of private funds for election-related expenses, voter education, voter outreach, or registration programs. The donation and acceptance of space to be used as a polling room or an early voting site is exempted from this prohibition. The bill requires supervisors of elections to make live voter turnout data available on their websites on election day. It eliminates current law provisions addressing elective charter county or municipal office vacancies created by resignation and provides such offices shall be deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation. For persons seeking to qualify for office as a candidate of any political party, the bill requires such person to state in writing that he or she has been a member of that political party for 365 days before the beginning of qualification. If a person is seeking to qualify as a candidate with no party affiliation, the bill requires the person to state in writing that he or she has not been a member of any political party for 365 days before the beginning of the qualifying period. The bill expands the current no-solicitation zone from 100 to 150 feet and includes drop box locations as areas subject to the no-solicitation zone. It modifies the current law definition of solicitation to include engaging in any activity with the intent to influence or having the effect of influencing a voter, and clarifies the term may not be construed to prohibit an employee of, or a volunteer with, the supervisor of elections from providing nonpartisan assistance to voters within the no-solicitation zone. The bill modifies current law provisions relating to the canvassing of returns and the public inspection of ballots. It amends vote-by-mail procedures and provides that a vote-by-mail request covers only a two-year election cycle rather than four years. An existing vote-by-mail request submitted before July 1, 2021, is effective for elections held through the end of the 2022 calendar year. In addition, except as authorized for voters having a disability, overseas voters, or local referenda, the bill prohibits a county, municipality, or state agency from sending a vote-by-mail ballot to a voter unless the voter has requested a ballot. The bill amends provisions relating to

the use of drop boxes for vote-by-mail ballots. It clarifies that drop boxes may be placed at the main supervisor of elections office, each permanent branch of such office, and at each early voting site. It requires that drop boxes be located to provide all voters in the county with an equal opportunity to cast a ballot. Drop boxes located at early voting sites may be used only during early voting hours and must be monitored in-person by an employee of the supervisor of elections. It provides that drop boxes at early voting locations may be used only during early voting hours and must be monitored in-person.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-011, Laws of Florida.

Finance & Taxation

Impact Fees

CS/CS/CS/HB 337 (DiCeglie)

The bill provides that if an impact fee increases not more than 25% over the current rate, the increase must be implemented in two equal annual increments. If a fee is increased between 25 and 50 percent over the current rate, the phase-in must be in four equal installments. The bill prohibits an increase of an impact fee greater than 50% and provides that an impact fee may not be increased more than once every four years. The bill provides an exception to these requirements if the governmental entity establishes the need for the increased fee pursuant to the rational nexus test, uses a study (completed within the 12 months preceding the increase) showing that extraordinary circumstances require the additional increase, holds at least two publicly noticed workshops, and adopts the increase by a 2/3 vote. The impact fee increase limitations are retroactive to January 1, 2021.

The bill provides definitions for “infrastructure” and “public facilities.” Infrastructure is defined as a fixed capital expenditure or fixed capital outlay, excluding repair and maintenance costs, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least five years; related land acquisition, land improvement, design, engineering and permitting costs; and other related construction costs needed to bring the public facility into service. The term also includes police, sheriff, fire and EMS vehicles, school buses, and equipment necessary to outfit the vehicle for official use. “Public facilities” are defined as major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks, and recreational facilities, as well as emergency medical, fire, and law enforcement facilities. Similar to current law requirements for local governments, the bill requires special districts to credit against the collection of impact fees, on a dollar-for-dollar basis, any contributions related to public facilities towards impacts on the same type of public facilities for which the contribution was made. Impact fee credits must be provided regardless of any provision in a local charter, policy, ordinance, development order or permit. The assignability and transferability of impact fees apply to all impact fee credits regardless of whether the credit was established before or after the bill’s effective date. Finally, the bill revises the current law requirement relating to affidavits that must be submitted by a governmental entity’s Chief Financial Officer with the annual financial or audit report by expanding the items to be attested.

Effective date: Upon becoming law.
Approved by Governor, Ch. 2021-63, Laws of Florida.

**Limitation on Assessment of Real Property Used for Residential Purposes
HJR 1377 (Chaney)**

The bill proposes an amendment to the Florida Constitution to authorize the legislature to prohibit consideration of changes made to real property used for residential purposes to improve the property's resistance to flood damage in determining the assessed value of such property for ad valorem taxation.

Effective date: January 1, 2023, if approved by Florida voters.

**Taxation
HB 7061 (Ways & Means Committee)**

The bill addresses tax relief, changes to tax policy, and changes to tax administration. More specifically, with regard to the state's sales tax, the bill provides a 10-day "back-to-school" tax holiday from July 31, 2021, through August 9, 2021, for certain items of clothing, school supplies, and personal computers; a 10-day "disaster preparedness" tax holiday from May 28, 2021, through June 6, 2021, for specified disaster items; a 7-day "recreation" tax holiday from July 1, 2021, through July 7, 2021, for admissions to certain events and purchases of sports equipment, outdoor supplies and items, boating and water activities supplies, camping supplies, and fishing supplies. In addition, the bill creates a sales tax exemption for independent living items, exempting grab bars, bed transfer handles, bed rails, and shower seats. Businesses may pay the sales tax on behalf of their customers. Furthermore, the bill extends the date from 2022 to 2027 in which a data center may qualify to receive an exemption certificate to purchase certain personal property or electricity exempt from sales tax.

Concerning ad valorem taxes, the bill increases the discount for multi-unit property used for affordable housing from 50 percent to 100 percent, and clarifies the property tax treatment of property damaged by calamity or disaster. The bill describes two situations when title to homestead property may change without the property being reassessed at just value. The bill prescribes property tax exemptions for property that is used for educational purposes, and further clarifies the tax treatment of property that is partially exempt. The bill implements House Joint Resolution HJR 1377 relating to flood mitigation by providing an assessment limitation for properties that are voluntarily elevated. These provisions become effective if HJR 1377 is approved by voters at the November 2022 general election. Last, the bill repeals charitable hospital reporting requirements.

The bill makes the following changes to Florida's corporate income tax by 1) Creating a corporate tax credit program for businesses that hire student interns in Fiscal Years 2021-2022 and 2022-2023. The program is capped at \$2.5 million for each fiscal year; and 2) Increases the credits available to corporations that clean contaminated property in Florida by \$17.5 million for Fiscal Year 21-22. With regard documentary stamp taxes, the bill provides an exemption for documents that must be updated with a new interest rate index.

The bill makes changes to various other taxes. In particular, the bill creates a \$5.0 million tax credit program for businesses contributing to charities that provide counseling for families. Florida's sports development program is repealed. The bill increases the distribution of cigarette tax revenues to the H. Lee Moffitt Cancer Center and Research Institute from 4.04 percent to 7 percent beginning July 1, 2021, with the distribution increasing to 10 percent on July 1, 2024.

Finally, with respect to tax administration matters, the bill makes the following changes to current law: 1) Requires the Department of Revenue to use the prior year's tax rate on titanium dioxide in the event the index upon which the tax rate is calculated is unavailable; 2) Removes penalties for persons who choose to pay their property taxes in installments, but fail to pay the first installment timely; 3) Creates a process for freight forwarding companies to document exempt sales for export; 4) Allows collection periods to be aggregated when determining the severity of an offense committed by a person who fails to remit taxes; and 5) Requires dealers who maintain their records in an electronic format to provide such records electronically when under audit.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-31, Laws of Florida.

Taxation

CS/CS/SB 50 (Gruters)

The bill requires retailers with no physical presence in Florida to collect Florida's sales tax on sales of taxable items delivered to purchasers in Florida if the retailer makes a substantial number of sales into Florida or provides for the taxation of sales facilitated through a marketplace provider. The bill also deletes a provision that exempts an out-of-state dealer that makes retail sales into Florida from collecting and remitting any local option surtax. The bill temporarily diverts the increased collections in sales tax to the Unemployment Compensation Trust Fund until it is replenished to pre-pandemic levels. Once the Unemployment Compensation Trust Fund reaches its pre-pandemic balance, the bill reduces the business rent tax from 5.5% to 2%.

Effective date: July 1, 2021, except as otherwise provided.

Approved by Governor, Ch. 2021-02, Laws of Florida.

General Government

Alarm System Contractors

CS/HB 823 (Mariano)

The bill provides that an electrical contractor or alarm system contractor does not have to include their license number in certain advertisements. The bill also provides that an electrical or alarm system contractor is not required to obtain a fire alarm permit before beginning repairs on a fire alarm system if the contractor applied for such permit before beginning the repairs. It clarifies that repairs to a fire alarm system are not considered complete until the required fire alarm permit has been obtained and approved by the local enforcement agency.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Broadband Internet Infrastructure CS/CS/HB 1239 (Tomkow)

The “Florida Broadband Deployment Act of 2021” revises the Office of Broadband’s strategic plan relating to goals and strategies for increasing and improving broadband availability and access. The bill revises the Office’s duties to include improving the availability of, access to, and use of broadband. The strategic plan must incorporate applicable federal broadband activities, identify available federal funding, and be submitted to the Governor, the Senate President, and the Speaker of the House by June 30, 2022. The Office must update the plan every two years. Local technology planning teams are required to work with rural communities to assist communities in understanding current broadband availability, locate unserved and underserved businesses and residents, identify assets relevant to deployment, build partnerships with providers, and identify opportunities. The bill requires the teams to be proactive in fiscally constrained counties to apply for federal grants.

In addition, the bill creates the Broadband Opportunity Program, housed in the Office, to award grants, subject to appropriation, to applicants who seek to install or deploy infrastructure that expands broadband service to unserved areas. The bill specifies the types of entities eligible for such grants, provides application requirements and evaluation criteria, and requires the Office to enter into an agreement with each grant recipient that specifies performance conditions, including potential sanctions. The bill establishes a process by which an existing broadband provider may challenge a grant application on the grounds that the provider already offers or plans to offer service in the area at issue. The bill limits grant awards up to 50 percent of the total cost of a project, but no more than five million dollars per grant, and prohibits grant awards for projects that receive other federal funding. The Office must prepare an annual report summarizing the activities under the program.

The bill appropriates \$1,500,000 in fiscal year 2021-2022, to the Department of Economic Opportunity, to develop geographic information system maps of broadband internet service availability though the state. The bill specifies the content required to be included in the maps and requires the internet service maps be developed by June 30, 2022.

