

**INTERGOVERNMENTAL RELATIONS, MOBILITY, AND
EMERGENCY MANAGEMENT COMMITTEE**

**Friday, October 4, 2024
10:00 a.m. – 2:00 p.m. ET**

**Meeting Room: Florida Ballroom 1-3
Hilton Orlando
6001 Destination Parkway
Orlando, FL 32819**

FLC Staff Contact: Jeff Branch



Agenda



**Intergovernmental Relations, Mobility, and Emergency Management Legislative
Policy Committee**

**Friday, October 4, 2024, from 10:00 a.m. to 2:00 p.m.
Hilton Orlando – Meeting Room: Florida Ballroom 1-3
6001 Destination Parkway, Orlando, Florida**

AGENDA

- I.** Introduction and Opening Remarks..... **Chair Curtis Johnson**
Commissioner, City of Fort Pierce

- II.** [FLC Policy Committee Process for 2024-2025](#) **Jeff Branch, FLC Staff**

- III.** Potential 2025 Priority and Policy Issues
 - a. 2055 Florida Transportation Plan..... **Libertad Acosta-Anderson, P.E.**
Passenger Operations Manager, Florida Dept. of Transportation
 - b. Dissolution.....**Erica Augello**
City Attorney, City of Holmes Beach
 - c. Annexation**Kyle Shephard**
Director of Intergovernmental Relations, City of Orlando
 - d. Vertiports..... **Jeff Branch, FLC Staff**
 - e. Electric Vehicles..... **Jeff Branch, FLC Staff**

- IV.** Other Business
 - a. Form 6 **Matt Singer, FLC Staff**
 - b. Homelessness **Jeff Branch, FLC Staff**
 - c. Legislative Leadership..... **Jeff Branch, FLC Staff**

- V.** Additional Information..... **Jeff Branch, FLC Staff**
 - a. [Key Legislative Dates](#)
 - b. Key Contacts – [Click HERE to sign-up](#)
 - c. [2024 Legislative Session Final Report](#)

- VI.** Closing Remarks..... **Chair Curtis Johnson**
Commissioner, City of Fort Pierce

- VII.** Adjournment

Breakfast and Lunch provided by the Florida League of Cities

WiFi is Available
Network: FLCPC1024
Access Code: FLCPC1024



Committee Roster



2024-2025 Legislative Policy Committee Intergovernmental Relations, Mobility and Emergency Management

Staffed by: Jeff Branch, Senior Legislative Advocate

Chair:

The Honorable Curtis Johnson

Commissioner, City of Fort Pierce

Vice Chair:

The Honorable Christopher Cloudman

Mayor, City of DeLand

Members:

Jeremy Allen

Village Manager, Village of Tequesta

The Honorable Linda Allen

Councilmember, Town of Hypoluxo

Christia Alou

Village Manager, Village of El Portal

The Honorable Liz Alpert

Commissioner, City of Sarasota

The Honorable Rhonda Anderson

Vice Mayor, City of Coral Gables

The Honorable Esther Berry

Commissioner, City of South Bay

The Honorable Keith Britton

Council Member, City of Oviedo

Debon Campbell

Development & Intergovernmental
Affairs Officer, City of Miramar

The Honorable Charles "Chase" Chambliss

Mayor, Town of Palm Shores

The Honorable Karyn Cunningham

Mayor, Village of Palmetto Bay

The Honorable Nancy Z. Daley

Vice Mayor, City of Lake Alfred

The Honorable Teri D'Amico

Council Member, Town of Bay Harbor
Islands

The Honorable Lisa Kane DeVitto

Commissioner, City of Crescent City

The Honorable Clifton Dollison

Commissioner, City of Winter Haven

The Honorable Yvette Drucker

Deputy Mayor, City of Boca Raton

The Honorable Joe Elliott

Commissioner, City of Wildwood

The Honorable Pete Emrich

Commissioner, City of North Port

The Honorable Mary Estimé-Irvin

Vice Mayor, City of North Miami

The Honorable Shaun Ferguson

Councilman, City of Rockledge

The Honorable Penelope "Penny" Gold

Commissioner, Town of Longboat Key

The Honorable Darness Hinds

Council Vice President, City of Williston

The Honorable Jeff Hmara

Vice Mayor, Village of Royal Palm
Beach

Steven Hunnicutt

Assistant City Manager, City of
Davenport

The Honorable Frederick Jones

Council Member, City of Sebastian

The Honorable Allan Kaulbach

Mayor, City of Atlantis

Steve Kennedy

City Manager, City of Green Cove
Springs

The Honorable Stephanie Morgan

Councilwoman, City of Port St. Lucie

The Honorable Daniel Nugent

Commissioner, City of Starke

The Honorable JohnPaul O'Connor

Mayor, City of Westlake

The Honorable Steve Osmer

Mayor, City of Satellite Beach

The Honorable Nick Pachota

Mayor, City of Venice

Nikesh Patel

City Engineer, City of Sarasota

The Honorable Susan Persis

Commissioner, City of Ormond Beach

The Honorable Trish Pfeiffer

Mayor, City of Bartow

The Honorable Patti Reed

Councilwoman, City of Pinellas Park

Brittany Retherford

Assistant City Manager, City of Satellite
Beach

The Honorable Gary Russ, Jr.

Mayor, City of Gretna

The Honorable Richard Rynearson

Mayor, City of Fort Walton Beach

Daphnee Sainvil

Public Affairs Manager, City of Fort
Lauderdale

The Honorable Kim Schmitz

Mayor Pro Tem, Village of Palm
Springs

Kyle Shephard

Director, Intergovernmental and
Legislative Affairs, City of Orlando

The Honorable Nancy Sikes-Kline

Mayor, City of St. Augustine

Mary Small

Senior Policy Advisor and Special
Project Management Assistant to the
Mayor, City of North Lauderdale

The Honorable Michael Smith

Commissioner, City of Largo

The Honorable Trish Springer

Councilor, City of Seminole

The Honorable Alisa Stafford

Councilperson, City of Orange City

The Honorable Doug Stauffer

Councilman, City of Niceville

The Honorable Malise Sundstrom

Vice-Mayor, Town of Jupiter

The Honorable April Sutton

Mayor Pro Tem, City of Mary Esther

The Honorable Greg Sutton

Councilman, City of Jacksonville Beach

The Honorable Monique Taylor

Councilwoman, City of Waldo

The Honorable Stuart Tettemer
Mayor, City of Panama City Beach

Mary Lou Tighe
Executive Director, Broward League of
Cities

Ian Whitney
Associate Director of Government
Affairs, City of Tampa

The Honorable Dianne Williams-Cox
Commissioner, City of Tallahassee

Chandler Williamson
Town Manager/Chief Administrative
Officer, Town of Pembroke Park

The Honorable Don Willis
Council Member, City of Cape
Canaveral

The Honorable Andrea Young
Council Member, City of West
Melbourne



FLC Policy Committee Process for 2024-2025

2024-2025 FLC LEGISLATIVE POLICY PROCESS

The Florida League of Cities' (FLC's) Charter and Bylaws specify that the League shall engage only on legislation that pertains directly to "municipal affairs." "Municipal affairs" refers to issues that directly pertain to the governmental, corporate and proprietary powers to conduct municipal government, perform municipal functions, render municipal services, and raise and expend revenues. Protecting Florida's cities from egregious, far-reaching attacks on Home Rule powers will always be the top priority.

Each year, municipal officials from across the state volunteer to serve on the League's legislative policy committees. Appointments are a one-year commitment and involve developing the League's Legislative Platform. The Legislative Platform addresses priority issues of statewide interest that are most likely to affect daily municipal governance and local decision-making during the upcoming legislative session.

Policy committee members also help League staff understand the real-world implications of proposed legislation, and they are asked to serve as advocates throughout the year. To get a broad spectrum of ideas and to better understand the impact of League policy proposals on rural, suburban and urban cities of all sizes, it is ideal that each of Florida's cities be represented on one or more of the legislative policy committees.

There are currently five standing legislative policy committees:

DEVELOPMENT, CODE COMPLIANCE, AND REDEVELOPMENT COMMITTEE:

This committee addresses development, redevelopment, housing, community planning, zoning, eminent domain, property rights, short-term rentals, code enforcement, building and fire code, building permitting, and concurrency management.

FINANCE AND TAXATION COMMITTEE: This committee addresses general finance and tax issues, fees, assessments, infrastructure funding, local option revenues, pension issues, revenue sharing, franchise fees, Communications Services Tax (CST), and ad valorem.

INTERGOVERNMENTAL RELATIONS, MOBILITY, AND EMERGENCY

MANAGEMENT COMMITTEE: This committee addresses transportation, municipal roads, traffic safety, municipal airports, drones, vertiports, ports, telecommunications, broadband, use of public rights-of-way, parking, signage, emergency management, homelessness, charter counties, annexation, ethics for public officers and employees, elections, special districts, and general preemptions.



2024-2025 FLC LEGISLATIVE POLICY PROCESS

MUNICIPAL OPERATIONS COMMITTEE: This committee addresses government operations, municipal service delivery, cybersecurity, technology, public safety, public meetings, public records, public property use and management, procurement, personnel, insurance, collective bargaining, workers' compensation, liability, and sovereign immunity.

UTILITIES, NATURAL RESOURCES, AND PUBLIC WORKS COMMITTEE: This committee addresses coastal management, environmental permitting, hazardous and toxic wastes, recycling, solid waste collection and disposal, stormwater, wastewater treatment and reuse, water management, water quality and quantity, resiliency, brownfields, and municipal utilities.

Due to Sunshine Law issues, only one elected official per city can be represented on a legislative policy committee, but a city could have an elected and a non-elected city official on each of the five policy committees. Appointments are made by the League president based upon a city official's support and advocacy of the Legislative Platform and participation at meetings, Legislative Action Days and other legislative-related activities.

The Florida Legislature convenes the 2025 Legislative Session on March 4. The League's legislative policy committee meetings commence in October 2024 and meet three times. No new issues will be considered by a legislative policy committee after the second committee meeting. At the last meeting, each of the five policy committees adopts ONE legislative priority. In addition, a legislative policy committee may, but is not required to, recommend ONE policy position related to other relevant issues. The policy position must satisfy the same criteria for legislative priorities. Priority and policy position statements are capped at 75 words. Recommended legislative priorities and policy positions will be considered by the Legislative Committee. If favorably considered by the Legislative Committee, they will be considered by the general membership. If adopted by the general membership, the policy priorities and policy positions may be published as the League's Legislative Platform and communicated to legislators and others, as appropriate.

2024-2025 FLC LEGISLATIVE POLICY PROCESS

The Legislative Committee is composed of:

- ▶ Each legislative policy committee chair and the chairs of the other standing committees
- ▶ The president of each local and regional league
- ▶ The presidents of several other municipal associations
- ▶ Chairs of the municipal trust boards
- ▶ Several at-large members appointed by the League president.

