

Note: This presentation is a summary of legislation based on the bills and legislative staff reports. You are strongly encouraged to view the actual bills for the issues in which you are interested.

APA Florida

2021 Session Overview



May 14, 2021



American Planning Association
Florida Chapter

Creating Great Communities for All



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Blanton, FAICP**

APA Florida President Elect



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Magee**

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- Bill Tracking Report
- Legislative Reporters
- Planners Month in the Districts
- Public Policy Workshop
 - Feb. 25, 2021

APA Florida Bill Tracking Report 5.4.21 Ordered by Bill Number	
HB 0005	Civic Education Curriculum by Zika Civic Education Curriculum: Revises social studies high school graduation credit requirement; requires DOE to develop or approve integrated civic education curriculum that meets certain requirements; requires department to curate oral history resources to be used with such curriculum; requires department to approve civic education curricula submitted by school districts & charter schools. Effective Date: July 1, 2021 Actions 04/26/2021 SENATE Withdrawn from Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 1450; Read Second Time, Read Third Time; Passed (Vote: 40 Yeas / 0 Nays) 04/26/2021 HOUSE Ordered enrolled 04/26/2021 HOUSE Enrolled Text (ER) Filed
HB 0007	Civil Liability for Damages Relating to COVID-19 by McClure Civil Liability for Damages Relating to COVID-19: Provides requirements for civil action based on COVID-19-related claim; provides that plaintiff has burden of proof in such action; provides statute of limitations. Effective Date: upon becoming a law Actions 03/05/2021 HOUSE Read Third Time; Passed (Vote: 83 Yeas / 31 Nays) 03/18/2021 SENATE In Messages 03/22/2021 SENATE Received; Referred to Rules
HB 0011	Limitation on Terms of Office for Members of a District School Board by Sabatini Limitation on Terms of Office for Members of a District School Board: Proposing amendments to the State Constitution to limit the terms of office for a member of a district school board. Actions 11/30/2020 HOUSE Filed 01/15/2021 HOUSE Referred to Secondary Education & Career Development Subcommittee; Public Integrity & Elections Committee; Education & Employment Committee 01/15/2021 HOUSE Now in Secondary Education & Career Development Subcommittee
HB 0013	State Funds by Killbrew State Funds: Exempts State Housing Trust Fund & Local Government Housing Trust Fund from provision authorizing Legislature, in GAA, to transfer unappropriated cash balances from specified trust funds to Budget Stabilization Fund & General Revenue Fund. Effective Date: July 1, 2021 Actions 01/15/2021 HOUSE Referred to Infrastructure & Tourism Appropriations Subcommittee; Appropriations Committee 01/15/2021 HOUSE Now in Infrastructure & Tourism Appropriations Subcommittee 02/11/2021 Bill to be Discussed During the Office of ED's Revenue Estimating Impact Conference, 02/11/2021, 9:00 am, 117 K (No Votes Will Be Taken)
HB 0035	Legal Notices by Fine Legal Notices: Revising construction as to the satisfaction of publication requirements for legal notices; revising requirements for newspapers that are qualified to publish legal notices; authorizing the Internet publication of specified governmental agency notices on newspaper websites in lieu of print publication if certain requirements are met; requiring the Florida Press Association to seek to ensure equitable



The Legislative Update dated May 4 was sent with a review of HB 401 inadvertently omitted from the round up of bills covered. HB 401 ER deals with the application of building design elements to single-family and two-family dwellings. You can read the review of the bill below or [download the entire updated Sine Die bill review here](#).

Building Design Elements: [HB 401 ER](#) (Rep. Fetterhoff) deals with the Florida Building Code but was amended on the floor to include language dealing with the application of building design elements similar to that included in HB 55 and SB 284.

HB 401 ER amends s.163.3202 F.S. to add a new subsection (5) which states that land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:

- the dwelling is listed in the National Register of Historic Places, as defined in s. 267.021(5); is located in a National Register Historic District; or is designated as a historic property or located in a historic district, under the terms of a local preservation ordinance;
- the regulations are adopted in order to implement the National Flood Insurance Program
- the regulations are adopted pursuant to and in compliance with chapter 353;
- the dwelling is located in a community redevelopment area, as defined in s. 163.340(10);
- the regulations are required to ensure protection of coastal wildlife in compliance with s. 161.052, s. 161.053, s.161.0531, s. 161.085, s. 161.163, or chapter 373;
- the dwelling is located in a planned unit development or master planned community created pursuant to a local ordinance, resolution or other final action approved by the local governing body; or
- the dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board.

