



# 2019 LEGISLATIVE FINAL REPORT

**DEAR CITY OFFICIAL:**

We are pleased to provide you with the Florida League of Cities' **"2019 Legislative Final Report."** This document summarizes key legislation the League tracked this session.

It is important to note that the final report is only a partial list of the 3,492 bills filed during the 2019 legislative session. Of these, only 197 bills passed both chambers and were presented to the governor.



Many of the issues that did not pass this year will likely be debated during next year's session. Therefore, it is important that you continue to stay engaged in legislative advocacy year-round with your local delegation. This continual communication is an essential part of the League's overall lobbying efforts. It is key to building the framework for our success as we prepare for the 2020 legislative session.

Please feel free to contact the League's Legislative Affairs team at (850) 222-9684 if you have questions or need further information on these or any other bills. Thank you for all your hard work and continued advocacy efforts!

In the fight for **HOME RULE,**

A handwritten signature in black ink that reads "Leo E. Longworth".

**Leo E. Longworth, President**  
Commissioner, City of Bartow

A handwritten signature in black ink that reads "Michael Sittig".

**Michael Sittig**  
Executive Director

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- Roy S. Shiver, Commissioner, Florida City

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Michael Sittig, Executive Director

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# TABLE OF CONTENTS

2019 Legislative Action Agenda.....	1
Florida League of Cities Legislative Affairs Team.....	2
Major Bills that Passed During the 2019 Session.....	3
Major Bills that Failed During the 2019 Session.....	18
Other Bills that Failed During the 2019 Session.....	24
Florida League of Cities Legislative Glossary.....	42

# 2019 FLORIDA LEAGUE OF CITIES LEGISLATIVE ACTION AGENDA

The Action Agenda reflects the priorities of 412 municipalities, as prepared by the Florida League of Cities' five legislative policy committees and adopted by the full membership at the League's 58th Legislative Conference, November 16, 2018, in Orlando.

Below are the priority statements included in the Action Agenda

## **COMMUNITY REDEVELOPMENT AGENCIES**

The Florida League of Cities SUPPORTS legislation to protect and improve municipalities' use of community redevelopment agencies to effectively carry out redevelopment and community revitalization in accordance with Home Rule.

## **COMMUNICATIONS SERVICES TAX PROTECTION**

The Florida League of Cities SUPPORTS legislation to reform the Communications Services Tax in a manner that is revenue neutral; provides for a broad and equitable tax base; provides for enhanced stability and reliability as an important revenue source for local government; and provides a uniform method for taxing communication services in Florida. Reform should promote a competitively neutral tax policy that will free consumers to choose a provider based on tax-neutral considerations.

## **SHORT-TERM RENTALS**

The Florida League of Cities SUPPORTS legislation that restores local zoning authority with respect to short-term rental properties, thereby preserving the integrity of Florida's residential neighborhoods and communities. The Florida League of Cities OPPOSES legislation that preempts municipal authority as it relates to the regulation of short-term rental properties.

## **TRANSPORTATION FUNDING**

The Florida League of Cities SUPPORTS legislation that preserves local control of transportation planning. The legislation should create an equitable transportation funding formula among the state, municipalities and counties, while providing for additional transportation revenue to support innovative infrastructure and transit projects to meet the surging transportation demands driven by dramatic growth throughout Florida.

## **WATER SUPPLY & WATER QUALITY**

The Florida League of Cities SUPPORTS legislation to address the state's critical water resource and water quality deficiencies to mitigate the negative economic impact of these deficiencies through priority corrective actions and funding. The legislation should include:

- ▷ establishment of a dedicated and recurring source of state funding to meet current and projected local government water supply and water infrastructure needs;
- ▷ annual assessment by the State of the state, regional and local water resource and water quality infrastructure improvement needs; and
- ▷ development of regional plans to prioritize actions and schedules for addressing integrated water quality and water supply needs based on objective criteria.

# FLORIDA LEAGUE OF CITIES LEGISLATIVE AFFAIRS TEAM



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# MAJOR BILLS THAT PASSED DURING THE 2019 SESSION

(in order by priority)

## **Community Redevelopment Agencies (Monitored)** **CS/HB 9** (LaMarca)

### *General Requirements*

The bill requires four hours of ethics training for CRA board members. CRAs must use the procurement processes of the city or county that created the CRA. By January 1, 2020, the bill requires each CRA to publish digital maps of its boundaries on its website. Beginning March 1, 2020, and annually thereafter, each CRA must file with the city or county that created it: the most recent audit, enumerated performance data and an assessment of whether the CRA has achieved the goals of its community redevelopment plan.

### *Sunset Provisions*

A CRA must sunset upon the earlier of the termination date in the CRA's charter as of October 1, 2019, or on September 30, 2039. The termination date may be extended by a simple majority vote of the city or county that created the CRA. If, as of October 1, 2019, the CRA has debt that matures after September 30, 2019, the CRA may remain in existence until the maturity of the debt. The bill includes a provision for the termination of CRAs that have been inactive for six years.

### *Budget and Funding*

The governing body that adopts the ordinance providing for the funding of the trust fund may reduce the contribution of each taxing authority below 50 percent. The bill provides that CRAs may expend funds only pursuant to an annual budget adopted by the CRA board. A CRA must submit its annual budget to the county in which the CRA is located within 10 days after adoption of the budget. The bill retains the authority of the CRAs to expend funds on expenses necessary to exercise its powers. The requirement that budgeted funds be spent in three years was removed; instead funds may be re-apportioned if a project changes. There is a separate stand-alone audit for CRAs with more than \$100,000 in annual revenues; specifically these CRAs require the auditor to opine that all expenditures were legally authorized.

Effective October 1, 2019. Chapter No. 2019-163. (Cruz)

## **Firefighter Cancer Benefit (Opposed – Mandate)**

**CS/CS/SB 426** (Flores) entitles firefighters who receive a diagnosis of 21 specific cancers to a package of mandated benefits. These benefits include cancer treatment covered within a group health or self-insurance policy and a lump sum cash payout of \$25,000. The bill requires the employer to reimburse the firefighter for any out-of-pocket deductibles, co-payments or coinsurance relating to cancer treatment. To qualify for these benefits, the firefighter must be employed by the employer for at least five continuous years, may not have used tobacco products in the preceding five years and may not have been employed in any other position that is proven to create a higher risk for any cancer in the preceding five years. The law specifies these benefits may be sought by a firefighter as an alternative to seeking benefits under workers' compensation.

In order for the firefighter to get the lump sum payout, cancer treatment and reimbursements of out-of-pocket cost for 10 years post-employment, the firefighter must have met the five-year conditions listed above at the time of termination, elect to continue coverage in an employer-sponsored health plan or group health insurance trust and not be subsequently employed as a firefighter.

The five-year conditions applicable to the cancer treatment, reimbursement benefit and cash payout are not applicable to the following benefits also provided to a firefighter diagnosed with one of the 21 cancers specified in the bill. If the firefighter participates in an employer-sponsored retirement plan, the plan must qualify the firefighter as totally and permanently disabled if he or she is prevented from rendering useful and effective service as a firefighter and is likely to remain disabled continuously and permanently due to the diagnosis or treatment of cancer. The retirement plan must qualify the firefighter as "died in the line-of-duty" if he or she dies as a result of the cancer or treatment of cancer. If the firefighter did not participate in an employer-sponsored retirement plan, the employer must provide a disability retirement plan that provides at least 42 percent of annual salary until

the firefighter's death. The employer must provide a death benefit to the firefighter's beneficiary for at least 10 years totaling at least 42 percent of the firefighter's most recent annual salary. Additionally, firefighters who die as a result of cancer or cancer treatment are considered to have died in the manner described in statutes, for purposes of statutorily required death benefits. The cost to provide the reimbursements, lump-sum payments, disability retirement benefits and in the line-of-duty death benefits if the firefighter does not participate in an employer-sponsored retirement plan must be borne solely by the employer. For employer-sponsored retirement plans, the contributions necessary to fund the increased actuarial cost associated with the benefits mandated in this bill must be borne solely by the employer.

The bill requires a firefighter's cancer diagnosis be considered an "injury or illness incurred in the line-of-duty" for determining employer policies and the provision of benefits. The bill specifies that a firefighter's cancer diagnosis must be considered an "injury or illness incurred in the line-of-duty" for the purposes of determining leave time and employment retention policies. The bill also requires the Division of State Fire Marshal within the Florida Department of Financial Services to adopt rules to establish employer best practices for preventing or reducing the incidence of cancer among firefighters. Effective July 1, 2019. Chapter No. 2019-21. (Hughes)

#### **Telecommunications Services and Small Cell Deployment (Opposed – Preemption)**

**CS/CS/CS/SB 1000** (Hutson) was substantially amended to include changes to the law on the use of public rights-of-way, including provisions on small wireless infrastructure. Current law contains a statement of legislative intent that local governments treat providers of communications services in a nondiscriminatory and competitively neutral manner. In direct contrast to this "nondiscrimination language," the bill requires local governments to take into account factors such as distinct engineering or construction and operation when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or rights-of-way, thereby asking for special treatment. The bill also removes many of the provisions that were agreed to by the wireless industry when the Advanced Wireless Deployment Act

(the 2017 Act) was passed in 2017. For example, the bill removes the requirement that wireless providers must comply with local government nondiscriminatory utility undergrounding requirements.

Installing a new utility pole in the rights-of-way to support a small wireless facility was dealt with in the 2017 Act in part for spacing, height and permit application review timeframes, but under the 2017 Act a local government could still subject the utility pole to local government "rules and regulations governing the placement of utility poles in the rights of way." CS/CS/CS/SB 1000 removes this language, meaning that a city or county would have to treat a permit application to put a new utility pole in the right of way exactly the same as a permit application to collocate a small wireless facility onto an existing utility pole. The bill prohibits a local government from requiring wireless providers to submit certain information, such as an inventory of communications facilities, maps, locations of such facilities or other information, as a condition of registration, renewal or for any purpose. The bill does authorize a local government to require, as part of a permit application, that the applicant identify ground-level communications facilities within 50 feet of the proposed installation location for the placement at-grade communications facilities. The bill prohibits requiring a wireless provider to pay any fee, cost or other charge for registration or renewal; adoption or enforcement of any ordinances, regulations or requirements as to the placement or operation of communications facilities in a right-of-way by a communications services provider; or imposition or collection of any tax or charge for providing communications services over the communications services provider's communications infrastructure in a right-of-way. The bill prohibits local governments from requiring performance bonds and security funds from a communications provider. However, requiring a construction bond limited to no more than one year after the construction is completed is authorized. The bill creates a cause of action for any person aggrieved by a violation of the right-of-way statute. A party may bring a civil action in a U.S. district court or any other court of competent jurisdiction, and the court may grant temporary or permanent injunctions to prevent or restrain violations and direct the recovery of full costs, including awarding reasonable attorney fees. Effective July 1, 2019. Chapter No. 2019-131. (Hughes)

### **Attorney Fees and Costs (Opposed – Mandate)**

**CS/CS/CS/HB 829** (Sabatini) creates a new section of law providing for a mandatory award of attorney fees, costs and damages to the prevailing party in a civil action where the adoption or enforcement of a local government ordinance is alleged to have been expressly preempted by the state Constitution or by state law. Fees may not be awarded if written notice is provided to the local government that a proposed or adopted ordinance may be expressly preempted and the local government withdraws the proposed ordinance within 30 days of receipt of the notice or, in the case of an adopted ordinance, notices the ordinance for repeal within 30 days of receipt of the notice and repeals the ordinance within 30 days thereafter. The bill is prospective in nature. In addition, it exempts ordinances adopted pursuant to part II of chapter 163, s. 553.73, or s. 633.202. Finally, the bill provides that a county or municipality may continue to enforce a regulation, moratorium or policy adopted before February 1, 2019, relating to the land application of Class B biosolids until it is repealed or until the effective date of rules adopted by the Florida Department of Environmental Protection, whichever occurs first. Effective July 1, 2019. Chapter No. 2019-151. (O'Hara)

### **Growth Management (Opposed – Preemption)**

**CS/CS/HB 7103** (Commerce Committee) addresses land use and property development regulations relating to inclusionary housing ordinances, the timing of development approvals, impact fees and private providers of building inspection services. The bill maintains the authority of local governments to adopt and enforce inclusionary zoning ordinances but requires a local government to provide incentives to fully offset the costs to the developer of its affordable housing contribution. Incentives may include, but are not limited to, density or intensity bonuses or reduced/waived fees. In addition, the bill requires a local government, upon receiving an application for approval of a development order or permit, to review the application for completeness within 30 days. An applicant will have an additional 30 days to address deficiencies in the application identified by the local government. A local government then has 120 days to approve, approve with conditions, or deny the application. For applications requiring final action through a quasi-judicial or public hearing, a local government would have 180 days to approve, approve

with conditions, or deny the application. The parties may agree to extend these time frames.

The bill addresses the effect of development orders in newly incorporated municipalities by specifying that all land development regulations adopted to implement a comprehensive plan adopted after January 2019 must incorporate each development order existing before the plan's effective date and must vest the density and intensity approved by the development order. The bill specifies that school proportionate-share mitigation credit shall be based on the total impact fee assessed and not on the impact fee for any type of school. It codifies the dual-rational nexus test for determining the legal validity of impact fees and provides the impact fee may not be collected earlier than the date of issuance of the building permit. It specifies the local government must credit against the collection of the impact fee any contribution related to school facilities on a dollar-for-dollar basis. It further specifies that if a local government increases its impact fee rates, the holder of any impact fee credits that were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. It authorizes a local government to waive impact fees for the development of affordable housing and specifies that a local government is not required to use any revenues to offset the impact.

The bill authorizes parties to a development order challenge to use summary proceedings under current law and provides that a prevailing party in a challenge to a development order is entitled to recover attorney fees and costs. The bill revises current law regarding the tolling and extension of permits and other authorizations to provide that time is extended only during declared states of emergency for natural (i.e. weather-related) emergencies. The bill expands the scope of work for private providers who review site plans and inspect buildings. It prohibits local governments from charging fees for inspections if a private provider is used but authorizes a local government to charge a reasonable administrative fee when a private provider is used. It reduces the time from 30 business days to 20 business days for building departments to review permit applications when a private provider approves the plans. It limits a local government's authority to audit a private provider to



four times annually and prohibits a building official from replicating the plan reviews of inspections done by a private provider. The bill extends the date for condominium associations (not timeshare condo associations) that are part of a high-rise residential building to retrofit either a fire sprinkler system or an engineered life safety system from January 2020 to January 2024. Effective July 1, 2019. Chapter No. 2019-165. (Branch/Cruz)

**Private Property Rights (Opposed – Preemption)**

**CS/HB 1159** (La Rosa) imposes restrictions on enforcement of local government tree ordinances and imposes notice requirements on county property appraisers. HB 1159 provides that a local government may not enforce its tree requirements against a residential property owner for the trimming or removal of a tree if the owner obtains documentation from a certified arborist or a licensed landscape architect that the tree presents a danger to persons or property. The bill specifically prohibits a local government from requiring the property owner to replant a tree that was removed under such circumstances. The bill requires each county property appraiser office to post on its website a “property owner bill of rights” to identify certain existing rights afforded to property owners, including the following: the right to acquire, possess, and protect property; the right to use and enjoy property; the right to exclude others from property; the right to dispose of property; the right to due process; the right to just compensation when property is taken for public purpose; and the right to relief when a government action “unfairly affects” property. The bill specifies the required contents for the bill of rights and specifies the bill of rights does not create a civil cause of action. Effective July 1, 2019. Chapter No. 2019-155. (O’Hara)

**Micromobility Devices and Motorized Scooters (Supported)**

**CS/CS/HB 453** (Toledo) establishes a regulatory framework for authorizing the operation of micromobility devices and motorized scooters. It defines “micromobility device” and revises the definition of “motorized scooter.” It grants certain rights and requires certain duties to the operator of a micromobility device or motorized scooter that are the same as those as a bicycle rider. The bill specifies that a local government is not prohibited from regulating

the operation of micromobility devices or motorized scooters on streets, highways, or sidewalks within their jurisdictions. It allows the operation of such devices without a driver’s license. The bill excludes such devices from compliance with vehicle registration, licensing, and insurance requirements; equipment requirements for slow-moving vehicles; and motor vehicle provisions relating to licensing and license-plate display. Finally, the bill requires a person who offers such devices for hire to secure all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued. Effective June 18, 2019. Chapter No. 2019-109. (Branch)

**Local Tax Referenda (Opposed – Mandate)**

**CS/CS/HB 5** (DiCeglie) limits the timing of when a county or school board may put a local discretionary surtax ballot initiative before the voters. The bill requires that a referendum to adopt or amend a local discretionary surtax be held only at a state general election. The bill requires a county, school district or petition sponsor to provide a copy of the ordinance or resolution to the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) at least 180 days before the referendum and OPPAGA to procure, within 30 days after receiving the ordinance or resolution, a certified public accountant to conduct the statutorily required performance audit. The bill also requires a petition sponsor of an initiative to adopt a charter county and regional transportation system surtax to comply with certain requirements within a specified timeframe before the proposed referendum. The bill disqualifies referenda results for failure to comply with some of the new requirements.