The bill creates s. 288.9963, F.S., relating to attachment of broadband facilities to municipal electric utility poles. The bill provides definitions for the terms “broadband provider,” “broadband service,” “safety and reliability standards,” “underserved,” “unserved,” “wireline attachment,” which are used in this section. The bill also requires that, from July 1, 2021, to July 1, 2024, a municipal electric utility provide broadband providers access for attachments to utility poles at a promotional rate of one dollar per attachment per pole. The bill provides terms for these discounted attachments and specifies each party’s responsibility for costs associated with replacement poles necessary to make attachments.

The bill requires attachments to be made following the higher of the safety standards in the National Electrical Safety Code or the standards set by the utility. The promotional rate is available after application and can be lost if unserved or underserved customers are not provided with broadband internet access within 12 months of the attachments being made and the provider may be required to pay the prevailing rate for the attachments that failed to make broadband available to the intended customers.

The bill prohibits a municipal electric utility from raising its current pole attachment rate for broadband providers between July 1, 2021, and July 31, 2022. The bill also provides procedures for wireline attachments and allows for a one dollar promotional rate until July 1, 2024. Any attachments must comply with safety and reliability standards; however, wireline attachments that complied with safety and reliability standards when installed do not need to be modified to comply with new requirements unless necessary for safety reasons, as determined by the municipal electric utility.

Finally, the bill also provides for procedures and costs for replacement of utility poles by the municipal electric utility where necessary to comply with applicable engineering and safety standards. If the replacement is necessary to correct an existing violation, to bring the pole into compliance, or because the pole is at the end of its useful life, the replacement cost may not be charged to the broadband provider.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-24, Laws of Florida.

Building Inspections

CS/CS/HB 667 (Mooney, Jr.)

The bill requires local building enforcement agencies to allow requests for inspections to be submitted electronically, such as by E-mail, electronic fill-in form, or downloaded application. A local enforcement agency must refund 10 percent of the permit and inspection fees if the inspector or building official determines the work fails an inspection but fails to provide, within five days, a reason that is based on compliance with state or local requirements, indicating why the work failed the inspection. In addition, the bill clarifies that a governmental entity may perform virtual inspections at its discretion but that it may not perform virtual inspections for structural inspections on threshold buildings.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Charter Schools

CS/CS/SB 1028 (Hutson)

The bill makes numerous changes to statutes applicable to charter schools and public schools, including provisions relating to the biologic sex of student athletes. In addition, the bill amends s. 1002.33(5) to provide that an interlocal agreement between a school district and a federal or state agency, county, municipality, or other governmental entity which prohibits or limits the

creation of a charter school within the geographic borders of the school district is void and unenforceable.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-35, Laws of Florida.

**Code Enforcement
CS/SB 60 (Bradley)**

The bill prohibits county and municipal code inspectors from initiating an investigation into violations of city or county codes based upon an anonymous complaint. It requires that an individual making a complaint about a potential violation provide his or her name and address before an investigation may occur. The prohibition does not apply if the code inspector has reason to believe the alleged violation presents an imminent threat to public health, safety, or welfare or the imminent destruction of habitat or sensitive resources.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

**Construction Contracting Regulation Exemption
HB 369 (Fernandez-Barquin)**

The bill creates a contracting licensure exemption by providing that members of the Seminole Tribe and the Miccosukee Tribe of Indians are not required to be licensed as a contractor or be an employee of a licensed contractor when constructing chickees.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-22, Laws of Florida.

**Construction Permits
CS/CS/HB 1059 (Fischer)**

The bill requires local governments to review additional information for an application for a development permit or development order within specified timeframes. It requires local governments to post certain building permit information on their websites, including the following: each type of application and required documentation; procedures for processing, reviewing and approving applications; and the status of each application. It requires local governments to provide for electronic submission of all parts of the application and payments. The bill requires a local government that fails to meet established deadlines for reviewing building permit applications to reduce the fee for such permits for every business day that it misses the deadline. It provides that if a local government denies an application for a single-family residential dwelling, it must allow the applicant ten business days to correct the application. It prohibits a local government from requiring an applicant to provide a copy of a contractor's contract with owners, subcontractors, or suppliers as a condition of application for a building permit for commercial property.

Effective date: October 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Cottage Food Operations
CS/HB 663 (Salzman/Botana)

The bill addresses the regulation of cottage food operations. Known as the Home Sweet Home Act, the bill increases annual gross sales of cottage food products from \$50,000 to \$250,000 and authorizes the sale and delivery of cottage food products. Cottage foods are certain food products that have been determined by the Department of Agriculture and Consumer Services to be safe for production at a person’s residence, such as breads, honey, cakes, and popcorn. The bill allows for the sale or delivery of cottage food products by U.S. mail or commercial mail delivery. Furthermore, the bill preempts the regulation of cottage food products to the state and prohibits any local law, ordinance, or regulation from regulating the preparation, processing, storage, and sale of these products. If CS/HB 403, which passed the legislature, becomes law, a cottage food operation must comply with the conditions for operation of a home-based business under s.559.995, F.S.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Department of Economic Opportunity
CS/CS/HB 1463 (LaMarca)

The bill revises provisions of law relating to the Department of Economic Opportunity (DEO), Community Development Block Grants (CDBG), and the state’s reemployment assistance program. The bill provides flexibility to DEO relating to administering the federally funded CDBG program and provides expedited permitting for certain homeowners affected by natural disasters. With respect to the Small Cities CDBG program, the bill removes the requirement that applicants may participate in one program category and changes the percentage of funds that can be set aside for an emergency or natural disaster (from 5 to 15 percent). It removes provisions which limit the number of grant applications a local government may submit in each grant cycle. In addition, the bill requires that a building permit for a single family residential dwelling applied for by a contractor on behalf of a homeowner that participates in a CDBG must be issued within 15 days unless the application fails to satisfy the Florida Building Code or local government ordinance.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-25, Laws of Florida.

Duties of the Attorney General
CS/CS/SB 1040 (Brodeur)

The bill repeals miscellaneous functions of the Department of Legal Affairs and the Attorney General and transfers several functions to other state agencies. It revises, transfers functions, or repeals provisions of current law relating to neighborhood improvement districts. It eliminates the Department of Legal Affairs’ duties relating to neighborhood improvement districts and transfers those functions to the Department of Economic Opportunity. It repeals section 163.517, which creates the Safe Neighborhoods Program and repeals section 163.521 which

establishes a grant program for neighborhood improvement districts (funding for this program ended in 1992). It transfers the Department of Legal Affairs' duties relating to claims for restitution and transfers duties relating to the security of convenience stores to the Department of Business and Professional Regulation.

Effective date: June 30, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

**Employer Contributions to Fund Retiree Benefits
SB 7018 (Government Oversight and Accountability Committee)**

The bill establishes contribution rates paid by employers participating in the Florida Retirement System beginning July 1, 2021. The bill also reduces the contributions paid by employers participating in the retiree health insurance subsidy program.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

**Florida Building Code
CS/CS/HB 401 (Fetterhoff)**

The bill amends the Florida Building Codes Act, adding several new provisions. Specifically, the bill 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. The bill prohibits a municipality, county, or special district from using preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

The Commission may issue an "errata to the code" to list demonstrated errors in provisions contained within the Building Code if the determination of errors and issuance of an errata code is approved by a 75 percent supermajority vote of the Commission. A local government may not require a contract between a builder and an owner as a condition to apply for, or to obtain, a building permit.

The bill makes several changes to current law pertaining to private building inspectors, known as "private providers," by:

- Expressly authorizing private providers to conduct virtual building inspections.
- Allowing private providers to submit various inspection forms, records, and reports electronically to local building departments and utilize electronic signatures.
- Allowing private providers to conduct "single-trade inspections," as defined in the bill.
- Creating a "qualified private provider" registration process and providing that a qualified private provider, as defined in the bill, does not need to include information other than the services to be performed in its written notice to the local building official that a private provider has been contracted to perform inspections.

- Authorizing a private provider to conduct emergency inspection services without first notifying the local building official.

Additionally, the bill requires that when an owner or contractor retains a private provider to perform plan reviews or building inspection services a local enforcement agency must reduce its permit fee by the amount of costs savings realized for not having to perform such services. The reduction may be calculated as a flat fee, on a percentage basis, or any other reasonable basis by which the local enforcement agency assesses the costs for plans review or building inspection services. The bill expressly authorizes local governments and school districts to use a private provider to provide building code inspection services for public works projects and improvements to any building or structure.

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. However, a local government using excess funds to construct a building or structure must designate the funds for that purpose and may not carry forward the funds for more than four consecutive years. The bill requires the Commission to adopt rules for approving product evaluation entities in addition to those entities already listed and approved in current law and clarifies the Commission may suspend product evaluation entities.

The Senate adopted amendment to this bill that included the substance of HB 55/SB 284- Building Design, by Rep. Overdorf and Sen. Perry to prohibit local governments from regulating specific "building design elements" for single-family or two-family residential dwellings, with certain exceptions including:

- Dwellings on the National Register of Historic Places or located in a historic district.
- Regulations adopted to implement the National Flood Insurance Program.
- Regulations adopted to comply with Chapter 553.
- Dwellings located in a community redevelopment area.
- Regulations required to ensure protection of coastal wildlife in compliance with current law.
- Dwellings located within a planned unit development or master planned community created by ordinance, resolution, or other final action of the local governing body.
- Dwellings located within the jurisdiction of a local government that has a design review board or architectural review board.

The bill defines the term "building design elements" and the term "planned unit development" or "master planned community." This provision does not affect the validity or enforceability of private covenants or other contractual agreements relating to building design elements.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Foreign Influence

CS/HB 7017 (Public Integrity & Ethics Committee)

The bill requires disclosure of various relationships between specified foreign governments and state agencies, political subdivisions, and public contractors. It requires state agencies and political subdivisions to disclose to the Department of Financial Services (DFS) all foreign gifts and grants of \$50,000 or more. Applicants for grants or contracts of \$100,000 or more with state agencies or political subdivisions are required to disclose all foreign financial connections with “foreign countries of concern” valued at \$50,000 or more. “Foreign countries of concern” are those listed as of January 2021 in 86 Fed. Reg. 4911 as Sponsors of Terrorism by the U.S. Department of State or “foreign adversaries” by the U.S. Department of Commerce. It imposes additional disclosure and reporting requirements on colleges, universities, and their affiliate organizations. The bill directs the Department of Management Services (DMS) to maintain a public website for publishing disclosures and authorizes the agency to establish an online system for making the disclosures. It directs DFS to maintain an active list of entities ineligible for grants or contracts with state agencies or political subdivisions. The bill provides for enforcement and audits and directs DFS and DMS to adopt implementing rules by December 2021. The bill contains new requirements directed at cultural exchange programs, including “sister city” programs. It prohibits participation by agencies, schools, and political subdivisions in agreements that constrain the agencies’ freedom of contract, allow the curriculum or values of a program to be directed or controlled by the foreign country of concern, or promote an agenda detrimental to the safety of the United States or its residents. A proposed cultural exchange agreement with a foreign country of concern must be shared with specified federal agencies prior to execution by a public entity. If the federal agency provides information suggesting the agreement may be detrimental to U.S. safety and security, the public entity may not enter the agreement.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-76, Laws of Florida.