Building design elements means the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms.

The bill states that this term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot, or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.

APA Florida

- Fall 2021 ~ Planners Month in the Districts
 - Members will meet with their legislators ahead of 2022 session.



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2021 PRIORITIES:

- ECONOMIC RELIEF**
 - State financial assistance for local and regional programs to aid economic resilience.
- REGIONAL TECHNOLOGY INVESTMENT**
 - Sunshine Law amendments to promote virtual tools to increase public access and transparency.
- FULLY FUNDED AFFORDABLE HOUSING**
 - Sadowski State and Local Housing Trust Fund.
- PREEMPTION**
 - No erosion of local authority to fund and implement planning and design policies and practices.

ECONOMIC RECOVERY & RESILIENCE

The COVID-19 pandemic put a spotlight on Florida's economic vulnerability from an emphasis on tourism, real estate transactions and retail sales. Communities may be forced to cut budgets and delay projects to account for revenue losses. APA Florida supports state financial assistance for local and regional programs and initiatives, as well as a renewed focus on economic resilience through tools and programs which enable a more diversified economy.

VIRTUAL MEETINGS & BROADBAND INVESTMENT

One lesson from COVID-19 is the added value of virtual meetings to expand access and increase participation in public decision-making. APA Florida supports modest changes in Florida's Government in the Sunshine Law to enable local governments to hold meetings virtually as a tool to increase access and transparency, streamline operations and lower costs of public service, and enhance public records availability. APA Florida also recognizes this as an equity issue that requires state assistance in broadband technology investments and low-cost access to high-speed internet service.

ECONOMIC WORKFORCE HOUSING

Housing that is affordable is an essential component of accessibility to community and regional assets and economic development. APA Florida supports efforts to identify and remove regulatory, social and economic barriers to housing affordability. APA Florida further supports efforts of public and private housing partners to develop and implement incentive strategies, including fully funding the Sadowski State and Local Housing Trust Fund.

PREEMPTION OF LOCAL GOVERNMENT AUTHORITY

APA Florida supports local government authority to fund and implement sound planning and design practices that respect local community values and character, and opposes preemption or incremental erosion of local planning, zoning, regulatory and taxing authority.

American Planning Association Florida Chapter florida.planning.org/advocacy

APA

Planners Advocacy Network:

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- Receive regular policy updates coming out of Washington
- Influence federal and state policy outcomes
- Access to exclusive tips, training, and advocacy tools
- Special registration rates for APA's annual Policy and Advocacy Conference
- Join: planning.org/advocacy



2021 Session Bill Statistics

Senate and House Bills	Filed	Passed Both Chambers
Concurrent Resolutions	6	1
Resolutions (One chamber)	98	0
General Bills	1839	248
Local Bills	52	24
Joint Resolutions	24	2
Memorials	17	0
Appropriation Projects (House)	1060	0
TOTALS	3096	275*

* One Chamber Resolutions Not Included

Session Overview

Budget

- Total: \$101.5 billion
- \$10 billion in anticipated federal relief pandemic funds

Session Context



What Did Not Pass?



Bills that failed would:

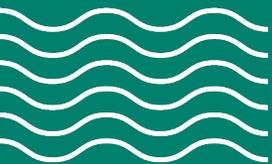
- Abolish **Regional Planning Councils** (SB 62)
 - Create an **Office of Diversity, Equity, and Inclusion** in the Governor's Office (SB 180, HB 275)
 - Make various changes to **vacation rental** legislation (HB 219, SB 522, HB 1481, SB 1988)
 - Create the **Statewide Office of Resiliency** within the Governor's Office (HB 315, SB 514)
 - Prohibit drilling for oil or gas within the **Everglades Protection Area** (HB 333, SB 722)
 - Establish a schedule for **systematic review of occupational regulatory programs** (SB 344, HB 471)
- 

Bills that failed would:

- Increase the number of elector voters required to approve **constitutional amendments** (HB 61, SB 1238)
 - Create the **Energy 2040 Task Force** within the Public Service Commission (SB 136)
 - Create an **Electric Vehicle** Grant Program and other changes related to these vehicles (SB 138, SB 140, HB 817, HB 819)
 - Establish residency requirements for certain **affordable housing** (HB 159)
 - Prohibit **fracking** (SB 546, HB 1575)
 - Repeal **preemption of tree pruning**, trimming and removal (SB 596, HB 6023)
- 

Bills that failed would:

- Require **charter schools and private schools** to comply with state requirements for education facilities in the Florida Building Code (HB 641, SB 254)
 - Authorize local government to establish a **sanitary sewer lateral inspections** program (SB 1058, HB 773)
 - Impact the use of **mid-block crosswalks and rapid flash beacons** (HB 1113, SB 1412)
 - Require school districts to provide for **remote operation of public schools** (SB 1228)
 - Allow local governments to waive fees and exempt permits related to construction of **affordable housing** (SB 1648, HB 1017)
- 



What Did Pass?