The bill also revises current law requirements pertaining to the citizen initiative petition process for the amending the state constitution. The bill imposes registration requirements on petition gatherers and imposes disqualification requirements on petitions that fail to meet specified requirements. The bill prohibits compensation to petition gatherers on a per-signature basis. In addition, the bill requires that the initiative financial impact statement be included on the ballot. The Financial Impact Estimating Conference (FIEC) is expanded in length and scope to include the economic impact on the state and local economies. Effective January 1, 2020, except as otherwise provided. Chapter No. 2019-64. (Hughes)

### **Recovery Residences/Sober Homes (Supported)**

**CS/CS/HB 369** (Caruso) amends the statutory definition of “recovery residence” to include group housing that is part of any licensable community housing component established by rule or statute. The bill creates new licensing requirements for “peer specialists,” adds background check requirements for peer specialists who have direct contact with individuals receiving services at a recovery residence and increases penalties for misrepresenting or making false statements on an application for licensure. Effective July 1, 2019. Chapter No. 2019-159. (Cook)

### **Vegetable Gardens (Opposed – Preemption)**

**CS/SB 82** (Bradley) preempts any local ordinance or regulation of vegetable gardens on residential property. The bill impacts cities that have adopted ordinances that regulate the size or placement of vegetable gardens in the front yards of homes. The bill allows for local ordinances to regulate the use of water during droughts, fertilizer use or invasive species control. The bill would not apply to homeowner’s association regulations or deed-restricted communities. The bill defines what is a vegetable garden, which includes any vegetable, fruit, herb or flower grown for human consumption. Effective July 1, 2019. Chapter No. 2019-120. (Cruz)

### **Permit Fees (Opposed – Unfunded Mandate)**

**CS/HB 127** (Williamson) requires local governments to publish permit and inspection fee schedules and reports on their websites. The bill also requires the building permit and inspection report to include direct and indirect costs incurred by the local government to implement the Florida Building Code. The information in the report must be derived from relevant information available in the most recently completed financial audit. After December 31, 2020, a local government that provides a schedule of fees must update its building permit and inspection utilization report before adjusting the fee schedule. Effective July 1, 2019. Chapter No. 2019-121. (Branch)

### **Federal Immigration Enforcement/ Sanctuary Policies (Monitored)**

**CS/CS/CS/SB 168** (Gruters) relates to state and local government enforcement of federal immigration laws. The bill provides several definitions, including “sanctuary policy,” which means a law, policy, practice,

procedure or custom adopted or permitted by a state entity, law enforcement agency or local governmental entity that contravenes the federal immigration laws or that knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with respect to federal immigration enforcement. The bill also defines “sanctuary policymaker” to mean a state or local elected official, or an appointed official of a local governmental, who has voted for, allowed to be implemented or voted against the repeal of prohibition of a sanctuary policy. The bill prohibits the adoption or enforcement of a sanctuary policy and requires cooperation with federal immigration authorities. If a local government entity, state entity or law enforcement agency fails to comply with the bill’s provisions, the court may enjoin any unlawful sanctuary policy. The bill also allows a court to have continuing jurisdiction over the parties and subject matter and to enforce its orders with the initiation of contempt proceedings as provided by law. The attorney general may bring a civil action against governmental entities that fail to comply with the provisions of the bill, and the bill allows the state to seek injunctive relief to compel compliance with the requirements. This provision does not specify a dollar amount for restitution. Effective July 1, 2019. Chapter No. 2019-102. (Cruz)

### **Use of Wireless Communications Devices While Driving (Supported)**

**CS/HB 107** (Toledo) Current law prohibits a person from texting, emailing and instant messaging while driving and provides certain exceptions, including use of a navigation device or system or use of hands-free technology. CS/HB 107 changes current enforcement of this prohibition from a secondary offense to a primary offense. In addition, the bill prohibits the use of a wireless communications device in a handheld manner (including listening or talking on) while driving in a school zone or construction work zone where workers are present. The prohibitions do not apply to a stationary vehicle. The bill requires a law enforcement officer who stops a motor vehicle for violating either prohibition to inform the driver that he or she has a right to decline a search of the wireless communications device. It prohibits a law enforcement officer from accessing a device without a warrant, confiscating a device while waiting for a warrant or

coercing the driver to provide access to a device without a warrant. The bill requires a law enforcement officer to record the race and ethnicity of a person issued a citation for violating either prohibition and requires the Department of Highway Safety and Motor Vehicles to provide an annual report of this information to the governor and Legislature. The bill provides for a statewide awareness campaign, with enforcement only by warning from October 1, 2019, through December 31, 2019, after which a person may be issued a citation. Violation of this law is a noncriminal infraction, punishable as a moving violation, and three points will be assessed against a person's license. Persons cited for a first offense may avoid punishment and assessment of points by completing a wireless communications device driving safety program. Effective July 1, 2019. Chapter No. 2019-44. (Branch)

**Multi-use Corridors of Regional Economic Significance (M-CORES) Program (Monitored)**

**CS/SB 7068** (Infrastructure & Security Committee) creates the Multi-use Corridors of Regional Economic Significance Program within the Florida Department of Transportation. The program is designed to advance construction of three regional corridors that will accommodate multiple modes of transportation and infrastructure. The bill identifies three regional corridors: Southwest-Central Florida Connector (extending from Collier County to Polk County); Suncoast Connector (extending from Citrus County to Jefferson County); and Northern Turnpike Connector (extending from northern terminus of Florida Turnpike northwest to the Suncoast Parkway). It establishes a task force for each corridor comprised of representatives from state agencies and other stakeholders to evaluate and coordinate corridor analysis, environmental and land use impacts, and other impacts. Each task force must issue a written report by October 1, 2020. The bill directs DOT to provide affected local governments with a copy of the applicable task force report. Not later than December 2023, a local government that has an interchange within its jurisdiction shall consider whether its comprehensive plan should be amended to provide appropriate land uses and protections around the interchange. To the extent feasible, construction of the projects must begin no later than December 31, 2022, and be open to traffic no later than December 31, 2030. The bill authorizes funding for the projects in the corridors which includes increased revenues from the State Transportation Trust

Fund and portions of the motor vehicle license tax. Projects undertaken in the corridors must be tolled facilities. The bill authorizes additional funding for the Small County Road Assistance Program, the Small County Outreach Program and the Transportation Disadvantaged Trust Fund. In addition, it creates and provides funding for a construction workforce development program within DOT. Effective July 1, 2019. Chapter No. 2019-43. (Branch)

**Department of Transportation (Opposed – Preemption)**

**CS/CS/CS/HB 905** (Andrade) is the comprehensive Department of Transportation package. Of specific interest to local governments, the bill prohibits a local government from adopting standards or specifications that are contrary to the DOT's standards or specifications for permissible use of aggregates or reclaimed asphalt that have been certified for use. The bill specifies that certain projects wholly or partially funded by DOT and administered by a local governmental entity may not allow the same entity to perform both design services and construction engineering and inspection services. The prohibition does not apply to seaports. The bill extends the length of time for DOT to provide funding for a fire station on Alligator Alley and requires the local governmental entity operating the fire station to contribute 10 percent of the direct operating costs. The bill revises the definition of "small county" under the Small County Outreach Program to mean any county that has a population of 200,000 or less. Effective July 1, 2019. Chapter No. 2019-153. (Branch)

**Coastal Management (Supported)**

**CS/HB 325** (LaMarca) revises the criteria the Department of Environmental Protection must consider in determining and assigning annual funding priorities for beach management and erosion control projects. The bill revises the ranking criteria to be used by DEP to establish certain inlet-caused beach erosion projects. In addition, the bill revises requirements for the state's comprehensive long-term management plan, including requiring the plan to include a strategic beach management plan, a critically eroded beaches report and a statewide long-range budget plan. The bill further requires the DEP to submit a three-year work plan and related forecast for the availability of funding to the Legislature. Effective July 1, 2019. Chapter No. 2019-122. (O'Hara)

### **Florida Red Tide Mitigation & Technology Development Initiative (Supported)**

**SB 1552** (Gruters) establishes the Florida Red Tide Mitigation & Technology Development Initiative as a partnership between the Fish and Wildlife Research Institute within the Florida Fish and Wildlife Conservation Commission and the Mote Marine Laboratory. The goal of the initiative is to develop, test and implement approaches for controlling and mitigating the impacts of red tide. The bill requires annual reports to be submitted by the initiative to the Legislature, governor and specified state agencies beginning January 15, 2021. The bill establishes an advisory council, composed of appointed stakeholders, within the initiative. Finally, the bill appropriates \$3 million to implement the initiative, for a period of six years. Effective July 1, 2019. Chapter No. 2019-114. (O’Hara)

### **Gulf of Mexico Range Complex (Supported)**

**HJR 1379** (Rodrigues) and **SJR 1820** (Hooper) are resolutions of the Florida Legislature to Congress supporting extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line. (O’Hara)

### **Wetland Mitigation (Monitored)**

**CS/HB 521** (McClure) amends current law provisions relating to wetland mitigation banking and offsite regional wetland mitigation. The bill provides legislative findings that recognize state and federal mitigation bank credits may not be available in certain instances to offset adverse impacts of a project and that in such instances a local government is authorized to permit mitigation on local government lands owned for conservation purposes. Effective July 1, 2019. Chapter No. 2019-110. (O’Hara)

### **Right of Entry (Monitored)**

**CS/CS/HB 767** (Robinson) addresses reservations of interest in mineral rights in the contracts for sale of public lands. Current law provides that a local government, a water management district or an agency of the state may sell or release reserved interest in any parcel of land except that such sale or release shall be made upon petition of the purchaser that includes a statement of reasons justifying the sale or release. The bill releases the right of entry to any interest in phosphate, minerals, metals or petroleum reserved in

favor of a local government, water management district or any agency of the state for any parcel of property that is a contiguous tract of less than 20 acres in the aggregate under the same ownership. Effective July 1, 2019. Chapter No. 2019-85. (O’Hara)

### **Anchored Vessels (Supported)**

**CS/CS/CS/SB 1666** (Flores) directs the Florida Fish and Wildlife Conservation Commission to conduct a two-year study, contingent upon the appropriation of funds, on the impacts of long-term stored vessels on local communities and the state and to submit a report to the governor and Legislature within six months of completing the study. The bill defines “long-term stored vessel” as a vessel that has remained anchored or moored without supervision outside of a public mooring field for at least 30 days or more over a 60-day period. The bill prohibits persons from residing or dwelling on certain derelict vessels until it is permanently removed from state waters or returned to waters in a non-derelict condition. It requires a certain portion of vessel registration fees designated for use by counties to be deposited into the Marine Resources Conservation Trust Fund to fund grants for derelict vessel removal and provides that funds not granted to local governments by a certain date in the fiscal year may be used by the FWCC to remove derelict vessels. The bill authorizes a county designated as a rural area of opportunity to create a no-discharge zone for freshwater bodies within its jurisdiction in which sewage discharges are prohibited for specified vessels. Finally, the bill revises requirements for boater safety certification. Effective July 1, 2019. Chapter No. 2019-54. (O’Hara)

### **Public Utility Storm Protection Plans (Monitored)**

**CS/CS/SB 796** (Gruters) creates a recovery clause for storm protection costs instead of recovering these costs through a utility’s base rates and to provide for recovery of a return on capital costs (profit) through the clause. The bill is intended to promote storm protection activities that will reduce restoration costs and outage times. It requires an investor-owned public utility to submit to the Public Service Commission, as part of its “storm hardening plan,” a “transmission and distribution storm protection plan” that covers the utility’s immediate 10-year planning period. The bill requires the plan to be updated every three years and submitted to the commission for approval. The bill prohibits such plans from including the

undergrounding of more than 4 percent of the utility's lateral distribution lines per year. The bill specifies the required contents of the plan, including information to demonstrate the plan costs are not included in the utility's base rates. It requires the commission to conduct an annual proceeding to allow a public utility to recover prudently incurred transmission and distribution storm protection plan costs through the storm protection cost recovery clause. Once the commission determines the costs were prudently incurred, the costs are not subject to further review, except for situations involving fraud or intentional withholding of information by the utility. Effective June 27, 2019. Chapter No. 2019-158. (O'Hara)

**Department of Financial Services (Opposed – Mandate)**

**CS/CS/CS/HB 1393** amends multiple provisions related to the Department of Financial Services. Of interest to cities, the bill requires the Division of State Fire Marshall to adopt rules to establish employers' cancer prevention best practices related to firefighter personal protective equipment, decontamination, fire suppression equipment and fire stations. Effective July 1, 2019. Chapter No. 2019-140. (Hughes)

**Taxation (Monitored)**

**CS/HB 7123** (Ways & Means Committee) provides for several tax reductions and other tax-related modifications designed to directly impact both families and businesses. The bill includes multiple reductions related to sales tax including a reduction in the tax rate for commercial property rentals from 5.7 to 5.5 percent, a five-day "back-to-school" holiday for certain clothing, school supplies and personal computers and a seven-day "disaster preparedness" holiday for specified disaster preparedness items. Regarding property taxes, the bill includes tax relief for certain agricultural equipment damaged by Hurricane Michael, provides additional flexibility to the Department of Revenue in conducting in-depth reviews of property assessment rolls in counties affected by natural disasters, and delays the timing of payments to all taxing jurisdictions in fiscally constrained counties and Monroe County to offset property tax refunds granted to homeowners due to hurricanes in 2016 and 2017. The bill also provides that school district-voted discretionary operating levies are to apply proportionately to charter schools in the district and be used in a manner consistent with

the purposes of the levy for any levy approved by a vote on or after July 1, 2019. Referenda after this date must include an explanation of how the funds will be distributed in accordance with the new requirements. Further changes include removing a limitation on the exemption from documentary stamp tax for transfers of homestead property between spouses, increasing a discount on certain traffic fines if the violator attends a driver improvement course, creating a refund for fuel taxes paid for agricultural shipment or debris removal from agricultural properties in counties affected by Hurricane Michael, revising the definition of "pass-through provider" for purposes of certain local fees related to the use of public rights-of-way and providing insurance premium taxpayers additional flexibility in applying for, earning and using tax credits under the Florida Scholarship Tax Credit Program. The total local government impact of the bill in fiscal year 2019-20 is -\$16.8 million, -\$9.0 million recurring. Effective upon becoming law except as otherwise provided. The bill became law on May 15, 2019. Chapter No. 2019-42. (Hughes)

**Financial Disclosure (Monitored)**

**HB 7021** (Public Integrity & Ethics Committee) provides for the mandatory electronic filing of Form 1 (Limited) and Form 6 (Full) financial disclosures by specified state officers and employees. The bill requires the Florida Commission on Ethics to procure and test an electronic disclosure filing system by January 2022. The bill requires disclosures to be completed and submitted online and to be accessible and searchable online by the public. Form 6 filers are required to file their forms electronically beginning January 1, 2022, while Form 1 filers are required to file their forms electronically beginning January 1, 2023. The electronic filing requirement is not applicable to candidates running for an office subject to the Form 6 or Form 1 filing requirement (Form 1 individuals will continue to file with their qualifying officer until January 1, 2023.) The bill prohibits filers from submitting a copy of their most recent income tax returns along with their disclosures and prohibits filers from providing specified information such as a social security number, bank account numbers, credit card numbers, personal identification numbers or taxpayer identification numbers. If a filer includes such information, the information may be made available for public inspection unless the filer requests redaction.

The bill provides that the commission is not liable for the release of such information if the filer has not requested redaction. The bill increases the purchasing power threshold that would subject a state or local government employee who is a business manager or purchasing agent to the Form 1 filing requirement. This threshold is increased to \$35,000 (Category Two) from \$20,000 (Category One). Beginning January 1, 2023, the bill eliminates the ability of a Form 1 filer to report using a comparative threshold based on a percentage value. The bill requires the Commission on Ethics to collect filer email addresses and requires each unit of government with officers subject to the filing requirement to assist the commission in these efforts by providing email addresses to the commission by February 1 of each year. Effective upon becoming law except as otherwise specified. The bill became law on June 7, 2019. Chapter No. 2019-97. (O'Hara)

### **Government Accountability (Monitored)**

**CS/SB 7014** (Governmental Oversight and Accountability Committee) amends various statutes to enhance government accountability and auditing processes based on recommendations noted in recent reports by the auditor general. The bill authorizes the governor or commissioner of education to notify the Joint Legislative Auditing Committee if an entity fails to comply with certain auditing and financial reporting requirements. The bill requires local governments to establish and maintain internal controls and requires municipalities to maintain specified budget documents on the government's website for a designated time. The bill defines "abuse," "fraud" and "waste" to be used in the establishment and maintenance of the internal controls. The bill expands the definition of "local governments" to include tourist development councils and county tourism promotion agencies and expands the auditor general's authority to audit those entities. The bill requires the auditor selection committee for a municipality to consist of at least three members, one of whom must be a member of the governing body of the entity. That member must serve as the auditor selection committee's chair. An employee, chief executive officer or chief financial officer of the municipality may not serve as a member of an auditor selection committee; however, an employee, chief executive officer or chief financial officer of the municipality may serve in an advisory capacity. Effective July 1, 2019. Chapter No. 2019-15. (Hughes)

### **Local Government Reporting (Monitored)**

**HB 861** (Roach) requires city and county budget officers to annually submit certain information regarding their final budget to the Office of Economic and Demographic Research (EDR) by October 15. The bill requires EDR to develop by July 15, 2019, the format and forms for reporting the information. The bill also clarifies the time frames cities and counties are required to post specific budget information on their website. Local governments must post their annual budgets to their respective websites for at least two years and tentative budgets to their websites for at least 45 days. Effective upon becoming law. The bill became law on May 23, 2019. Chapter No. 2019-56. (Hughes)

### **E911 Systems (Monitored)**

**CS/HB 441** (DuBose) requires the Technology Program (Office) within the Department of Management Services to develop a plan by February 1, 2020, to upgrade 911 Public Safety Answering Points (PSAPs) within the state to allow the transfer of an emergency call from one local, multijurisdictional or regional E911 system to another. The bill specifies that this transfer capability should include voice, text message, image, video, caller identification information, location information and additional standards-based 911 call information. The bill requires the development and implementation of communications systems that allow direct radio communication between each PSAP and first responders outside the PSAP's normal service area. This should allow for more efficient dispatch of first responders in response to 911 communications. Finally, the bill requires each county to develop a plan to implement countywide text-to-911 service and, by January 1, 2022, to enact a system that allows for text-to-911 service. Effective July 1, 2019. Chapter No. 2019-146. (Cook)

### **School Safety and Security (Monitored)**

**CS/CS/SB 7030** (Education Committee) builds upon the school safety and security foundation established in SB 7026 (2018) by addressing the school safety and security recommendations of the Marjory Stoneman Douglas High School Public Safety Commission. Additionally, the bill strengthens accountability and compliance oversight authority. Specifically, the bill:

Improves school security measures by:

- ▷ Establishing a workgroup to review campus hardening policies and recommend a prioritized list

of strategies for implementation and related policy and funding enhancements.

- ▷ Prioritizing the use of the school security risk assessment tools.
- ▷ Expanding the personnel who may serve as a school district's school safety specialist to include certain law enforcement officers employed by the sheriff's office.
- ▷ Expanding school district options and eligibility for participation in the Coach Aaron Feis Guardian Program.

Enhances student safety by:

- ▷ Requiring improved school safety incident reporting.
- ▷ Promoting the FortifyFL mobile suspicious activity reporting tool.
- ▷ Expediting services for students with mental or behavioral disorders.
- ▷ Requiring active assailant response policies.
- ▷ Establishing a standardizing behavioral threat assessment instrument.
- ▷ Establishing a workgroup to make recommendations regarding the development of a statewide threat assessment database.

