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## 2021 Legislative Session Update

The 2021 Legislative Session is in full swing!! Our Legislative Committee Chair, Stephen Timberlake, has created an overview to help you understand the issues and to see how FGFOA works with lobbyist from the Florida League of Cities to effect change in Tallahassee.

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We are approaching the halfway point of the legislative session for 2021. The 2021 session has been relatively quiet for areas that have an impact of the finance.

Thus far, the Legislative Committee has been asked for feedback on three bills. The most impactful bill to FGFOA members that we have given feedback on so far is House Bill 1.

**HB 1 Combating Public Disorder** passed the House on 3/26/2021 and is headed to the Senate. The description of the bill is as follows:

Combating Public Disorder; Authorizing specified elected officials to file an appeal to the Administration Commission if the governing body of a municipality makes a specified reduction to the operating budget of the municipal law enforcement agency; providing that a municipality has a duty to allow the municipal law enforcement agency to respond to a riot or unlawful assembly in a specified manner based on specified circumstances; reclassifying the penalty for an assault committed in furtherance of a riot or an aggravated riot; prohibiting cyber intimidation by publication; prohibiting a person from willfully participating in a specified violent public disturbance resulting in specified damage or injury; creating an affirmative defense to a civil action where the plaintiff participated in a riot, etc.

The committee's feedback focused on the loss of home rule powers and the potential impact to fiscal budgets for law enforcement. This bill allows for a single citizen to appeal any law enforcement budget reductions to the Governor's office. The Governor's office would then have the power to review and revise the lawfully (locally) approved budget. Review the full text of the bill here: [The Florida Senate \(flsenate.gov\)](https://www.flsenate.gov)

Based on the current status of the bill, any advocacy to promote changes should be focused on the Senate. Its Senate companion, SB 484, was introduced and has not yet been heard in committee.

Other bills of note include the following:

**SB 50** requires that “out-of-state retailers and marketplace providers with no physical presence in Florida (i.e., online sales) to collect Florida’s sales tax on sales of taxable items delivered to purchasers in Florida if the out-of-state retailer or marketplace provider makes a substantial number of sales into Florida.” (Florida Senate Analysis of SB 50, March 8, 2021) This would include the state and local sales taxes. It is projected to increase local government revenue by more than \$229 million annually. SB 50 passed out of the Senate and is headed to the House of Representatives. HB 15 is the companion bill.

**SB 1924 - Emergency Management Powers of Political Subdivisions:** This bill is currently still in committee. According to the Florida Association of Counties, the bill has three crucial provisions:

- It provides the Governor and/or Legislature (by concurrent resolution) with the power and AUTHORITY TO INVALIDATE an order, an ordinance, a proclamation, a rule, or any other measure issued by a political subdivision to address a purported emergency if they determine that such order unnecessarily restricts a constitutional right, fundamental liberty, or statutory right of a citizen.
- It provides that all local emergency orders would expire after 10 days; however, the order could be extended before its expiration by a majority vote of a governing body. Upon expiration of the order, a substantially similar order CANNOT be adopted during the same emergency.
- It provides that the BURDEN OF PROOF LIES WITH THE POLITICAL SUBDIVISION (local government) that a local emergency order (in addressing a purported emergency) depriving any person of a constitutional right, fundamental liberty, or statutory right, or property. 1) serves a compelling governmental interest. 2) is narrowly tailored. 3) accomplishes the intended goal through the use of at least intrusive means.

**HB 337 Impact Fees** – This bill would add layers to how Impact Fees can be collected and increased. The bill is currently still in committee.

This is just a sampling of the bills currently under consideration that may have an impact of FGFOA members.

To keep informed, the committee recommends you subscribe to email blasts sent by The Florida League of Cities, the Florida Association of Counties, and the Florida Court Clerks & Comptrollers.

If you have any questions, feedback, or concerns please let us know.