Growth Management (HB 59):

- Requires a local comprehensive plan to include a property rights element by the next proposed plan amendment initiated after July 1, 2021 or by the next EAR, whichever is earlier
- Provides a model statement of property rights, and local governments may incorporate the suggested language directly into their comprehensive plan; if they adopt their own element, it may not conflict with the statement of rights
- Includes four rights that must be considered by local governments in decision process:
 - the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights
 - the right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances
 - the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property
 - the right of the property owner to dispose of his or her property through sale or gift

HB 59 continued:

- Amends s.163.3167(3), F.S., to provide that a local comprehensive plan for a newly incorporated municipality effective, rather than adopted, after Jan. 1, 2016, and all land development regulations adopted to implement the plan, must incorporate development orders existing before the plan's effective date
 - Amends s.163.3237, F.S., to allow a party or its designated successor in interest to a development agreement and a local government to amend or cancel the agreement without the consent of other property owners whose property was originally subject to the agreement, unless the change directly modifies the allowable uses or entitlements of such owners' property
 - Requires the Florida Department of Transportation, when disposing of property it no longer needs, to provide a right of first refusal to the property's prior owner and provides a process for implementing this right of first refusal. The right of first refusal may not be required for the disposal of property acquired more than 10 years before the date of disposition by the department
- 

HB 59 continued:

- Specifies that development agreements for essentially built out developments of regional impact may be amended using the processes adopted by local governments for amending development orders and specifies that such amendment may authorize the developer to exchange approved land uses subject to a demonstration that the exchange will not increase impacts to public facilities. This applies to agreements and amendments effective on or after April 6, 2018.
 - Effective Date: July 1, 2021
 - Not yet submitted to Governor as of May 13, 2021
- 

Building Design Elements (HB 401):

- Bill is actually one that deals with the Florida Building Code. Building Design Elements language added on the Senate floor
- Creates new subsection 163.3202(5)
- Building design elements are defined to include:
 - External color
 - Type or style of exterior cladding material
 - Style or material of roof structures or porches
 - Exterior nonstructural architectural ornamentation
 - Location or architectural styling of windows or doors
 - Location or orientation of the garage
 - Number type of rooms
 - Interior layout of rooms
- Does not include:
 - height, bulk, orientation, or location of a dwelling on a zoning lot
 - use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors

HB 401 continued:

- Provides that land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:
 - the dwelling is listed in the National Register of Historic Places, as defined in s. 267.021(5); is located in a National Register Historic District; or is designated as a historic property or located in a historic district, under the terms of a local preservation ordinance;
 - the regulations are adopted in order to implement the National Flood Insurance Program;
 - the regulations are adopted pursuant to and in compliance with chapter 553 (building construction standards);
 - the dwelling is located in a community redevelopment area, as defined in s. 163.340(10);
 - the regulations are required to ensure protection of coastal wildlife in compliance with specified statutes (coastal construction and water resources);
 - the dwelling is located in a planned unit development or master planned community created pursuant to a local ordinance, resolution or other final action approved by the local governing body or
 - the dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board
- 

HB 401 continued:

- Defines planned unit development or master planned community as an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots
 - States that this subsection does not affect the validity or enforceability of private covenants or other contractual agreements relating to building design elements
 - Effective Date: July 1, 2021 unless otherwise expressly provided
 - Not yet submitted to Governor as of May 13, 2021
- 

Growth Management (HB 487):

- Increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres
- Increases the maximum acreage for a small-scale comprehensive plan amendment within a rural area of opportunity from 20 acres to 100 acres
- Allows any landowner with a development order existing before municipal incorporation to abandon the order and develop the vested density and intensity pursuant to the municipality's comp plan and LDRs as long as:
 - the vested uses, density and intensity are consistent with the local plan, and
 - all existing obligations in the development order regarding concurrency remain
- Allows an entity created by interlocal agreement between local governments to acquire title to any water or wastewater plant utility facilities, other facilities, or property acquired by the use of eminent domain if 10 or more years have passed since the date of eminent domain acquisition
- Effective Date: July 1, 2021
- Not yet submitted to Governor as of May 13, 2021

Renewable Energy (SB 896):