2024 Legislative Policy Committee Meeting Dates

- ▶ October 4, 2024, 10:00 a.m. to 2:00 p.m. at the Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819.
- ▶ November 8, 2024, 10:00 a.m. to 2:00 p.m. at the Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819.
- ▶ December 5, 2024, during the FLC Legislative Conference at the Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819.

If you are interested in serving or learning more, please contact Mary Edenfield at 850.701.3624 or medenfield@flcities.com.



FREQUENTLY ASKED QUESTIONS: 2024-2025 FLC LEGISLATIVE POLICY PROCESS

What is an FLC legislative policy committee?

- ▶ Policy committees help set the Legislative Platform for the Florida League of Cities (FLC) and Florida's municipalities in advance of the next legislative session.
- ▶ The five policy committees include the Development, Code Compliance, and Redevelopment Committee; Finance and Taxation Committee; Intergovernmental Relations, Mobility, and Emergency Management Committee; Municipal Operations Committee; and Utilities, Natural Resources, and Public Works Committee.
- ▶ Committees are made up of municipal officials from across the state.

Have there been any changes to the legislative policy committees this year?

- ▶ Yes! The League shifted some issues among committees to better match each committee's scope. Also, the names of four committees were changed to better represent their focus.
- ▶ Before signing up for a committee, carefully review each of the committee descriptions found in the *2024-2025 FLC Legislative Policy Committee Process* document.

When and how do I sign up for a policy committee?

- ▶ Sign-up opens in June each year.
- ▶ To sign up, contact Mary Edenfield at medenfield@flcities.com for the sign-up link or go to flcities.com.
- ▶ The FLC President makes the committee appointments, and appointments are announced in August after the FLC Annual Conference.

Can I serve on more than one policy committee?

- ▶ No. All committees meet simultaneously.

When are the meetings, and is there a virtual option?

- ▶ Committee meetings take place in person in Orlando in October, November, and December during the FLC Legislative Conference.
- ▶ There is no virtual meeting option; meetings are in person.



FREQUENTLY ASKED QUESTIONS: 2024-2025 FLC LEGISLATIVE POLICY PROCESS

How do I submit a policy issue for a committee to consider?

- ▶ If you want a committee to consider an issue as a League priority, contact the committee staff person before the October or November policy committee meeting.
 - **David Cruz**, FLC Legislative Counsel, staffs the Development, Code Compliance, and Redevelopment Committee.
 - **Charles Chapman**, Legislative Consultant, staffs the Finance and Taxation Committee.
 - **Jeff Branch**, FLC Senior Legislative Advocate, staffs the Intergovernmental Relations, Mobility, and Emergency Management Committee.
 - **Sam Wagoner**, FLC Legislative Advocate, staffs the Municipal Operations Committee.
 - **Rebecca O'Hara**, FLC Deputy General Counsel, staffs the Utilities, Natural Resources, and Public Works Committee.
- ▶ No new issues can be presented after the November meeting.

What can I expect at each meeting?

- ▶ First meeting in October: Discussions begin regarding potential priorities and policy positions.
- ▶ Second meeting in November: Discussions continue, and the committee may narrow down the list of considerations.
- ▶ Final meeting in December: The committee votes on one priority and one optional policy position, finalizing the text for the priority/policy position statements.

When will I get the meeting agenda?

- ▶ Meeting packets containing the agenda and related materials will be emailed to committee members one week before the meeting.
- ▶ You should bring a printed copy or your device to the meeting.
- ▶ Meeting packets are also available on flcities.com under the Advocacy tab.

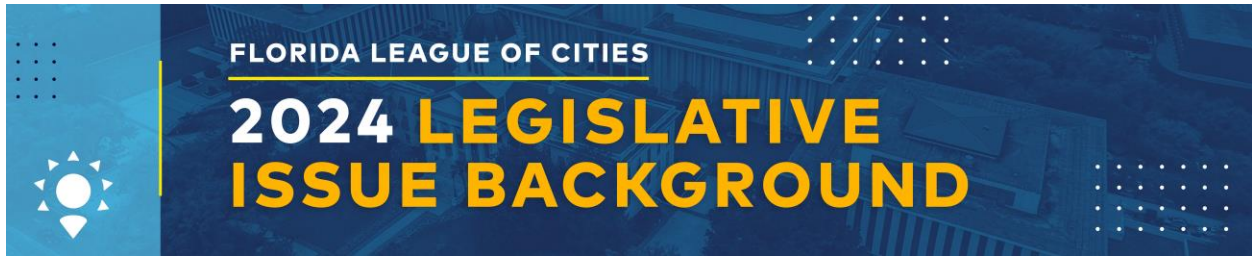
Does FLC cover any meeting expenses?

- ▶ The League provides breakfast and lunch on the meeting date.





2055 Florida Transportation Plan



Florida Transportation Plan (FTP)

About the FTP

The Florida Transportation Plan (FTP) is Florida’s overarching statewide plan guiding our transportation future. FDOT recently began the process of updating the FTP. The 2055 FTP will contain statewide goals and regional objectives, empowering our communities to develop unique local strategies that align with the FTP.

Why Update the Florida Transportation Plan?

Florida is a dynamic state, continuously growing and evolving. To ensure our transportation system remains efficient, safe, and sustainable, the FTP is periodically updated to reflect these changes.

Connecting Communities, Policies, and Programs

The FTP is more than just a plan; it's a regional approach that aims to connect communities, policies, and programs across the state. Each Floridian has various opportunities to get involved in the development of the 2055 FTP, and we encourage your participation to ensure the plan will reflect community visioning and goals.

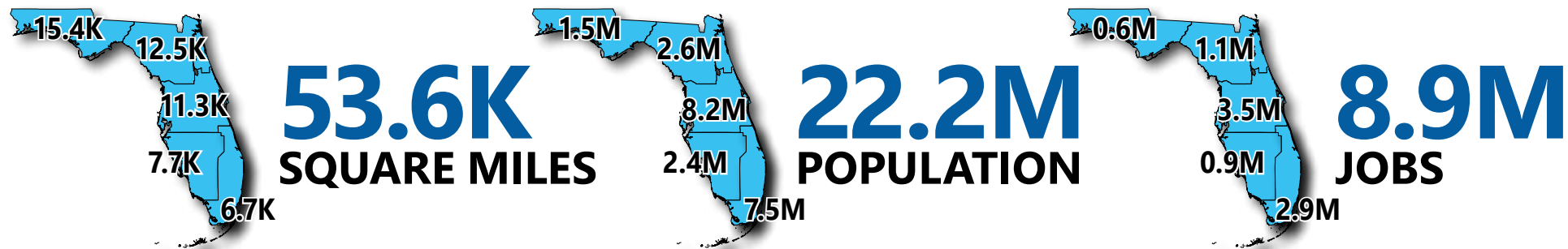


FLORIDA STATEWIDE TRANSPORTATION TRENDS & CONDITIONS

Systems Forecasting
& Trends Office
FDOT

MAY 2024

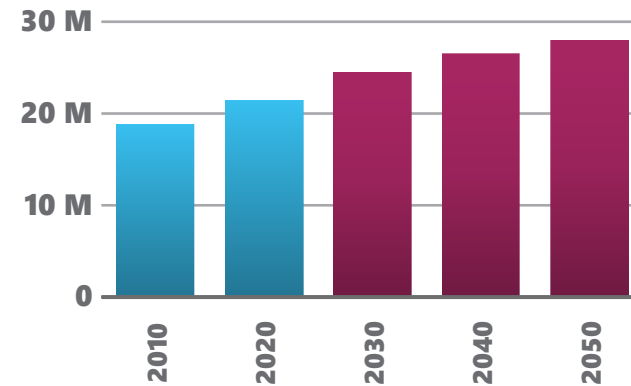
Florida has a long history of strong population and economic growth because of desirable climate, global tourist destinations, thousands of miles of coastlines with some of the world's most popular beaches, unique natural and protected habitats, and a diverse mix of industries and businesses. Between 2010 and 2023, Florida added nearly 3.5 million residents, more than the entire population of 20 U.S. states, and is projected to add another 5.7 million people by 2050. Each of Florida's regions are impacted differently by this growth and transportation investments must be strategically implemented to ensure each community's needs are met.



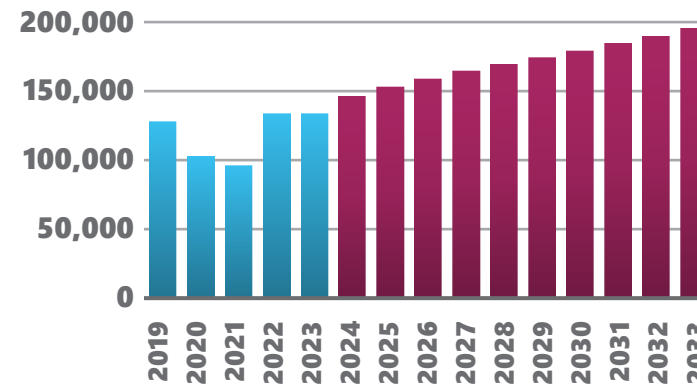
TRANSPORTATION SYSTEM HIGHLIGHTS

- 123,816** Centerline Miles
- 2,777** Rail Mainline Miles
- 1,551** Shared-Use Trail Miles (SUN Trail)
- 12,913** Bridges
- 54** Total Transit Systems
- 19** Commercial Service Airports
- 16** Seaports
- 19** Military Bases
- 8** Active Spaceport Launch Sites

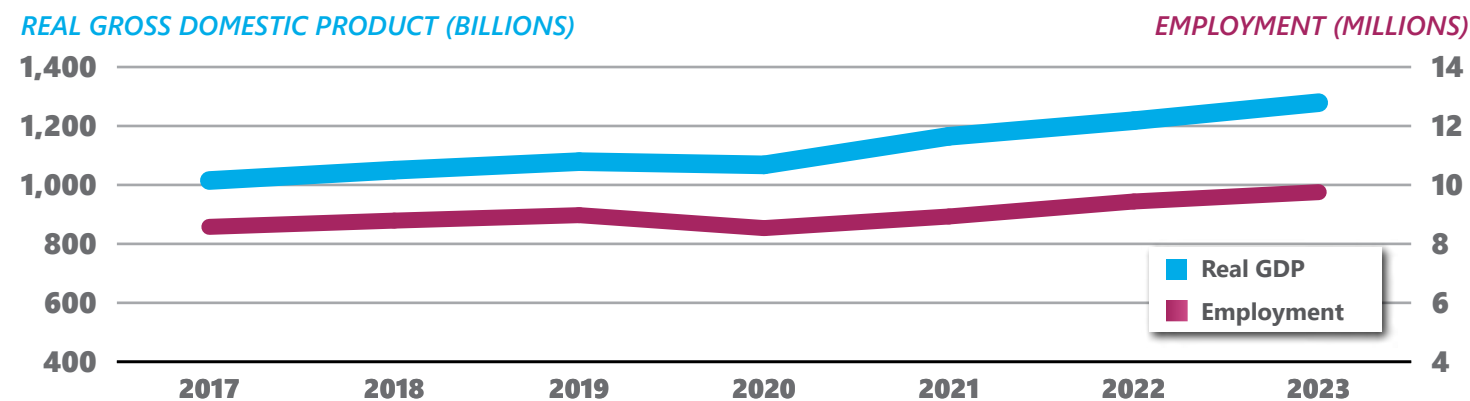
FLORIDA'S HISTORICAL AND PROJECTED POPULATION GROWTH (2010-2050)