Home-based Businesses

CS/HB 403 (Giallombardo)

The bill creates s. 559.955, F.S., relating to home-based businesses. It provides that local governments may not take any action to license or otherwise regulate a home-based business except as authorized in the bill. It specifies a home-based business that operates from a residential property: may operate in an area zoned for residential use; may not be regulated or licensed in a manner that is different from other businesses except as provided; and is only subject to applicable business taxes under chapter 205 in the county and municipality where it is located. The bill provides that a business is considered home-based if it operates from a residential property and meets specified criteria. First, the employees who work at the residential dwelling must also reside there, except up to two people who do not reside at the dwelling may work there (in addition to any remote employees). Second, parking related to the business complies with local zoning and the need for parking may not be greater in volume than would normally be expected at a residence. A local government may regulate the use of vehicles or

trailers associated with the business, provided the regulations are not more stringent than those applicable to residences where no business is conducted. Vehicles and trailers associated with a home-based business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment that is visible from the street or neighboring property. Third, as viewed from the street, the use is consistent with uses of residential areas that surround the property. External modifications of a residential dwelling must conform to the character and aesthetics of the neighborhood. Retail transactions may not be conducted at a structure other than the dwelling. Fourth, the business activity must be secondary to the property's use as a residence. Fifth, the business activities must comply with relevant local or state regulations regarding signage and equipment or processes that create noise, vibration, heat, fumes, glare, dust, smoke, noxious odors and other similar external impacts. Local regulations about external impacts may not be more stringent than those that apply to a residence where no business is conducted. Sixth, business activities must comply with local, state, and federal regulations with respect to corrosive, combustible or other hazardous materials. The bill provides a mechanism for an adversely affected home-based business owner to challenge local government action in violation of the bill's requirements and authorizes prevailing party fees and costs. Local requirements related to transient lodging establishments are not superseded by the bill.

[Special note: On the last day of the Session, the House took up the bill after it had been amended by the Senate. The House amended the bill with its own modified version, and passed it 77-41, as amended. The Senate received the amended bill, concurred in the House amendment, and passed the bill 19-18. The Senate Secretary immediately certified the bill back to the House for engrossing all amendments and enrolling the bill. However, some four minutes after the Senate vote on the bill, Sen. Gary Farmer raised a point of order as to the passage of the bill because three Senators, who were on the Floor, failed to vote in violation of the Senate's Rules. The Senate President ruled the point of order well taken and requested the House return the bill for further consideration by the Senate. The House failed to return the bill before the legislature adjourned Sine Die.]

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Legal Notices

CS/HB 35 (Fine)

The bill provides an option for governmental agencies, required by law to publish legal notices, to publish those notices on a newspaper's website in lieu of a paper-based publication. The bill amends s. 50.011 to revise the construction of publication requirements for legal notices that must be satisfied. To qualify as a newspaper of general circulation for the purpose of publishing legal notices in print or online only formats, the bill generally requires the newspaper to:

- Be printed and published at least once a week;
- Contain at least 25 percent of its words in the English language;

- Have an audience consisting of at least 10 percent of the households in the county, and if the notice is issued by a nongovernmental entity, the newspaper must have an audience of at least 10 percent of the households of the county or municipality in which the project, property or other subject of the notice is located;
- Be sold or otherwise available to the public at no less than 10 publicly accessible outlets;
- Be available to the public generally for the publication of official or other notices with no more than 75 percent of its content dedicated toward advertising; and
- Continually publish in a prominent manner the name, street address, phone number, website URL of the newspaper's approved print auditor, the newspaper's most recent statement of ownership, and a statement of the auditor certifying the veracity of the newspaper's print distribution and the number of the newspaper's website's monthly unique visitors, or the newspaper's periodicals permit, if applicable, within the first five pages of the print edition and the bottom portion of the homepage of the newspaper's website.

A newspaper that holds a periodical permit as of March 1, 2021 and accepts legal notices for publication may continue to publish legal notices through December 31, 2023, so long as the newspaper meets the requirements under current law, which were enacted through section 21 of chapter 99-2, Laws of Florida. Beginning January 1, 2024, such newspapers must meet the criteria listed above. Additionally, a newspaper that holds a periodical permit and that publishes legal notices in a fiscally constrained county is not subjected to items 3 and 4 of the above requirements. The bill defines a fiscally constrained county as a county within a rural area of opportunity designated by the Governor or a county for which the value of a mill will raise no more than \$5 million in revenue based on the certified taxable value of the previous July 1. The bill defines a governmental agency as a county, municipality, district school board, or other unit of a local government or political subdivision in this state. Additionally, the bill provides that governmental agency notices that may be published in a newspaper under the bill include:

- Notices related to special or legal legislation pursuant to s. 11.02, F.S.;
- Educational unit notices pursuant to s. 120.81, F.S.;
- Retirement system notices pursuant to s. 121.0511., F.S.;
- Notices related to inclusion of positions in the Senior Management Service Class of the Florida Retirement System pursuant to s. 121.055, F.S.;
- Notices proposing the enactment of county ordinances pursuant to s. 125.66, F.S.;
- Code enforcement notices published pursuant to s. 162.12, F.S.;
- Notices proposing the enactment of municipal ordinances pursuant to s. 166.041, F.S.;
- Special district meeting notices pursuant to s. 189.015, F.S.;
- Establishment and termination notices for community development districts pursuant to ss. 190.005 and 190.046, F.S., respectively;
- Disclosures of tax impact by value adjustment boards pursuant to s. 194.037, F.S.;
- Advertisements of real or personal property with delinquent taxes pursuant to s. 197.402, F.S.;

- Advertisements of hearing notices, millage rates, and budgets pursuant to s. 200.065, F.S.;
- Turnpike project notices pursuant to s. 338.223, F.S.;
- Public-private partnership notices pursuant to ss. 348.0308 and 348.7605, F.S.;
- Notices of prime recharge area designations for the Floridan and Biscayne aquifers pursuant to s. 373.0397, F.S.;
- Water management district notices pursuant to s. 373.146, F.S.;
- Hazardous waste disposal notices pursuant to s. 403.722, F.S.; and
- Forfeiture notices pursuant to ss. 849.38 and 932.704, F.S.

The bill requires the Florida Press Association to ensure that minority populations throughout the state have equitable access to legal notices that are posted on the statewide website – www.floridapublicnotices.com. The Florida Press Association must publish a report listing all newspapers that have placed notices on the statewide legal notice website in the preceding calendar quarter and the criteria each newspaper has satisfied. Each quarterly report must include the number of unique visitors to the statewide legal notice website. The reports for the four preceding calendar quarters must be available on the website.

A governmental agency may publish certain legal notices in an Internet-only publication with a newspaper of general circulation within the jurisdiction of the affected governmental agency. The bill requires governmental agencies to provide notice to the general public before using an Internet-only publication. Specifically, the governmental agency must give notice of its intent in a print edition of a newspaper and conduct a public hearing. The public hearing is meant to determine that an Internet-only publication is in the public interest and that residents within the jurisdiction of the governmental agency have sufficient access to the Internet. This determination must be made by a majority vote of the governing body. All format and accessibility requirements of legal notices also apply to Internet-only publication of legal notices. A newspaper's print edition section must contain a disclaimer stating that additional legal notices may be accessed on the newspaper's website and the statewide legal notice website. Conversely, the newspaper's website must also contain a disclaimer that legal notices are published in the print section of the newspaper and the statewide legal notice website.

The bill allows for a newspaper to charge for the publication of a legal notice on the newspaper's website without rebate, commission, or refund. However, the newspaper may not charge a higher rate for publication than the amount that would be authorized if the legal notice were publicized in print. The bill prescribes penalties for accepting rebates, commissions, or refunds in connection with the any amounts charged for publication of legal notices that are published on the Internet.

If a government agency exercises the option to publish legal notices on a newspaper website, the agency must provide an additional notice at least once per week in a print edition newspaper of general circulation within the region in which the government agency is located. This notice must contain a statement that legal notices pertaining to the agency do not all appear in the print

edition of the local newspaper and that a full listing may be accessed on the newspaper's website and on the statewide legal notice website located at www.floridapublicnotices.com. The government agency must also post a link on its website homepage to a webpage that list all the newspapers in which the government agency publishes legal notices.

The bill makes clear that the authorization provided to publish certain legal notices on the Internet-only does not, however, supersede other statutes requiring legal notices to be published in the print edition of a newspaper. Finally, the bill revises several statutory sections to conform to the option to publish certain notices in a newspaper website.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-17, Laws of Florida.

Limitation of Liability for Voluntary Engineering or Architectural Services

CS/CS/SB 1060 (Bradley)

The bill creates immunity from civil liability for an engineer, architect, or structures specialist that furnishes engineering or architectural services as a volunteer in connection with a community emergency response team, a local emergency management agency, the Division of Emergency Management, or the Federal Emergency Management Agency, in response to a declared federal, state, or local emergency. The liability protection does not apply to acts or omissions done with gross negligence or willful misconduct.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Payment for Construction Services

CS/SB 378 (Bradley)

The bill increases, by one percent per month, the interest rate applied to payments wrongfully withheld for construction services for public and private construction projects. For public projects, the bill increases the current rate from one percent to two percent per month. In addition, the bill provides that parties who 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” pursuant to s. 713.345, F.S., and are subject to disciplinary action by the Construction Industry Licensing Board.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Preemption of Local Occupational Licensing HB 735 (Harding)

The bill expressly preempts the licensing of occupations to the state. It defines “occupation” to include a paid job, work, trade, employment, or profession and defines “licensing” to include any training, education, test, certification, registration, procedure, or license that is required for a person to perform an occupation. The bill exempts local government license requirements imposed before January 2021 but provides that such local requirement expires July 2023 and may not be modified before the expiration. It exempts any local government licensing requirement that is expressly authorized by general law. It prohibits a local government from requiring a person to obtain a license for a job scope that does not substantially correspond to the job scope of certain contractor categories specified in section 489.105(3)(a) – (o) and (q) or authorized in section 489.1455(1), including but not limited to the following: 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 or ornamental iron installation. The bill authorizes local governments to issue journeyman licenses in the following trades: plumbing; pipe fitting; mechanical; HVAC; electrical; or alarm systems.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Public Works CS/CS/CS/HB 53 (DiCeglie)

The bill modifies provisions of current law that prohibit the use of certain local preferences relating to competitive solicitation for public construction services and public works projects that receive state funding. Currently, competitive solicitations for public construction services in which 50 percent or more of the cost will be paid from state funds may not use a regulation that provides a preference based upon: the contractor’s maintaining an office or place of business within a particular local jurisdiction; the contractor’s hiring employees or subcontractors from a particular jurisdiction; or the contractor’s prior payment of local taxes, assessments, or duties within a particular local jurisdiction. The bill removes the 50 percent state funding threshold trigger in current law and provides that the local preference prohibition applies if the project will be paid for with *any* state funding. Under current law, a “public works project” is defined to include various projects in which 50 percent or more of the cost will be paid from state funds. Current law provides that contracts for a public works project may not require a contractor, subcontractor, or material supplier or carrier to: pay employees a particular wage; provide employees a specified type of benefits; control, limit or expand staffing; or use employees from a designated source. The bill revises the definition of “public works project” to remove the 50 percent state funding threshold and replaces it with a threshold of over \$1,000,000 in value paid for with state funds. In addition, the bill prohibits the state or any political subdivision that contracts for a public works project 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 its offices or the residences of its employees.