Provides school districts with greater flexibility to improve school safety by authorizing the transfer of additional categorical funds within the Florida Education Finance Program (FEFP) toward school safety expenditures. Effective upon becoming law. The bill became law on May 8, 2019. Chapter No. 2019-22. (Cook)

#### **Smoking Medical Marijuana (Monitored)**

**CS/CS/CS/SB 182** (Brandes) redefines the term "medical use" to include the possession, use or administration of marijuana in a form for smoking and deletes a provision prohibiting medical marijuana treatment centers (MMTCs) from dispensing or selling specified products. Effective upon becoming law. The bill became law on March 18, 2019. Chapter No. 2019-01. (Cook)

#### **Death Benefits for Survivors of First Responders and Military Members (Monitored)**

**CS/SB 7098** (Governmental Oversight and Accountability Committee) implements a constitutional amendment approved by the voters in November 2018. The bill requires the payment of death benefits to the survivors of certain first responders, Florida National Guard (FLNG)

members and members of the U.S. Armed Forces. The bill increases the death benefit, from \$50,000 to \$75,000, for those who are accidentally killed or receive accidental bodily injury that results in the loss of the individual's life or meets additional requirements, such as the accidental death that occurs as a result of the response to an emergency. If the first responder, FLNG member or service member is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act while engaged in the performance of official duties, the death benefit is increased from \$150,000 to \$225,000. The bill also provides these benefits to paramedics and emergency medical technicians and removes the annual Consumer Price Index adjustment of the benefit amounts. The bill expands death benefits for certain educational expenses of surviving spouses and children of firefighters, law enforcement officers, correctional officers, correctional probation officers, paramedics, emergency medical technicians and FLNG members who are accidentally killed or receive accidental bodily injury resulting in loss of life. Effective July 1, 2019. Chapter No. 2019-24. (Hughes)

#### **Unemployment Compensation (Monitored)**

**CS/HB 563** (Joseph) provides that an individual may not be disqualified from receiving reemployment assistance if he or she voluntarily leaves work and is able to prove that the discontinuation of employment is a direct result of circumstances related to domestic violence. Effective July 1, 2019. Chapter No. 2019-80. (Hughes)

#### **FRS Contribution Rates (Monitored)**

**SB 7016** (Senate Governmental Oversight and Accountability Committee) revises the required retirement contribution rates for each membership class and subclass of the Florida Retirement System. Effective July 1, 2019. Chapter No. 2019-008. (Hughes)

#### **Lis Penden (Monitored)**

**CS/CS/HB 91** (Altman) specifies that a valid recorded notice of lis penden in a judicial sale remains in effect through transfer of title to the property pursuant to the final judgment unless it expires, is withdrawn or is discharged. A judicial sale is the sale of a defendant's property to enforce compliance of a judgment until the judgment is satisfied. The bill applies to actions pending on the effective date of the act. Effective upon becoming law. The bill became law on June 7, 2019. Chapter No. 2019-67. (Cruz)

### **Engineering (Opposed – Mandate)**

**CS/CS/HB 827** (Toledo) authorizes the Florida Board of Professional Engineers to establish minimum standards of practice and rules for the profession of engineering. Of concern to cities, the bill reduces the number of days a local building official has to review a private provider permit application from 30 business days to 20 business days. The bill also changes the number of days an owner who decides to use a private inspector has to notify a local building official from seven business days before the first scheduled inspection to two business days. Finally, the bill specifies that projects wholly or partially funded by the Department of Transportation and administered by a local governmental entity may not allow the same entity to perform both design services and construction engineering and inspection services. Effective October 1, 2019. Chapter No. 2019-86. (Branch)

### **Open and Expired Building Permits (Monitored)**

**CS/CS/HB 447** (Diamond) addresses a variety of issues relating to the Florida Building Code and building permits. It allows the Florida Building Commission to approve updates to the Florida Building Code every three years. The bill creates a process, at the discretion of a local government, to send notice to the owner or contractor listed on a building permit that a permit is about to expire. It expands current exemptions from the requirement to use a licensed contractor where the contractor listed on the permit substantially completed the project as determined by the local permitting agency for a one-family or two-family residence, townhome or individual residential condominium or cooperative unit under specified conditions. The bill specifies processes by which a property owner may close a building permit and clarifies that a building department may close a permit six years after the permit is issued instead of six years after the permit expires. It prohibits a local government from denying a contractor a permit solely because the contractor has expired building permits. The bill provides that a local government may charge a person only one search fee, commensurate with the research and time costs incurred by the local government, for identifying a building permit for each unit or subunit assigned by the local government to a parcel. The bill also prohibits a local government from carrying forward an amount exceeding the average of its operating budget for enforcing the code for the preceding four fiscal years (excluding reserves). The

local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce building permit fees. Effective October 1, 2019. Chapter No. 2019-75. (Branch)

### **Community Development Districts (Monitored)**

**CS/CS/HB 437** (Buchanan) allows a petitioner that is establishing a new community development district (CDD) of less than 2,500 acres to include a list of adjacent parcels that the petitioner expects to annex into the district boundaries within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include parcels identified for annexation, even if the resulting CDD is greater than 2,500 acres. Finally, the bill provides that a CDD may merge with a special district created by a special act pursuant to the terms of that special act and makes provision for the assets and liabilities of the CDD. Effective upon becoming law. The bill became law on June 28, 2019. Chapter No. 2019-164. (Branch)

### **Motor Vehicles and Railroad Trains (Monitored)**

**CS/HB 341** (LaMarca) provides that a railroad train is not a motor vehicle for purposes of Florida's Uniform Traffic Control Law. It provides that law enforcement officers may decide whether to collect and report the names and addresses of "parties," "drivers" and "passengers" involved in a vehicle crash involving a railroad train. Law enforcement officers are required to continue to collect and report the names and addresses of "witnesses" pursuant to current law. The bill provides that a member of a railroad train crew, or a train passenger, is not a passenger for purposes of the motor vehicle crash report. Members of the train's crew must provide certain information (time, date and location of the crash; description of the vehicles; names and addresses of parties involved; and names and addresses of witnesses), and, upon request, the engineer or conductor must provide his or her federal certification. Effective July 1, 2019. Chapter No. 2019-69. (Branch)

### **Expressway Authorities (Monitored)**

**CS/CS/CS/HB 385** (Avila) repeals the Florida Expressway Authority Act, which repeals the authority for any county to create its own expressway authority. It creates the Greater Miami Expressway Agency (GMX) and transfers all Miami-Dade County Expressway Authority (MDX) liabilities and assets to



GMX. The bill creates various provisions governing the operation of GMX. It prohibits GMX from increasing toll rates until 2029 and requires a two-thirds vote of GMX's governing body prior to implementing any toll increases. The bill creates a toll rebate program for SunPass users on GMX facilities. The bill revises uses of the Charter County and Regional Transportation Surtax in Miami-Dade County. The membership of the Miami-Dade County metropolitan planning organization is revised. The bill relocates current statutory provisions regarding financial disclosures of certain other expressway and other transportation authorities and repeals the Osceola County Expressway Authority. It provides the Florida Department of Transportation must approve the design plans of all transportation projects on, under, over or abutting a DOT-owned right of way, regardless of funding source, for compliance with DOT design standards. Effective July 1, 2019. Chapter No. 2019-169. (Branch)

#### **Autonomous Vehicles (Monitored)**

**CS/HB 311** (Fischer) Current law authorizes the operation of autonomous vehicles in the state by any person holding a valid driver's license. The physical presence of an operator in the vehicle is not required under specified conditions. The bill changes the term "autonomous vehicle" to "automated driving system" and defines the term "On-demand Autonomous Vehicle Network" to mean a passenger network that uses digital means to connect passengers to fully autonomous vehicles for hire. The bill specifies that a licensed human operator is not required to operate a fully autonomous vehicle and removes the requirement that an operator possess a valid driver's license. It specifies the automated driving system, rather than a person, is deemed the operator of an autonomous vehicle when the automated driving system is engaged. The bill authorizes an on-demand autonomous vehicle network to operate pursuant to state laws with the same insurance requirements applicable to transportation network companies. It prohibits local governments from imposing a fee, tax or other requirement on automated driving systems or autonomous vehicles. Finally, the bill authorizes the Florida Turnpike Enterprise to construct and operate facilities for the advancement of autonomous and connected transportation technologies. Effective July 1, 2019. Chapter No. 2019-101. (Branch)

#### **Motor Vehicles (Monitored)**

**CS/HB 1057** (McClure) is the comprehensive Department of Highway Safety and Motor Vehicles package. Of specific interest to local governments, the bill authorizes a motor vehicle to be equipped with one or more lamps or devices underneath the motor vehicle if such lamps or devices do not emit light in violation of statutes regarding lights on law enforcement vehicles. Additionally, the bill authorizes a privately owned vehicle belonging to an active firefighter member of a volunteer firefighting company or medical staff physician or technician of a licensed medical facility, while responding to an emergency, to display or use red warning signals visible from the front and from the rear of such vehicle. Effective October 1, 2019. Chapter No. 2019-92. (Branch)

#### **Public Record Exemption for Civilian Personnel Employed by a Law Enforcement Agency (Supported)**

**CS/CS/CS/SB 248** (Hooper) creates a public record exemption for personal identifying and location information of any active or former civilian personnel employed by a law enforcement agency. Effective July 1, 2019. Chapter No. 2019-12. (Cook)

#### **Public Record Exemption for Municipal Electric Utilities Information Technology Systems (Supported)**

**CS/CS/HB 327** (Davis) exempts from public records requirements any information concerning the information technology systems of municipally owned electric utilities. Effective July 1, 2019. Chapter No. 2019-37. (Cook)

#### **Public Record Exemption for Preregistered Voter Registration Applicants (Monitored)**

**CS/HB 281** (Stevenson) creates a public record exemption for all information relating to preregistered voter registration applicants who are 16 or 17 years of age including telephone number and email address. Effective July 1, 2019. Chapter No. 2019-55. (Cook)

#### **Public Records/Victims of Mass Violence (Monitored)**

**SB 186** (Lee) expands an existing public record exemption for photographs, videos or audio recordings that depict or record the killing of a law enforcement officer to include records relating to the deaths of victims of mass violence. Effective upon becoming law. The bill became law on May 23, 2019. Chapter No. 2019-46. (Cook)

**Police, Fire, and Search and Rescue Dogs (Supported)**  
**CS/CS/SB 96** (Bean) increases penalties for certain offenses committed on police, fire or search and rescue canines, or a police horse. Effective October 1, 2019. Chapter No. 2019-009. (Cook)

**Public Records/Commission on Ethics (Monitored)**  
**HB 7023** (Public Integrity & Ethics Committee) provides exemptions from the public records law requirements for certain passwords held by the Commission on Ethics and certain information entered into the electronic filing system for financial disclosure forms. Effective upon becoming law. The bill became law on May 14, 2019. Chapter No. 2019-40. (O'Hara)

**Election Administration (Monitored)**  
**SB 7066** (Ethics and Elections Committee) makes extensive changes to the Florida Election Code relating to voting systems, ballot sorting and counting, vote-by-mail requirements, provisional ballots, voter signature updates, polling location requirements, precinct reporting, ballot design and security, county canvassing boards, supervisors of elections and election contests. Effective July 1, 2019, except as specified. The bill mandates that voters with disabilities use voter verifiable paper output (VVPO) systems for canvassing and recount purposes and authorizes the use of VVPO touchscreen systems by all voters. It prohibits the use of voting systems that cannot simultaneously count and sort ballot overvotes and undervotes in multiple races. The bill moves the primary election back from 10 to 11 weeks before the general election. It extends the cure deadline for defective vote-by-mail signatures, revises the process for curing defective vote-by-mail signatures and creates a provisional ballot signature cure process that mirrors the revised vote-by-mail cure process. The bill changes the time frames and procedures for vote-by-mail. It moves the deadline for a voter to update his or her signature for purposes of validating a vote-by-mail ballot to when the ballot is received. It creates a process to use provisional and vote-by-mail ballot cure affidavits to update voter signatures immediately and provides for post-election notice to electors whose ballots are invalidated due to a signature discrepancy. The bill requires that if a county canvassing board meeting is recessed or suspended for a period longer than 60 minutes, the board must post on the supervisor of election's website the anticipated time the board expects to reconvene. It requires identification to be worn by canvassing board members when

engaging in official duties and also requires a physical notice detailing the names of the individuals serving as the county canvassing board, the time and purpose of the meeting to be posted near the public entrance to the building in which the board meeting is taking place. The bill expands the no-solicitation zone around polling places and allows a voter to photograph his or her ballot in a polling place. It prohibits precinct-level results by ballot type if 30 or fewer votes are cast rather than 10, as is provided in current law. It addresses ballot uniformity by requiring that ballot instructions either be centered at the top of the ballot or in the leftmost column and requires all vote targets to be ovals. The bill allows supervisors of elections to forego newspaper publication of a sample ballot if the supervisor mails or emails every voter a sample ballot. The bill authorizes courts reviewing the validity of voter signatures in election contests to consider the signature on vote-by-mail/provisional ballot voter certificates and cure affidavits, along with submitted voter identification. Finally, the bill includes provisions to implement Amendment 4, relating to restoration of felon voting rights, which was approved by Florida voters in the 2018 general election. In addition to completing all terms of his or her sentence as defined in the bill, including parole or probation, a felon would have to repay all restitution and would also have to pay all fees and fines ordered by the court, not including any fees or costs that accrue after the date the obligation is ordered as part of the sentence. Persons convicted of murder or a felony sexual offense as specified in the bill would be ineligible for voting rights restoration. Chapter No. 2019-162. (O'Hara)

### **Nonemergency Medical Transportation Services (Monitored)**

**CS/HB 411** (Perez) allows a transportation network company (TNC) to provide non-emergency medical transportation if:

- ▷ The TNC is under contract with a Medicaid managed care plan.
- ▷ The TNC is under contract with a transportation broker that is under contract with a Medicaid managed care plan or the Agency for Health Care Administration.
- ▷ The TNC receives referrals from a transportation broker contracted with a Medicaid managed care plan or the Agency for Health Care Administration.

Effective July 1, 2019. Chapter No. 2019-72. (Cook)

### **Carrying of Firearms by Tactical Medical Professionals (Monitored)**

**CS/HB 487** (Smith, D.) expressly authorizes a “tactical medical professional” (TMP) who has a concealed weapons and firearms license to carry firearms, weapons and ammunition when he or she is actively operating in direct support of a tactical law enforcement operation. For the authorization to apply, the bill also requires the law enforcement agency head to have appointed the TMP and to have an established policy for these appointments. Additionally, the TMP must have completed two types of firearm training, one of which must be provided by the agency.

In addition to this express authorization to carry firearms, weapons and ammunition, the bill also grants a TMP who is authorized to carry a firearm or other weapon during an operation the same “immunities and privileges” as a law enforcement officer. However, a TMP may not make an arrest. The immunities and privileges provision might authorize a TMP to carry a concealed or unconcealed firearm or weapon whenever a law enforcement officer may, which is anytime the officer is “carrying out official duties in this state.” Similarly, this provision might authorize a TMP to carry a concealed firearm without a license while off duty, given that law enforcement officers appear to have this authority.

The bill defines “tactical medical professional” as a paramedic, physician or osteopathic physician who is appointed to provide medical services directly to a tactical law enforcement unit engaged in high-risk incidents, such as drug raids and hostage situations. Effective July 1, 2019. Chapter No. 2019-77. (Cook)

### **Human Trafficking (Monitored)**

**CS/HB 851** (Fitzenhagen) requires the owner or operator of a public lodging establishment to provide annual training to certain employees by January 1, 2021. Of note to cities, the bill requires each certified law enforcement officer to successfully complete a human trafficking training component within one year of beginning employment or by July 1, 2022. Failing to complete the required training by this date will result in the suspension of the officer’s certification until the officer has completed the training. Effective July 1, 2019. Chapter No. 2019-152. (Cook)

### **Public Safety (Monitored)**

**CS/HB 7125** (Judiciary Committee) makes varied and comprehensive changes to Florida law that impacts public safety.

CS/HB 7125 does the following:

- ▷ Modifies the use of grant funds for crime stoppers programs and prohibits the disclosure of privileged communication or protected information associated with crime stopper organizations.
- ▷ Expands the availability of inmate reentry programming and services.
- ▷ Reduces barriers to occupational licensing for persons with a criminal history record.
- ▷ Expands eligibility for sealing a criminal record if a charge was dismissed, not filed or resulted in acquittal.
- ▷ Revises probation criteria to prioritize the highest levels of supervision for the most serious offenders.
- ▷ Raises felony theft thresholds for specified offenses, including grand theft and retail theft, to \$1,000.
- ▷ Expands access to therapeutic treatment courts by authorizing a judicial circuit to create a community court for specified misdemeanors and expanding eligibility for pretrial drug court and veterans’ treatment court.
- ▷ Repeals and reduces driver license suspensions and revocations for non-driving related reasons and revises specified offenses for driving while license suspended or revoked.
- ▷ Revises youthful offender sentencing eligibility.
- ▷ Raises hydrocodone trafficking thresholds to bring them in line with similar controlled substances.
- ▷ Repeals mandatory minimum sentences and reduces offense levels for specified regulatory offenses.
- ▷ Increases penalties for introducing a cellphone and other contraband into a state correctional institution.
- ▷ Revises offenses related to persons detained in county detention facilities.
- ▷ Prohibits awarding attorney fees in injunctions for repeat, dating or sexual violence and stalking.
- ▷ Revises specified agency and law enforcement access to certain criminal justice databases.
- ▷ Revises data elements and definitions and delays a reporting deadline for criminal justice data transparency.
- ▷ Clarifies law enforcement may apply for an arrest warrant after obtaining an initial DNA match.
- ▷ Revises offense elements for specified cybercrimes

- and construction contracting fraud.
- ▷ Prohibits specified offenses for possession of obscene child-like sex dolls.
- ▷ Authorizes a veterinarian to report suspected criminal violations to specified entities.
- ▷ Authorizes specified law enforcement officers to carry a concealed firearm during off-duty hours in any state.
- ▷ Extends specified filing and reporting deadlines for crime victim compensation claims.