FLORIDA'S HISTORICAL AND PROJECTED VISITOR GROWTH (2019-2033)



FLORIDA'S GDP AND EMPLOYMENT TRENDS (2014-2023)



IF FLORIDA WERE ITS OWN COUNTRY, IT WOULD RANK **14TH** IN GLOBAL GDP

SINCE 2019, FREIGHT TRANSPORT & WAREHOUSING JOBS IN FLORIDA HAVE **INCREASED 33%**

IN 2023, FLORIDA RANKED **THIRD IN THE NATION** FOR **VEHICLE MILES TRAVELED**

STRATEGIC FOCUS

The state's long-term goals set the vision for Florida's transportation system. These goals provide strategic focus and alignment for all of Florida and serve as the guidepost for regional long range transportation plans developed for metropolitan planning areas and for airport, seaport, transit, safety, and other transportation-related strategic plans.



FDOT's Compass provides additional strategic focus to the work of the agency. Safety is the "true north" and top priority while communities are at the center of everything we do.

Performance measures and targets help us achieve our goals and set investment policies. For example, performance measures for the condition of our roads and bridges influence how we invest in maintenance and construction to ensure we meet the established targets.

PREVAILING PRINCIPLES

- SAFETY & SECURITY
- RESILIENT INFRASTRUCTURE
- MOVEMENT OF PEOPLE & GOODS
- QUALITY OF LIFE
- ECONOMIC COMPETITIVENESS
- CONNECT COMMUNITIES
- PRIORITIZE ENVIRONMENT & NATURAL RESOURCES



AVIATION PASSENGER BOARDINGS WERE
96.3 MILLION IN 2022,
UP 22.2% FROM 2021



FLORIDA PAVEMENT
CONDITION TARGET:
80%
OF PAVEMENT ON
STATE HIGHWAY SYSTEM
**MEETING OR
EXCEEDING
FDOT STANDARDS**



FLORIDA BRIDGE
CONDITION TARGET:
90%
OF BRIDGES ON
STATE HIGHWAY SYSTEM
**MEETING OR
EXCEEDING
FDOT STANDARDS**



IN 2022, THE
AVERAGE COMMUTE TO WORK TIME
FOR FLORIDIANS WAS
27.9 MINUTES

STRATEGIC INVESTMENTS

FDOT has a limited amount of funding available and must work within the confines of the work program to balance community priorities with statewide program and statutory priorities of safety, preservation & maintenance, and system capacity.

FDOT WORK PROGRAM FUNDING SOURCES

Federal
**\$16.0
Billion**
(24%)



State:
**\$49.8
Billion**
(76%)

TOTAL 5-YEAR TENTATIVE
WORK PROGRAM | **\$65.8 Billion**

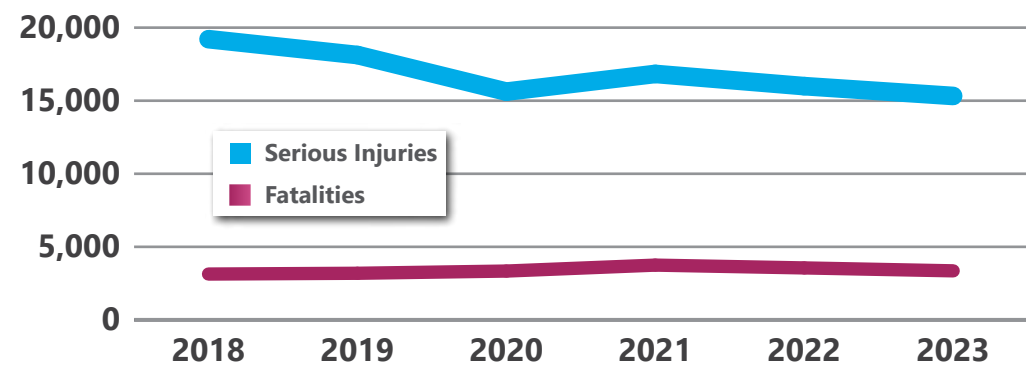


BETWEEN 2019 & 2023,
**TRANSPORTATION
CONSTRUCTION COSTS**
ROSE FROM
**\$1.7 BILLION TO
\$3.6 BILLION**
BASED ON AWARDED CONTRACT PRICES

SAFETY

Florida firmly believes traffic crashes are preventable and that any loss of life on our transportation system is unacceptable. Florida's Strategic Highway Safety Plan (SHSP) provides a framework for how Florida's traffic safety partners will move toward the vision of a fatality-free transportation system during the next five years.

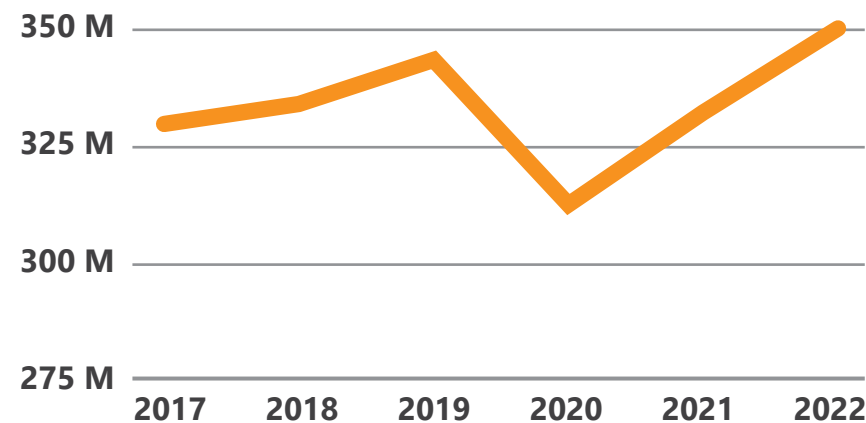
TRAFFIC FATALITIES AND SERIOUS INJURIES (2018-2023)



CAPACITY

Despite vehicle miles traveled increasing by 6.7 percent since 2017, the percent of facilities on Florida's transportation system that are heavily congested have only increased by 0.7 percent, thanks to extensive strategic investments to continually reduce congestion on Florida's roadways.

VEHICLE MILES TRAVELED (2017-2022)



FDOT INVESTED
\$100 MILLION
IN 2023 TO IMPROVE
INTERSECTION LIGHTING
FOR PEDESTRIAN SAFETY



FDOT INVESTED
\$60 MILLION
IN 2023 TO ADD
RUMBLE STRIPS ON 3,000 CENTERLINE MILES
OF HIGHWAY TO
PREVENT LANE DEPARTURES & REDUCE FATAL CRASHES

MOVING FLORIDA FORWARD
Infrastructure Initiative

\$4 billion from the General Revenue Surplus has been dedicated to the Moving Florida Forward Infrastructure Initiative to advance construction on key projects that will address congestion, improve safety, ensure the resiliency of our transportation network, and enhance Florida's supply chain and economic growth.

SYSTEM PRESERVATION AND EMERGENCY RESPONSE

Florida strategically invests in preserving the quality of the transportation infrastructure to ensure that it can accommodate the needs of Florida's residents, visitors and businesses, even during large-scale emergency evacuations in the event of a hurricane or major flooding.



ALMOST
1,100 MILES
OF MAJOR HIGHWAYS
IN FLORIDA ACCOMMODATE
EMERGENCY SHOULDER USE
TO TEMPORARILY INCREASE TRAFFIC FLOW AND CAPACITY DURING MAJOR EVACUATION EVENTS

Within 12 hours post Hurricane Idalia (2023), FDOT crews cleared and reopened a 15-mile stretch of I-10 in Madison County significantly littered with debris and an estimated 10,000 downed trees.



3 OUT OF 4
FLORIDIANS LIVE IN A
COASTAL COUNTY



WITH
1,350 MILES
OF COASTLINE,
FLORIDA IS
VULNERABLE TO STORM SURGE
AND OTHER KINDS
OF COASTAL FLOODING



FLORIDA HAS HAD
46 DISASTER DECLARATIONS
BY FEMA SINCE 2010, INCLUDING
24 RELATED TO HURRICANES & 9 RELATED TO FIRES

FDOT has introduced materials, including recycled asphalt & ground tires, into pavement, reducing costs and improving performance of the transportation system.

EMBRACING THE FUTURE

Florida's transportation system is continually impacted by changing technologies and emerging business practices.



FLORIDA HAS THE
2ND HIGHEST
NUMBER OF
ELECTRIC VEHICLE
REGISTRATIONS
IN THE NATION WITH

6% OF THE
COUNTRY'S
TOTAL

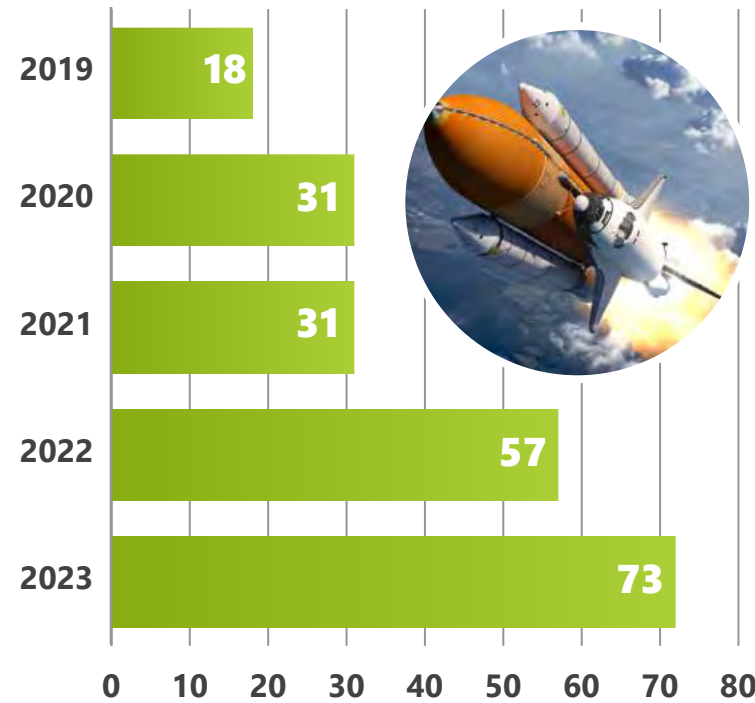


THE **ADVANCED AIR MOBILITY (AAM)**
MARKET IS PROJECTED TO REACH
\$1 TRILLION
BY 2040



FLORIDA ACCOUNTED
FOR NEARLY
68%
OF ALL U.S.
SPACE
LAUNCHES
IN 2023

FLORIDA SPACE LAUNCHES (2019-2023)



ROBUST SUPPLY CHAIN

Florida's supply chain is being significantly influenced by various trends that are reshaping the way goods are transported and distributed to consumers.