Finally, the bill requires the Office of Economic and Demographic Research (EDR) to include in its annual assessment of the state’s water resources an analysis of the expenditures necessary to repair, replace, and expand water-related infrastructure. 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 and to submit the analysis to EDR. The bill requires EDR to use the information submitted to develop a statewide needs analysis for inclusion in its annual assessment.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Social Media Platforms

SB 7072 (Governmental Oversight and Accountability Committee)

The bill establishes a violation for social media “deplatforming” of a political candidate or journalistic enterprise. The bill establishes fines for violations - \$250,000 per day for candidates for statewide office and \$25,000 per day for candidates for other offices. It specifies that a social media platform that willfully provides free advertising for a candidate must inform the candidate of such in-kind contribution. The bill requires the state to maintain and publish an antitrust violator vendor list of the persons and affiliates who have been disqualified from public contracting and purchasing based on being convicted or held civilly liable for an antitrust violation. The initial list will be published January 1, 2022 and will be updated quarterly. It prohibits a person or affiliate who has been placed on the state’s “antitrust violator vendor list” from submitting a bid or proposal to provide goods or services to a public entity or submit a bid or proposal for construction or repair of a public building or public work, or from performing work as a contractor, supplier, subcontractor or consultant under a new contract with a public entity, and may not transact new business with a public entity. It prohibits a public entity from accepting a bid or proposal from, awarding a new contract to, or transacting new business with any person or affiliate on the antitrust violator vendor list. Beginning July 1, 2021, the bill requires all invitations to bid, requests for proposals, and invitations to negotiate, and any contract document described in s. 287.058 to contain a statement informing persons of the prohibitions relating to persons or affiliates on the antitrust violator vendor list. The bill requires a social media platform to meet certain requirements when it restricts speech by users.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-32, Laws of Florida.

Special District Accountability

CS/CS/CS/HB 1103 (Maggard)

The bill imposes new reporting and review requirements on special districts. It specifies the annual financial auditing report of a community redevelopment agency must be filed separately from the annual financial auditing report of the entity that created it. It requires all independent special fire control districts and hospitals governed by a special district or the board of a public health trust to have a performance review every five years starting October 2022 and October

2023, respectively. The bill defines a “performance review” and specifies the review must be conducted by an independent entity. The bill directs the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) to conduct performance reviews of fire control districts located in rural areas of opportunity and independent mosquito control districts and soil and water conservation districts. A performance audit by the Auditor General in the same fiscal year may be used to satisfy the performance review requirement. The bill requires the annual financial report and annual financial audit report of all special districts to include in the reports the total number of employees and independent contractors, their compensation, and each construction project costing at least \$65,000. It requires independent special districts that levy ad valorem taxes or non-ad valorem assessments to include in their annual financial reports the rate of such levies, the total amount collected by such levies, and the total amount of outstanding bonds and their terms. Special districts that amend their annual budget are required to file a budget variance report.

Effective date: October 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Tolling & Extension of Permits During States of Emergency

CS/CS/SB 912 (Albritton)

The bill expands current law provisions that authorize extensions of development orders, building permits and environmental resource permits during a state of emergency issued by the Governor for a natural emergency. The period to exercise such rights is tolled during the state of emergency plus an additional six months. The bill adds consumptive use permits (for land subject to a development agreement in which the permittee and the developer are the same entity), development permits, and development agreements as permits and authorizations subject to tolling and extension. It applies retroactively to any declaration of a state of emergency issued by the Governor for a natural emergency since March 2020 (e.g., COVID-19 pandemic). Lastly, the bill preserves enterprise zone boundaries in existence before December 2015, for the purpose of allowing local governments to administer local incentive programs within those boundaries through December 31, 2021.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Utility and Communications Poles

CS/SB 1944 (Albritton)

The bill authorizes the Public Service Commission to regulate and enforce the rates, charges, terms and conditions in situations where a utility pole owner is unable to reach an agreement with a party seeking pole attachments, such as a communications service provider. “Pole owner” is defined as a local exchange carrier, a public utility, a communications service provider, or a cable television operator that owns a pole. The bill defines “redundant pole” and requires that attaching entities remove their pole attachments from a redundant pole within 180 days of a written request by the pole owner. Under certain circumstances, the pole owner may transfer or

relocate the pole attachment to a new pole at the non-compliant attaching entity's expense, unless the pole attachments are owned by an electric utility. The bill authorizes the Commission to adopt implementing rules.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Veterans' Preference in Employment

SB 922 (Burgess)

The bill expands the veterans' preference in employment benefit by authorizing the state or a political subdivision to waive a postsecondary educational requirement for a position of employment. In addition, the bill provides the following positions are no longer exempt from veterans' preference and priority requirements: personal secretary of a public officer; head of a department; positions that require licensure as a physician, osteopathic physician, or chiropractic physician.

Effective date: July 1, 2021

Approved by Governor, Ch. 2021-57, Laws of Florida.

Land Use & Growth Management

Growth Management

CS/CS/CS/HB 59 (McClain)

The bill makes several changes to state growth management statutes relating to comprehensive plans, development agreements, developments of regional impact, and the sale of property by the Department of Transportation. It requires a local government to include a private property rights element in its comprehensive plan by the earlier of the date of adoption of its next proposed plan amendment initiated after July 1, 2021, or the date of its next scheduled evaluation and appraisal report. It provides a model statement of rights that local governments may adopt for the new property rights element. The bill allows the parties to a development agreement to amend or cancel the agreement without the consent of other property owners whose property was originally subject to the agreement, unless the amendment or cancellation would directly modify the allowable uses or entitlements of such owners' property. The bill specifies that development agreements for developments of regional impact (DRI) entered on or before April 6, 2018, and previously classified as "essentially built out," may be amended using processes adopted by local governments for amending development orders. It further specifies that such amendment may authorize the DRI developer to exchange approved land uses if the developer demonstrates the exchange will not increase impacts to public facilities. It requires the Florida Department of Transportation, when selling property, to provide a right of first refusal to the property's prior owner and provides a process for implementing the right of first refusal. The bill requires the comprehensive plan for a newly incorporated municipality that becomes effective after January 1, 2016, to: incorporate all development orders existing before the plan's effective date; not impair the completion of development in accordance with existing development orders; and vest the density and intensity approved by the development orders existing before the plan's effective date without limitation or modification.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Growth Management

HB 487 (Duggan)

The bill 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 plan amendment within a rural area of opportunity from 20 acres to 100 acres. In addition, the bill authorizes any landowner with a development order existing before the incorporation of a municipality to elect to abandon the development order and develop the vested density and intensity contained therein 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.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Relief from Burdens on Real Property Rights

CS/CS/HB 421 (Tuck, Persons-Mulicka)

The bill makes various changes to the Bert J. Harris, Jr., Private Property Rights Protection Act to favor private property owners. It expands the definition of real property to include any legal interest in land, including surface, subsurface, and mineral estates. The bill shortens the review period governments have for responding to claims from 150 to 90 days. The bill specifies that written settlement offers are presumed to protect the public interest. The bill creates a process by which a property owner may notify a government that a law or regulation imposes a limitation on the allowable uses of his or her property. The government would have 45 days to provide a written response to the property owner, describing the limitations imposed on the property by the law or regulation. At this point, a claim by the property owner that is filed within one year of the government's written response is deemed ripe, without the property owner having to first file an application and have the application be denied. The bill gives the property owner the option to have the court, rather than a jury, determine damages. It allows a property owner to challenge an unlawful exaction as soon as he or she must comply with the exaction, without waiting for a written notice of the action from the government. The bill also amends the attorney fee provisions of the Act by allowing a prevailing claimant to recover attorney fees incurred from the time the claimant files notice with the government instead of from the time the claimant files suit. The bill specifies that a property owner entitled to relief under the Act maintains entitlement to pursue the claim if the owner filed a claim under the Act but subsequently relinquishes title to the subject real property before the claim reaches final resolution. Finally, the bill specifies that it applies to claims brought in response to government actions taken on or after July 1, 2021 (90 days before the bill's effective date).

Effective date: October 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Public Records & Public Meetings

Data Processing Software

SB 7028 (Regulated Industries Committee)

The bill repeals the public records exemption in s. 119.071(1)(f), F.S., for data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, F.S. The bill maintains the public records exemption for agency-produced data processing software that is sensitive and removes the scheduled repeal for this exemption.

Effective date: October 1, 2021.

Approved by Governor, Ch. 2021-23, Laws of Florida.

Economic Development Agencies

CS/HB 379 (Giallombardo)

The bill creates a public records exemption for certain information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. It exempts the following information: home address, telephone number, and e-mail address of a loan applicant; tax returns; financial information; credit history information, credit reports, and credit scores. It allows the disclosure of exempt information held by the agency pursuant to its administration of a small business loan program in an aggregated and anonymized format.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-23, Laws of Florida.

Disaster Response

CS/CS/HB 327 (Rommel)

The bill creates a public records exemption of the address and phone number of a person impacted during an emergency and which is held by an agency. The bill provides that the exemption created under the bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will be repealed on October 2, 2026, unless reviewed and saved from repeal by the legislature. The bill also provides a statement of public necessity as required by the State Constitution, providing that the exemption is necessary to limit the amount of privacy a person must forfeit by choosing to enter a shelter, and to protect a person from those who might seek to exploit a person's vulnerability following a catastrophic event.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-19, Laws of Florida.