- Requires solar facilities to be 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
- Requires solar facilities to comply with setback and landscaped buffer area criteria for similar uses in the agricultural district
- Allows a county to adopt ordinances specifying buffer and landscaping requirements for solar facilities but these requirements may not exceed those of similar uses involving construction of other facilities permitted in agricultural land use categories and zoning districts
- Does not apply to any site that was the subject of an application to construct a solar facility submitted to local government before July 1, 2021
- Effective Date: July 1, 2021
- Not yet submitted to Governor as of May 13, 2021

Impact Fees (HB 337):

- Amends s. 163.31801, F.S.
- Provides that local governments, school districts and special districts may only increase impact fees as follows:
 - for an increase of not more than 25 percent, the increase must be implemented in two equal annual increments beginning with the date the increased fee is adopted
 - for an increase of greater than 25 percent but not more than 50 percent, the increase must be implemented in four equal annual increments beginning with the date the increased fee is adopted
 - impact fees may not be increased by more than 50 percent
 - impact fees may not be increased more than once every four years
 - Impact fees may not be increased retroactively for a previous or current fiscal or calendar year

HB 337 continued:

- May bypass these limitations only if:
 - a demonstrated need study justifying the increase has been completed within the 12 months before the adoption of the increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitation
 - the local jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances, and
 - the impact fee increase ordinance is approved by at least a two-thirds vote of the governing body
 - Provides that these provisions operate retroactively to January 1, 2021
 - Defines public facilities as having the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities
 - Requires special districts to credit any contribution to public facilities against impact fees
- 

HB 337 continued:

- Defines infrastructure as:
 - A fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years
 - Related land acquisition, land improvement, design, engineering, and permitting costs
 - Other related construction costs required to bring the public facility into service
 - Includes fire department vehicles, emergency medical service vehicles, sheriff's office vehicles, police department vehicles, school buses, and the equipment necessary to outfit such vehicles or buses for their official use
 - Includes new facilities as defined in s.191.009(4) for independent fire service districts

HB 337 continued:

- Amends requirements for local governments and special districts to credit contributions against impact fees:
 - Requires that contributions to the improvement of infrastructure must be credited
 - Requires that credits must be applied on impact fees collected for the general category or class of public facilities or infrastructure for which the contribution was made
 - Provides that credits may not be applied if the local government or special district does not charge and collect an impact fee for the general category or class of public facility contributed
 - Provides that existing provisions that allow impact fee credits to be assignable and transferable to other parcels under certain circumstances apply to all impact fee credits regardless of whether the credits were established before or after the effective date of this act
 - Effective Date: Upon becoming law
 - Not yet submitted to Governor as of May 13, 2021
- 

Home-based Businesses (HB 403):

- Creates s.559.955, F.S.
- States that local government may not enact or enforce any ordinance, regulation or policy, or take any action to otherwise regulate a home-based business in violation of this section
- Allows home-based businesses to:
 - Operate in an area zoned for residential use
 - Not be prohibited, restricted, regulated or licensed in a manner that is different from other businesses in the jurisdiction, except as otherwise provided by this section
 - Be only subject to applicable business taxes under chapter 205 in the county and municipality in which it is based

HB 403 continued:

- A business is considered to be a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:
 - Employees who work at the residential building must also reside at the dwelling, except that up to a total of two employees or independent contractors who are not residents may work at the dwelling; business may also have additional remote employees that do not work at the residential dwelling
 - Parking complies with local zoning ordinances and the need for parking may not be greater in volume than would normally be expected at similar residence where no business is conducted
 - Use of vehicles or trailers operated or parked at the business or on a street right-of way may be regulated by local government, provided that the regulations are not more stringent than those for a residence where no business is conducted
 - Vehicles and trailers connected with the 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
 - Parking and storage of heavy equipment at the business that is visible from the street or neighboring property may be regulated by local government
- 

HB 403 continued:

- Use of the residential property, as viewed from the street, is consistent with the uses of the residential areas surrounding the property
 - External modifications to the dwelling to accommodate the home-based business must conform to the residential character and architectural aesthetics of the neighborhood
 - Retail transactions may not be conducted at a structure other than the residential dwelling; however incidental business uses and activities may be conducted at the residential property
 - Activities of the home-based business are secondary to the property's use as a residential dwelling
 - Business activities comply with any relevant local/state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fume, or noxious odors; however local regulations may not be more stringent than those that apply to a residence where no business is conducted
 - Business activities comply with any relevant local/state/federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquid; however local regulations may not be more stringent than those that apply to a residence where no business is conducted
- 