WALMART, CHICK FIL A,
AMAZON, AND UPS
CONDUCT
DRONE
DELIVERIES
IN FLORIDA



ONLY
6%
OF THE
TRUCKING
WORKFORCE
IS UNDER 25,
DESPITE INCREASING
FREIGHT VOLUME AND
A GROWING NEED FOR
TRUCK DRIVERS



FLORIDA'S
16 SEAPORTS
SUPPORT
900,000
DIRECT AND
INDIRECT JOBS,
CONTRIBUTING TO
13.3%
OF THE STATE'S GDP

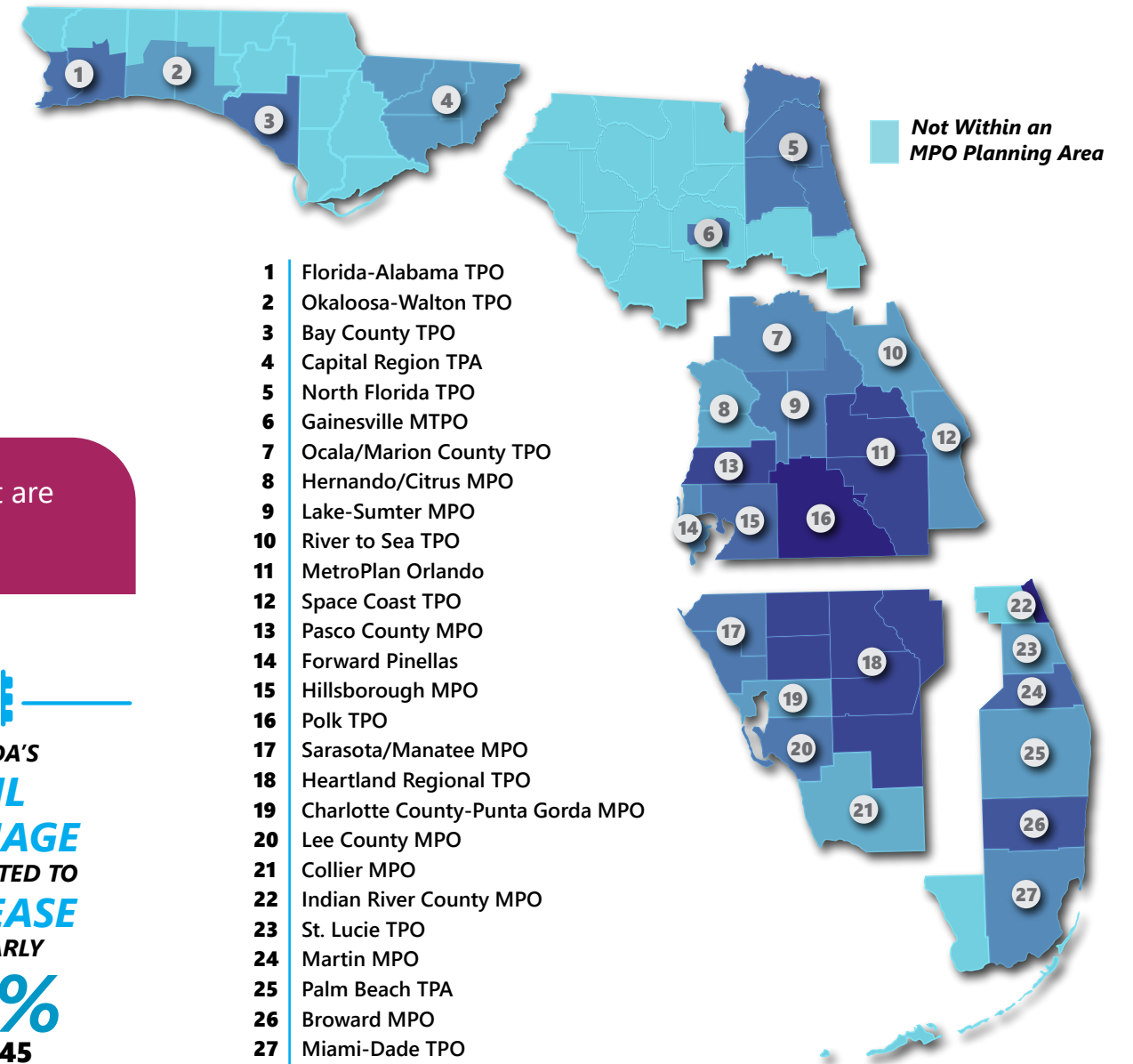


FLORIDA'S
RAIL
TONNAGE
IS PROJECTED TO
INCREASE
BY NEARLY
20%
BY 2045

COMMUNITIES

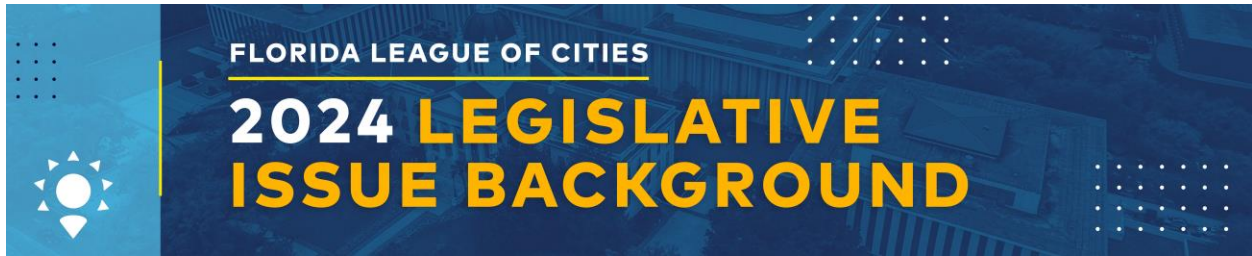
Florida is home to 67 counties, 27 Metropolitan Planning Organizations (MPOs), and 411 municipalities each with unique needs and transportation investment priorities. Through regional and statewide coordination, FDOT and partners help deliver programs and projects to support Florida's communities.

For more on Florida's communities, click on the regions on the map below and also visit our interactive [Florida Trends and Conditions page](#).





Dissolution



Dissolution

The proposal to dissolve the cities of Holmes Beach, Anna Maria Island, and Bradenton Beach has raised concerns among city officials and residents alike. State lawmakers have suggested merging these cities into Manatee County’s jurisdiction as a means of consolidating services and addressing the increasing strain on infrastructure caused by tourism. Proponents believe that centralizing governance could reduce costs and improve service delivery by eliminating redundancies.

However, the potential loss of local control and representation is a significant issue for these cities. Each of these communities has developed its own approach to managing local challenges, particularly around zoning, tourism management, and environmental protection. Dissolving the cities would transfer decision-making power to the county level, potentially diluting the ability to respond to the specific needs of these coastal communities.

Local officials have voiced strong opposition, emphasizing that these cities have long histories and distinct identities that would be lost through dissolution. While the proposal highlights efficiency gains, the impact on community character and the reduction of local input in governance remain major concerns.

This proposal remains in the discussion phase and would require legislative approval as well as a local referendum before any changes could take effect. Cities across Florida are watching closely, as this could set a precedent for how smaller municipalities are managed in the future, especially in high-growth or high-tourism areas.



State's OPPAGA asks island cities for more, including dissolution

by Ryan Paice | Be the first to comment

The cat's out of the bag.

And the state wants to know what the mice think of it.

The Florida Office of Program Policy and Government Accountability recently sent follow-up requests to the three island cities to ask for additional information, including the cities' positions on their potential dissolution.

OPPAGA is a research arm of the Florida Legislature that supports the Legislature by providing data, research and analysis that assist legislative budget and policy deliberations.

It was tasked last fall with performing a study into the potential consolidation of the island cities.

The study was proposed by Rep. Will Robinson Jr., R-Bradenton, and unanimously backed by the Manatee County legislative delegation.

OPPAGA began the study last November by sending requests to the island cities for information and documentation from the last five fiscal years.

It also asked for narrative responses on the benefits and challenges of three possibilities for the island municipalities' futures, including:

- All three cities are consolidated into one new city on the island;
- All three cities are incorporated into the city of Bradenton;
- All three cities remain incorporated municipalities on the island and work to consolidate existing services where that makes sense.



OPPAGA also asked the city of Bradenton for information about a month later and that request had a few changes from the island queries.

Most notably, the request sent to Bradenton asked for narrative responses to a fourth possibility for the island municipalities: dissolution.

Option 4 under Question 11 in the Dec. 15, 2023, Bradenton request states, “All three cities on Anna Maria Island are dissolved and the island becomes part of the unincorporated areas of Manatee County.”

Bradenton responded to OPPAGA’s information request with extensive documentation but did not provide narrative responses to questions 10 and 11.

According to records requested by The Islander, city administrator Rob Perry scheduled a Jan. 30, 2023, teleconference meeting with OPPAGA senior legislative analyst Michelle Chandrasekhar to discuss the unanswered questions.

There is neither a recording of that meeting nor minutes of its content.

Perry told The Islander March 15 that they had a “fairly brief” and “general” discussion in which they explored “redundancies, shared services, economies of scale and operational efficiencies.”

However, Perry said he would not speak to the city’s responses to questions 10 and 11 of OPPAGA’s information request. He said the questions involved a legislative matter that the city takes no position on.

Nevertheless, he said he did not believe the city provided the state with an incomplete response.

“We responded the best we could with the information available and with the information requested,” Perry said.

Follow-up requests

The second wave of OPPAGA requests contained some differences among the cities.

OPPAGA’s March 5 follow-up to the city of Anna Maria asked the city nine questions and requested the municipality respond by March 15.

On the other hand, a March 6 request to the city of Holmes Beach posed 11 questions and asked the city to respond by 3 p.m. Friday, March 22.



Many of the questions are the same, as all nine questions Anna Maria received also went to Holmes Beach.

The last question on both requests asks the cities to list known or potential benefits and challenges of dissolving the island cities into unincorporated Manatee County.

The survey states, "Please provide information on the following option for consolidation (Option 4): All three cities on Anna Maria Island become part of unincorporated Manatee County."