Juvenile Criminal History Records
HB 7009 (Government Operations Subcommittee)

The bill reenacts current law exemptions from public record requirements for juvenile information compiled by the Criminal Justice Information Program from intrastate sources and provisions specifying that certain arrest records of juvenile offenders are not exempt from public record requirements.

Effective date: October 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Network Schematics/Supervisors of Elections
CS/HB 1639 (Grant)

The bill creates a public record 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 incidents. It 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.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-73, Laws of Florida.

Nonjudicial Record of the Arrest of a Minor
CS/SB 166 (Perry)

The bill provides an exemption from public records requirements for a nonjudicial record of the arrest of a minor child who has successfully completed a diversion program.

Effective date: Upon the same date that SB 274 (Juvenile Diversion Program Expunction) or similar legislation takes effect.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Public Records
CS/SB 400 (Rodrigues)

The bill prohibits an agency that receives a public records request from responding to the request by filing an action for declaratory relief against the requestor to determine whether the record qualifies as a public record or it is confidential or exempt from disclosure.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Public Records

CS/CS/HB 781 (Robinson)

The bill addresses the duties and responsibilities of a county recorder relating to certain exempt information, such as home addresses, associated with official records. These changes address potential problems associated with the redaction of information that may limit the effectiveness of the public record to give notice of property ownership to interested parties. The bill requires the county recorder to display a notice on its website of the right of any affected party to request removal of certain information or records. A request for redaction of protected information must be written, notarized, and provide the statutory basis for the request. The bill prohibits a county recorder from removing a grantor name, grantee name, or party name from the register of the Official Records and the index on the county recorder's website on the basis of a public record exemption, unless the name of the grantor or grantee includes the street address portion of the home address. In that instance, the county recorder must remove the street address portion from display. The bill provides that home addresses that are exempt from inspection or copying under certain provisions of law must be included within the Official Records but may not be included within the index or otherwise displayed on the county recorder's website on which images or copies of the county's Official Records are placed. In addition, the bill provides that certain exempt information, including home addresses, may be disclosed to the following for purposes of conducting a title search: an authorized title insurer and its affiliates; a title insurance agent or title insurance agency; or an attorney duly admitted to practice in Florida and in good standing with the Florida Bar.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Public Service Commission

CS/HB 1311 (Payne)

The bill provides exemption from public meetings requirements for portions of hearings before the Public Service Commission where proprietary confidential business information is discussed.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-72, Laws of Florida.

Social Media Platform Activities

SB 7074 (Governmental Oversight and Accountability Committee)

The bill (linked to SB 7072, supra) makes confidential and exempt from public records information collected for the Department of Legal Affairs investigations into whether a social media platform has committed an antitrust violation based on a case brought by a governmental entity and whether a social media platform has failed to meet certain requirements before restricting speech by users.

Effective date: July 1, 2021 if SB 7072 or similar legislation takes effect in the 2021 legislative session.

Approved by Governor, Ch. 2021-33, Laws of Florida.

Trade Secrets

CS/HB 1055 (Gregory)

The bill creates a public records exemption for trade secrets held by an agency and defines the term “trade secret” to have the same meaning as in the Uniform Trade Secrets Act (as opposed to how the term is defined in Florida’s criminal statutes). As defined, a trade secret means information, including a formula, pattern, compilation, program, device, method, technique, or process that: derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. This exemption would apply to those agencies that do not have an agency-specific public record exemption for trade secrets. The bill authorizes an agency to disclose a trade secret to an officer or employee of another agency or governmental entity when use of the trade secret is within the scope of his or her lawful duties and responsibilities. It provides that an agency employee who, while acting in good faith and in the performance of his or her duties, releases a trade secret is not criminally or civilly liable for such release.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Public Records – “Serena’s Law”

CS/CS/HB 1229 (Persons-Mulicka)

The bill requires each county recorder or clerk of the court to post on its public website an entry of a final judgment for an injunction for protection of a minor, which must include the identity of each adult respondent against whom the injunction is entered. If the information is not available on a publicly available website by July 1, 2021, the recorder or clerk must make it publicly available if the affected party identifies the information and requests, it be made publicly available. The recorder or clerk may not charge a fee to include this information pursuant to the request. No later than 30 days after July 1, 2021, the recorder or clerk must conspicuously and clearly display on its website and office notice of an affected party’s right to request the addition of such information to the publicly available website. The bill provides that any affected person may petition the circuit court for an order directing compliance with the bill’s provisions. The bill further specifies final judgments for injunction entered for the protection of a minor be recorded in official records.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Public Safety, Health, & Courts

Abolishing the Constitution Revision Commission

SJR 204 (Brandes)

The bill proposes amendments to the Florida Constitution to abolish the Constitution Revision Commission.

Effective date: January 3, 2023, if approved by at least 60 percent of voters in the 2022 General Election.

Barber Services

HB 855 (Morales)

The bill authorizes barbers to shampoo, cut, or arrange hair in a location other than a registered barbershop.

Effective date: July 1, 2021

Approved by Governor, Ch. 2021-___, Laws of Florida.

Beverage Law

CS/SB 148 (Bradley)

The bill permits food service establishments with a “special instrument license” or an “SRX license,” to sell and deliver alcoholic beverage drinks prepared and sealed by the licensee as well as manufacture-sealed beer, wine, and liquor for off-premise consumption under certain conditions. The alcohol sale or delivery must be accompanied by the sale of food within the same order. The bill does not authorize a licensee to sell a bottle of distilled spirits sealed by a manufacturer. A dated receipt must be attached to the bag or container used to transport the beverage. An alcoholic beverage that is not in a container sealed by the manufacturer and transported in a motor vehicle must be placed in a locked compartment, a locked trunk, or the area behind the last upright seat in the vehicle. Persons under age 21 are prohibited from delivering alcoholic beverages.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-30, Laws of Florida.

Civil Liability for Damages Relating to COVID-19

CS/SB 72 (Brandes)

The bill provides heightened legal protections against liability associated with the COVID-19 pandemic to certain business entities, educational institutions, governmental entities, and religious institutions. The legislation defines governmental entity to include municipalities and counties. The legislation requires a plaintiff to plead his or her complaint with particularity, and the complaint must be supported by a physician's affidavit attesting to the physician's belief, within a reasonable degree of medical certainty, that the plaintiff's COVID-19-related damages, injury, or death occurred as a result of the defendant's acts or omissions. If the plaintiff fails to submit a detailed claim or affidavit, the court must dismiss the action without prejudice. The court must also determine whether the business or government entity made a good faith effort to substantially comply with the authoritative or controlling government health standards or

guidance at the time the cause of action occurred. The burden of proof lies with the plaintiff to prove that the business or government entity did not make a good faith effort. If the business or government entity is found to have made a good faith effort, they are immune from civil liability. If the court finds that a good faith effort was not made, the plaintiff may proceed with the action. The plaintiff must prove gross negligence. The bill heightens the evidence standard in a COVID-19-related claim to a clear and convincing standard. Therefore, if the plaintiff fails to prove by clear and convincing evidence the defendant's acts or omissions were grossly negligent, the business or government entity is not liable for the plaintiff's COVID-19-related claim. The civil action for a COVID-19-related claim must be commenced within one year of the alleged incident. The bill applies retroactively but will not apply to civil suits commenced before the effective date of the act. In addition, the bill also provides liability protections for COVID-19-related claims against health care providers including claims arising from the diagnosis or treatment of a person for COVID-19, providing a novel or experimental COVID-19 treatment, transmission of COVID-19, and a delay or cancellation of a surgical or medical procedure. To prevail on a claim against a health care provider, a plaintiff must prove by a preponderance (greater weight) of evidence the health care provider was grossly negligent or engaged in intentional misconduct.

Effective date: Upon becoming law (March 29, 2021).
Approved by Governor, Ch. 2021-1, Laws of Florida.

Combating Public Disorder CS/HB 1 (Byrd)

The bill makes a variety of changes aimed at curbing riots and violent protests. The bill provides that a municipality has a duty to allow the municipal law enforcement agency to respond appropriately to protect persons and property during a riot or unlawful assembly. If the municipality breaches that duty, the bill provides the municipality is civilly liable for specified damages proximately caused by the municipality's breach of that duty and sovereign immunity recovery caps do not apply. It also creates a budget appeal process to challenge reductions in municipal law enforcement agencies' budgets. The appeal process is similar to current law processes available to a county sheriff. If a municipality's tentative budget reduces the operating budget of the municipality's law enforcement agency, the state attorney or a member of the municipal governing body who objects to the reduction may file an appeal within 30 days of the tentative budget being posted. The municipality has five days to file a reply. Upon receiving a petition for appeal, the Executive Office of the Governor is directed to conduct a hearing on the appeal and make a recommendation to the Administration Commission (Governor and Cabinet). The Administration Commission is authorized to approve, amend, or modify the municipality's law enforcement budget. The Administration Commission's decision is final.

In addition to provisions addressing municipal liability and law enforcement budgets, the bill increases existing penalties or establishes new criminal penalties for various offenses. It increases penalties for specified burglary and theft offenses, assault and battery, and assault and battery against a law enforcement officer. It creates definitions for affray, riot, and inciting a riot and creates the offenses of aggravated rioting, aggravated inciting a riot, and mob intimidation.

The bill establishes new penalties and increases existing penalties associated with injuring or removing a tomb, memorial, monument, or historic property. It creates the crime of cyberintimidation by publication, which prohibits a person from electronically publishing another person's personal information with the intent to incite violence, commit a crime against, or threaten or harass the person ("doxing"). The bill creates an affirmative defense in a civil action for personal injury, wrongful death, or property damage when such action arose from injury or damage incurred by a participant in furtherance of a riot. It redefines the offense of obstruction of roadways to address portions of the law previously held unconstitutional. As revised, a person commits a pedestrian violation if he or she obstructs the normal use of a roadway by impeding traffic, standing on or remaining on the street, or endangering the safe movement of vehicles or pedestrians. Finally, the bill requires law enforcement officers to hold individuals committing crimes related to riots in jail until their first appearance.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-6, Laws of Florida.

Community Association Pools

CS/HB 463 (Roach)

The bill specifies that homeowner associations and other property associations with 32 units or less and which are not operated as public lodging establishments are exempt from supervision by the Department of Health except as specified.

Effective date: July 1, 2021

Approved by Governor, Ch. 2021-68, Laws of Florida.