HB 403 continued:

- Provides that any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section and the prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs
 - States bill provisions do not supersede any current or future declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration of covenants adopted pursuant to chapter 720
 - States that bill provisions do not supersede any local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509
 - Effective Date: July 1, 2021
 - Not yet submitted to Governor as of May 13, 2021
- 

Cottage Food Operations (HB 663):

- Preempts the regulation of cottage food operations to the state
- Provides that a local law, ordinance, or regulation may not prohibit a cottage food operation or regulate the preparation, processing, storage, or sale of cottage food products by a cottage food operation
- Requires a cottage food operation to comply with the conditions for the operation of a home-based business
- Allows cottage food operations to operate as a business entity, as opposed to a person
- Allows cottage food products to be produced or packaged at the residence of a natural person who has an ownership in the entity
- Increases allowable gross sales for cottage food operations from not exceeding \$50,000 to not exceeding \$250,000

HB 663 continued:

- Allows cottage food products to be sold, offered for sale, paid for, and delivered by mail
- Effective Date: the same date that HB 403 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law
- Not yet submitted to Governor as of May 13, 2021

Relief from Burdens on Real Property Rights (HB 421):

- Makes a number of changes to the Bert Harris Act
- Amends s. 70.001(2) to provide that a property owner entitled to relief under the Bert Harris Act retains such entitlement, and thus may pursue the claim, if the property owner filed a claim but subsequently relinquishes title to the subject real property before the claim's resolution
- Amends s.70.001(3) to:
 - Define “action of a governmental entity” to include adopting or enforcing any ordinance, resolution, regulation, rule or policy
 - Amend “real” property to include any legal interest in land, including surface, subsurface, and mineral estates and only other relevant land interest held by any property owner
- Amend s. 70.001(4)(a) to reduce the timeframe under which a claimant must notify the government before filing an action from 150 days to 90 days
- Amends s.70.001(4)(d) to specify that written settlement offers are presumed to protect the public interest
- Amends s. 70.001(5) to reflect the change from 150 days to 90 days for notice

HB 421 continued:

- Amends s. 70.001(6)(b) to allow the claimant to have the court, rather than a jury, determine damages
 - Amends s. 70.001(6)(c) to clarify that the property owner, if prevailing in the action, to recover attorney fees and costs incurred from the time the claimant files notice with the government instead of from the time the claimant files suit. Existing language that requires the court to determine that settlement offers did not constitute a bona fide offer is deleted
 - Amends s. 70.001(11) to:
 - Provide that if notice to an affected property owner, informing them that a law or regulation may impact property rights, is not provided after a law or regulation's enactment, the property owner may, at any time after enactment, notify the governmental entity in writing by certified mail and e-mail, if available, that the property owner deems the law or regulation's impact on the property owner's real property to be clear and unequivocal in its terms and, as such, restrictive of allowable uses
 - Give the local government 45 days from receipt of the notice to respond in writing by certified mail and, if available, e-mail to describe the limitations imposed on the property by the law or regulation
 - Provide that the property owner is not required to formally pursue an application for a development order, development permit, or building permit to bring a claim under the Bert Harris Act, but any such claim must be filed within one year after the date the property owner receives the governmental entity's notice of the limitations on use imposed on the property
- 

HB 421 continued:

- Revises s.70.45 to:
 - Clarify that, with respect to an action challenging an unlawful exaction, the property owner has the discretion to take action either when the exaction is actually imposed or when it is required in writing as a final condition of approval.
 - That the property owner may sue as soon as he or she must comply with the exaction or condition of approval
 - Define “imposed” or “imposition as it relates to a prohibited exaction or condition of approval to refer to the time at which the property owner must comply with the prohibited exaction or condition of approval
 - Specifies that the changes to 70.001(4), (5), (6), and (11) and 70.45, Florida Statutes apply only to Bert Harris Act claims brought in response to government actions taken on or after July 1, 2021, which is 90 days before the bill’s effective date
 - Revises the definitions of the terms “land” and “real property” under the Florida Land Use and Environmental Dispute Resolution Act to have the same meaning as “real property” under the Bert Harris Act
 - Effective Date: October 1, 2021
 - Not yet submitted to Governor as of May 13, 2021
- 

Broadband Internet Service (HB 1239):