Another question posed to both cities asks, "What is the status of projects to improve intra-island transportation? Is this unique to (island city) or part of a collaborative effort with all 3 island cities? Are there any additional plans or projects underway related to decreasing the use of cars on the island?"

The requests also ask both cities for additional employment, funding and performance information, as well as for the municipalities to detail contracted activities and capital improvement projects benefitting the cities.

Holmes Beach's two exclusive questions involve follow-ups to the city's responses to OPPAGA's initial request.

One of the questions asks the city to provide its methodology for determining the municipality's projected need for increases in police department staff and funding.

OPPAGA also asks the city to provide an emergency management plan.

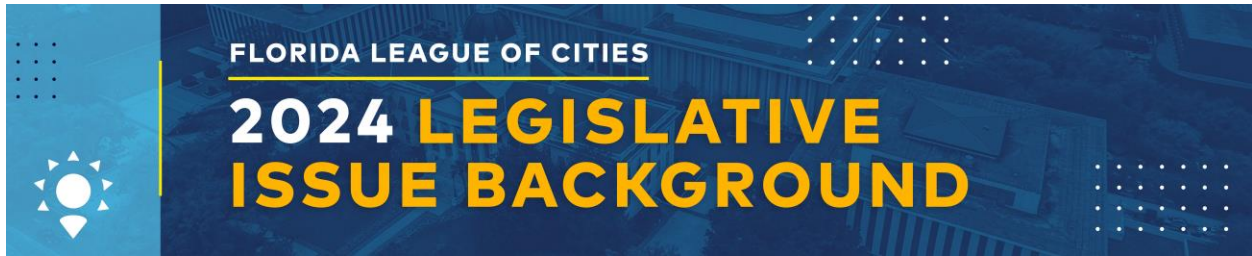
Anna Maria Commission Chair Mark Short, who was on a March 5 conference call with the mayor and OPPAGA to discuss the follow-up questions, said March 14 that the city was on track to respond by OPPAGA's March 15 deadline.

The Islander submitted a March 15 records request for Anna Maria's responses, but the request was unfilled before the press deadline.

The city of Bradenton Beach did not fulfill a March 15 records request from The Islander for the OPPAGA follow-up information request it received before the press deadline.



Annexation



Annexation

The proposal to annex 52,450 acres of Deseret Ranch into the city of Orlando has sparked discussions about how the land will be regulated. Farmland Reserve, Inc., which owns the property, aims to transfer the land under Orlando's jurisdiction to create a unified vision for long-term development. This annexation is seen as a way to avoid fragmented planning, streamline governance, and address the needs of a growing region, while maintaining a focus on natural resource conservation.

Orlando is reviewing the proposal, which was voluntarily initiated by the landowner. The city has stated that voluntary annexations often occur when landowners seek more efficient services or simplified governance, and they are moving forward with the formal review process.

However, a key element in this discussion is Orange County's position. Orange County has expressed concerns about losing control over the land, especially as they have been working with Deseret Ranch on long-term planning. In response, the County has proposed a charter amendment, which will go to voters on November 5, 2024. If passed, this amendment would require that any land annexed into a city from unincorporated Orange County remain subject to the County's Land Development Codes. This means that, even if the land is annexed into Orlando, it would still need to adhere to the County's zoning and development regulations, a significant consideration for both the city and the landowner as they move forward.

City and county officials are currently navigating how this annexation could reshape planning and growth in one of Central Florida's key regions, with implications for development, environmental protection, and local governance.

CHAPTER 171
LOCAL GOVERNMENT BOUNDARIES

PART I
MUNICIPAL ANNEXATION OR CONTRACTION
(ss. 171.011-171.094)

PART II
INTERLOCAL SERVICE BOUNDARY AGREEMENTS
(ss. 171.20-171.212)

PART I
MUNICIPAL ANNEXATION OR CONTRACTION

- 171.011 Short title.
- 171.021 Purpose.
- 171.022 Preemption; effect on special laws.
- 171.031 Definitions.
- 171.0413 Annexation procedures.
- 171.042 Prerequisites to annexation.
- 171.043 Character of the area to be annexed.
- 171.044 Voluntary annexation.
- 171.045 Annexation limited to a single county.
- 171.046 Annexation of enclaves.
- 171.051 Contraction procedures.
- 171.052 Criteria for contraction of municipal boundaries.
- 171.061 Apportionment of debts and taxes in annexations or contractions.
- 171.062 Effects of annexations or contractions.
- 171.071 Effect in Miami-Dade County.
- 171.081 Appeal on annexation or contraction.
- 171.091 Recording.
- 171.093 Municipal annexation within independent special districts.
- 171.094 Effect of interlocal service boundary agreements adopted under part II on annexations under this part.

171.011 Short title.—This chapter shall be known and may be cited as the “Municipal Annexation or Contraction Act.”

History.—s. 1, ch. 74-190.

171.021 Purpose.—The purposes of this act are to set forth procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits and to set forth criteria for determining when annexations or contractions may take place so as to:

- (1) Ensure sound urban development and accommodation to growth.
- (2) Establish uniform legislative standards throughout the state for the adjustment of municipal boundaries.
- (3) Ensure the efficient provision of urban services to areas that become urban in character.
- (4) Ensure that areas are not annexed unless municipal services can be provided to those areas.

History.—s. 1, ch. 74-190.

171.022 Preemption; effect on special laws.—

- (1) It is further the purpose of this act to provide viable and usable general law standards and procedures for adjusting the boundaries of municipalities in this state.

(2) The provisions of any special act or municipal charter relating to the adjusting of municipal boundaries in effect on October 1, 1974, are repealed except as otherwise provided herein.

History.—s. 1, ch. 74-190.

171.031 Definitions.—As used in this chapter, the following words and terms have the following meanings unless some other meaning is plainly indicated:

(1) “Annexation” means the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.

(2) “Compactness” means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in this state must be designed in such a manner as to ensure that the area will be reasonably compact.

(3) “Contiguous” means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, may not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing in this subsection may be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision of any special law prohibits the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

(4) “Contraction” means the reversion of real property within municipal boundaries to an unincorporated status.

(5) “Enclave” means:

(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or

(b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

(6) “Feasibility study” means an analysis conducted by qualified staff or consultants of the economic, market, technical, financial, and management feasibility of the proposed annexation or contraction, as applicable.

(7) “Municipality” means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

(8) “Newspaper of general circulation” means a newspaper printed in the language most commonly spoken in the area within which it circulates, which is readily available for purchase by all inhabitants in its area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(9) “Parties affected” means any persons or firms owning property in, or residing in, either a municipality proposing annexation or contraction or owning property that is proposed for annexation to a municipality or any governmental unit with jurisdiction over such area.

(10) “Qualified voter” means any person registered to vote in accordance with law.

(11) “Sufficiency of petition” means the verification of the signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor of elections and certification that the number of valid signatures represents the required percentage of the total number of qualified voters in the area affected by a proposed annexation.

(12) “Urban in character” means an area used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any

of these purposes.

(13) “Urban purposes” means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(14) “Urban services” means any services offered by a municipality, either directly or by contract, to any of its present residents.

History.—s. 1, ch. 74-190; s. 1, ch. 75-297; s. 75, ch. 81-259; s. 1, ch. 84-148; s. 15, ch. 93-206; s. 2, ch. 2023-305.

171.0413 Annexation procedures.—Any municipality may annex contiguous, compact, unincorporated territory in the following manner:

(1) An ordinance proposing to annex an area of contiguous, compact, unincorporated territory shall be adopted by the governing body of the annexing municipality pursuant to the procedure for the adoption of a nonemergency ordinance established by s. 166.041. Prior to the adoption of the ordinance of annexation, the local governing body shall hold at least two advertised public hearings. The first public hearing shall be on a weekday at least 7 days after the day that the first advertisement is published. The second public hearing shall be held on a weekday at least 5 days after the day that the second advertisement is published. Each such ordinance shall propose only one reasonably compact area to be annexed. However, prior to the ordinance of annexation becoming effective, a referendum on annexation shall be held as set out below, and, if approved by the referendum, the ordinance shall become effective 10 days after the referendum or as otherwise provided in the ordinance, but not more than 1 year following the date of the referendum.

(2) Following the final adoption of the ordinance of annexation by the governing body of the annexing municipality, the ordinance shall be submitted to a vote of the registered electors of the area proposed to be annexed. The governing body of the annexing municipality may also choose to submit the ordinance of annexation to a separate vote of the registered electors of the annexing municipality. The referendum on annexation shall be called and conducted and the expense thereof paid by the governing body of the annexing municipality.

(a) The referendum on annexation shall be held at the next regularly scheduled election following the final adoption of the ordinance of annexation by the governing body of the annexing municipality or at a special election called for the purpose of holding the referendum. However, the referendum, whether held at a regularly scheduled election or at a special election, shall not be held sooner than 30 days following the final adoption of the ordinance by the governing body of the annexing municipality.

(b) The governing body of the annexing municipality shall publish notice of the referendum on annexation at least once each week for 2 consecutive weeks immediately preceding the date of the referendum in a newspaper of general circulation in the area in which the referendum is to be held. The notice shall give the ordinance number, the time and places for the referendum, and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

(c) On the day of the referendum on annexation there shall be prominently displayed at each polling place a copy of the ordinance of annexation and a description of the property proposed to be annexed. The description shall be by metes and bounds and shall include a map clearly showing such area.

(d) Ballots or mechanical voting devices used in the referendum on annexation shall offer the choice “For annexation of property described in ordinance number ____ of the City of ____” and “Against annexation of property described in ordinance number ____ of the City of ____” in that order.

(e) If the referendum is held only in the area proposed to be annexed and receives a majority vote, or if the ordinance is submitted to a separate vote of the registered electors of the annexing municipality and the area proposed to be annexed and there is a separate majority vote for annexation in the annexing municipality and in the area proposed to be annexed, the ordinance of annexation shall become effective on the effective date specified therein. If there is any majority vote against annexation, the ordinance shall not become effective, and the area proposed to be annexed shall not be the subject of an annexation ordinance by the annexing municipality for a period of 2 years from the date of the referendum on annexation.

(3) Any parcel of land which is owned by one individual, corporation, or legal entity, or owned collectively by one or more individuals, corporations, or legal entities, proposed to be annexed under the provisions of this act shall not be severed, separated, divided, or partitioned by the provisions of said ordinance, but shall, if intended to be annexed, or if annexed, under the provisions of this act, be annexed in its entirety and as a whole. However, nothing herein contained shall be construed as affecting the validity or enforceability of any ordinance declaring an intention to annex land under the existing law that has been enacted by a municipality prior to July 1, 1975. The owner of such property may waive the requirements of this subsection if such owner does not desire all of the tract or parcel included in said annexation.