Effective October 1, 2019. Chapter No. 2019-167. (Cook)

### **Blockchain (Supported)**

**CS/CS/SB 1024** (Gruters) creates the Florida Blockchain Working Group to study the ways in which state, county and municipal governments can benefit from a transition to a blockchain-based system for recordkeeping, security and service delivery. The working group is directed to submit recommendations to the governor and the Legislature concerning the implementation of blockchain-based systems that promote government efficiencies and better services for citizens. Effective upon becoming law. The bill became law on May 23, 2019. Chapter No. 2019-52. (Cook)

### **Environmental Regulation (Opposed)**

**CS/HB 771** (Overdorf) requires that contracts between local governments and vendors for the collection, transport and processing of residential recycling materials include terms and conditions to define and reduce levels of contamination. Specifically, the bill provides that a recyclable materials collector or facility is not required to collect, transport or process “contaminated recyclable material” as defined in the appropriate contract. Each contract is required to define “contaminated recyclable material.” The bill specifies that contracts must define the term in a manner that is appropriate for the local community, based on available markets and other relevant factors. Contracts have to include provisions for identifying and documenting contamination, as well as the respective obligations of the parties regarding education and enforcement, but specific terms are left to the discretion of the contracting parties. The new requirements apply to new contracts and contracts extended after October 1, 2019. In addition, the bill clarifies an exemption in current law from state

environmental permitting requirements for various projects by specifying that local governments cannot require a person to provide additional verification from the Department of Environmental Protection of entitlement to such an exemption. Also, the bill modifies an existing state permit exemption for the replacement and repair of existing docks and piers, by specifying the replacement or repair must be “within 5 feet of the same location and no larger in size” and that no additional aquatic resources would be adversely impacted. Finally, the bill imposes a five-year moratorium on the local regulation of single-use plastic straws and directs the State Office of Program Policy Analysis and Government Accountability to conduct a study of local single-use plastic straw regulations and submit a report of its findings to the governor and Legislature by December 1, 2019. CS/HB 771 was vetoed by the governor. (O’Hara)

### **Small-Scale Comprehensive Plan Amendments (Monitored)**

**HB 6017** (Duggan) repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government. A comprehensive plan amendment can be classified as a small-scale amendment if the amendment involved less than 10 acres of land, does not impact land located in an area of critical state concern, preserves the internal consistency of the overall local comprehensive plan and requires substantive changes to the text of the plan, and the local government considering the amendment does not adopt a cumulative total of 120 acres of small-scale comprehensive plan amendments in the current calendar year. Effective July 1, 2019. Chapter No. 2019-157. (Cruz)

# MAJOR BILLS THAT FAILED DURING THE 2019 SESSION

(in order by priority)

## Short-Term Rentals (Opposed – Preemption)

**SB 824** (Diaz) and **CS/CS/HB 987** (Grant, J.) would have done the following:

- ▷ Preempted to the state the regulation of short-term rentals (STRs)/vacation rentals.
- ▷ Required that any ordinances (noise, parking, trash, etc.) apply to all residential properties, regardless of how the property is being used.
- ▷ Stated that local governments could not prohibit rentals (not just STRs), impose occupancy limits on rental properties or require inspections or licensing of rentals (specific to STRs).
- ▷ Required that a city must prove by clear and convincing evidence that its ordinance or regulation complied with this section.
- ▷ **Removed the grandfather clause.**
- ▷ Required applicants for STR license to provide name, address, phone number and email to the Department of Business and Professional Regulation, which must have made this available to the public on the division's website.

CS/CS/HB 987 also contained language clarifying that existing homeowners association and condo association regulations would continue to be in effect. The amended bill required that operators of STRs must maintain liability insurance coverage equal to the insurance requirements for long-term rentals. Finally, the bill required that sex offenders must register at the sheriff's office in the county where the sex offender is temporarily residing, regardless of the length of stay, at any public lodging establishment including vacation rentals. The property owner or operator who had been notified that a sexual offender was staying at his or her property or is staying within 1,000 feet of his or her property was required to notify all other guests staying at the property. Every internet ad or online posting must prominently display the complete physical address of the public lodging establishment along with a link to a website created by the Florida Department of Law Enforcement to notify the public of any information regarding sexual predators. SB 824 died in committee. CS/CS/HB 987 died on second reading. (Cook)

## Short-Term Rentals (Supported)

**SB 812** (Simmons) and **SB 814** (Simmons) would have:

- ▷ Required short-term rental (STR) registration to be displayed in the establishment and the registration number to be included in any listing or advertisement.
- ▷ Defined "commercial vacation rental": five or more units under common ownership.
- ▷ Defined "hosting platform."
- ▷ Clarified that rental units, in whole or in part, advertised for rental periods for less than 30 days be classified as STRs.
- ▷ Required the Department of Business and Professional Regulation (DBPR) to inspect commercial vacation rentals at least biannually.
- ▷ Required that non-commercial STRs must be made available for inspection upon request
- ▷ Required that local governments treat all residential properties the same, regardless of use, but there's an exception: In single-family residences where the owner is not occupying a portion of the property where the rental activity is taking place (home sharing), local governments could adopt specific regulations for the rental.
- ▷ Required that STR owners give the city a copy of their state licenses and the owner's emergency contact information. Cities could not charge for this information.
- ▷ Authorized grandfathered cities to amend their ordinances if the changes were "less restrictive."
- ▷ Authorized DBPR to refuse to issue or renew, or suspend or revoke, the license of any public lodging establishment that is the subject of a final order from a local government directing the establishment to cease operations due to a violation of a local ordinance.
- ▷ Required any advertisements to list the license number and the physical address of the property.
- ▷ Added several new requirements on hosting platforms including a prohibition on facilitating a rental if the property had not been licensed by DBPR.
- ▷ Required the hosting platform to maintain rental records of every property advertised on the platform and required DBPR to audit at least annually, with penalties for noncompliance or failed audits.

The bills died in committee.

**SB 1196** (Mayfield) and **HB 1129** (LaMarca) would have:

- ▷ Defined “hosting platform” and provided for more accountability of the platforms.
- ▷ Required the DBPR to collect information relating to the bookings of each short-term rental and share this information with cities upon request.
- ▷ Expanded the definition of transient public lodging establishment to include “group of units in a dwelling.”
- ▷ Required a license to be displayed inside the STR and the license number to be included in all advertising.
- ▷ Prohibited the platform from facilitating a booking transaction unless the operator had consented to the disclosure of the required information.
- ▷ Required hosting platforms to remove noncompliant ads within three business days of DBPR’s notification.
- ▷ Required DBPR to revoke, refuse to issue or renew a short-term rental license when the subject property violated the terms of an applicable lease or property restriction OR the agency determined that the operation of a STR violated a local law, ordinance or regulation.

The bills died in committee. (Cook)

### **Property Rights (Opposed)**

**SB 1720** (Lee) and **CS/HB 1383** (Grant, J.) would have amended the Bert J. Harris Act by requiring any settlement reached on a Bert Harris claim due to any new law, rule, regulation or ordinance by a governmental entity be automatically applied by the government entity to all similarly situated properties that are subject to the same rules or regulations. The bills would have allowed a property owner to waive a jury trial and request that a court determine the compensation to the property owner for the loss in value due to the burden to the property. Under current law, a property owner must be given notice if a law or regulation will have a discernable effect on real property. In the event of improper notification the governmental entity would have 45 days to respond to a property owner about whether or not a law or regulation is applicable to the property in question. The bill provided that if a property owner is not given proper notice, the property owner could bring a claim against a governmental entity. Additionally, CS/HB 1383 provided that business losses could be included in a Bert Harris claim. (Cruz)

### **Governmental Powers (Opposed – Preemption)**

**CS/CS/CS/HB 1299** (Roach) included a wide variety of issues, most of which would have adversely impacted municipalities. A municipality would have been prohibited from purchasing any real property within another municipality’s jurisdictional boundaries without the other municipality’s consent. Additionally, the bill would have prohibited a governmental entity from attempting to annex an area within another municipality’s jurisdiction without the other municipality’s consent. The bill would have prohibited levying of taxes on cigarettes, cigars and nicotine products by municipalities after July 1, 2019. Additionally, local governments would have been prohibited from regulating single-use plastic straws and over-the-counter proprietary drugs and cosmetics, such as sunscreen. The bill would have preempted alternate-generated power sources for motor fuel-dispensing facilities to the state and the Florida Division of Emergency Management. The bill established that the minimum age for the sale of tobacco products and nicotine products would be preempted to the state. (Cruz)

### **Single Use Plastic Straws (Opposed – Preemption)**

**CS/CS/SB 588** (Hutson) and **CS/HB 603** (Sabatini) would have provided for a five-year moratorium on the adoption and enforcement of any local regulation of single-use plastic straws. During the five-year period, the bills would have directed the Department of Environmental Protection to conduct a study and report to the Legislature on the environmental impacts of plastic straws. If the Legislature failed to adopt legislation at the end of the five-year period, the moratorium on local regulation would be lifted. If a local government violated the moratorium it would be subject to a \$25,000 fine, along with attorney fees and costs of any prevailing party that files an action to enforce the moratorium. In addition, CS/CS/SB 588 would have preempted the regulation of over-the-counter drugs and cosmetics to the state. A five-year moratorium on the local regulation of single-use plastic straws was incorporated into CS/CS/HB 771, which passed but was ultimately vetoed by Governor Ron DeSantis. (O’Hara)

### **Water Quality Improvements (Opposed – Mandate)**

**CS/CS/SB 1758** (Mayfield) and **HB 1395** (Raschein) would have made substantial changes to current law relating to water quality, wastewater treatment facilities, septic systems and basin management action

plans (BMAPs) required under the total maximum daily load (TMDL) program. In addition, the bills would have transferred responsibility for the onsite sewage treatment and disposal (septic tank) program from the Department of Health to the Department of Environmental Protection (DEP). The bills would have established a wastewater grant program for projects intended to reduce nutrient pollution. The bills would have required each local government to develop a plan to implement advanced wastewater treatment. In addition, the bills would have required BMAPs to provide for upgrades necessary to any applicable septic tank remediation plan. The bills would have required a wastewater treatment plant that unlawfully discharges raw or partially treated sewage into any waterway or aquifer to notify its customers within 24 hours of discovery of the discharge and authorized the DEP to impose daily penalties for overflows. The bills would have required all local governments to adopt and implement an ordinance consistent with the state Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. Lastly, the bills would have required advanced waste treatment for wastewater discharges into the Indian River Lagoon by July 2024. (O'Hara)

#### **Biosolids Management (Supported)**

**CS/CS/SB 1278** (Mayfield) and **CS/CS/HB 405** (Grall) would have provided legislative findings that expedited implementation of recommendations of the Biosolids Technical Advisory Committee to improve biosolids management and assist in protecting water quality. The bills specified that an ordinance, moratorium or regulation relating to land application of Class B biosolids adopted by a local government would have been extended and should remain in effect until expiration or repeal. The bills also prohibited, by July 2020, the land application of biosolids on any site where the application zone would have interacted with the seasonal high-water table. (O'Hara)

#### **Preemption of Local Regulations (Opposed – Mandate and Preemption)**

**CS/CS/CS/HB 3** (Grant, M.) would have expressly preempted the licensing of occupations to the state. The bill defined occupation to include a paid job, work, trade, employment or profession and defined licensing to include any training, education, test, certification, registration, procedure or license that would be required for a person to perform an

occupation. The bill provided limited exceptions for specified local licenses and any local government licensing of occupations that was expressly authorized by general law. The bill would have prohibited 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 set forth in Chapter 489. In addition, the bill would have authorized local governments to issue journeyman licenses in specified trades. (O'Hara)

#### **Preemption of Local Regulations (Opposed – Mandate and Preemption)**

**SB 1748** (Perry) would have expressly preempted the regulation and licensing of occupations and professions to the state and prohibited the enforcement of any local regulation of a business unless the regulation was either expressly authorized by general law or adopted pursuant to the processes set forth in the bill. The bill would have prohibited local governments from imposing new regulations on business after July 1, 2019, unless the local government made specific findings as to necessity for the regulation and its fiscal impact; required the regulation to sunset in two years; passed the regulation by two-thirds vote; and published a detailed Statement of Estimated Regulatory Costs prior to the vote. The bill would have sunset existing local regulations affecting business in July 2021. (O'Hara)

#### **Local Government Fiscal Transparency (Opposed – Mandate)**

**CS/CS/HB 15** (Burton) and **SB 1350** (Hutson) would have amended multiple provisions related to local government financial transparency. The bills expanded public notice and public hearing requirements for local option tax increases, other than property taxes and taxes adopted by referendum, and new long-term tax-supported debt issuances. Each local government would have been required to prominently post on its website the voting records on any action taken by its governing board related to tax increases and new tax-supported debt issuance. The bills imposed requirements on county property appraisers and local governments relating to Truth in Millage (TRIM) notices, millage rate history and the amount of tax levied by each taxing authority on each parcel. The bill specified the timeframe that cities must follow in keeping certain budget documents on the website.

Additionally, local governments would have been required to conduct a debt affordability analysis prior to approving the issuance of new long-term tax-supported debt.

The bills required the local government annual audit reports to include information regarding compliance with the requirements of this newly created section of law. Failure to comply could have ultimately resulted in the withholding of state-shared revenues.

The bills revised the local government reporting requirements for economic development incentives. They required each municipality to report to the Office of Economic and Demographic Research whether the incentive was provided directly to an individual business or by another entity on behalf of the local government and the source of dollars obligated for the incentive (including local, state and federal). CS/CS/HB 15 passed the House but died awaiting action by the Senate. SB 1350 died in committee. (Hughes)

#### **Local Business Tax (Opposed – Mandate)**

**SB 868** (Hutson) and **HB 1387** (Donalds) would have amended the statutes that authorize municipalities to levy the local business tax. SB 868 capped the local business tax at \$25 per taxpayer per year and did not allow a municipality to levy the local business tax if the ordinance or resolution was not adopted prior to January 1, 2019. HB 1387 allowed municipalities that adopted a resolution or ordinance prior to January 1, 2019, to continue to levy the tax. For all other municipalities, HB 1387 capped the local business tax at \$25 per taxpayer per year. The bills died in committee. (Hughes)

#### **State Shared Revenues (Opposed – Mandate)**

**SB 594** (Hutson) would have created procedures and penalties for counties and municipalities taking actions alleged to impact commerce and alleged to violate state law or the state constitution. The bill would have authorized a member of the Legislature to request the attorney general to investigate any municipal or county action alleged to impact “commerce” and which the member alleged violates state law or the state constitution. If the attorney general found a violation occurred or likely occurred, the bill directed the attorney general to initiate a circuit court action for declaratory or injunctive relief. If the circuit court issued an order finding a violation, the bill specified the governing

body of the local government would be compelled to remedy the violation within 30 days or appeal the order. If the governing body failed to timely remedy the violation or timely appeal the order, the bill provided for the Department of Revenue to withhold state-shared revenues to the county or municipality (except for revenues obligated to pay debt service) until such time the local government came into compliance with the court order. The bill provided for the municipality or county to petition for restoration of revenue sharing upon a showing of compliance with the court’s order. (O’Hara/Cruz)

#### **Private Property Comprehensive Plan Element (Opposed – Unfunded Mandate)**

**CS/CS/HB 291** (McClain) and **CS/SB 428** (Perry) would have required local governments to adopt a new mandatory element in their comprehensive plans that addresses the protection of private property. CS/CS/HB 291 would have tied the hands of any future cities incorporated in Florida from adopting a comprehensive plan that differs from the development orders a county had previously issued; the mandatory date of adoption of the property rights elements would have been July 1, 2022. Provisions regarding comprehensive plans’ developmental orders were amended onto CS/CS/HB 7103, see page 5. (Cruz)

#### **Taxation (Supported)**

**CS/SB 1112** (Gruters) would have required retailers with no physical presence in Florida to collect Florida’s sales tax on sales of taxable items delivered to purchasers in Florida if they make a substantial number of sales into Florida. The bill would have provided for the taxation of sales facilitated through marketplace providers. The bill would have revised the definition of the term “inventory,” for purposes of ad valorem taxation, to include certain rented construction, earthmoving or industrial equipment. So that the proposal was revenue neutral, the bill reduced the sales tax on commercial leases from 5.7 to 3.5 percent. The bill also expanded the current affordable housing property tax exemption for certain multifamily projects homes from 50 to 100 percent. The bill died in committee. (Hughes)

#### **Water Quality Improvements (Monitored)**

**CS/HB 141** (Fine) and **CS/SB 216** (Gruters) would have imposed new reporting and civil penalty requirements on wastewater treatment facilities. Specifically, the bills would have required wastewater treatment facilities that



unlawfully discharged more than 1,000 gallons of raw or partially treated sewage into a waterway or the aquifer to notify customers by first class mail within 24 hours of the discovered discharge. The number of customers notified would have been based on the size of the spill. The Department of Environmental Protection was authorized to assess penalties. If the volume of the spill could not be determined, the bills provided the facility would have to remit a penalty of \$10,000. (O'Hara)

### **Possession of Real Property (Supported)**

**SB 54** (Rouson) would have repealed all language dealing with customary use access to beaches that passed in the 2018 law during the last session. During the 2018 legislative session, legislation was passed and signed into law that prohibits a city or county from adopting or keeping in effect an ordinance or rule establishing customary use of privately owned dry sand areas. Customary use is a common law term referring to a legal determination allowing public access of the sandy beach in front of privately owned beachfront property. As a result of the current law, if cities are seeking to establish the customary use of privately owned lands, they are now required to adopt, at a public hearing, a formal notice of intent, provide notice to affected parcel owners and file a complaint with the circuit court to determine whether the land is subject to the customary use doctrine. (Cruz)

### **Fracking (Monitored)**

**CS/HB 7029** (Agriculture & Natural Resources Appropriations Subcommittee) and **CS/SB 7064** (Agriculture Committee) would have prohibited "fracking" in the state as defined in the bills. The bills defined "fracking" as all stages of well intervention performed by injecting fluids into a rock formation at pressures at or exceeding the fracture gradient of the rock formation to propagate fractures. Notably, the definition did not include matrix acidizing, which is another technique that many consider to constitute fracking. (O'Hara)

### **Retainage (Opposed – Preemption)**

**CS/CS/SB 246** (Hooper) and **CS/CS/HB 101** (Andrade) would have reduced by half the amount of retainage a municipality could withhold from a general contractor for public construction projects. Currently, municipalities can withhold up to 10 percent of retainage for the first half of the project and up

to 5 percent on the last half. Retainage serves as a safeguard against possible overpayment to the general contractor when the estimated percentage of project completion, used for periodic payments, exceeds the actual percentage completed. CS/CS/HB 101 would have allowed municipalities to retain up to 5 percent across the entire project. CS/CS/HB 101 passed the House but died awaiting action by the Senate. CS/CS/SB 246 died in committee. (Branch)

### **Red Light Cameras (Opposed – Preemption)**

**SB 622** (Brandes) and **HB 6003** (Sabatini) preempted cities, counties and the Florida Department of Highway Safety and Motor Vehicles from installing, maintaining or utilizing red light cameras effective July 1, 2022. The bills died in committee. (Branch)

### **Towing and Immobilizing of Vehicles and Vessels (Opposed – Preemption)**

**CS/HB 1237** (McClain) and **CS/CS/SB 1792** (Gruters) would have required counties and municipalities to establish maximum rates for the towing and immobilization of vessels and prohibited a county or municipality from enacting a rule or ordinance that imposed a fee or charge on authorized wrecker operators. The bills prohibited counties and municipalities from adopting or enforcing ordinances or rules that imposed fees on the registered owner or lienholder of a vehicle or vessel removed and impounded by an authorized wrecker operator.