- Creates two new programs to support the expansion of broadband internet service
- Creates s.288.9962 F.S. to establish the Broadband Opportunity program with the Office of Broadband (Office)
 - Designed to award grants to applicants who seek to install or deploy infrastructure that expands broadband service to unserved areas
 - Establishes the types of entities eligible for such grants, provides application requirements and evaluation criteria
 - Requires the Office to enter into an agreement with each grant recipient that specifies performance conditions, including potential sanctions for failure to meet these conditions
 - Limits grant awards to 50 percent of the total cost of a project
 - Specifies that a single project may not be awarded a grant in excess of \$5 million
 - Prohibits grant awards for projects that receive other federal funding

HB 1239 continued:

- Creates s. 288.9963 F.S. dealing with the attachment of broadband facilities to municipal electric utility poles:
 - Requires municipal electric utilities, through July 1, 2024, to offer broadband service providers a discounted rate of one dollar per attachment per year for any new pole attachment necessary to make broadband service available to unserved or underserved consumers within the utility's service territory
 - Provides safety and reliability standards for pole attachments and specifies each party's responsibility for costs associated with replacement poles necessary to make attachments
 - Prohibits municipal electric utilities from raising their current pole attachment rates for broadband providers between July 1, 2021 and July 31, 2022
 - Requires local technology planning teams established by the Office to work with rural communities to help identify unserved and underserved consumers
 - Requires local technology planning teams to work with rural communities and broadband providers to identify opportunities and reduce barriers to the deployment of service
- 

HB 1239 continued:

- Amends the information required to be included in the strategic plan, addressing broadband internet service in the state, that is currently required to be developed by the Office, and requires it be submitted to the Governor, Senate President and House Speaker by June 30, 2022
 - Appropriates \$1.5 in non-recurring general revenue funds to DEO to develop geographic information system maps of broadband internet service availability through the state, to be completed by June 30, 2022
 - Effective Date: July 1, 2021
 - Signed by Governor on May 7, 2021
- 

Highway Projects (SB 100):

- Repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) program and related provisions
- Creates instead programs related to arterial highway projects
- Requires that the Florida Department of Transportation (FDOT), in coordination with the Florida Turnpike Enterprise, evaluate existing roadways or portions thereof for development of specific controlled access facilities and include such programs in the work program
- Authorizes FDOT to upgrade existing arterial roadways with targeted improvements, such as adding new tolled or non-tolled limited access alignments to manage congestion points and retrofitting roadways with tolled or non-tolled grade separations that provide alternatives to a signalized intersection for through traffic
 - improvements must be made with the goal of enhancing the economic prosperity and preserving the character of the communities impacted by the improvements
- Prohibits reduction of any non-tolled general use lanes of an existing facility, requires maintenance of existing access points and provision of access to property owners with no existing access, and limits the location of any tolling points such that a non-tolled alternative exists for local traffic

SB 100 continued:

- Subjects portions of any project to be tolled to federal and state environmental reviews and generally to the same review and development requirements and processes as are currently applicable to the FDOT's projects
 - Requires FDOT to take in consideration the guidance and recommendations of any previous studies or reports relevant to the projects, including but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida
 - Requires that any existing applicable requirements relating to turnpike projects apply to projects undertaken by the Turnpike Enterprise pursuant to this section
 - Requires the Turnpike Enterprise to take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects authorized by this section and ss. 339.67 and 339.68, including, but not limited to the task force reports prepared pursuant to chapter 2019-43, Laws of Florida
 - Requires the Turnpike Enterprise to take into consideration the guidance and recommendations of any previous studies or reports with respect to any extension of the Florida Turnpike from its northerly terminus in Wildwood
- 

SB 100 continued:

- Directs FDOT to consider innovative concepts to combine right-of-way acquisition with the acquisition of lands or easements to facilitate environmental mitigation or ecosystem, wildlife habitat, or water quality protection or restoration
 - States that to the greatest extent practicable, roadway alignments, project alignment, and interchange locations shall be designed so that project rights-of-way are not located within the conservation lands acquired under the Florida Preservation 2000 Act and the Florida Forever Act
 - Directs the FDOT to develop and include in the work program, construction of controlled access facilities to achieve free flow of traffic on U.S. 19, beginning at the terminus of the Suncoast Parkway 2 Phase 3 north to a logical terminus on Interstate 10 in Madison County:
 - Requires the facility to be developed using existing roadway or portions of existing roadway
 - Requires, to the maximum extent feasible, the facilities shall be developed no later than December 31, 2035
 - Directs the FDOT to identify and include in the work program projects to widen certain two lane arterial rural roads serving high volumes of truck traffic to four lanes and provides funding for such projects
- 

SB 100 continued:

- Directs the FDOT to begin the project development and environmental phase for a project to extend the Florida Turnpike from its current terminus in Wildwood to a terminus as determined by the FDOT, and to submit a summary status report to the Governor, Senate President and House Speaker by December 31, 2022
 - Retains in the State Transportation Trust Fund (STTF) the revenue redirected to it as a result of the 2019 M-CORES legislation for purposes of funding the authorized controlled access facility projects and widening projects on arterial rural highway
 - Effective Date: July 1, 2021
 - Not yet submitted to Governor as of May 13, 2021
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Statewide Flooding and Sea Level Rise Resilience (SB 1954):

- Creates the “Resilient Florida Grant Program” within the Department of Environmental Protection (DEP) that provides funding, subject to appropriation, to local governments for the costs of community resilience planning and the necessary data collection for such planning, including:
 - Comprehensive amendments and necessary corresponding analyses that address the requirements of s. 163.3187(2)(f)
 - Vulnerability assessments that identify or address risks of flooding and sea level rise
 - Development of projects, plans, and policies that allow communities to prepare for threats from flooding and sea level rise; and
 - Projects to adapt critical assets to the effects of flooding and sea level rise
- Provides that the vulnerability assessments must encompass the entire jurisdiction and include all critical assets owned or maintained by the grant applicant unless DEP approves something smaller
- Requires the assessment to include an analysis of the vulnerability of and risks to critical assets, including regionally significant assets, owned or managed by the county or municipality

SB 1954 continued:

- Creates the “Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment” to be updated every five years
- Requires DEP to:
 - by July 1, 2022, develop a statewide data set sufficient to conduct a statewide flood vulnerability and sea level rise assessment
 - by July 1, 2023, develop a statewide assessment, based on the statewide data set, that identifies inland and coastal infrastructure, geographic areas, and communities in the state that are vulnerable to flooding and sea level rise and the associated risks

SB 1954 continued:

- Creates the Statewide Flooding and Sea Level Rise Resilience Plan
 - Requires DEP, starting by December 1, 2021, annually submit a plan on a 3-year planning horizon which includes ranked projects that address risks of flooding and sea level rise to coastal and inland communities
 - Restricts the total amount of funding proposed for each year of the plan to \$100 million dollars
 - Requires each project included in the plan to have a minimum 50 percent cost-share unless the project assists or is within a financially disadvantaged small community as defined in the bill
 - Allows local governments and regional resilience entities, water management districts and flood control districts to evaluate projects and annually submit project lists to DEP
 - Requires DEP to implement a scoring system for assessing projects for inclusion in the plan, including the criteria and tiers identified in the bill
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SB 1954 continued:

- Authorizes local governments to form regional resilience entities whose responsibilities include planning for the resilience needs of communities and coordinating intergovernmental solutions to mitigate adverse impacts of flooding and sea level rise
 - Authorize DEP to provide funding to these regional resilience entities for specified activities
 - Establishes the Florida Flood Hub for Applied Research and Innovation at the University of South Florida to coordinate and lead statewide efforts for research and innovation regarding flooding and sea level rise
 - Requires the Office of Economic and Demographic Research to include an analysis of the cost of specified resilience efforts in its annual assessment of Florida's water resources and conservation lands, beginning with the one due by January 1, 2021
 - Effective Date: Upon becoming law
 - Approved by Governor on May 12, along with SB 2514 which provides funding for this effort
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Express Preemption of Fuel Retailers and Related Transportation Infrastructure (HB 839):

- Expressly preempts to the state specific aspects of regulating fuel retailers and related transportation infrastructure
- Creates s.377.707, F.S.
- Defines the term “fuel retailer” as a fuel station or retail site that sells fuel to provide power to vehicles
- Defines "Related transportation infrastructure" is defined as storage tanks, pipelines, or any related equipment that is necessary to deliver fuel to a fuel retailer or dispense fuel at a fuel retailer
- Prohibits a municipality, county, special district, or political subdivision from:
 - adopting a law, an ordinance, a regulation, a policy, or a resolution that prohibits the siting, development, or redevelopment of a fuel retailer or the related transportation infrastructure that is necessary to provide fuel to a fuel retailer within the entirety of the jurisdictional boundary

HB 839 continued:

