NUCA of Florida Legislative Update—Week IV & V

Bills of Interest

**New Funding Plan for Wastewater Grants Unveiled**

House and Senate leadership unveiled a plan to utilize the documentary stamp tax revenues for resiliency, wastewater improvements and affordable housing. **SB 2512** would redistribute documentary stamp taxes to a new Resilient Florida Program, the Water Sustainability & Accountability Trust fund for wastewater grants and to the State Housing Trust Fund for affordable housing programs (Sadowski Act). Affordable housing advocates are working to ensure a larger percentage of the doc stamps go towards affordable housing.

***ACTION: SB******2512*** *passed Senate Appropriations on April 1 on a 12-8 vote and is now on the Senate Special Order Calendar.*

**Public** **Works** **Projects**—NUCA of Florida’s top priority, **HB 53 by DiCeglie and SB 1076 by Brodeur**expand the definition of public works projects to include any public works project funded by state, local, or a combination thereof, of tax dollars, thus removing the 50% state-appropriation threshold.  A priority of NUCA of Florida, this provision ensures local governments don’t limit the bid process just because local dollars are utilized. Additionally the bill prohibits mandating a single source for apprenticeships and prevents local preference.

***ACTION****:* ***HB******53*** *was amended and passed Public Integrity & Elections Committee by a vote of 11-6 and travels now to State Affairs.* ***SB******1076*** *was reported favorably S. Community Affairs by a 6-3 margin and goes to Rules next.*

**Tolling & Extension of Permits during States of Emergency**

These bills apply the six-month extension to consumptive use of water permits, development orders and development agreements-- similar to what is already in law for building permits--during a declared state of emergency. They apply retroactively to any declaration of a state of emergency issued by the Governor for a natural emergency since March 1, 2020. Existing permits and authorizations may receive the emergency tolling and extension for the state of emergency declared in response to the COVID-19 pandemic. NUCA of Florida staff had to intervene in the early part of the pandemic as some local governments were not extending permits as required by law.

***ACTION: HB 859 by Grant passed*** *H. Commerce on March 29 and State Affairs on April 6.* ***SB 912*** *by* ***Albritton*** *sailed thru Rules on March 31 and is now on the Senate Special Order Calendar.*

**Lien** **Law**—**HB 473** and **SB 622** include some good provisions such as allowing remote online notarization and “stop and start” provisions, and after two weeks of negotiations, we finally reached agreement on the problematic lien waiver section of the legislation. The language now mandates the use of the statutory lien waiver form ***unless*** the claimant has entered into a contract that requires the claimant to furnish a waiver that is different from the statutory forms.

***ACTION****: On April 6,* ***HB 473 by Toledo*** *was amended to address our concerns regarding release of liens and lien waivers and was approved by H. Judiciary;* ***SB 622 by Perry*** *was approved by S. Rules and is on the Senate Special Order Calendar.*

**PACE Funding for Septic-to-Sewer Conversions**

**HB 387 by Fine** and **SB 1208 by A. Rodriguez** would add consumer protections to PACE loans, a financing vehicle that helps property owners pay for home upgrades, such as hurricane and storm resiliency, installing solar panels, or more efficient insulation. The bills would have allowed consumers to pay for septic-to-sewer conversions with PACE financing.

***ACTION****:* ***HB******387*** *passed Local Government & Veterans Affairs on March 23 and was amended in H. Ways & Means on March 31* ***to remove*** *the septic-sewer provisions enhancement and instead created a pilot program for wastewater treatment improvements.* ***SB******1208*** *is awaiting action in S. Appropriations.*

﻿**Construction** **Defects**—**HB** **21 by Andrade** and **SB 270 by Perry**tweak the Chapter 558, F.S., Notice & Right to Repair law by defining a construction defect as a “material violation;” requiring the property owner to exhaust all warranties prior to filing a Chapter 558, F.S., claim; requiring more specificity and visible proof that a defect exists; mandating personal attestation by the claimant; and requiring a notice to the lender that a construction defect case was filed, how it was settled and if the repair was made.

***ACTION****:* ***HB******21*** *passed two committees and is in H. Judiciary.* ***SB******270*** *passed S. Judiciary 9-1 on Feb. 15 but is stalled in S. Community Affairs.*

**Impact** **Fees**—**HB 337 by DiCeglie and SB 750 by Gruters further**amend Chapter 163, F.S. relating to impact fees by defining “infrastructure” and requiring credits against impact fees for exactions by local governments.  The bills also prohibit the collection of impact fees if projects are not planned or funded and cap the annual increases for all impact fees, requiring a gradual implementation of any rate increase equal to 25 percent or greater.

***ACTION****:* ***HB******337*** *passed Ways & Means 15-2 on March 31 and travels to State Affairs;* ***SB******750*** *was approved by S. Community Affairs and S. Finance & Tax and moves to S. Appropriations next.*

**Construction** **Permits**—**HB 1059 by W. Robinson** streamlines the permitting process, requires local governments to review within 30 days for first request and within 10 days for second request if deficiencies are identified, and specifies that any delays beyond the statutory timeline,  automatically reduces the permitting fee for the applicant by 10 percent each day.  It also requires permit applications and local procedures to be posted on the website of the local government and allows for electronic submission of applications.  Lastly, it prohibits local governments from requesting submission of proprietary contracts with the building permit applications. **SB** **1788** by **Sen**. **Boyd** is the companion measure.