(4) Except as otherwise provided in this law, the annexation procedure as set forth in this section shall constitute a uniform method for the adoption of an ordinance of annexation by the governing body of any municipality in this state, and all existing provisions of special laws which establish municipal annexation procedures are repealed hereby; except that any provision or provisions of special law or laws which prohibit annexation of territory that is separated from the annexing municipality by a body of water or watercourse shall not be repealed.

(5) If more than 70 percent of the acres of land in an area proposed to be annexed is owned by individuals, corporations, or legal entities which are not registered electors of such area, such area may not be annexed unless the owners of more than 50 percent of the acres of land in such area consent to such annexation. Such consent must be obtained by the parties proposing the annexation before the referendum to be held on the annexation.

(6) Notwithstanding subsections (1) and (2), if the area proposed to be annexed does not have any registered electors on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. In addition to the requirements of subsection (5), the area may not be annexed unless the owners of more than 50 percent of the parcels of land in the area proposed to be annexed consent to the annexation. If the governing body does not choose to hold a referendum of the annexing municipality pursuant to subsection (2), then the property owner consents required pursuant to subsection (5) shall be obtained by the parties proposing the annexation prior to the final adoption of the ordinance, and the annexation ordinance shall be effective upon becoming a law or as otherwise provided in the ordinance.

History.—s. 2, ch. 75-297; s. 1, ch. 76-176; s. 44, ch. 77-104; s. 1, ch. 80-350; s. 76, ch. 81-259; s. 1, ch. 86-113; s. 15, ch. 90-279; s. 16, ch. 93-206; s. 1, ch. 93-243; s. 1, ch. 94-196; s. 1448, ch. 95-147; s. 12, ch. 99-378; s. 3, ch. 2023-305.

171.042 Prerequisites to annexation.—

(1) Before commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a feasibility study setting forth the plans to provide urban services to any area to be annexed, and the feasibility study must include the following:

(a) A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, as required in paragraph (c), and the general land use pattern in the area to be annexed.

(b) A statement certifying that the area to be annexed meets the criteria in s. 171.043.

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans must:

1. Provide for extending urban services except as otherwise provided in this subsection to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality before annexation.

2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.

3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

(2) Not fewer than 15 days before commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall file a copy of the feasibility study required by this section with the board of county commissioners of the county in which the municipality is located. Failure to timely file the feasibility study as required in this subsection may be the basis for a cause of action to invalidate the annexation.

(3) The governing body of the municipality shall, not less than 10 days prior to the date set for the first public hearing required by s. 171.0413(1), mail a written notice to each person who resides or owns property within the area proposed to be annexed. The notice must describe the annexation proposal, the time and place for each public hearing to be held regarding the annexation, and the place or places within the municipality where the proposed ordinance may be inspected by the public. A copy of the notice must be kept available for public inspection during the regular business hours of the office of the clerk of the governing body.

History.—s. 1, ch. 74-190; s. 3, ch. 75-297; s. 1, ch. 78-19; s. 13, ch. 81-167; s. 13, ch. 83-55; s. 5, ch. 84-241; s. 2, ch. 2006-218; s. 4, ch. 2023-305.

171.043 Character of the area to be annexed.—A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

(1) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.

(2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The purpose of this subsection is to permit municipal governing bodies to extend corporate limits to include all nearby areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes whose future probable use is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

History.—s. 1, ch. 74-190; s. 2, ch. 76-176.

171.044 Voluntary annexation.—

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a

nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within 7 days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

(6) Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.

History.—s. 1, ch. 74-190; ss. 4, 5, ch. 75-297; s. 3, ch. 76-176; s. 2, ch. 86-113; s. 1, ch. 90-171; s. 16, ch. 90-279; s. 16, ch. 98-176; s. 3, ch. 2006-218.

171.045 Annexation limited to a single county.—In order for an annexation proceeding to be valid for the purposes of this chapter, the annexation must take place within the boundaries of a single county.

History.—s. 2, ch. 74-190.

171.046 Annexation of enclaves.—

(1) The Legislature recognizes that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declares that it is the policy of the state to eliminate enclaves.

(2) In order to expedite the annexation of enclaves of 110 acres or less into the most appropriate incorporated jurisdiction, based upon existing or proposed service provision arrangements, a municipality may:

(a) Annex an enclave by interlocal agreement with the county having jurisdiction of the enclave; or

(b) Annex an enclave with fewer than 25 registered voters by municipal ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave.

(3) This section does not apply to undeveloped or unimproved real property.

History.—s. 18, ch. 93-206; s. 5, ch. 2016-148.

171.051 Contraction procedures.—Any municipality may initiate the contraction of municipal boundaries in the following manner:

(1) The governing body shall by ordinance propose the contraction of municipal boundaries, as described in the ordinance, and provide an effective date for the contraction.

(2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance. The municipality to which such petition is directed shall immediately undertake a feasibility study of such proposal, and the governing body shall, within 6 months, evaluate the feasibility study of such proposal and either initiate proceedings under subsection (1) by introducing a contraction ordinance or reject the petition as a legislative decision.

(3) After introduction, the contraction ordinance shall be noticed at least once per week for 2 consecutive weeks in a newspaper of general circulation in the municipality, such notice to describe the area to be excluded. Such

description shall include a statement of findings to show that the area to be excluded fails to meet the criteria of s. 171.043, set the time and place of the meeting at which the ordinance will be considered, and advise that all parties affected may be heard.

(4) If, at the meeting held for the purpose of considering the contraction ordinance introduced by the governing body, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, paid for by the municipality, of the sufficiency of the petition, and before passing such ordinance, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.

(5) The governing body may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum.

(6) The referendum, if required, shall be held at the next regularly scheduled election, or, if approved by a majority of the municipal governing body, at a special election held prior to such election, but no sooner than 30 days after verification of the petition or passage of the resolution or ordinance calling for the referendum.

(7) The municipal governing body shall establish the date of election and publish notice of the referendum election at least once a week for the 2 consecutive weeks immediately prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality. Such notice shall give the time and places for the election and a general description of the area to be excluded, which shall be in the form of a map clearly showing the area proposed to be excluded.

(8) Ballots or mechanical voting devices shall offer the choices "For deannexation" and "Against deannexation," in that order.

(9) A majority vote "For deannexation" shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance.

(10) A majority vote "Against deannexation" shall prevent any part of the area proposed for exclusion from being the subject of a contraction ordinance for a period of 2 years from the date of the referendum election.

(11) If more than 70 percent of the acres of land in an area proposed to be contracted is owned by individuals, corporations, or legal entities that are not registered electors of such area, such area may not be contracted unless the owners of more than 50 percent of the acres of land in such area consent to such contraction.

History.—s. 1, ch. 74-190; s. 17, ch. 90-279; s. 5, ch. 2023-305.

171.052 Criteria for contraction of municipal boundaries.—

(1) Only those areas which do not meet the criteria for annexation in s. 171.043 may be proposed for exclusion by municipal governing bodies. If the area proposed to be excluded does not meet the criteria of s. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

(2) The ordinance shall make provision for apportionment of any prior existing debt and property.

History.—s. 1, ch. 74-190.

171.061 Apportionment of debts and taxes in annexations or contractions.—

(1) The area annexed to a municipality shall be subject to the taxes and debts of the municipality upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the municipal governing body levies such tax.

(2) The municipal governing body, in the event of exclusion of territory, shall reach agreement with the county governing body to determine what portion, if any, of the existing indebtedness or property of the municipality shall be assumed by the county of which the excluded territory will become a part, the fair value of such indebtedness or property, and the manner of transfer and financing.

History.—s. 1, ch. 74-190.

171.062 Effects of annexations or contractions.—

(1) An area annexed to a municipality shall be subject to all laws, ordinances, and regulations in force in that municipality and shall be entitled to the same privileges and benefits as other parts of that municipality upon the effective date of the annexation.

(2) If the area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area.

(3) An area excluded from a municipality shall no longer be subject to any laws, ordinances, or regulations in force in the municipality from which it was excluded and shall no longer be entitled to the privileges and benefits accruing to the area within the municipal boundaries upon the effective date of the exclusion. It shall be subject to all laws, ordinances, and regulations in force in that county.

(4)(a) A party that has an exclusive franchise which was in effect for at least 6 months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area may continue to provide such services to an annexed area for 5 years or the remainder of the franchise term, whichever is shorter, if:

1. The franchisee provides, if the annexing municipality requires, a level of quality and frequency of service which is equivalent to that required by the municipality in other areas of the municipality not served by the franchisee, and

2. The franchisee provides such service to the annexed area at a reasonable cost. The cost must include the following as related to providing services to the annexed area:

- a. Capital costs for land, structures, vehicles, equipment, and other items used for solid waste management;
- b. Operating and maintenance costs for solid waste management;
- c. Costs to comply with applicable statutes, rules, permit conditions, and insurance requirements;
- d. Disposal costs; and
- e. A reasonable profit.

If the municipality and the franchisee cannot enter into an agreement as to such cost, they shall submit the matter of cost to arbitration.

(b) A municipality, at its option, may allow the franchisee to continue providing services pursuant to the existing franchise agreement.

(c) A municipality may terminate any franchise if the franchisee does not agree to comply with the requirements of paragraph (a) within 90 days after the effective date of the proposed annexation.

(5) A party that has a contract that was in effect for at least 6 months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area may continue to provide such services to an annexed area for 5 years or the remainder of the contract term, whichever is shorter. Within a reasonable time following a written request to do so, the party shall provide the annexing municipality with a copy of the pertinent portion of the contract or other written evidence showing the duration of the contract, excluding any automatic renewals or so-called “evergreen” provisions. This subsection does not apply to contracts to provide solid waste collection services to single-family residential properties in those enclaves described in s. 171.046.

*History.—*s. 1, ch. 74-190; s. 22, ch. 85-55; s. 1, ch. 88-92; s. 17, ch. 93-206; s. 2, ch. 93-243; s. 2, ch. 2000-304.

171.071 Effect in Miami-Dade County.—Municipalities within the boundaries of Miami-Dade County shall adopt annexation or contraction ordinances pursuant to methods established by the home rule charter established pursuant to s. 6(e), Art. VIII of the State Constitution.

*History.—*s. 1, ch. 74-190; s. 31, ch. 2008-4.

171.081 Appeal on annexation or contraction.—

(1) Any party affected who believes that he or she will suffer material injury by reason of the failure of the municipal governing body to comply with the procedures set forth in this chapter for annexation or contraction or to meet the requirements established for annexation or contraction as they apply to his or her property may file a petition in the circuit court for the county in which the municipality or municipalities are located seeking review by certiorari. The action may be initiated at the party’s option within 30 days following the passage of the annexation or contraction

ordinance or within 30 days following the completion of the dispute resolution process in subsection (2). In any action instituted pursuant to this subsection, the complainant, should he or she prevail, shall be entitled to reasonable costs and attorney's fees.