- Prohibits a municipality, county, special district, or political subdivision from:
 - adopting or applying a law, an ordinance, a regulation, a policy, or a resolution that results in the de facto prohibition of a fuel retailer or the related transportation infrastructure that is necessary to provide fuel to a fuel retailer within the entirety of the jurisdictional boundary
 - requiring a fuel retailer to install or invest in a particular kind of fueling infrastructure, including, but not limited to, electric vehicle charging stations
- Provides that this does not preempt a municipality, county, special district, or political subdivision from adopting and implementing a law, an ordinance, a regulation, a policy, or a resolution that is not otherwise inconsistent with general law relating to the siting, development, or redevelopment of fuel retailers or related transportation infrastructure necessary for them to provide fuel, if it does not result in a de facto prohibition of fuel retailers or related transportation infrastructure necessary to provide fuel to fuel retailers from being sited, developed, or redeveloped within zoning or land use classifications where such infrastructure is consistent with other allowable uses
- Effective Date: July 1, 2021
- Not yet submitted to Governor as of May 13, 2021

Documentary Stamp Tax Distribution (SB 2512):

- Revises the distribution of the documentary stamp tax, reducing the amount that is designated for the housing trust funds to \$209 million
- Diverts revenue to grant programs to upgrade wastewater treatment and projects related to sea level rise
- Includes language that says that funds distributed to the housing trust funds may not be transferred to the general revenue fund in the general appropriations act
- Effective Date: July 1, 2021, only if SB 1954 or similar legislation and SB 2514 or similar legislation are adopted in the same legislative session or an extension thereof and become law
- Not yet submitted to the Governor as of May 13, 2021

Also passed but not yet submitted to Governor:

- **Abolishing the Constitution Revision Commission:** SB 204 requires a constitutional amendment to repeal provisions establishing the Constitution Revision Commission be placed on the 2022 General Election ballot
- **Protection of Ecological Systems:** SB 976 creates the “Florida Wildlife Corridor Act” to create incentives for conservation and sustainable development while sustaining and conserving the green infrastructure that is the foundation of the state’s economy and quality of life (identified effective date of July 1, 2021.)
- **Bicycle and Pedestrian Safety:** SB 950 addresses issues related to bicycle and pedestrian safety (identified effective date of July 1, 2021.)
- **Preemption of Local Occupational Licensing:** HB 735 preempts the licensing of occupations to the state and supersedes any local government licensing of occupations with some exceptions (identified effective date of July 1, 2021.)

Also passed but not yet submitted to Governor:

- **Building Inspections:** HB 667 requires local enforcement agencies to allow requests for inspections to be submitted electronically and clarifies that any government entity with authority to enforce the Building Code may perform virtual inspections at the discretion of the government entity (identified effective date of July 1, 2021.)
 - **County and Municipal Code Enforcement:** SB 60 prohibits county or municipal code inspectors or code enforcement officers from investigating potential violations based on an anonymous complaint unless they have reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources (identified effective date of July 1, 2021.)
 - **Reclaimed Water:** SB 64 (Sen. Albritton) includes provisions related to elimination of non-beneficial surface water discharge by domestic wastewater utilities, potable reuse projects, and incentives for use of greywater technologies (identified effective date of upon becoming law.)
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Also passed but not yet submitted to Governor:

- **School District Funding:** HB 827 provides additional requirements for school districts' allocation of the AICE bonus funds to school programs (identified effective date of July 1, 2021.)
 - **Construction Permits:** HB 1059 amends requirements for what building permit information must be posted on county websites, provides deadlines for review of county and municipal building permit applications, and identifies fee reductions if deadlines are not met (identified effective date of October 1, 2021.)
 - **Department of Transportation:** SB 1126 is FDOT's legislative package and, among other things, includes the language also found in SB 100 ER (discussed below) related to arterial highway upgrades, US 19, arterial highway projects and the Florida Turnpike Extension (identified effective date of July 1, 2021.)
 - **Legal Notices:** HB 35, among other things, provides criteria that newspapers must meet in order to be used to publish legal notices, provides for website publication of legal notices and includes criteria for such publication (identified effective date of January 1, 2022.)
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Also passed but not yet submitted to Governor:

- **Tolling and Extension of Permits:** SB 912 adds certain DEP or WMD issued for land subject to a development agreement under ss. 163.3220-163.3243 , and expiration dates of certain development permits or agreements (identified effective date of upon becoming law)
- **Regulation of Seaports:** SB 1194 provides that, for any port that has received or is eligible to receive state funding under Chapter 311, a local ballot initiative or referendum may not restrict maritime commerce in such a port including, but not limited to, restricting such commerce based on certain criteria; aimed at Key West (identified effective date of July 1, 2021)

Also passed and signed by Governor:

- **Farming Operations:** SB 88 amends the Florida Right to Farm Act to provide stronger liability protections to farms. This bill was signed by the Governor on April 29 and becomes effective on July 1, 2021.



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Questions?