***ACTION****:* ***HB******1059*** *passed H. Commerce and the full House on April 1;* ***SB******1788*** *passed S. Governmental Oversight & Accountability on March 31 and Rules on April 6.*

**Building** **Inspections**—**HB 667 by Mooney and SB 1382 by Perry** allow for electronic submission of requests for building inspections and require local governments to refund 10 percent of the permit and inspection fees if a project fails inspection and the inspector doesn’t site a reason for compliance with the Florida Building Code.  It also allows for virtual inspections by local governments, except for structural inspections on threshold buildings.

***ACTION****: On April 1,* ***HB******667*** *passed Local Administration & Veterans Affairs unanimously;* ***SB******1382*** *passed S. Governmental Oversight & Accountability on a 5-3 vote.*

**Pre-Apprenticeship & Apprenticeship Programs—SB 366 by Hutson**modifies Florida’s career and technical education program to improve and expand apprenticeship and pre-apprenticeship programs, provide supports for students in work-based learning programs, modify assessment requirements for initial student eligibility in dual enrollment programs, modify funding incentives for industry certifications, and provide relevant mathematics pathways. Issues contained in the bill that the industry is most supportive of are:

 Allowing for more programs and occupations to qualify as apprenticeship program sponsors.

 Specifying that students in a pre-apprenticeship program or courses with a work-based component are deemed to be employees of the state for workers’ compensation purposes for medically-necessary care only.

 ***ACTION: SB******366*** *will be heard in Appropriations Subcommittee on Education on April 8.*

**Workforce and Postsecondary Education-- HB 791 by Harding & SB 1042 by Brodeur** are aimed at enhancing existing Career and Technical Education and apprenticeship programs overseen by the Florida Department of Education. Additionally, they ensure more postsecondary pathways are accessible to empower Florida’s students.  Key issues:

 Increases funding for school districts and the Florida College System, raising per student funding for industry certification programs from $1,000.00 to $3,000.00 for students enrolled in programs leading to employment in critical industry sectors.

 Aligns pre-apprenticeship and apprenticeship definitions for the purpose of increasing coordination across the state between secondary and postsecondary educational institutions– an alignment that will be particularly helpful to service men and women who have exceptionally high transfer rates.

***ACTION: HB 791*** *passed Post- Secondary Education & Lifelong Learning unanimously and* ***SB******1042*** *has not yet been heard in S. Education.*

**COVID**-**19** **Liability** **Protections**—**HB 7 by McClure and SB 72 by Brandes** are intended to protect employers from employee lawsuits related to COVID-19 as long as the employer follows the CDC and state health guidelines.

***ACTION****: The Governor signed* ***SB 72*** *into law on March 29.*

**Redaction** **of** **Public** **Records**—**SB 844 by Hooper and HB 781 by W. Robinson** are intended to correct a glitch with a 2019 law relating to redaction of public records that makes it virtually impossible to clear title on property or file a proper notice of commencement or lien.

***ACTION****:* ***SB 844*** *was amended in S. Community Affairs and passed unanimously; however, some key provisions were left out of the amendment relating to constructive notice and the use of the Internet to retrieve records.* ***HB 781*** *was approved unanimously on April 6 in H. Civil Justice & Property Rights Subcommittee.*

**Toll Roads/M-Cores—SB 100 by Harrell; SB 1030 by Polsky; HB 763 by Diamond**

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

* Continues the extension of the Sunshine Tollway but requires it to use US 19 as a footprint with the project terminating in Madison County rather than Jefferson County;
* 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; and,
* Still extends the Turnpike to the Sunshine Tollway.

***ACTION: SB 100*** *was amended and passed the full Senate 39-1 and is now in House Messages. The other two bills have yet to be heard.*

**Payment for Construction Services—HB 585 by DiCeglie and SB 378 by Bradley** enhance the statutory interest rate for public and private parties that fail to make required payments for certain construction labor, services, and materials. For public sector construction projects, the bills increase the interest rate from one percent to two percent per month. Public entities that wrongfully withhold payment to contractors and, likewise, contractors who wrongfully withhold payment to subcontractors and sub-subcontractors on public projects will be liable for interest at a rate of two percent per month on the unpaid amounts. For private sector construction projects, current law specifies that late payments bear interest at the rate specified in s. 55.03, F.S., which provides the general rate of interest on judgments. The bill increases the late payment interest for the private sector to the rate specified in s. 55.03, F.S., plus twelve percent per annum.

***ACTION****:* ***SB******378*** *cleared S. Rules and passed the full Senate on April 1.* ***HB******585*** *passed H. State Administration & Technology Appropriations Subcommittee and travels to H. Commerce next.*