The bills would have expressly preempted the regulation of attorney fees and court costs in connection with the towing of vehicles or vessels from private property to the state and would have superseded any municipal or county ordinance on the subject. CS/HB 1237 was passed by the full House but died awaiting action in the Senate. SB 1792 died in committee. (Cook)

### **Public Records (Opposed – Preemption)**

**HB 407** (Rodrigues) would have prohibited a city receiving a public record request from seeking clarification from the court as to whether the record is exempt or confidential. The bill was passed by the full House but died awaiting action by the Senate.

The Senate companion to HB 407, **CS/SB 602** (Perry), was amended to clarify that if a city files an action for declaratory judgment for a declaration that certain

public records are exempt, or confidential and exempt, and the court determines that the records are either not exempt, or not confidential or exempt, the court must assess reasonable costs of enforcement, including attorney fees, against the city for the benefit of the named respondent. The bill died in committee. (Cook)

### **Enforcement of Federal Laws (Monitored)**

**HB 1303** (Jacquet) and **SB 1566** (Torres) would have created the Florida Trust Act, which aimed to protect the constitutional rights of Florida residents to use the state's resources on state and local matters exclusively and set forth relevant definitions pertaining to federal immigration enforcement. The bills would have prohibited law enforcement from using resources to investigate or detain a person for immigration enforcement and prohibited the creation or use of a database for immigration enforcement. The bills also clarified that state and local agencies must cooperate with an immigration authority to the extent required by federal law. (Cruz)

### **Use of Regulated Substances (Monitored)**

**HB 7119** (Health and Human Services Committee) would have increased the minimum age to lawfully purchase and knowingly possess tobacco products, nicotine products and nicotine-dispensing devices in Florida from 18 to 21. The bill prohibited the sale, delivery, bartering, furnishing, shipping or giving tobacco products, nicotine products or electronic nicotine dispensing devices to persons under the age of 21. The bill preempted to the state the establishment of the minimum age to possess or purchase nicotine-dispensing devices, nicotine products and tobacco products and the regulation of the marketing of such products to the state. However, such preemption would not have prohibited a local government's ability to require licensure for the retail sale of tobacco products. Finally, the bill increased the minimum age for the medical use of marijuana in a form for smoking from 18 to 21. The bill died awaiting action by the full House. (Cook)

### **State Housing Trust Fund (Supported)**

**SB 70** (Mayfield), **SB 1770** (Torres) and **HB 1103** (Silvers) specified that funds deposited in the State Housing Trust Fund and the Local Government Housing Trust Fund may not be transferred or used for any other purpose. The bills died in committee. (Branch)

# OTHER BILLS THAT FAILED DURING THE 2019 SESSION

(in order by subject area)

## BUILDING CODES/CONSTRUCTION

### Florida Building Code Enforcement (Opposed – Preemption)

**CS/SB 1036** (Gruters) and **CS/HB 715** (Robinson) limited the amount of revenue generated from enforcing the Florida Building Code that a local government could carry forward from one fiscal year to the next. The bills also required local governments to use any excess funds for specific purposes. CS/HB 715 was amended onto HB 447, see page 13. CS/SB 1036 died in committee. (Branch)

### Charter School Land Use (Opposed – Preemption)

**CS/HB 7095** (PreK-12 Innovation Subcommittee) was a comprehensive education package dealing with charter schools. Of concern to cities was language allowing entities such as churches, libraries and community service organizations the ability to provide space or land to a charter school within their property or facility under their preexisting zoning and land use designations without obtaining a special exception, rezoning or a land use change. CS/HB 7095 attempted to clarify the locations on which land charter schools could be expanded under the proposed bill. The bill died in committee. (Branch)

### Deregulation of Professions and Occupations (Opposed – Preemption)

**CS/SB 1640** (Albritton) and **CS/CS/HB 27** (Ingoglia) dealt with the deregulation of certain professions and occupations. Of concern to cities, the bills would have also repealed the authority of the Florida League of Cities and the Florida Association of Counties to recommend a list of candidates for consideration to the Florida Building Commission. Under current law, FLC and FAC have a joint representative on the commission. The bills revised the membership of the Florida Building Commission from 27 members to 20. Both bills died on second reading. (Branch)

### Inspections and Permits (Opposed – Mandate)

**CS/SB 1752** (Perry) and **HB 1139** (Plakon) required local governments that impose inspection fees as a result of enforcing the Florida Building and

Fire Prevention Code to establish an expedited inspection process. The bills would have allowed a local government to charge an additional fee for the expedited inspection. CS/SB 1752 was amended in committee, to give municipalities the option to create such a process. The bills died in committee. (Branch)

### Local Government Public Construction Works (Opposed – Mandate)

**CS/SB 806** (Perry) and **CS/HB 167** (Andrade) would have required the governing board, in deciding whether it is in the public's best interest for the local government to perform a public building construction project using its own services, to consider the estimated costs of the project using generally accepted cost-accounting principles. This requirement included all costs associated with performing and completing the work, including employee compensation and benefits and other determining factors.

The bills also required a local government that performs a public building construction project using its own services to disclose the actual costs of the project after completion to the auditor general. CS/SB 806 died in committee. CS/HB 167 passed the House but died awaiting action by the Senate. (Branch)

### Building Construction Procedures (Opposed – Preemption)

**CS/HB 1333** (Payne) revised the process by which the Florida Building Code is updated. Of concerns to cities, CS/HB 1333 limited the amount of revenue generated from enforcing the FBC that a local government could carry forward from one fiscal year to the next. The bill also required a local government to use any excess funds for specific purposes. The bill died awaiting action by the full House. (Branch)

### Professional Regulation (Opposed)

**CS/CS/SB 334** (Brandes) and **CS/CS/CS/HB 397** (Plakon) dealt with construction licensing and the makeup of the Construction Industry Licensing Board (CILB). Of concern to cities, CS/CS/CS/HB 397 reduced the composition of the CILB by removing one of the

municipal or county building officials. CS/CS/SB 334 removed the local government official from the CILB, leaving no representation from local governments. CS/CS/SB 334 died in committee. CS/CS/CS/HB 397 died on second reading. (Branch)

#### **Fees for Enforcing the Florida Building Code (Supported)**

**SB 1512** (Diaz) mandated that all fees and investment earnings related to the enforcement of the Florida Building Code be used solely for carrying out the local government's responsibilities in enforcing the FBC. The bill added allowable activities for which local governments may charge reasonable fees when enforcing the FBC. (Branch)

#### **Fire Safety and Prevention (Monitored)**

**CS/SB 498** (Powell) and **HB 433** (Jacquet) prohibited individuals from influencing fire-safety inspectors by threatening, coercing, persuading or compensating to interfere with an inspection. The bills also provided criminal penalties for these violations. The bills died in committee. (Branch)

#### **Electrical Contractors (Monitored)**

**SB 730** (Gibson) and **HB 6027** (Mercado) would have allowed a city or county to require an electric journeyman to be present to supervise or perform work on an industrial or commercial new construction site when electrical work in excess of 77 volts is being performed. Under current law, they may be required only on a worksite with a facility of 50,000 gross square feet or more. The bills died in committee. (Branch)

### **CODE ENFORCEMENT**

#### **Smoking on Public Beaches (Supported)**

**SB 218** (Gruters) would have prohibited the smoking of tobacco on public beaches, provided civil penalties for violations and authorized local law enforcement officers to issue citations for violations. The bill died in committee. (Cook)

### **ECONOMIC DEVELOPMENT**

#### **Northwest Florida Rural Inland Affected Counties Recovery Fund (Supported)**

**HB 191** (Drake) and **SB 1162** (Gainer) would have created the Northwest Florida Rural Inland Affected Counties Recovery Fund within the Department of

Economic Opportunity to provide a long-term source of funding for economic recovery and enhancement efforts of the rural, inland counties affected by the BP Deepwater Horizon Disaster. The bills required DEO to develop an application and selection criteria for awarding grants to local governments for infrastructure projects and workforce programs meeting certain requirements. Funds available for these grants would have come from a portion of the Deepwater Horizon settlement with BP. The bills died in committee. (Cook)

#### **Sports Facility Development (Monitored)**

**HB 233** (Beltran), **HB 791** (Avila) and **SB 414** (Lee) would have repealed provisions relating to state funding for the purpose of constructing, reconstructing, renovating or improving facilities primarily used for sporting events.

HB 233 and SB 414 repealed the Sports Development program in current law that provides an avenue for sports facilities to apply for a distribution from the state to fund the construction of or improvements to a professional sports franchise facility. Since the program was enacted in 2014, no application has been approved by the Legislature. The bills also made conforming changes to other statutes, related to Sports Development program distributions and reporting requirements.

HB 791 would have, among other things, prohibited the use of Tourist Development Tax or Convention Development Tax revenues to finance or construct any aspect of a facility that is or would be used by a sports franchise after July 1, 2019. The bill specified that lawful contracts entered into before July 1, 2019, would not be affected and that the provisions of the bill would not be construed to impair existing contracts.

HB 233 and SB 414 died in committee. HB 791 was passed by the full House but died awaiting action in the Senate. (Cook)

#### **Opportunity Zones (Monitored)**

**HB 481** (Omphroy) and **SB 1408** (Powell) dealt with Opportunity Zones. Of note to cities, the bills created a process whereby cities could apply to the Department of Economic Opportunity for approval for the designated OZ to receive state incentives. The bills required local governments to provide specific information relating to the designated OZ. The bills died in committee. (Cook)

### **Regional Rural Development Grants (Monitored)**

**SB 596** (Albritton) and **HB 671** (Clemons) would have made comprehensive changes to how the Regional Rural Development Grant program and the Rural Infrastructure Fund operate.

SB 596 was passed by the full Senate but died awaiting action in the House. HB 671 died in committee. (Cook)

## **EMERGENCY MANAGEMENT**

### **Emergency Mitigation and Response (Supported)**

**CS/SB 1610** (Montford) would have created the Hurricane Michael Recovery Task Force under the Division of Emergency Management. The purpose of the task force was to make recommendations to the Legislature regarding additional assistance needed from the effects of Hurricane Michael. The bill would have also:

- ▷ Created the Hurricane Housing Recovery Program within the Florida Housing Finance Corp. to address the needs of affordable housing for those impacted by Hurricane Michael and to prepare for future housing needs.
- ▷ Required the Florida Building Commission to lead a review of the effects of Hurricane Michael and provide recommendations to the Legislature regarding enhanced building zones.
- ▷ Expanded the Agricultural Economic Development Program to include timber as an eligible crop for the emergency loan program.

The bill died in committee. (Branch)

### **Disaster Recovery (Supported)**

**HB 645** (Trumbull) would have expanded the criteria for levying a discretionary sales surtax to include: a county with a population of 200,000 or fewer, which is contiguous to three or more counties, each with a population of 50,000 or fewer, that has been named in a major disaster declared by the president of the United States. The bill authorized counties to remove debris from private roads and gated communities during a declared state or local emergency. The bill died in committee. (Branch)

### **Federal Disaster Relief and Recovery (Supported)**

**SB 1844** (Montford) was a resolution urging members of Congress to pass a federal supplemental appropriations package for disaster relief and recovery

to assist those attempting to rebuild their lives in the wake of Hurricane Michael. The bill died on second reading. (Branch)

### **Emergency Management Planning for Assisted Living Facilities (Monitored – Preemption)**

**SB 1364** (Gruters) would have preempted the regulation of comprehensive emergency management planning for assisted living facilities (ALFs) to the state. The bill required an ALF to plan and respond to a disaster in a reasonable manner that provides for the protection and welfare of its residents. The bill also requires an ALF to submit a comprehensive emergency management plan to the county emergency management agency before a facility is issued a license. The bill died in committee. (Branch)

## **ETHICS & ELECTIONS**

### **Ethics Reform (Monitored)**

**SB 1702** (Baxley) and **CS/HB 1** (Sabatini) would have prohibited the use of an elected official's name, image or symbol of office in a public service announcement while the official is a candidate for reelection or election to public office if such announcement is paid for with public funds or donated media. The term "public service announcement" is defined as any message that "promotes or announces an issue of public importance, concern, or welfare." In addition, the bill would have amended various provisions relating to public officer and employee conduct regarding solicitation and negotiating of conflicting relationships. The bill also imposed restrictions and disclosure requirements on statewide elected officers and legislators relating to solicitation and acceptance of employment offers, acceptance of investment advice, business relationships with lobbyists or their principals, and specified changes in employment and compensation. The bill would have imposed additional post-employment restrictions on specified state officers and agency employees. The bill also would have amended various provisions relating to executive branch lobbyist registration. (O'Hara)

### **Ethics (Monitored)**

**SB 1008** (Rodriguez) would have amended the voting conflicts requirements and attorney fees provisions of the state Code of Ethics for public officers and employees. It would have prohibited a state, county,

municipal or other public officer from voting on any measure that would inure to his or her special private gain or loss, or special gain or loss to his or her principal, relative or business associate. The bill would have modified law by making legislators and state officers subject to the same voting conflict requirements and disclosures as county and municipal officers. The bill limited the recovery of attorney fees by a respondent against a complainant in an ethics proceeding to those costs and fees incurred in defense of the respondent in the original proceeding plus fees and costs incurred in proving entitlement to costs and fees. In addition, it would have authorized a complainant to recover attorney fees from a respondent if the complainant prevails against a respondent in an action by the complainant to recover attorney fees following disposition of an ethics complaint. (O'Hara)

#### **Ethics (Monitored)**

**HB 1403** (Drake) would have prohibited a person, including a member of the Legislature, from engaging in disorderly or contemptuous conduct before a committee of the Legislature. Disorderly conduct would include knowingly making a materially false statement before a legislative committee. The bill revised the form of oath required for candidates to include an affirmation to speak the truth during the candidate's campaign for office and prohibit a candidate from knowingly making or causing to be made a materially false statement about an opposing candidate. (O'Hara)

#### **Government Integrity (Monitored)**

**SB 1542** (Hutson) and **HB 1047** (Tomkow) would have established various provisions to promote integrity in government and to prevent fraud, waste and abuse relating to the expenditure of public funds. The bills would have created the Florida Accountability Office and the position of Florida accountability officer within the Office of the Auditor General. The bills would have authorized the Florida accountability officer to investigate complaints alleging waste, fraud, abuse, misconduct or gross mismanagement (as defined in the bills) in connection with the expenditure of public funds within and by state and local government. The bills would have directed the auditor general and the accountability officer to conduct random audits and inspections of appropriations projects appropriated in the prior year. (O'Hara)

#### **Primary Elections (Monitored)**

**SB 556** (Rader) would have established a universal (also known as a "jungle") primary system in the State of Florida for all state, county and municipal elections. In each year in which a general election would have been held, the bill would have required a universal primary election to be held for candidates for state, county and municipal elections on the Tuesday 10 weeks before the general election. The bill specified all candidates for offices, regardless of party affiliation, must appear on a single ballot, and the two candidates receiving the highest and next highest number of votes for that office, regardless of party affiliation, would advance to the general election. The bill would have permitted all qualified electors, regardless of their party affiliation, to vote in the primary election for those offices. In the event of a tie for second place, the bill specified the candidates tying for second would draw lots to determine which candidate advances to the general election. (O'Hara)

#### **Public Records/Probable Cause Finding (Monitored)**

**SB 228** (Gruters) and **HB 439** (Buchanan) would have amended provisions of the Florida Elections Code and the Florida Code of Ethics to address the potential misuse of the complaint process against candidates to influence elections. Current law provides that if a finding of probable cause is entered by the Elections Commission 30 days before the election, the finding may not become public until the day after the election. The bills extended this time frame from 30 days to 60 days. (O'Hara)

#### **Sexual Harassment (Monitored)**

**SB 240** (Book) would have amended the Florida Code of Ethics to address sexual harassment by public officers, public employees, candidates for office, and state executive and legislative branch lobbyists. The bill defined sexual harassment and would have prohibited a public officer, public employee, candidate or lobbyist from sexually harassing any individual, regardless of whether an employment relationship exists. The bill specified penalties for lobbyists who are found to have violated provisions of the law, including public censure and reprimand, civil penalties that would not exceed \$10,000 and a prohibition from lobbying for a specified period. Public officers, employees and candidates found to have violated the law would have been subject to existing penalties as specified in the Code of Ethics for Public Officers and Employees, Chapter 112, Florida Statutes. (O'Hara)

### **Workplace Sexual Harassment (Monitored)**

**SB 1580** (Book) and **HB 417** (Eskamani) would have required the Florida Commission on Human Relations to develop a model sexual harassment prevention policy. The bills specified the minimum requirements and contents of the policy. The bills would have required every employer in the state to adopt the model policy or to establish a policy that equals or exceeds the minimum standards provided in the model policy. The bills would have required employers to provide a written copy of the policy to employees and post the policy in a conspicuous location. The bills directed the commission to produce a model sexual harassment training program and specifies the content for such a program. The bills would have required employers to use the model training program or to establish a training program that equals or exceeds the model program. (O'Hara)