(2) If the affected party is a governmental entity, no later than 30 days following the passage of an annexation or contraction ordinance, the governmental entity must initiate and proceed through the conflict resolution procedures established in chapter 164. If there is a failure to resolve the conflict, no later than 30 days following the conclusion of the procedures established in chapter 164, the governmental entity that initiated the conflict resolution procedures may file a petition in the circuit court for the county in which the municipality or municipalities are located seeking review by certiorari. In any legal action instituted pursuant to this subsection, the prevailing party is entitled to reasonable costs and attorney's fees.

History.—s. 1, ch. 74-190; s. 3, ch. 78-95; s. 916, ch. 95-147; s. 5, ch. 2006-218.

171.091 Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

History.—s. 1, ch. 74-190; s. 10, ch. 2009-96; s. 9, ch. 2011-14.

171.093 Municipal annexation within independent special districts.—

(1) The purpose of this section is to provide an orderly transition of special district service responsibilities in an annexed area from an independent special district which levies ad valorem taxes to a municipality following the municipality's annexation of property located within the jurisdictional boundaries of an independent special district, if the municipality elects to assume such responsibilities.

(2) The municipality may make such an election by adopting a resolution evidencing the election and forwarding the resolution to the office of the special district and the property appraiser and tax collector of the county in which the annexed property is located. In addition, the municipality may incorporate its election into the annexation ordinance.

(3) Upon a municipality's election to assume the district's responsibilities, the municipality and the district may enter into an interlocal agreement addressing the orderly transfer of service responsibilities, real assets, equipment, and personnel to the municipality. The agreement shall address allocation of responsibility for special district services, avoidance of double taxation of property owners for such services in the area of overlapping jurisdiction, prevention of loss of any district revenues which may be detrimental to the continued operations of the independent district, avoidance of impairment of existing district contracts, disposition of property and equipment of the independent district and any assumption of indebtedness for it, the status and employee rights of any adversely affected employees of the independent district, and any other matter reasonably related to the transfer of responsibilities.

(4)(a) If the municipality and the district are unable to enter into an interlocal agreement pursuant to subsection (3), the municipality shall so advise the district and the property appraiser and tax collector of the county in which the annexed property is located and, effective October 1 of the calendar year immediately following the calendar year in which the municipality declares its intent to assume service responsibilities in the annexed area, the district shall remain the service provider in the annexed area for a period of 4 years. During the 4-year period, the municipality shall pay the district an amount equal to the ad valorem taxes or assessments that would have been collected had the property remained in the district.

(b) By the end of the 4-year period, or any extension mutually agreed upon by the district and the municipality, the municipality and the district shall enter into an agreement that identifies the existing district property located in the municipality or primarily serving the municipality that will be assumed by the municipality, the fair market value of such property, and the manner of transfer of such property and any associated indebtedness. If the municipality and district are unable to agree to an equitable distribution of the district's property and indebtedness, the matter shall proceed to circuit court. In equitably distributing the district's property and associated indebtedness, the taxes and other revenues paid the district by or on behalf of the residents of the annexed area shall be taken into consideration.

(c) During the 4-year period, or during any mutually agreed upon extension, district service and capital expenditures within the annexed area shall continue to be rationally related to the annexed area's service needs. Service and capital

expenditures within the annexed area shall also continue to be rationally related to the percentage of district revenue received on behalf of the residents of the annexed area when compared to the district's total revenue. A capital expenditure greater than \$25,000 shall not be made by the district for use primarily within the annexed area without the express consent of the municipality.

(5) If the municipality elects not to assume the district's responsibilities, the district shall remain the service provider in the annexed area, the geographical boundaries of the district shall continue to include the annexed area, and the district may continue to levy ad valorem taxes and assessments on the real property located within the annexed area. If the municipality elects to assume the district's responsibilities in accordance with subsection (3), the district's boundaries shall contract to exclude the annexed area at the time and in the manner provided in the agreement.

(6) If the municipality elects to assume the district's responsibilities and the municipality and the district are unable to enter into an interlocal agreement, and the district continues to remain the service provider in the annexed area in accordance with subsection (4), the geographical boundaries of the district shall contract to exclude the annexed area on the effective date of the beginning of the 4-year period provided for in subsection (4). Nothing in this section precludes the contraction of the boundary of any independent special district by special act of the Legislature. The district shall not levy ad valorem taxes or assessments on the annexed property in the calendar year in which its boundaries contract and subsequent years, but it may continue to collect and use all ad valorem taxes and assessments levied in prior years. Nothing in this section prohibits the district from assessing user charges and impact fees within the annexed area while it remains the service provider.

(7) In addition to any other authority provided by law, a municipality is authorized to levy assessments on property located in an annexed area to offset all or a portion of the costs incurred by the municipality in assuming district responsibilities pursuant to this section. Such assessments may be collected pursuant to and in accordance with applicable law.

(8) This section does not apply to districts created pursuant to chapter 190 or chapter 373.

History.—s. 8, ch. 2000-304; s. 29, ch. 2001-60.

171.094 Effect of interlocal service boundary agreements adopted under part II on annexations under this part.

(1) An interlocal service boundary agreement entered into pursuant to part II is binding on the parties to the agreement, and a party may not take any action that violates the interlocal service boundary agreement.

(2) Notwithstanding any other provision of this part, without the consent of the county, the affected municipality, or affected independent special district by resolution, a county, an invited municipality, or independent special district may not take any action that violates an interlocal service boundary agreement.

History.—s. 4, ch. 2006-218.

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

SUBMITTING TO REFERENDUM A PROPOSED AMENDMENT TO THE CHARTER OF ORANGE COUNTY, FLORIDA; PROVIDING FOR AN EXCLUSIVE METHOD OF MUNICIPAL VOLUNTARY ANNEXATION; PROVIDING FOR PREEMPTORY LAND USE REGULATION; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE

Resolution No. 2024-M-_____

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Charter Amendment. Section 504 of the Orange County Charter is created

to read:

Sec. 504. Exclusive Method for Voluntary Annexations

A. JOINT PLANNING AREA AGREEMENTS: The exclusive method of voluntary annexation is inapplicable in municipal joint planning areas adopted with the County by joint

planning agreement or interlocal agreement; sections B and C do not apply.

B. PROCESS FOR REVIEW: After the effective date of this section, any voluntary annexation must be approved by an affirmative vote of not less than a majority plus one vote of the entire membership of the board of county commissioners at a public hearing. Approval or denial shall be at the sole and absolute discretion of the board. However, the board may consider consistency with the county comprehensive plan, infrastructure impacts, whether the annexation is compact, contiguous and will not result in the creation of enclaves, whether an interlocal agreement has been proffered or executed, and whether the property is located within or outside the urban service area. The annexing municipality shall provide notice to the county 10-days prior its first scheduled public hearing. The board of county commissioners shall hear the annexation request following the first public hearing by the municipality. The annexing municipality shall enter into an interlocal agreement with the county detailing the provision of essential public services, infrastructure maintenance, and future land use. A decision of the board of county commissioners may be appealed by a Party Affected to the circuit court within thirty (30) days of the public hearing. "Party affected" means any persons or firms owning property in, or residing in, either a municipality proposing annexation or contraction or owning property that is proposed for annexation to a municipality or any governmental unit with jurisdiction over such area. Notice shall be provided within a 600 foot radius of the subject area to be annexed if the subject property is 5-acres or less or a 2 mile radius of the subject area to be annexed if the subject property is more than 5-acres; by US Mail 14-days prior to the board of county commissioners public hearing. The cost of such notice shall be paid by the initiating individual or group.

C. LAND USE GOVERNING WITHIN RURAL AREAS: After the effective date of this section, the comprehensive plan and land development regulations of Orange County shall exclusively govern the development of lands in areas designated as rural beyond the urban service area, regardless of whether some or all of the lands lying within these areas are subsequently annexed or otherwise added into a municipality. Furthermore, the annexing municipality must enter into an interlocal agreement with the county, detailing the provision of essential public services, infrastructure maintenance, and future land use.

D. EFFECTIVE DATE: This charter amendment shall become effective upon the date of canvassing board certification of approval by a vote of the electors of Orange County.

Section 2. Referendum Called. A referendum election is hereby called and ordered to be held in Orange County at the time of the next general election on November 5, 2024, to determine whether the Land Use Rural Areas and Voluntary Annexations charter amendment is approved by the voters.

Section 3. Notice of Referendum. Pursuant to Section 100.342, Florida Statutes, a Notice of Referendum shall be published twice in the *Orlando Sentinel*, a newspaper of general circulation in the County. The publications shall occur once in the fifth week and once in the third week prior to the week which includes November 5, 2024.

Section 4. Official Ballot. Ballots to be used in the referendum shall contain a statement of the description of the proposed issue in substantially the following form:

<p style="text-align: center;">Charter Amendment Establishing A Process For Voluntary Municipal Annexations And Land Use in Rural Areas</p> <p>Amend the County Charter to establish a process for voluntary municipal annexation and provide that the comprehensive plan and land development regulations of Orange County exclusively govern within rural areas when lands are subsequently annexed into a municipality with Orange County having the authority to approve or deny voluntary annexations by an affirmative vote of not less than a majority plus one vote of the entire county commission.</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Section 5. Spanish Translation. The above ballot question shall additionally appear on the ballot in Spanish and the County Attorney and Supervisor of Elections are requested to authorize, and directed to prepare, an accurate Spanish translation to be included on the ballot.

Section 6. Payment of Referendum Expenses. The Board authorizes the payment of lawful expenses associated with conducting the referendum, as well as the cost of providing information as permitted by Section 106.113, Florida Statutes. The Orange County Comptroller is hereby authorized and directed to disburse the funds necessary to pay such expenses.

Section 7. Severability. If any section, subsection, sentence, clause, or provision of this resolution or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect any other provision or application of this resolution, and to this end the provisions of this resolution are declared severable.

Section 8. Effective Date. This resolution shall take effect immediately. However, Section 1 of this resolution, Charter Amendment, shall take effect only if and when approved by a majority of the voters voting in the referendum called by the Board of County Commissioners of Orange County, Florida in Section 2 of this resolution.