Craft Distilleries

CS/CS/SB 46 (Hutson)

The bill revises licensing requirements for craft distilleries. It provides a quota license exemption for certain craft distilleries to qualify for a vendor's license if the distillery is located on a property within a "destination entertainment venue" (DEV) and open for tours during normal business hours. A DEV is defined as a venue located within a designated community redevelopment area, owned by any person licensed as a craft distillery located within the venue, and served by multimodal transportation options. A DEV must be located within a contiguous area of at least 15 acres that contains indoor and outdoor event venues, and one or more licensed craft distilleries with identical ownerships. The bill also increases the production limit for distilleries to qualify as craft distilleries.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Doorstep Refuse & Recycling Collection Containers SB 904 (Diaz)

The bill eliminates the scheduled repeal of statutory provisions regulating doorstep refuse and recycling collection containers in apartment corridors. These statutory provisions address differences with the Florida Fire Prevention Code in terms of allowable container sizes and the ability of local fire departments to approve alternative containers and storage arrangements.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Drones CS/CS/SB 44 (Wright)

The bill expands the authorized use of drones by government agencies. It creates the following exceptions to the statutory prohibition on the use of drones by public agencies and law enforcement: to provide law enforcement an aerial perspective on a crowd of 50 people or more; to assist a law enforcement agency with traffic management (images may not be used for issuing traffic citations); to facilitate the collection of evidence at a crime or traffic crash scene; by a state agency or political subdivision to assess damage due to a flood, wildfire or other natural disaster that is the subject of a state or local emergency or for vegetation or wildlife management on publicly owned land or water; or by certified fire department personnel to perform tasks within the scope of their certifications. In addition, the bill directs the Department of Management Services (DMS) to publish a list of approved manufacturers whose drones may be acquired and used by a government agency. An approved manufacturer must provide safeguards to protect the confidentiality and integrity of drone data. By July 2022 government agencies must submit a plan to DMS for discontinuing the use of a drone that is not produced by an approved manufacturer. By July 2023 all agencies must discontinue use of drones not produced by an approved manufacturer.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Emergency Management CS/CS/SB 2006 (Burgess)

The bill amends the State Emergency Management Act to address public health emergencies. The bill declares that during an extended public health emergency there is a presumption that K-12 schools and businesses, to the greatest extent possible, should remain open as long as the health, safety and welfare of the students, school employees, and customers can be protected. The bill prohibits governmental entities, educational institutions, and businesses from requiring proof of vaccination and imposes fines of up to \$5,000 per incident for violating the prohibition.

The bill substantially amends section 252.38 relating to emergency management powers of political subdivisions. It defines an “emergency order” as an order or ordinance issued or enacted by a political subdivision in response to an emergency pursuant to chapter 252 or chapter 381 that limits the rights or liberties of individuals or businesses within the political subdivision.

The term “emergency order” as used in this section does not apply to orders issued in response to hurricane or weather-related emergencies. It requires that an emergency order be narrowly tailored to serve a compelling public health or safety purpose and provides the order automatically expires seven days after issuance but may be extended by majority vote of the governing body, as necessary, in seven-day increments for a total duration of not more than 42 days. It authorizes the governor to invalidate an emergency order of a political subdivision if the governor determines the order unnecessarily restricts individual rights or liberties. If an emergency order expires, a local government is prohibited from issuing a “substantially similar” order.

The bill amends section 252.46 relating to orders and rules. It specifies that failure of a political subdivision to file an order or rule with the office of the clerk or recorder within three days after issuance voids the order or rule. Additionally, it provides that an order issued by a local government that imposes a curfew restricting travel or movement must allow persons to travel to and from their places of employment. Emergency ordinances, declarations, and orders adopted by a political subdivision under the authority of ss. 252.31-252.90, including those of a municipality pursuant to s. 166.041(3)(b), must be available on a dedicated webpage accessible through a link on the political subdivision’s homepage. It requires political subdivisions to provide the link to the Division of Emergency Management.

The bill requires any agency or political subdivision that accepts grants, loans, funds, payments, services, equipment, supplies, or materials under section 252.37, F.S. to submit in advance a detailed spending plan to the legislature. This requirement does not apply to the receipt of any funds from the federal government as part of an expedited project worksheet in anticipation of emergency response expenditures. If an emergency situation precludes advanced submission of a spending plan, the bill requires its submission within 30 days of initiating any expenditures. The spending plan must be resubmitted every 30 days as long as the emergency continues and funds continue to be disbursed. A detailed spending plan is not required for emergency response activities, including emergency response that includes emergency protective measures or debris removal. Instead, the agency or political subdivision must provide the legislature notice of all expenditures in aggregate categories incurred in the emergency response no later than 30 days after the expenditure is incurred. The entity must also provide the legislature a copy of any project worksheet submitted to FEMA within 7 days of its submission.

The bill revises the duties and powers of the governor and executive agencies relating to emergency management. Executive or agency orders, proclamations, or rules must not exceed 60 days in duration but may be renewed as necessary during the pendency of the emergency. The orders, proclamations, or rules must be filed with the Division of Administrative Hearings within five days of issuance or they are voided. The legislature may terminate, by concurrent resolution, any state of emergency or related order, proclamation, or rule. The bill creates reporting requirements for contracts executed by the governor or state agencies and related expenditures in response to the emergency and provides for financial audits of such activities by the Auditor General.

The bill defines “public health emergency” as any occurrence, or threat thereof, whether natural or manmade, which results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters, declared as a public health emergency by the State Health Officer. It directs the Department of Health to create a state public health emergency management plan and directs the Division of Emergency Management (Division) to incorporate the Department’s plan into the comprehensive statewide emergency management plan. The bill requires the Division to maintain a supply of personal protective equipment and assist local governments and the private sector with meeting safety needs in the event of an emergency. The bill imposes various duties and responsibilities upon the State Health Officer upon a declaration of a public health emergency, including identifying and reporting public health data and statistics consistent with federal standards or public health best practices. The bill revises provisions relating to emergency coordination officers and disaster preparedness plans to incorporate public health emergencies, including updates to the baseline of preparedness necessary to ensure continuity of state functions, the availability and distribution of personal protective equipment, and consistency with the public health emergency management plan. The bill requires the Division of Emergency Management emergency shelter plan to project the state’s hurricane shelter needs for each of the next five years, including needs for shelters to accommodate physical distancing during a concurrent public health crisis.

Effective date: July 1, 2021, except as otherwise specified.

Approved by Governor, Ch. 2021-8, Laws of Florida.

Juvenile Diversion Program Expunction

SB 274 (Perry)

The bill requires the Florida Department of Law Enforcement to expunge the nonjudicial arrest record of certain minors who have successfully completed a diversion program for any offense, including felony offenses, rather than only a misdemeanor offense. The bill also authorizes a juvenile who completes a diversion program to lawfully deny or fail to acknowledge his or her participation in the program and the expunction of the nonjudicial arrest record.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Injured Police Canines

SB 388 (Wright)

The bill authorizes licensed life support services to transport police canines injured in the line of duty to a vet or similar facility if there is no individual requiring medical attention or transport at that time. It authorizes a paramedic or an emergency medical technician to provide emergency medical care to a police canine injured in the line of duty while at the scene of the emergency or while the canine is being transported to a vet.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Law Enforcement & Correctional Officer Practices HB 7051 (Judiciary Committee)

The bill changes requirements for the operations and standards of law enforcement and correctional agencies and training for law enforcement officers, correctional officers, and correctional probation officers. It requires applicants for employment as an officer to disclose whether he or she is subject to a pending investigation and whether he or she resigned from a previous position while under investigation. It requires agencies to include the reasons an applicant was separated from previous employment as part of an employment background check. It requires an agency to maintain an officer's employment information for five years following termination, retirement, or resignation. The bill requires the Criminal Justice Standards and Training Commission to develop basic skills training and each agency to develop policies in the use of force, including: de-escalation techniques; limits on the use of chokeholds; duty to intervene when witnessing the use of excessive force; duty to render medical assistance; and instructions on recognizing and responding to persons with substance abuse disorders or mental illness. The bill requires an independent review of a use of force incident involving death or the intentional discharge of a firearm resulting in injury or death. It requires each agency to report on a quarterly basis use of force incidents that result in serious bodily injury, death, or the discharge of a firearm to the Florida Department of Law Enforcement. Finally, the bill prohibits a child younger than seven years from being arrested, charged, or adjudicated delinquent unless the violation of law is a forcible felony.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Marina Evacuations CS/CS/HB 223 (Plascencia)

The bill prohibits, upon issuance of a hurricane watch affecting the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of marinas that have been deemed not suitable for refuge during a hurricane. In addition, the bill requires vessel owners to promptly remove their vessels from the waterways upon issuance of an evacuation order by the seaport. The bill authorizes marinas to remove vessels in specified circumstances, authorizes marina owners to impose and collect fines, and extends certain liability protections to marina owners.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Notaries Public CS/HB 121 (Garrison)

The bill makes various changes to Florida's online notarization law. It requires the Remote Online Notary (RON) to store the video of a notary session and requires the platform to certify its compliance with Florida law annually to the Florida Department of State. The bill directs the Department of State to include a list of RON service providers on its website. It prohibits a RON

platform from selling its users' personal information. The bill allows court reporters to remotely swear in witnesses and newly admitted attorneys via audio-video communications technology. It provides that a principal does not need to satisfy a knowledge-based authentication and credential analysis if the online notary personally knows the principal. The bill provides that an employer who requires online notarizations may require an online notary public employee to use a particular RON service provider.

Effective date: January 1, 2022

Approved by Governor, Ch. 2021-___, Laws of Florida.

Preemption of Firearms & Ammunition Regulation

SB 1884 (Rodrigues)

The bill revises the current law preemption of local government regulation of firearms and ammunition. It provides that written or unwritten policies are subject to statutory provisions allowing for recovery of damages if such policies violate the statutory preemption. In addition, it provides that a plaintiff challenging a local government regulation concerning firearms is considered a prevailing plaintiff for purposes of recovering attorney fees when a governmental entity voluntarily changes a regulation while the regulation is being challenged.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-15, Laws of Florida.

Registration of Sexual Predators and Sexual Offenders

CS/SB 234 (Book)

The bill responds to a recent court decision in *State v. James*, 298 So. 3d 90 (Fla. 2d DCA 2020) and expresses legislative intent that a person's failure to pay a fine does not relieve him or her of the requirement to register as a sexual offender pursuant to s. 943.0435, F.S., and that a person must register as a sexual offender when he or she has been convicted of a qualifying offense and, on or after October 1997, has no sanction imposed upon conviction or has been released from a sanction imposed upon conviction. The bill revises the definition of "sexual offender" in section 943.0435, F.S. and makes conforming changes to other statutes to reflect this revision.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Safety of Religious Institutions

CS/CS/HB 259 (Byrd)

The bill authorizes a concealed weapons or firearms licensee to carry firearms on certain property of a church, synagogue, or other religious institution, regardless of whether the property is also used as a school. The bill specifically allows a religious institution, or the owner of property borrowed or used by a religious institution to continue to regulate and prohibit firearms on its own property.