### **Single-Subject Limitation for Constitutional Amendments (Monitored)**

**HJR 53** (Byrd, Payne) would have proposed amendments to the Florida Constitution to limit each amendment to the Constitution proposed by the Constitution Revision Commission or the Florida Taxation and Budget Reform Commission to one subject. **SJR 690** (Rodriguez) would have proposed an amendment to the Constitution to require that any proposal to revise the state Constitution filed by the Florida Taxation and Budget Reform Commission be limited to a single subject. **SJR 74** (Bradley) and **SJR 86** (Rodriguez) would have proposed an amendment to the Florida Constitution to require that any amendment filed by the Constitution Revision Commission be limited to a single subject. (O'Hara)

### **Percentage of Elector Votes Required to Amend Florida Constitution (Monitored)**

**SJR 232** (Baxley) and **HJR 57** (Roth) would have proposed an amendment to the Florida Constitution to increase the percentage of elector votes required to approve an amendment to the state constitution from 60 percent to 66 and 2/3 percent. (O'Hara)

### **Constitutional Amendments (Monitored)**

**SB 7096** (Judiciary Committee) and **HB 7111** (Judiciary Committee) would have revised current law requirements pertaining to the citizen initiative petition process for the amending the state Constitution. The bills would have imposed residency and registration requirements

on petition gatherers and imposed disqualification requirements on petitions that fail to meet specified requirements. The bills would have prohibited compensation to petition gatherers on a per-signature basis. In addition, the bills would have required the Department of State to post position statements by any interested person on a ballot initiative online and would have required the Financial Impact Estimating Conference to determine the financial impact of an initiative on state and local economies. Finally, the bills would have required the ballot for initiative amendments to include additional information about a proposal's fiscal impact and to include the name of the initiative's sponsor and the percentage of contributions received from in-state persons. Many of these signature gathering provisions were included in CS/CS/HB 5, see page 6. (O'Hara)

## **FINANCE & TAXATION**

### **Tax on Commercial Real Property (Opposed – Mandate)**

**SB 618** (Perry) would have exempted a portion of the rent or license fee that is subject to sales tax on commercial real property. Beginning January 1, 2020, the exemption would have been \$10,000 and increased annually until the sales tax on commercial leases is repealed on January 1, 2029. The bill died in committee. (Hughes)

### **Millage Notices (Supported)**

**HB 399** (DiCeglie) and **CS/SB 564** (Hooper) authorized property appraisers to make proposed property tax notices of proposed property taxes available on their websites in lieu of mailing the notices. CS/SB 564 would have limited this new authority to a pilot program in Pinellas, Pasco and Hernando counties and expired on December 31, 2023. The bills died in committee. (Hughes)

### **Public Deposits Act (Supported)**

**HB 335** (Fine) and **SB 378** (Hutson) would have allowed the state's chief financial officer to designate credit unions as qualified public depositories if certain conditions are met. The bills died in committee. (Hughes)

### **Local Option Surtaxes (Supported)**

**HB 793** (Stone) authorized a city or a county that receives revenues from the Local Government Infrastructure Surtax to use the proceeds for operating purposes. The bill required the city or county to

reduce its ad valorem levy by the estimated amount of revenue provided by the surtax. The bill excluded the small county surtax from inclusion in the calculation of the rate cap applicable to local governments levying specified surtaxes. The bill died in committee. (Hughes)

#### **Ad Valorem Taxation (Supported)**

**SB 1318** (Albritton) and **HB 6023** (Fine) would have repealed existing law that prohibits a person from receiving a homestead exemption in this state if the person is receiving ad valorem tax exemption or tax credit in another state that requires permanent residency for eligibility. The bills died in committee. (Hughes)

#### **Taxation Transparency (Monitored)**

**CS/CS/HB 7053** (Ways and Means Committee) and **PSB 7104** (Finance and Tax Committee) would have renamed select state and local government levies as taxes.

The bills required, on a prospective basis, any new or proposed impositions or rate increases for the following by counties, municipalities or special districts to be titled as and represented to the public as “taxes”; new or increased special assessments or non-ad valorem assessments must have been titled and represented to the public as a “special benefit tax”; new or increased impact fees or mobility fees must have been titled and represented to the public as a “development impact tax”; new or increased franchise fees must have been titled and represented to the public as a “franchise tax”; and, new or increased charges to pay the cost of regulation must have been titled and represented to the public as a tax in a manner reasonably consistent with the type of regulation and charge in question. The bills expressly specified that they did not affect, amend or alter a county or municipality’s Home Rule authority under the state constitution or other provisions of law to impose the affected local government levies. **CS/CS/HB 7053** died on second reading. **PSB 7104** was not introduced in committee. (Hughes)

#### **Sales Tax on Commercial Leases (Monitored)**

**SB 1642** (Gainer) would have reduced the sales tax rate on commercial leases from 5.7 to 5.5 percent. The bill died in committee. (Hughes)

#### **Local Option Surtax by Petition (Monitored)**

**CS/SB 1040** (Lee) required that a referendum to adopt or amend a local government discretionary surtax be held during a state general election. The bill required a

petition sponsor of an initiative to adopt a charter county and regional transportation system surtax to comply with certain requirements within a specified timeframe before the proposed referendum. The county would have been required to make the proposed referendum and a specified legal opinion available on its official website. The bills also required the Office of Program Policy Analysis and Government Accountability to procure a certified public accountant for a performance audit. **CS/SB 1040** died in committee. A number of these provisions were included in **CS/CS/HB 5** that passed the legislature. See **CS/CS/HB 5** on page 6. (Hughes)

#### **Homestead Tax Exemption: Surviving Spouse of a Veteran (Monitored)**

**SJR 886** (Brandes) and **CS/HJR 717** (Killebrew) proposed an amendment to the state Constitution to provide that the homestead property tax discount for certain veterans who had permanent, combat-related disabilities carried over to the benefit of the veteran’s surviving spouse under certain circumstances until he or she remarried or sold or otherwise disposed of the property. The proposed amendment also provided that the discount for the surviving spouse would have been transferable to another homestead. This proposed amendment required 60 percent approval for passage. The bills died in committee. (Hughes)

#### **Homestead Tax Exemption: Surviving Spouse of a Veteran (Monitored)**

**HB 6035** (Hattersley) and **SB 1490** (Simmons) would have deleted the provisions that allowed a surviving spouse of a veteran to receive an ad valorem taxation exemption only if the veteran had been a permanent resident of Florida. The bills also deleted the provision that placed restrictions on the ability of first responders to receive an ad valorem tax exemption. The bills died in committee. (Hughes)

#### **Homestead Tax Exemption Implementation: Surviving Spouse of a Veteran (Monitored)**

**CS/SB 888** (Brandes) and **CS/CS/HB 719** (Killebrew) would have provided that if certain conditions were met, the homestead property tax discount for certain disabled veterans would have carried over the benefit to the veteran’s surviving spouse until the surviving spouse remarried or sold or otherwise disposed of the homestead property. If the surviving spouse sold the property, the discount could have been transferred



to his or her new primary residence. It required the passage of the amendment to the state Constitution proposed by SJR 886, HJR 717, or a similar joint resolution having substantially the same specific intent and purpose. CS/SB 888 died in committee. CS/CS/HB 719 died awaiting action by the full House. (Hughes)

#### **Property Tax Exemptions (Monitored)**

**HB 51** (Sirois) and **SB 202** (Wright) would have increased the property tax exemption from \$500 to \$5,000 for homesteaded residents who are widows, widowers, blind, or totally and permanently disabled. The bills would have had an estimated negative fiscal impact on municipalities of approximately \$5.5 million per year. The bills died in committee. (Hughes)

#### **Senior Citizen and Teacher Property Tax (Monitored)**

**HB 269** (Bush) prohibited tax collectors from including any delinquent fees, charges, taxes or assessment on any forms sent out by the office to low-income seniors and public-school teachers who met certain requirements. The bill also prohibited tax collectors from authorizing a debt collection entity to collect certain charges on property tax bills for those identified groups and prohibited tax collectors from selling tax certificates on certain properties if the only outstanding amounts due were for delinquent payment of property tax. The bill required the Department of Revenue to work with tax collectors to identify mechanisms, strategies and funding sources for helping certain populations pay for delinquent charges. The bill died in committee. (Hughes)

#### **Increase of Homestead Portability Timeframe (Monitored)**

**CS/SJR 326** (Brandes) and **HJR 1389** (Grant, J.) proposed an amendment to the state Constitution to increase the period from two to three years when accrued Save-Our-Homes benefits could be transferred from a prior homestead to a new homestead. These proposed amendments would have required 60 percent approval for passage. The bills died in committee. (Hughes)

#### **Implementation of Increase of Homestead Portability Timeframe (Monitored)**

**CS/SB 324** (Brandes) and **HB 1391** (Grant, J.) would have revised the time frame during which the accrued benefit from specified limitations on homestead property tax assessments could be transferred from a prior homestead to a new homestead. The bills also

revised the time frame during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election and required the passage of the amendment to the state constitution proposed by CS/SJR 326, HJR 1389 or a similar joint resolution having substantially the same specific intent and purpose. The bills died in committee. (Hughes)

#### **Homestead Taxation (Monitored)**

**SB 444** (Bean) would have added exceptions to the definition of a change of ownership of a homestead for purposes of a certain homestead property assessment limitations. The bill also revised the penalties and interest that may be imposed, under certain circumstances, by a property appraiser who determines that a person was improperly granted certain homestead exemptions. The bill died in committee. (Hughes)

#### **Assessment of Affordable Housing Property (Monitored)**

**CS/HB 443** (Rodriguez, Anthony) and **CS/SB 568** (Diaz) authorized local governments to enter into agreements with certain property owners to record specified restrictive covenants over their properties related to affordable housing. Each local government that entered into an agreement with a property owner would have been required to provide the property appraiser with a list of all agreements entered into for the calendar year. The property appraiser would be required to consider the covenant when determining the just value of the property. The bills died in committee. (Hughes)

#### **Property Tax Exemptions for Hospitals (Monitored)**

**CS/CS/HB 1295** (Caruso) would have created an additional requirement for hospitals to meet in order to qualify for a charitable property tax exemption. The bill required hospitals to document the value of charitable services they provide and limited the charity property tax exemption to the value of that charity care. The bill was passed by the House but died awaiting action in the Senate. (Hughes)

### **GENERAL GOVERNMENT**

#### **Legislative Preemption (Supported)**

**HJR 1273** (Goff-Marcil) and **SJR 1698** (Berman) would have required a supermajority (two-thirds vote) of each house of the Legislature to approve a general law preempting a subject of legislation to the state. (O'Hara/Cruz)

## HOUSING

### **Assisted and Independent Living Facility Task Force (Supported)**

**CS/SB 670** (Rader) and **CS/HB 253** (Gottlieb) would have created the Assisted and Independent Living Facility Task Force within the Agency for Person with Disabilities. The Task Force would have been required to develop and evaluate policy proposals that incentivize developers or contractors to dedicate space for assisted living facilities or independent living facilities within mixed-use developments to house individuals with an intellectual disability, autism or mental illness. The Task Force membership would have included a representative from the Florida League of Cities. The bills died in committee. (Branch)

### **Homelessness (Supported)**

**CS/SB 1218** (Book) and **CS/HB 1353** (Altman) would have created a dedicated revenue source for challenge grants provided to the state office on homelessness and local homeless continuums of care (CoC). The bills directed \$10 million annually from all document stamp tax money. The bills would have increased the amount of funds available to each CoC for challenge grants from \$500,000 to \$750,000. The bill would have reduced the amount of matching funds or in-kind support required from local governments for a challenge grant recipient from 100 percent to 25 percent. CS/SB 1218 died in committee. CS/HB 1353 passed the House but died awaiting action by the Senate. (Branch)

### **Impact Fees – Affordable Housing (Monitored)**

**CS/SB 350** (Hutson) and **HB 1155** (Plasencia) allowed local governments the option to waive impact fees related to affordable housing construction developments. If a local government chose not to enact an impact fee, then the bills required the local government to report additional items in its annual financial reports. This bills also established a new approval permit process for local government relating to affordable housing construction. The bills died in committee. (Branch)

### **Impact Fees (Monitored)**

**SB 1390** (Torres) and **HB 6053** (Eskamani) deleted existing law prohibiting local governments from adopting ordinances or rules imposing price controls upon certain residential business activities. The bills died in committee. (Branch)

## OTHER BILLS THAT FAILED

## LAND USE & COMPREHENSIVE PLANNING

### **Tax Increment Revenues (Monitored)**

**HB 605** (Casello) and **SB 1038** (Rader) would have provided that law enforcement, fire suppression, emergency rescue and code enforcement are conditions that are related to carrying out a community redevelopment plan, therefore tax increment financing revenues could have been used to fund these costs. The bills specified that revenues from tax increment funds could not be used for general government operating expenses that do not correlate with the carrying out of a community redevelopment plan. (Cruz)

### **Taking Claims within Areas of Critical State Concern (Monitored)**

**HB 1019** (Altman) and **SB 1694** (Flores) would have provided that a local government located within an area of critical state concern would split with the state any award of compensation, costs, attorney fees and prejudgment interest awarded to a property owner if the court found liability against both the state and the local government. The bill also stated that a governmental entity is not liable for post-judgment interest on a judgment entered against another governmental entity. (Cruz)

### **Small-Scale Comprehensive Plan Amendments (Monitored)**

**HB 6017** (Duggan) and **SB 1494** (Perry) repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government. A comprehensive plan amendment can be classified as a small-scale amendment if the amendment involved less than 10 acres of land, does not impact land located in an area of critical state concern, preserves the internal consistency of the overall local comprehensive plan and requires substantive changes to the text of the plan, and the local government considering the amendment does not adopt a cumulative total of 120 acres of small-scale comprehensive plan amendments in the current calendar year. (Cruz)

## OTHER

### **Legal Notices (Supported)**

**CS/CS/HB 1235** (Fine), **SB 1676** (Baxley) and **SB 1710** (Diaz) were bills filed dealing with public notice requirements.

SB 1676 would have removed a requirement that cities purchase space in newspapers for certain legal notices and instead required each state or local government agency to publish legally required notices and advertisements on their official website in accordance with the procedures specified in the bills.

CS/CS/HB 1235 (Fine) would have allowed a governmental agency the option to publish legally required advertisements and notices on a publicly accessible website if certain conditions were met. The bill required a governmental agency to publish a notice at least once a year in a newspaper of general circulation that the resident or property owner may receive legally required notices or advertisements via first class mail or email by registration of his or her name, address and email address with the local governmental agency.

Similarly, SB 1710 would have authorized cities to publish legal notices on their websites in lieu of publishing the notice or advertisement in a newspaper. CS/CS/HB 1235 was passed by the full House but died awaiting action in the Senate. SB 1676 and SB 1710 died in committee. (Cook)

**Monuments and Memorials (Opposed – Preemption)**  
**HB 97** (Hill) and **SB 288** (Baxley) would have preempted the ability of local governments to remove, alter, rename or otherwise disturb a memorial or monument on public property placed in memory of a veteran or war. This preemption would have included the removal of Civil War memorials made to honor or commemorate the war, soldiers or government officials that aided the war effort. The legislation specified that a remembrance erected, named or dedicated on or after March 22, 1822, on public property to be relocated, removed, altered, renamed, rededicated or otherwise disturbed only if necessary to accommodate construction, repair or improvements to the remembrance or to the surrounding property on which the remembrance is located. Additionally, the bills would have required that a remembrance on public property that is sold or repurposed must be relocated to a location of equal prominence as the original location. (Cruz)

## PERSONNEL

### **Discrimination in Employment Screening (Opposed – Preemption)**

**SB 394** (Farmer) and **HB 667** (Alexander) would have prohibited a public employer from inquiring into or

considering an applicant's criminal history on an initial employment application, unless otherwise required by law. A public employer could inquire into or consider an applicant's criminal history only after the applicant's qualifications have been screened and the employer has determined the applicant meets the minimum employment requirements for the position. The bills died in committee. (Hughes)

**Firefighters' Bill of Rights (Opposed – Preemption)**  
**HB 161** (Casello) and **CS/CS/SB 494** (Hooper) revised the current process that must be followed for the interrogation of firefighters. The bills revised the definition of "interrogation" to include questioning related to informal inquiries. The bills required all witnesses to be interviewed prior to beginning the interrogation of the firefighter when possible. The bills also required that the firefighter be provided the complaint, all witness statements and all other existing evidence before the interrogation. A firefighter being interrogated could not be threatened with transfer, dismissal or disciplinary action. The bills also set a time line for certain information to be provided to the firefighter and prohibited any retaliatory action against the firefighter for exercising his or her rights. HB 161 required certain information be kept confidential until the employing agency made a final determination of the complaint. CS/CS/SB 494 clarified that the complaint and other investigative information is confidential and exempt pursuant to the current law and that "informal inquiry" does not include discussions such as safety sessions, normal operations fire debriefings and routine work-related discussions. HB 161 died in committee. CS/CS/SB 494 passed the Senate but died awaiting action by the House. (Hughes)

**Employment Conditions (Opposed – Preemption)**  
**SB 432** (Gruters) and **CS/HB 847** (Rommel) would have prohibited a political subdivision, including a municipality, from establishing, mandating or otherwise requiring an employer to offer conditions of employment not otherwise required by state or federal law. An "employer" is defined as any person who is engaged in any activity, enterprise or business in this state and employs at least one employee. The bills expressly preempted the regulation of minimum wage and other conditions of employment to the state. The bills did not limit the authority of a political subdivision

to regulate minimum wage or to require conditions of employment for employees of the political subdivision, employees of a contractor or subcontractor that provides goods or services to the political subdivision and employees of an employer receiving a direct tax abatement or subsidy from the political subdivision as a condition of the direct tax abatement or subsidy. Any ordinance, regulation or policy of a political subdivision that was preempted by the bills and which existed before or on the effective date of this act would have been void. CS/HB 847 would have excluded from the preemption any valid ordinances that 1) prohibited discrimination on the basis of a prospective or actual employee's race, religion, sexual orientation and any other discriminatory practices or 2) established an alternative dispute resolution mechanism to resolve an employee's claim against an employer for unpaid wages, if it was adopted before January 1, 2019. The bills died in committee. (Hughes)

## PROCUREMENT

### **Statewide Procurement Efficiency Task Force (Monitored)**

**SB 490** (Albritton) would have created the Statewide Procurement Efficiency Task Force to evaluate procurement laws and policies at the state and local level. The task force would have been directed to make specific recommendations to the speaker of the house, the Senate president, and the governor relating to improvements to current laws and policies as well as inconsistencies that currently exist. The task force membership included a representative from municipal government. The bill died in committee. (Cook)

## PUBLIC RECORDS & PUBLIC MEETINGS

### **Public Meetings (Opposed – Mandate)**

**HB 265** (Newton) and **SB 518** (Rader) would have added new requirements relating to how municipal meetings are conducted and how meeting materials are to be posted or made available. The bills also required the commission to respond, either publicly at the meeting or through written correspondence, to any and all questions made by a member of the public; any written response would have been required to be provided within 10 days after the meeting and be incorporated into the minutes of the meeting. The bills died in committee. (Cook)

### **Public Records and Public Meetings (Monitored)**

**CS/SB 236** (Book) would have created a public record exemption for any personal identifying information of alleged victims of sexual harassment or sexual misconduct or any information that could assist an individual in determining the identity of the alleged victim. The bill clarified that this information cannot be disclosed until the law enforcement agency determined that it would not investigate the allegation, the agency had taken disciplinary action against the subject of the allegation and would take no further action, or a finding was made as to whether probable cause existed. The bill was passed by the full Senate but died awaiting action by the House. (Cook)

### **Public Records (Monitored)**

**HB 479** (Polo) would have amended current law to define what "responding in good faith" means with regard to a public records request. The bill added language requiring responses to include an estimate of the time necessary to complete the request. If the records were not provided within that time frame, the bill required the custodian of record to notify the requestor of the reasons for the delay and provide a new estimate of time necessary to complete the request. The bill died in committee. (Cook)

### **Agency Contracts (Monitored)**

**CS/SB 1416** (Gruters) and **CS/HB 759** (Massullo) would have modified current law to clarify that any contract or agreement entered into by a public agency is a public record. The bills allowed for the redaction of confidential or exempt information prior to the release of the contract or agreement if the specific statutory exemption was identified. CS/SB 1416 died in committee. CS/HB 759 was passed by the full House but died awaiting action by the Senate. (Cook)

### **Public Records/Trade Secrets (Monitored)**

**HB 761** (Massullo) and **CS/SB 1414** (Gruters) would have created a public record exemption for trade secrets that would have applied to most agencies that are subject to public record requirements. The bills defined the term "trade secret" and specifically excluded from the definition certain information related to any contract or agreement, or an addendum thereto, with an agency. HB 761 was passed by the full House but died awaiting action in the Senate. CS/SB 1414 died in committee. (Cook)

## **Electronic Payment of Governmental Fees (Monitored)**

**SB 1114** (Taddeo) would have required cities to provide an electronic payment option for the payment of fees associated with a public record request. The bill died in committee. (Cook)

## **PUBLIC SAFETY**

### **Fire Safety Systems (Opposed – Preemption)**

**CS/CS/SB 908** (Hooper) and **CS/HB 723** (Donalds) extended the deadline for high-rise condominiums to comply with the Florida Fire Prevention Code requirements for fire sprinkler and engineered life safety systems from January 1, 2020, to January 1, 2024. The bills repealed language that allows unit owners to vote to opt out of the required retrofitting for fire sprinkler systems. Under this repeal all applicable residential condominium buildings would have had to comply with the new retrofitting deadline for fire sprinkler systems.

CS/CS/SB 908 was amended in committee to create a statewide uniform permit application for the installation of fire alarm systems and allowed a contractor to begin repair work after submitting an application if the system being repaired had been previously permitted. CS/HB 723 died in committee. (Branch)

### **Recovery Residences/Sober Homes (Supported)**

**HB 103** (Jacobs) and **SB 102** (Book) would have required that recovery residences obtain certification through the Florida Department of Children and Families by April 1, 2020, or if established after October 1, 2019, before commencing operation. The bills died in committee. (Cook)

### **Safe Neighborhood Improvement Districts (Supported)**

**SB 1508** (Simmons), **SB 854** (Gruters), **HB 1081** (Williams) and **CS/HB 691** (Newton) were comprehensive bills that would have created a Safe Neighborhood Improvement District Revolving Loan Trust Fund within the Department of Legal Affairs. The money in the trust fund would have been used to provide loans to a Safe Neighborhood Improvement District for crime prevention projects. The bills provided guidelines that must have been met before a loan could be approved and required the district to submit an annual report to the Florida Legislature. The bills died in committee. (Branch)

## **Local Regulation of Firearms and Ammunition (Supported)**

**SB 1532** (Rouson), **HB 6061** (Diamond) and **SB 1662** (Taddeo) would have repealed existing preemptions to authorize cities to regulate firearms, ammunition and the sale of these items if they so choose. The bills died in committee. (Cook)

### **Public Swimming Pools (Monitored)**

**HB 1079** (Caruso) and **SB 1440** (Farmer) required public swimming pools to have a telephone available for all public swimming pool users in case of an emergency. The bills died in committee. (Cook)

### **School Safety Funding (Monitored)**

**SB 712** (Cruz) and **HB 655** (Jones) would have amended current law to specify that unused funds allocated to the Guardian Program be distributed to all school districts, regardless of whether they are participating in the Guardian Program, for employing or contracting for additional school resource officers. The bills specified that funding shall be distributed among all school districts based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment. The bills died in committee. (Cook)

### **Medical Marijuana Retail Facilities (Monitored)**

**HB 461** (Thompson), **HB 463** (Thompson), **SB 154** (Thurston) and **SB 156** (Thurston) would have prohibited medical marijuana treatment centers from owning or operating a medical marijuana retail facility. The practical impact of this proposal was moving the state away from the existing vertical integration system currently in place in which owners control all aspects from seed to sale. The bills would have directed the Department of Health to develop a licensing process and guidelines for medical marijuana retail facilities. Finally, the bills required that the medical marijuana use registry be provided to medical marijuana retail facilities for verification purposes. The bills died in committee. (Cook)

### **Smoking Medical Marijuana for Medical Use (Monitored)**

**SB 372** (Farmer) amended current law to allow medically prescribed marijuana to be available in a smokable form. The bill died in committee. (Cook)

### **Medical Marijuana Licensing (Monitored)**

**SB 1322** (Brandes) was a comprehensive reform bill that would have shifted the state from a vertically-integrated

model in which licensees control all aspects of growing, processing and retail to one where each individual component would have its own license. Of note to cities, the bill preserved the current preemption on regulating cultivation and processing facilities. The bill authorized cities to prohibit dispensaries within its boundaries if certain conditions were met. Finally, the bill authorized cities to levy a local business tax on a dispensary facility.

**SB 1324** (Brandes) directed the Department of Health to develop a fee schedule for the new licenses created by SB 1322. The bills died in committee. (Cook)

#### **Retail Sale of Hemp (Monitored)**

**SB 7102** (Innovation, Industry and Technology Committee) would have authorized the distribution and retail sale of hemp extract, which may not have a THC1 concentration that exceeds 0.3 percent on a dry-weight basis. Before hemp extract may be distributed or sold, it would have been required to be analyzed and certified by an independent testing laboratory to confirm that the THC concentration does not exceed 0.3 percent on a dry-weight basis. The bill also provided package labeling requirements for hemp extract products. The bill exempted hemp from the definition of the controlled substance “cannabis” in s. 893.02(3), Florida Statutes. The bill died on second reading. (Cook)

#### **Emergency Medical Air Transportation Services (Monitored)**

**HB 133** (Watson) and **SB 98** (Stewart) would have established the Transportation Act Account within the Emergency Medical Services Trust Fund (EMSTF) and directed the Emergency Medical Air Account to be used to generate federal matching funds to increase reimbursement payments made by providers to the Florida Medicaid program. The bills would have also added \$1 to the fines associated with certain noncriminal and criminal offenses and required cities and counties to transfer any moneys collected under this account to the EMSTF on a quarterly basis. The bills died in committee. (Cook)

#### **Concealed Weapons and Firearms – Child Care Facilities (Monitored)**

**HB 197** (Polo) and **SB 752** (Berman) prohibited concealed weapon or firearm licensees from openly carrying a handgun or concealed weapon into any child care facility. The bills died in committee. (Cook)

#### **Concealed Weapons and Firearms – Performing Arts Center or Theater (Monitored)**

**SB 364** (Braynon) and **HB 683** (Bush) prohibited concealed weapon or firearm licensees from openly carrying a handgun or concealed weapon into a performing arts center or theater. The bills died in committee. (Cook)

#### **Concealed Weapons and Firearms – College or University Facility (Monitored)**

**HB 6007** (Sabatini) would have amended current law to allow concealed weapon or firearm licensees to carry a firearm on any college or university facility. The bill died in committee. (Cook)

#### **Discharging Firearms in Public or on Residential Property (Monitored)**

**HB 709** (Slosberg) would have amended current law to prohibit recreational shooting on residential properties smaller than five acres. The bill specified that a person engaged in target shooting on a residential lot larger than five acres may do so only if the targets are in front of a dirt berm and backstop sufficient to stop projectiles from crossing into a neighboring property. The bill died in committee. (Cook)

#### **Searches of Cellular Phones and Other Electronic Devices by Law Enforcement (Monitored)**

**CS/SB 210** (Brandes) would have required law enforcement to receive a warrant prior to searching a portable electronic communication device without the owner’s consent. The bill died in committee. (Cook)

#### **Public Nuisances (Monitored)**

**CS/SB 668** (Perry) and **CS/HB 551** (McClain) were bills that would have amended the process for declaring a property a public nuisance.

CS/HB 551 would have removed the requirement that a location be used for gang-related activity on two or more occasions, thereby making a property a public nuisance when it has been used for such activity at least once. Additionally, the bill made a site a public nuisance when it is used for certain enumerated offenses on more than two occasions within a six-month period.

The bill also limited liability for rental property owners. A rental property that was declared a nuisance could

not have been abated or subject to forfeiture if the nuisance was committed by someone other than the owner of the property.

CS/HB 551 increased the required notice from one three-day notice to two notices with a total of 25 days to abate the nuisance. This requirement could have been waived when the nuisance presents an immediate and irreparable danger. The bill also revised the content and procedures for a notice to a property owner.

CS/SB 668 would have similarly addressed public nuisance standards, notifications and processes. CS/SB 668 died in committee. CS/HB 551 was passed by the full House but died awaiting action in the Senate. (Cook)

### **Community Association Fire & Life Safety Systems (Monitored)**

**HB 647** (Grieco) allowed high-rises (75 feet or higher) to opt out or forgo the installation of a fire sprinkler system or an Engineered Life Safety System (ELSS) upon the approval of two-thirds of all voting interests in the community. The bill specifically exempted all condominium buildings that are less than 75 feet high from being required to retrofit with either sprinkler systems or an ELSS. The bill proposed that a sign or approved symbol be posted on the building alerting people to that fact that the building does not have a sprinkler system. The bill pushed back the compliance date for completion of retrofitting with a fire sprinkler system or other engineered life safety system to January 1, 2023. The bill passed the House but died awaiting action in the Senate. (Branch)

## **RETIREMENT**

### **Reemployment After Retirement (Supported)**

**SB 1096** (Perry) and **HB 631** (Watson, C.) authorized a retiree to be reemployed by an employer participating in the Florida Retirement System before completion of the 12-month limitation period if the retiree was employed on a part-time basis and was not qualified to receive retirement benefits during the 12-month period after the date of reemployment. The bills died in committee. (Hughes)

### **Special Risk Class of FRS (Monitored)**

**HB 511** (Willhite) and **SB 744** (Book) would have added 911 public safety telecommunicators to the special risk class of the Florida Retirement System. The bills died in committee. (Hughes)

### **Cost-of-Living Adjustment (Monitored)**

**HB 779** (Clemons) and **CS/SB 784** (Gruters) would have specified the minimum amount of the factor used to calculate the cost-of-living adjustment of benefits for certain retirees and beneficiaries of the Florida Retirement System. The bills died in committee. (Hughes)

## **TORT LIABILITY**

### **Limited Waiver of Sovereign Immunity (Opposed)**

**SB 1072** (Rader) would have substantially amended the waiver of sovereign immunity for governments, including cities. Under current law, the state has waived sovereign immunity in tort actions up to \$200,000 for individual actions and up to \$300,000 for all actions arising out of the same incidence or occurrence. The bill would have increased the waiver of sovereign immunity to \$300,000 for individual actions and up to \$500,000 for all actions arising out of the same incident or occurrence. (Cruz)

## **TRANSPORTATION**

### **Drones (Supported)**

**CS/SB 132** (Rouson), **CS/CS/SB 766** (Gruters), **CS/CS/HB 75** (Yarborough) and **HB 1131** (Valdes) would have allowed police and fire departments to use drones to manage crowd control and traffic as well as gather evidence at a crime or traffic crash scene. The bills would have permitted a state agency or political subdivision to operate drones for assessing damage after a natural disaster. The bills died in committee. (Branch)

### **Traffic Offenses (Supported)**

**SB 158** (Baxley) and **HB 71** (McClain) would have provided criminal penalties for a person who committed a moving violation that caused serious bodily injury to or caused the death of a vulnerable road user. Of interest to cities, the bill defined “vulnerable road user” to include a person engaged in work on a highway such as a utility service worker. The bills died in committee. (Branch)

### **Use of Vessel Registration Fees (Supported)**

**SB 436** (Hooper) and **HB 529** (Mariano) would have authorized local governments to use their portion of vessel registration fee for additional purposes such as maintenance of public boat ramps and other public water access facilities. SB 436 passed the Senate

but died awaiting action by the House. HB 529 died awaiting action by the full House. (Branch)

#### **Railroad-Highway Grade Crossing (Supported)**

**SB 608** (Bean) and **HB 309** (Duggan) would have prohibited a railroad train from blocking a public highway or street at a railroad-highway grade crossing for more than a specified time unless such stoppage was due to a safety-related emergency or a mechanical failure that rendered movement of the train impossible. The bills died in committee. (Branch)

#### **Transportation (Monitored)**

**SB 660** (Brandes) was a comprehensive package for the Department of Transportation. Of specific interest to cities, SB 660 required the Florida Transportation Commission to prepare a report for the governor and the Legislature listing all sources of revenue for transportation infrastructure and maintenance projects regarding the impact of electric vehicles and hybrid vehicles on such revenue sources. The bill died in committee. (Branch)

### **UTILITIES & NATURAL RESOURCES**

#### **Discharge of Domestic Wastewater (Opposed – Mandate)**

**SB 1568** (Rodriguez, J.) would have prohibited the construction of new deep injection wells for domestic wastewater discharge or the expansion of existing wells. It would have limited the discharge capacity of domestic wastewater deep well injection and required current ocean outfall and deep well injection permit holders to install a functioning reuse system by specified dates. The bill would have prohibited the discharge of domestic wastewater through ocean outfalls and deep injection wells after specified dates and would have required current deep injection well permit holders to submit a plan with specified requirements and annual progress reports to the Florida Department of Environmental Protection. (O'Hara)

#### **Displacement of Private Waste Companies (Opposed – Preemption)**

**CS/HB 1169** (McClure) and **SB 1572** (Albritton) would have required a local government that displaces an existing solid waste provider to, in addition to the procedural and three-year notice requirements in current law, pay the provider an amount equal to the

company's preceding 18 months' gross receipts for the service in the displaced area. (O'Hara)

#### **Fertilizer (Opposed – Preemption and Mandate)**

**SB 1716** (Bracy) and **HB 157** (Thompson) would have required all municipalities and counties to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. Local governments would have been permitted to adopt ordinances more stringent than the model ordinance upon demonstrating the additional requirements were necessary to address nutrient impairment. The bills would have eliminated current law provisions that "grandfathered" local government fertilizer ordinances adopted prior to 2009. The bills further would have mandated all municipalities and counties to require the use of fertilizers that contain a slow-release nitrogen component for residential lawn use. The bills would have required municipalities and counties located within an area where stormwater runoff flows to an estuary to implement and enforce a residential fertilizer ban from June 1 to September 30. In addition, municipalities and counties within such areas would have been required to identify setbacks from water bodies and prohibit the application of fertilizer on residential lawns within those setbacks. (O'Hara)

#### **Private Property Rights (Opposed – Mandate)**

**SB 222** (Rodriguez, J.) would have exempted certain entities from the definition of "public utility" when the entity provides or sells renewable solar energy to users located on the site of a renewable energy production facility with a capacity of 2.5 megawatts or less. (O'Hara)

#### **Onsite Sewage Treatment & Disposal Systems (Supported)**

**CS/SB 1022** (Albritton) and **CS/CS/HB 973** (Payne) were comprehensive bills addressing water quality. The bills, among other provisions, would have transferred responsibility and oversight of the Onsite Sewage Treatment & Disposal Systems (OSTDS) program from the Department of Health to the Department of Environmental Protection. The bills would have provided for DEP to establish an OSTDS Technical Advisory Committee to assist in developing rules that would assist in increasing the availability and cost-effectiveness of nutrient-removing onsite systems in the marketplace. The bills would have eliminated current law authority for the DOH Technical Review Advisory Panel for



OSTDS. In addition, the bills would have required water management districts and DEP to submit information to the state Office of Economic and Demographic Research regarding septic-to-sewer conversion projects and septic remediation projects identified within annual water management district reports and within Basin Management Action Plans (BMAPs). In addition, CS/CS/ HB 973 would have revised current law to address water quality improvements related to BMAPs for nutrients, sanitary sewer overflows by wastewater facilities and biosolids. The bill would have required advanced waste treatment for wastewater discharges into the Indian River Lagoon by July 2024 and required local governments to develop a wastewater treatment plan, in cooperation with DEP and water management districts, to provide for improvements necessary to achieve total maximum daily load (TMDL) requirements applicable to the wastewater treatment facilities. The bill would have required development of a septic tank remediation plan if DEP determined that septic systems are contributing at least 20 percent of nonpoint source nutrient pollution or that remediation is necessary to achieve a TMDL and imposed reporting requirements on DEP relating to the costs of wastewater projects and septic projects, and water quality monitoring. The bill would have created a clean water grant program within DEP for projects that reduce excess nutrient pollution. The bill would have required wastewater treatment facilities that unlawfully discharge raw or partially treated wastewater to provide notice of the discharge to the applicable county health department and to the local government with jurisdiction of the area in which the spill occurred. Finally, the bill would have prohibited the land application of biosolids on any site meeting specified criteria. (O'Hara)