Effective date: Upon becoming law.

Approved by Governor, Ch. 2021-__, Laws of Florida.

School Safety

CS/SB 590 (Harrell)

The bill addresses various issues associated with student safety in public and charter schools, including involuntary mental health examinations, parental notification of threats, emergencies and disciplinary incidents, crisis intervention, and codes of conduct. The bill requires all school safety officers to undergo crisis intervention training that includes de-escalation skills to ensure student and officer safety. It requires codes of student conduct to include criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest. The bill provides that school district policies must require that in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional, unless the child poses a danger to themselves or others, before initiating an involuntary examination.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Substance Abuse Services

CS/CS/SB 804 (Harrell)

The bill changes to provisions governing the licensure and regulation of substance abuse treatment programs, including recovery residences. The bill 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. The bill authorizes the Department of Children and Families (DCF) to suspend a service provider's license for failing to pay, within 60 days of a date set by the DCF, administrative fines and accrued interest regarding a disciplinary action taken against the service provider. The bill also mandates that a service provider pay fines and accrued interest resulting from violations of patient referral prohibitions within 60 days of a date specified by the DCF. If a service provider fails to remit payment within 60 days, the bill requires the DCF to immediately suspend the service provider's license.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Victims of Sexual Offenses

CS/CS/HB 1189 (Davis)

The bill establishes duties and functions for sexual assault response teams (SARTs) in Florida. In particular, the bill requires a SART to meet at least quarterly to ensure a coordinated multidisciplinary response to sexual assault; develop written protocols to govern the team's response to sexual assault, including, but not limited to, procedures for law enforcement response, evidence retention, and victim services; and promote and support the use of sexual

assault forensic examiners who have received a minimum of 40 hours of specialized training in providing trauma-informed medical care and the collection of evidence in sexual assault cases.

In addition, a SART must include the following members or their designees:

- The director of the local certified rape crisis center;
- A representative from the local county health department;
- The state attorney;
- The chief of a police department located in the county;
- The county sheriff;
- A forensic sexual assault nurse examiner; and
- A representative from a local hospital emergency department in the county or region.

The bill requires each county health department, or a county health department's designee, to participate in a SART coordinated by the certified rape crisis center serving a county or region, if a SART exists. The bill specifies that a certified rape crisis center serving a county may coordinate with community partners to establish a SART in a county or region if a SART does not currently exist.

The Florida Council Against Sexual Violence (FCASV) is required to provide technical assistance relating to the development and implementation of SARTs. The bill also requires the Criminal Justice Standards and Training Commission, in consultation with FCASV, to establish, by July 1, 2022 minimum standards for basic skills and continued education training for law enforcement officers, including a culturally responsive, trauma-informed response to sexual assault. The bill also requires each new recruit or currently employed law enforcement officer to complete such training before July 1, 2024.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Volunteer Ambulance Services CS/CS/CS/HB 805 (Caruso)

When authorized by the chief of police of municipality or the sheriff of a county, the bill authorizes vehicles of certain not-for-profit faith-based volunteer ambulance services to display red lights and operate emergency lights and sirens while responding to an emergency. Privately owned vehicles belonging to medical staff physicians and technicians of volunteer ambulance services are also authorized to use red lights on privately owned vehicles and to disregard specified traffic laws and ordinances while responding to an emergency. 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.

The bill exempts faith-based volunteer first responder agencies from the certificate of public convenience and necessity (COPCN) requirements if the agency:

- Has been operating in this state for at least 10 years;
- Has no for-profit subsidiaries;
- Is a not-for-profit corporation registered under ch. 617, F.S.;
- Uses volunteers to provide services;
- Does not operate for pecuniary profit or financial gain and does not distribute to or inure to the benefit of its directors, members, or officers any part of its assets or income;
- Does not receive government funds, however, may receive funding from specialty license proceeds;
- Has never had a license denied, revoked, or suspended;
- Provides free service; and
- Provides a management plan to DOH that includes a training program, complaint management system, accident or injury handling system, quality assurance program, and proof of adequate insurance requirements.

This exemption may be granted to no more than four counties and the service must comply with all other requirements for licensure. A county may not limit a volunteer ambulance service from responding to an emergency or providing emergency services within its jurisdiction.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-90, Laws of Florida.

Office of Minority Health and Health Equity

CS/HB 183 (Brown/Joseph)

The bill requires the Office of Minority Health and Health Equity within the Department of Health to develop, implement, and promote statewide policies, programs, and practices that increase health equity for racial and ethnic minority populations in Florida. The Office will coordinate with other agencies, organizations, and providers across the state to gather data regarding disparities in quality and access to health services for racial and ethnic minority populations. The Office also serve as liaison to, and assist the federal offices of Minority Health and Regional Health Operations.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Services for Veterans and Their Families

HB 231 (Zika)

This bill creates the Florida Veterans' Care Coordination Program through the Florida Department of Veterans' Affairs (FDVA). The program will provide veterans and their families behavioral health care referral services, primarily for mental health and substance abuse care. Through the Program, a veteran may call a separate veteran-dedicated support line to receive assistance and support from a fellow veteran trained to respond to the calls for assistance. If the FDVA creates the program, the bill authorizes the department to contract with a nonprofit entity with statewide phone capacity to serve veterans and that is accredited by the Council on

Accreditation and is fully accredited by the Alliance of Information and Referral Services. The contracting entity must enter into agreements with Florida 211 Network participants to provide services to veterans. The bill specifies program goals, services, and requirements. If the program is established, the FDVA must compile data collected by the Florida 211 Network into a report for the Governor, President of the Senate, and Speaker of the House of Representatives by December 15, 2022.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Florida Medicaid [Non-emergency Ambulance Services]

CS/SB 348 (Rodriguez)

The bill requires Florida Medicaid to reimburse for Medicare crossover claims for non-emergency ambulance services provided to persons enrolled in both Medicare and Medicaid. Under current law, Medicaid pays for emergency transportation crossover claims but not for non-emergency transportation crossover claims. The bill requires Florida Medicaid to pay all deductibles and coinsurance for Medicare-covered services provided to Medicare-eligible recipients by ambulances licensed pursuant to chapter 401, F.S., consistent with the corresponding procedure codes for such services.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida

Tobacco and Nicotine Products

CS/CS/SB 1080 (Hutson)

The bill revises the regulation of the retail sale of tobacco products and nicotine products. The bill increases the minimum age to lawfully purchase and possess tobacco products and nicotine products from 18 to 21 years of age, except the exemption in current law for underage persons in the military and persons acting in the scope of lawful employment is maintained. The bill creates a separate licensing structure for, the retail sale of “nicotine dispensing devices” and nicotine products. The bill requires applicants for a retail tobacco products dealer permit and a retail nicotine products dealer permit to be at least 21 years of age. The bill preempts to the state the establishment of a minimum age for purchasing or possessing tobacco or nicotine products and the regulation of the marketing, sale, or delivery of tobacco or nicotine products. In addition, the bill prohibits smoking and vaping by any person under 21 years of age on or near school property, and requires age verification before a sale or delivery of tobacco products and nicotine products to persons who appear to be under 30 years of age.

Effective date: October1, 2021.

Approved by Governor, Ch. 2021-14, Laws of Florida

Juvenile Justice Programs & Detention

CS/CS/HB 885 (Plasencia)

The bill creates the Accountability and Program Support Prevention program within the Department of Juvenile Justice. The bill amends current law to ensure a non-fiscally constrained county providing its own detention care is not required to participate in detention cost sharing. The bill repeals s. 985.686, F.S., the detention cost sharing plan between the DJJ and counties prior to 20216 which is now obsolete, and removes references to litigation concerning the obsolete plan.

The bill also requires a court to consider all of the following information relating to a child's failure to appear in court, before the court issuing an order to take a child into custody:

- Whether notice was sent to the child's address included in the official court records;
- Whether any person provided notice to the child in any format;
- If the child is represented by counsel, whether counsel for the child has information that the child's nonappearance was not willful or was otherwise beyond the child's control;
- Whether a DJJ representative contacted or attempted to contact the child; and
- Whether DJJ has any other specific information to assist the court in making the determination.

This bill further requires judges, the state attorney, the public defender, the regional counsel, and relevant law enforcement agencies in each judicial circuit to jointly develop a written plan specifying the alternative consequence components available when a juvenile commits a technical violation of his or her probation. Plans must be based on the principle that sanctions must consider and reflect:

- The severity of the technical violation;
- The child's individual criminogenic needs;
- The child's age and maturity level; and
- How effective the alternative component will be in motivating the child to comply with his or her probationary terms.

The bill requires that alternative consequence components be designed to provide swift and appropriate incentives, as well as consequences, for technical violations. While such alternative consequence components are not required, if a child's probation program includes an alternative consequence component, the bill requires the child's disposition order to specify the appropriate incentives intended to motivate the child toward compliant behavior, as well as the consequences, applicable to each technical violation.

The bill also amends current law to authorize DJJ, during fiscal year 2021-22, in consultation with the Department of Education, to evaluate the viability of an alternative model for providing and funding education services for youth in detention and residential facilities. The authorized evaluation must include material gathered through a request for information process, and the alternative model must provide for assessments and direct educational services, including, but

not limited to, special education and career and technical educational services; transition planning; educational program accountability standards; research-based best practices for educating justice-involved youth; and the recruiting, hiring, and training of teachers. Finally, the bill reenacts several corresponding statutes to incorporate changes made by the bill.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida

Nonopioid Alternatives

SB 530 (Perry)

The bill requires health care patients to be given a pamphlet, electronically or printed, containing information on the use of nonopioid alternatives for the treatment of pain. This pamphlet is required to be given to the patient if the patient receives anesthesia or is prescribed opioid medications.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-12, Laws of Florida

Clerks of the Circuit Court

CS/CS/SB 838 (Boyd)

The bill requires the Florida Clerks of the Court Operations Corporation to establish and maintain a budget reserve of up to 16% of the previous fiscal year's budget. The bill specifies that portions of certain service charges collected by a clerk of court that are required to be transferred to the General Revenue Fund only apply for performing services related to a "court record." The bill eliminates the requirement that \$20 of the \$100 appellate filing fee for an appeal from county court to circuit court be transferred to the General Revenue Fund. Additionally, the bill revises the procedure for clerks of the circuit court to receive payments for managing the jury process for the court system. The bill specifies that any fines, costs, service charges, and court costs are due to the clerk of court immediately upon assessment. Any person owing monies to the clerk who cannot immediately pay is required to contact the clerk to establish a payment plan. The bill requires an offender to contact the clerk of court within 30 days after his or her release to arrange the payment of all outstanding court obligations. The bill requires that notice of the availability of payment plans be provided to an individual that receives a traffic infraction or a notice of suspension of driving privileges.