#### **Onsite Sewage Treatment and Disposal Systems (Supported)**

**CS/HB 85** (Robinson, Caruso) and **SB 214** (Gruters) would have required the Department of Health to identify onsite sewage treatment and disposal systems (OSTDS) older than five years of age in the state by 2021, including their location and operational condition, using available information from state, local and commercial data sources. The bills directed DOH to generate a report to the Legislature that included the number of OSTDS in each county and a statewide map of the systems. Beginning in July 2022, the bills would have required certified contractors to inspect OSTDS every five years pursuant to an inspection program

administered by DOH. The bills specified minimum components that must be included in an inspection and specified that inspection and pump-out costs are the responsibility of the system owner. (O'Hara)

#### **Onsite Sewage Treatment and Disposal Systems (Monitored)**

**HB 1241** (Brown) and **SB 1776** (Bracy) would have directed the Department of Health and the Department of Environmental Protection to develop a program for issuing innovative onsite sewage treatment and disposal system permits and would have required counties to establish onsite sewage treatment and disposal system inspection programs. (O'Hara)

#### **Disposable Plastic Bags (Supported)**

**SB 694** (Rodriguez) would have authorized coastal municipalities with populations of fewer than 100,000 to establish pilot programs to regulate or ban disposable plastic bags. (O'Hara)

#### **Domestic Wastewater Collection System Assessment and Maintenance (Supported)**

**CS/CS/HB 105** (Jacobs) and **CS/CS/SB 286** (Albritton) would have established in the Department of Environmental Protection a voluntary program for wastewater treatment facilities to become "Blue Star" certified by the agency for engaging in specified management and investment practices to protect public health and the environment and to ensure sustainable performance of the utility. The bills specified requirements for obtaining and maintaining certification and identified incentives for utilities that achieve certification. Certification incentives may have included lower penalties when sewer overflows occur, a presumption of compliance with certain water quality standards for pathogens and qualification for 10-year operating permits. (O'Hara)

#### **Florida Climate and Resiliency Research Program (Supported)**

**HB 1369** (Diamond) would have established the Florida Climate and Resiliency Research Program within the Office of Resilience and Coastal Protection of the Department of Environmental Protection. The program would have assisted the state in assessing and responding to the effects of climate change. The bill identified participants in the program and required the program to deliver an annual resiliency plan to the governor and Legislature beginning January 2020. (O'Hara)

**Florida Disaster Resilience Task Force (Supported)**  
**SB 1056** (Rodriguez) would have established the Florida Disaster Resilience Task Force adjunct to the Florida Department of Environmental Protection to evaluate ways to protect the state’s coastal ecosystems and habitats, increase community resilience in the face of sea level rise and apply the best available science as to sea level rise and its anticipated impacts. The bill specified membership of the task force and required the task force to submit a report and recommendations to the governor and Legislature by 2022. (O’Hara)

**Land Acquisition Trust Fund (Supported)**  
**SB 944** (Stewart) and **HB 1341** (Ausley) would have authorized an annual appropriation of \$100 million to the Florida Forever Program from the state Land Acquisition Trust Fund. The bills would have prohibited moneys distributed from the Land Acquisition Trust Fund from being used for state agency executive direction and administrative support services. (O’Hara)

**Land Acquisition Trust Fund (Monitored)**  
**SB 368** (Harrell) would have provided a \$50 million appropriation from the Land Acquisition Trust Fund for projects relating to the Indian River Lagoon. (O’Hara)

**Land Acquisition Trust Fund – Hurricane Michael (Monitored)**  
**CS/SB 376** (Montford) and **HB 555** (Drake) would have required an annual \$50 million appropriation from the Land Acquisition Trust Fund for fiscal years 2025 and 2026 for projects dedicated to conservation and management projects in counties impacted by Hurricane Michael. (O’Hara)

**Preemption of Recyclable and Polystyrene Materials (Supported)**  
**SB 88** (Stewart) and **HB 6033** (Eskamani, Grieco) would have repealed current state laws that preempt local government regulation of plastic bags and containers and local government regulation of the use and sale of polystyrene products. (O’Hara)

**Regulation of Oil and Gas Resources (Supported)**  
**SB 1554** (Rodriguez) would have prohibited the Department of Environmental Protection from granting permits for a gas or oil well or permits for any

structures intended for the drilling for or production of oil, gas or other petroleum products within the Everglades Protection Area. (O’Hara)

**Vessels (Supported)**  
**CS/SB 1530** (Rouson) and **CS/CS/HB 1319** (Diamond) would have required vessel operators to reduce speed upon seeing a vessel or person in a hazardous or vulnerable position, upon approaching within 300 feet of any emergency vessel or activated law enforcement vessel and upon approaching within 300 feet of any construction vessel or barge actively engaged in operations and displaying an orange flag or yellow flashing light. (O’Hara)

**Water Resources (Supported)**  
**CS/SB 628** (Albritton) and **HB 1199** (Jacobs) would have revised current law requirements for the state Office of Economic and Demographic Research’s (EDR’s) annual assessment of Florida water resources. The bills would have required EDR to consult with the Department of Environmental Protection in developing the annual assessment and clarify the factors and criteria that EDR evaluated for the assessment. The bills would have also required EDR to identify a comprehensive list of funding options necessary to fulfill any funding gaps identified in the needs assessment, taking into consideration existing revenue sources, potential additional revenue sources and funding mechanisms used by other states for water infrastructure and environmental restoration. CS/SB 628 directed the DEP to develop a comprehensive and need-based overview of the state’s water resources. The overview would have needed to include an assessment of funds necessary for current and future demands with respect to infrastructure, including amounts necessary to address hazard mitigation, infrastructure replacement costs, future capacity costs, natural resources protection and restoration and flood protection. (O’Hara)

**Beverage Container Deposits (Monitored)**  
**SB 672** (Rader) and **HB 853** (Stark) would have required consumers to pay deposit fees on specified beverage containers at the point of sale. The bills would have established requirements and registration processes for the operation of beverage container redemption centers by local governments, nonprofit agencies and other individuals for refunding beverage container deposits and arranging for the recovery and recycling of the beverage containers. The bills would have preempted

local governments from imposing or collecting any assessment or fee on deposit beverage containers for the same purposes as specified in the bills. (O'Hara)

#### **Community Solar Program (Monitored)**

**SB 1156** (Berman) would have established authority for the creation of "community solar programs" in the state. Under the community solar program, electric customers would have the ability to purchase, lease or subscribe to a portion of a community solar facility and use their portion of the power produced to lower their energy bills. The bill would have directed the Florida Public Service Commission to develop rules for the community solar program by November 2020 and would have required each public utility to file any forms necessary to implement the program within 120 days after adoption of such rules. (O'Hara)

#### **Construction Materials Mining Activities (Monitored)**

**SB 1356** (Diaz) and **HB 1189** (Rodriguez, A.M.) would have amended provisions relating to the State Fire Marshal's authority over the use of explosives in conjunction with construction materials mining activities, and notification and complaint processes relating to such activities. The bills specified the state fire marshal would have to establish statewide regulations that would have required blasting operations to use a seismograph to monitor each blast to ensure compliance with regulations. (O'Hara)

#### **Dredge and Fill Permitting Program (Monitored)**

**CS/HJR 799** (Overdorf) urged Congress to direct the U.S. Environmental Protection Agency to issue a memorandum of agreement so that Florida may complete assumption of the section 404 dredge and fill permitting program under the federal Clean Water Act. (O'Hara)

#### **Pest Control (Monitored)**

**SB 1754** (Rodriguez) and **HB 1275** (Goff-Marcil) would have repealed current law that preempts the regulation of pest control to the state. In addition, SB 1754 would have prohibited a local government from adopting or enforcing any local ordinance that is less stringent than state law or rule. (O'Hara)

#### **Prohibition of Plastic Carryout Bags and Straws (Monitored)**

**SB 502** (Rader) would have prohibited stores and food service businesses from providing plastic carryout bags to customers. The bill provided exceptions for specified

items. In addition, the bill would have prohibited a food service business from selling or providing single-use plastic straws to customers. The bill would have provided a \$500 penalty for a first violation and up to \$1,000 for a subsequent violation. (O'Hara)

#### **Property-Assessed Clean Environment (Monitored)**

**HB 63** (Rodrigues) and **SB 282** (Albritton) would have amended the definition of "qualifying improvements" under the Property Assessed Clean Energy (PACE) program to include sewage treatment improvements. PACE is a means for property owners to voluntarily finance private property improvements related to renewable energy and energy efficiency through assessments levied on their property tax bill. (O'Hara)

#### **Public Financing of Construction Projects (Monitored)**

**CS/SB 78** (Rodriguez) and **HB 169** (Fernandez) would have required contractors to conduct a sea-level impact projection study on state-funded buildings within the coastal building zone. Buildings subject to this requirement would have included construction projects of a municipality, county or any other public agency that use state-appropriated funds for the project. (O'Hara)

#### **Public Notification of Pollution (Monitored)**

**SB 998** (Montford) and **SB 1330** (Cruz) would have amended the Public Notification of Pollution law to impose new duties on local governments, the Department of Environmental Protection and the Department of Health. The bills would have included the discharge of perfluorooctanoic acid or perfluorooctanesulfonic acid as reportable releases of pollution under the action. SB 998 would have required a governmental entity to notify the DEP and the owner or operator of an installation if the governmental entity discovered the release or discharge of perfluorooctanoic acid or perfluorooctanesulfonic acid within 24 hours of discovery of the discharge. SB 1330 required DEP to notify by U.S. mail property owners with private wells in a one-mile radius of any reported release or discharge under the law. In addition, SB 1330 would have required the Department of Health or a local government entity to notify the DEP and the owner or operator of an installation within 24 hours of discovery of any reportable release as defined in the law, regardless of whether the department or the local government was the owner or operator of the installation responsible for the release. (O'Hara)

### **Renewable Energy Standards (Monitored)**

**SB 1372** (Rodriguez) defined the terms “renewable energy credit” and “renewable energy portfolio standard” and would have directed the Public Service Commission to adopt rules for a renewable portfolio standard requiring each provider to support renewable energy to its customers directly by procurement or through the purchase of renewable energy credits. (O’Hara)

### **Sanitary Sewer Laterals (Monitored)**

**SB 1172** (Brandes) and **HB 497** (Webb) would have addressed sanitary sewer laterals but had different approaches. SB 1172 would have encouraged municipalities and counties to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within their respective jurisdictions to identify and reduce leakage from lateral lines. The bill would have also required sellers of property to disclose to prospective purchasers any known defects of the property’s sanitary sewer lateral to the purchaser. HB 497 would have required a county water and sewer district to notify a homeowner within 30 days of the discovery of a leaking sanitary sewer lateral on the homeowner’s property. The notification did not require any action by the homeowner. (O’Hara)

### **State Renewable Energy Goals (Monitored)**

**HB 1291** (Eskamani) and **SB 1762** (Rodriguez, J.) would have directed the Office of Energy within the Florida Department of Agriculture and Consumer Services to develop a unified statewide plan to generate 100 percent of the state’s energy from renewable sources by 2050. The bills would have required the state, all public entities and public utilities to cooperate with the Office of Energy as requested. (O’Hara)

### **Statewide Environmental Resource Permitting Rules (Monitored)**

**SB 1344** (Cruz) and **HB 1343** (Good) would have amended provisions of law relating to stormwater management. The bills directed that rules adopted by water management districts governing design and performance standards for stormwater would have needed to include standards to increase the removal of nutrients from stormwater discharges from all new development and redevelopment projects. (O’Hara)

### **Valuation of Acquired Water and Wastewater Systems (Monitored)**

**SB 1484** (Torres) and **HB 1297** (Bell) would have authorized a public water or wastewater utility to establish the rate base of an existing water or wastewater system it acquired using the fair market value of the utility and would have required the Public Service Commission to provide specified information relating to utility valuation and develop related rules. (O’Hara)

### **Water Pollution Operation Permits (Monitored)**

**HB 737** (Good) and **SB 1340** (Cruz) attempted to reduce the amount of herbicides used to manage invasive aquatic plants in waterways. The bills would have provided an exemption from the requirement to obtain a water pollution permit for the application of herbicides in state waters only if “multimodel biological control” would be used in the waterbody, which essentially means the use of native fish and plants to manage undesirable plants. (O’Hara)

### **Water Testing for Pollution (Monitored)**

**SB 1100** (Montford) would have authorized persons or businesses that suspect contamination of their private water system, multifamily water system or public water system not subject to the Florida Safe Drinking Water Act to request the Department of Health to test the system for pollution if pollution existing in the area of the system would impact such system and result in a violation of water quality standards. (O’Hara)

### **Underground Facility Damage Prevention and Safety (Monitored)**

**HB 263** (Payne) and **SB 848** (Broxson) would have amended the Underground Facility Damage Prevention & Safety Act and the procedure for issuing citations for non-criminal infractions under the Act. The bills would have deleted current law procedures providing for citations to be issued by local or state law enforcement officers or code inspectors and would have provided for up to \$500 in civil penalties for violations plus court costs. The bills would have created a statewide Underground Facility Damage Prevention Review Panel to review complaints of alleged violations. The bills would have imposed penalties and authorized the panel to recommend education and training for violators in lieu of civil penalties. (O’Hara)

# FLORIDA LEAGUE OF CITIES LEGISLATIVE GLOSSARY

- ACT**  
a bill that has passed both houses of the Legislature
- ADOPTION**  
refers to favorable action by a chamber on an amendment, motion, resolution or memorial.
- ADJOURNMENT SINE DIE**  
motion to adjourn sine die concludes a legislative session.
- AMENDMENT**  
makes a change to a bill after the bill has been filed. This change can happen in committee or on the floor of the House or Senate.
- BILL**  
legislation, including joint resolutions, concurrent resolutions, memorials or other measures upon which a council or committee may be required to report.
- BILL NUMBER**  
bills are issued a number based on the order they are filed and received by bill drafting. House bills receive odd numbers, while Senate bills receive even numbers.
- CHAIR**  
the presiding officer for a floor session or committee meeting.
- CLAIMS BILL**  
presents a claim for compensation for an individual or entity for injuries caused by negligence or error on the part of a public office, local government or agency.
- COMMITTEE**  
a panel of legislators appointed by the Senate president or speaker of the House to perform specific duties, such as considering legislation and conducting hearings and/or investigations.
- COMMITTEES OF REFERENCE**  
each bill is assigned to committees after it is filed. Often, the more committees a bill is assigned is an indication of its chances to pass or fail.
- COMPANION BILL**  
bills introduced in the House and Senate that are identical or substantially similar in wording.
- “DIED IN COMMITTEE”**  
refers to when a bill is not heard on the floor of the respective chamber in which it was introduced. A bill must pass all committees of reference or be pulled from remaining committees in order to pass. A bill that dies in committee fails to pass each of its committee references during committee weeks and session.
- ENGROSSED BILL**  
the version of a bill that incorporates adopted floor amendments, which were added subsequently to the bill passing its committees of reference. The revision is done in the house of origin and engrossed under the supervision of the secretary of the Senate or the clerk of the House.
- ENROLLED BILL**  
once a bill has passed, it is enrolled in the house of origin. After that piece of legislation is enrolled and signed by officers of both houses (president and speaker), it is sent to the governor for action and transmittal to the secretary of state. An enrolled bill may be signed by the governor and enacted into law or vetoed.
- FLORIDA STATUTES**  
an edited compilation of general laws of the state.
- GENERAL BILL**  
a bill of general or statewide interest or whose provisions apply to the entire state.
- HOUSE RESOLUTION**  
a measure expressing the will of a legislative house on a matter confined to that house, dealing with organizational issues, or conveying the good wishes of that chamber. Often used to congratulate Floridians or recognize significant achievements.
- INTERIM**  
refers to the period between the adjournment sine die of a regular session and the convening of the next regular session.

**JOINT RESOLUTION**

used to propose amendments to the Florida Constitution. They are also the form of legislation used for redistricting state legislative seats.

**LAW**

an act becomes a law after it has been approved and signed by the governor; without the governor's signature after his or her ability to veto the act within seven days of presentation; or after the Legislature overrides the governor's veto by a vote of two-thirds in each house.

**LOCAL BILL**

a bill that applies to an area or group that is less than the total population of the state.

**MEMORIAL**

a type of concurrent resolution addressed to an executive agency or another legislative body, usually Congress, which expresses the sentiment of the Florida Legislature on a matter outside its legislative jurisdiction.

**MESSAGE**

the houses of the Legislature send formal communications to each other regarding action taken on bills. This measure is usually reserved for the last couple of weeks of a legislative session. If a bill dies in messages, it has passed each chamber in form; however, one of the two chambers has made a change or amended the bill so that the two versions are no longer identical.

**PROPOSED COMMITTEE BILL (PCB)**

a draft legislative measure taken up by a committee for the purpose of considering whether or not to introduce it in the name of the committee.

**PROVISO**

language used in a general appropriations bill to qualify or restrict the way in which a specific appropriation is to be expended.

**REFERENDUM**

a vote by the citizens upon a measure that has been presented to them for either approval or rejection.

**REPEAL**

the deletion by law of an entire section, subsection or paragraph of language from the Florida statutes.

**SESSION**

**Regular Session:** the annual session that begins on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year, for a period not to exceed 60 consecutive days. There is no limit on the subject matter that may be introduced in a regular session.

**Special Session:** special sessions may be called by proclamation of the governor, by joint proclamation of the House speaker and the Senate president or by the members of the Legislature for the purpose of considering specific legislation and shall not exceed 20 consecutive days unless extended by a three-fifths vote of each house. For members of the Legislature to call a special session, three-fifths of the members of both houses must vote in favor of calling a special session.

**SPECIAL ORDER CALENDAR**

a list of bills determined by the Rules chairman considered to be of high importance and priority scheduled for consideration in a specific order during a floor session on a particular day.

**SPONSOR**

the legislator or committee that files a bill for introduction.

**TEMPORARILY POSTPONED**

a motion can be made in the chamber or in committee to temporarily defer a consideration of a measure.

**VETO**

an objection by the governor to an act passed by the Legislature. Vetoes can be overridden by vote of two-thirds of the membership of each chamber. A line item veto may be performed by the governor of specific measures in the general appropriations bill (the budget).



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