Effective date: For the sections relating to the clerks' budget process changes, the effective date is upon becoming law. For the sections relating to the payment of juror costs, service charges, and correcting service charge cross-references, the bill is effective July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Transportation

Autonomous Vehicles

CS/CS/HB 1289 (McFarland)

The bill defines “low-speed autonomous delivery vehicle” as a fully autonomous vehicle that meets the federal rule definition of a low-speed vehicle and is not capable of human occupancy. It revises the current law definition of “personal delivery device” to include a specification that such device has a weight that does not exceed the maximum weight established by Department of Transportation rule. The bill authorizes the operation of a low-speed autonomous delivery vehicle on any road with specified restrictions. First, it may operate only on streets where the posted speed limit is 35 miles per hour or less (although it is permitted to cross other roads at intersections). Second, it may operate on streets with speed limits between 35 and 45 miles per hour under specified conditions. Third, it must be equipped with headlamps, stop lamps, turn signals, tail lamps, reflectors and identification numbers. Fourth, it must be insured. The bill maintains current law authority of a county or municipality to prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Bicycle and Pedestrian Safety

CS/SB 950 (Book)

The bill provides requirements for a vehicle passing a bicycle, electric bicycle, non-motorized vehicle, or pedestrian occupying the same travel lane, and provides that no-passing zones do not apply to drivers who safely and briefly drive to the left of the center of the roadway when passing the same. It requires a vehicle making a right turn while passing a bicycle traveling in the same direction, to do so only if the bicycle is at least 20 feet from the intersection. The bill authorizes groups of bicyclists, after coming to a complete stop, to proceed through an intersection in groups of 10 or fewer. It provides conditions under which bicyclists may ride two abreast. The bill also requires the Department of Highway Safety and Motor Vehicles to conduct an awareness campaign regarding vehicles passing bicycles, pedestrians, and non-motorized vehicles.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Bicycle Operation

HB 353 (Hage)

The bill authorizes a bicycle to be operated without a seat if it was designed by the manufacturer to be operated without one. In addition, the bill provides that a municipality, county, or state agency having jurisdiction over a beach or a dune is not prohibited from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-20, Laws of Florida.

Department of Transportation
CS/SB 1126 (Harrell)

CS/SB 1126 is the Florida Department of Transportation's (FDOT) legislative package for the 2021 Legislative Session. The bill adds road and bridge maintenance or construction vehicles to the list of vehicles subject to Florida's Move Over Law. The bill also 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. Additionally, it removes the July 1, 2021, expiration date for the Legislative Budget Commission chair and vice chair's authority to approve amendments to the FDOT's work program that transfer fixed capital outlay appropriations between categories or increase an appropriation category.

The bill further provides that the Department of Revenue is responsible for transferring the documentary stamp tax revenues distributed to the State Treasury and credited to the State Transportation Trust Fund (STTF) from the State Treasury to the General Revenue Fund. The bill moves the date from October 1 to August 1 for MPOs' to annually submit project priorities to FDOT districts for developing FDOT's tentative work program and MPO transportation improvement programs. The bill repeals provisions that require FDOT to provide space and video conference capability at each FDOT district office for persons requesting a hearing before the Commercial Motor Vehicle Review Board. Instead, the bill requires FDOT to allow such persons to appear remotely before the board via communications media technology that is authorized by existing Administration Commission rule. The bill gives rulemaking authority to FDOT to implement statutory provisions relating to airport zoning.

The bill repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) program and related provisions. More specifically, the bill creates programs related to arterial highway projects including upgrading existing arterial roadways with targeted improvements. FDOT must, by December 31, 2035, include in its work program the construction of controlled access facilities to achieve free flow of traffic on U.S. 19. Finally, the bill directs FDOT to identify and include in its work program projects to widen certain two-lane arterial rural roads serving high volumes of truck traffic to four lanes, and 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 determined by the FDOT and require the department to submit a summary report by December 31, 2022.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Diesel Exhaust Fluid
CS/HB 77 (Overdorf)

The bill requires the governing bodies of certain public airports to create a diesel exhaust fluid safety and mitigation plan for each fixed-base operator that performs onsite treatment of aviation fuel with a fuel system icing inhibitor. It authorizes the governing body to delegate the creation

and implementation of the plan to the airport's fixed-base operator. The plan must be approved by the governing body of the airport and submitted to the Florida Department of Transportation.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-61, Laws of Florida.

Highway Projects CS/SB 100 (Harrell)

The bill repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) program and replaces it with programs related to arterial highway projects. The bill does not change the amount of revenue distributed to the State Transportation Trust Fund but revises the authorized uses of the trust fund for purposes specified in the bill. It authorizes the Florida Department of Transportation (DOT) to upgrade existing arterial roadways with improvements, including new tolled or non-tolled limited access alignments. It prohibits a reduction of any non-tolled general use lanes of an existing arterial roadway, requires maintenance of existing access points, and limits the location of any tolling points in order to provide a non-tolled alternative for local traffic. It creates new sections of law relating to U.S. 19 controlled access facilities and directs DOT to include in its work program, by December 2035, construction of controlled access facilities beginning at the terminus of the Suncoast Parkway to a logical terminus on I-10 in Madison County. In addition, this section of the bill directs DOT to include in its work program projects to widen existing two-lane arterial rural roads to four lanes. Finally, the bill directs DOT to begin the next phase of extension of the Florida Turnpike from its northern terminus in Wildwood to a logical and appropriate terminus determined by DOT.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Operation & Safety of Motor Vehicles & Vessels CS/CS/SB 1086 (Hutson)

The bill amends numerous provisions of current law relating to boater safety, derelict vessels, marine sanitation devices, and recovery of space flight assets. The bill defines "human-powered vessel" and imposes requirements for the operation of human-powered vessels within the boundaries of a marked channel of the Florida Intracoastal Waterway. It designates Monroe County as an anchoring limitation area upon the county meeting certain conditions. It authorizes the Florida Fish and Wildlife Conservation Commission (FWCC) to establish anchoring/mooring/beaching/grounding protection zones for springs. The bill makes multiple revisions to laws governing derelict vessel identification and removal. It provides that officers may provide in-person notice that a vessel is at risk of becoming derelict if there is a body camera recording. The bill also authorizes specified officers and agencies to relocate an at-risk vessel to a location further from a mangrove or upland vegetation. The bill authorizes the FWCC to establish a derelict vessel prevention program, which may include provisions for removal of nuisance, derelict or at-risk vessels; a vessel "turn-in" program for owners; and removal of abandoned vessels. It authorizes local governments to enact and enforce regulations to remove an abandoned or lost vessel affixed to a public mooring. The bill specifies conditions under which vessels with repeated violations may be declared a public nuisance and provides requirements for

notice to vessel owners and remedies. It amends the definition of “derelict vessel” to include criteria for determining whether a vessel is considered wrecked, junked, or substantially dismantled. The bill prohibits the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to an applicant for a vessel that has been deemed derelict, and beginning in 2023, authorizes the agency to reject an application for a certificate of title for a vessel that has been deemed derelict. The bill amends provisions relating to anchoring or mooring limitations to clarify that distance restrictions apply to both public and private marinas and apply only to public vessel launching or loading facilities. It authorizes municipalities to establish boating-restricted areas within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet. It also authorizes local governments to establish vessel-exclusion zones within the portion of the Intracoastal Waterway within their jurisdictions, except local governments may not establish such a zone for public bathing beaches or swim areas within the waterway. The bill creates provisions addressing vessel speeds within specified distances of activated emergency vessels and construction barges. It requires owners or operators of live-aboard vessels to maintain documentation relating to marine sanitation devices. The bill establishes, upon approval by the Environmental Protection Agency, a no-discharge zone for all waters within aquatic preserves and provides for penalties for violation of the prohibition.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-___, Laws of Florida.

Transportation

CS/CS/CS/SB 1194 (Hooper)

The bill, among other things, authorizes a municipal or county governing body to abandon roads and rights of way dedicated in a recorded residential subdivision plat and to simultaneously convey the city’s or county’s interest to a community development district under specified conditions. For any project funded by DOT, but administered by a local government entity, the bill exempts airports defined in s. 332.004, F.S., from the prohibition that an entity performing the design work cannot be the same entity that performs construction engineering and inspection services. The bill increases the Governor’s appointees to the Greater Miami Expressway Authority from three to four. The additional appointee must still be a member of the MPO for Miami-Dade County, but that member would be appointed by the Governor, not by the MPO, and that member no longer has to be a resident of incorporated municipalities within the county as under current law. The bill creates s. 287.05705, F.S. relating to procurements of road, bridge, and other specified public construction services. The bill provides that, with respect to competitive solicitations procuring contractual services that are limited to the classes of work for which the DOT issues certificates of qualification and which services do not involve the construction, remodeling, repair, or improvement of any building, a governmental entity procuring such services may not prohibit a response from a vendor possessing a valid certificate of qualification under s. 337.14 or license under chapter 489 corresponding to the services being procured. This new section of law applies to all competitive solicitations issued by a governmental entity on or after October 1, 2021. The bill changes the name of the Tampa Bay

Area Regional Transit Authority MPO to the Chairs Coordinating Committee, clarifies the membership, and its operating procedures.

The bill includes, in part, the substance of CS/CS/CS/SB 426, by creating s. 311.25, F.S., relating to State Preemption of Seaport Regulations. The bill prohibits a local ballot initiative or referendum from restricting maritime commerce in all of Florida's seaports, including, but not limited to, regulations related to:

- Vessel type, size, number, or capacity;
- Number, origin, nationality, embarkation, or disembarkation of passenger or crew or their entry into this state or any local jurisdiction;
- Source, type, loading, or unloading of cargo; or
- Environmental or health records of a particular vessel or vessel line.

Any local ballot initiative or referendum that was adopted before, on, or after July 1, 2021, and any local law, charter amendment, ordinance, resolution, regulation, or policy adopted in such an initiative or referendum, is prohibited, void, and expressly preempted to the state. This includes the three referendums approved by City of Key West voters in the November 2020 General Election, which restricted the types of cruise vessels that could call on the Port of Key West.

Effective date: July 1, 2021.

Approved by Governor, Ch. 2021-__, Laws of Florida.

Updated: June 16, 2021