ADOPTED THIS 27th DAY OF August, 2024.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

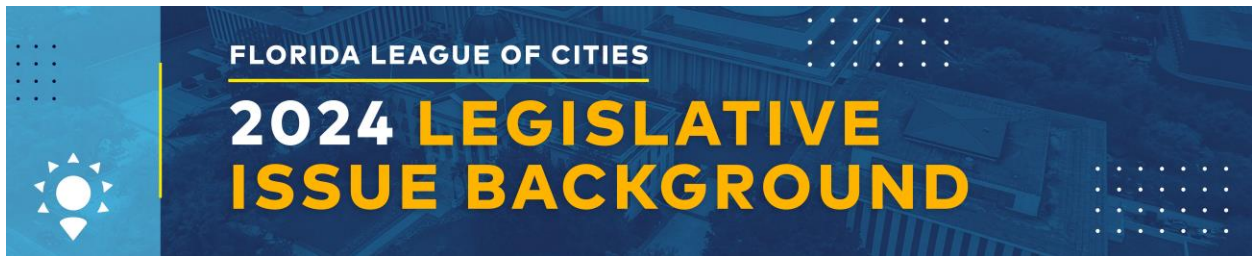
By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk



Vertiports



Vertiports

The term “advanced air mobility” (AAM)

is defined in federal law as a transportation system that transports people and property by air between two points in the United States using aircraft with advanced technologies, including electric aircraft, or electric vertical takeoff and landing (eVTOL) aircraft, in both controlled and uncontrolled airspace. Florida is a target market for early-stage AAM, and the AAM market is projected to reach more than \$1 trillion by 2040.

The League was supportive of CS/CS/HB 981 by Rep. Bankson and CS/CS/CS/SB 1362 by Senator Harrell (Session 2024). Although the bills failed, it would have done the following:

Department of Transportation Department (DOT)

- Mandated the DOT to designate a subject matter expert for advanced air mobility, focusing on powered-lift aircraft and electrification of aviation.
- Required the DOT to provide annual reports to the Governor and Legislature on advanced air mobility industry status, technological advances, federal regulations, and recommendations for land use compatibility around vertiports.
- Mandated the DOT to serve as a resource for local governments and stakeholders in powered-lift aircraft and vertiport development.
- Generally prohibited residential construction and educational facilities within a specified buffer zone adjacent to an airport if the airport has not conducted a noise study to better define adjacent areas that are incompatible with residential construction and educational facilities.
- Added an exception to the buffer zone described above to allow residential property within the buffer zone of a public-use airport that has as its sole runway a turf runway measuring less than 2,800 feet in length.

1 A bill to be entitled
 2 An act relating to vertiports; creating s. 332.15,
 3 F.S.; providing legislative intent; providing
 4 definitions; requiring the Department of
 5 Transportation to take certain actions regarding
 6 vertiports; providing applicability; providing design
 7 and layout plan requirements for vertiport owners;
 8 providing limitations regarding the exercise of a
 9 political subdivision's zoning and land use authority
 10 in regulating vertiports; providing construction;
 11 providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 332.15, Florida Statutes, is created to
 16 read:

17 332.15 Vertiports.—

18 (1) It is the intent of the Legislature to promote the
 19 development of a network of vertiports which will provide
 20 residents of this state with equitable access to advanced air
 21 mobility operations for passenger and cargo services.

22 (2) As used in this section, the term:

23 (a) "Advanced air mobility" means an air transport system
 24 that integrates new, transformational aircraft designs,
 25 including vertical takeoff and landing (VTOL) aircraft, and

26 flight technologies to transport passengers and cargo to
27 locations not traditionally served by current modes of air
28 transportation, including rural areas and challenging and
29 complex urban environments.

30 (b) "Department" means the Department of Transportation.

31 (c) "Vertiport" means an infrastructure or a system with
32 supporting services and equipment intended for landing, ground-
33 handling, and takeoff of manned or unmanned VTOL aircraft.

34 (3) To increase public access to advanced air mobility
35 operations and to avoid vertiport monopolization or
36 discrimination, the department shall do all of the following:

37 (a) Subject to the appropriation of funds for such purpose
38 by the Legislature, fund the planning and construction of
39 public-use vertiports.

40 (b) Encourage local zoning boards and other land use
41 authorities to ensure that an adequate number of vertiports are
42 constructed in this state and are strategically placed to
43 provide equitable access for all residents.

44 (c) Promote competition and equitable access by
45 prohibiting the granting of an exclusive right to one or more
46 vertiport owners or operators or to vertiport operators at one
47 or more vertiports.

48 (4) This section applies to any vertiport in this state
49 which is available for public use by any advanced air mobility
50 operator authorized by the United States Department of

51 Transportation or the Federal Aviation Administration to engage
52 in passenger or cargo services in scheduled or nonscheduled
53 service in or affecting interstate commerce.

54 (5) To operate in this state, the owner of each vertiport
55 subject to this section must do all of the following:

56 (a) Ensure that the vertiport complies with the Federal
57 Aviation Administration's regulations and guidance relating to
58 vertiport design and performance standards.

59 (b) Submit a vertiport layout plan to the administrator of
60 the Federal Aviation Administration in the form and manner
61 determined by the administrator. Aircraft operations may not be
62 conducted at the vertiport until the plan is approved.

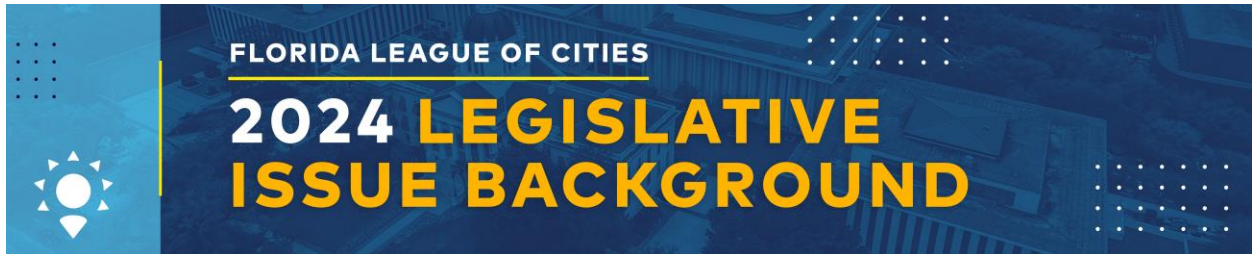
63 (6) A political subdivision as defined in s. 333.01 may
64 not exercise its zoning and land use authority to grant or allow
65 an exclusive right to one or more vertiport owners or operators
66 but may use such authority to promote reasonable access to
67 advanced air mobility operations at vertiports.

68 (7) This section is intended to supplement any provision
69 of federal law pertaining to the design, construction,
70 operation, or maintenance of a vertiport designed or constructed
71 with a grant under 49 U.S.C. ss. 47101 et seq. If any provision
72 of this section is found to be in conflict with federal law,
73 federal law supersedes this section to the extent of the
74 conflict.

75 Section 2. This act shall take effect July 1, 2023.



Electric Vehicles



Electric Vehicles

The Impact of Electric Vehicles on Revenues Annual fuel tax revenues at both the state and federal levels are directly based on the number of gallons of gasoline and diesel fuel consumed. Because some electric vehicles (EVs) are not powered by gasoline or diesel, and because others use less gasoline or diesel fuel than a conventional vehicle with only an internal combustion engine, an increase in the number of EVs operating on the roadways results in less revenue being raised from fuel taxes for comparable vehicle miles traveled.

The Florida Department of Transportation's (FDOT's) EV Infrastructure Master Plan, completed in July of 2021, concludes that negative impacts to motor-fuel based revenue streams in Florida could range between 5.6 percent and 20 percent by the year 2040, depending on the rate of growth of EV sales.

The League was supportive of CS/SB 28 (Hooper). Although the bill failed, it would have increased the annual fees required for electric and hybrid vehicles. Beginning January 1, 2029, the annual fee for electric vehicles (EVs) would increase from \$200 to \$250, and the annual fee for hybrid vehicles would increase from \$50 to \$100. The bill specified that 64% of the proceeds be deposited into the State Transportation Trust Fund (STTF), and 36% must be allocated to the county where the vehicle is registered. Local governments can use these funds for transportation expenditures.

By the Committee on Transportation; and Senator Hooper

596-01783-24

202428c1

1 A bill to be entitled
2 An act relating to license taxes; amending s. 320.01,
3 F.S.; defining the terms "electric motorcycle," "plug-
4 in hybrid electric motorcycle," and "plug-in hybrid
5 electric vehicle"; revising the definition of the term
6 "electric vehicle"; amending s. 320.08001, F.S.;
7 imposing specified additional annual license taxes on
8 electric vehicles and plug-in hybrid electric
9 vehicles; increasing such taxes beginning on a
10 specified date; providing for the distribution of
11 proceeds from the additional license taxes; specifying
12 requirements for the use of the proceeds by local
13 governments; providing that certain vehicles are
14 exempt from specified license taxes; providing
15 applicability; providing that the registrant of an
16 electric vehicle or a plug-in hybrid electric vehicle
17 is not entitled to a credit or refund for certain
18 additional license tax except under certain
19 conditions; providing for imposition of a specified
20 delinquent fee; providing for future expiration and
21 reversion; amending s. 320.07, F.S.; conforming
22 provisions to changes made by the act; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Present subsection (36) and subsections (37)
28 through (45) of section 320.01, Florida Statutes, are
29 redesignated as subsection (37) and subsections (40) through

596-01783-24

202428c1

30 (48), respectively, new subsections (36), (38), and (39) are
31 added to that section, and present subsection (36) of that
32 section is amended, to read:

33 320.01 Definitions, general.—As used in the Florida
34 Statutes, except as otherwise provided, the term:

35 (36) "Electric motorcycle" means a motorcycle, as defined
36 in s. 320.01(26), powered solely by an electric motor that draws
37 current from rechargeable storage batteries, fuel cells, or
38 other sources of electrical current.

39 (37) ~~(36)~~ "Electric vehicle" means a motor vehicle ~~that is~~
40 powered solely by an electric motor that draws current from
41 rechargeable storage batteries, fuel cells, or other sources of
42 electrical current. The term includes an electric motorcycle
43 unless otherwise specified.

44 (38) "Plug-in hybrid electric motorcycle" means a
45 motorcycle, as defined in s. 320.01(26), powered by an internal
46 combustion engine and an electric motor that draws current from
47 rechargeable storage batteries, fuel cells, or other sources of
48 electrical current which are recharged by an energy source
49 external to the motor vehicle.

50 (39) "Plug-in hybrid electric vehicle" means a motor
51 vehicle powered by an internal combustion engine and an electric
52 motor that draws current from rechargeable storage batteries,
53 fuel cells, or other sources of electrical current which are
54 recharged by an energy source external to the motor vehicle. The
55 term includes a plug-in hybrid electric motorcycle unless
56 otherwise specified.

57 Section 2. Section 320.08001, Florida Statutes, is amended
58 to read:

596-01783-24

202428c1

59 320.08001 Low-speed, electric, and plug-in hybrid electric
60 vehicles; license tax.-

61 (1) The license tax for a ~~an electric vehicle~~ or low-speed
62 electric vehicle is the same as that prescribed in s. 320.08 for
63 a vehicle that is not electrically powered.

64 (2) In addition to the license tax prescribed in s. 320.08,
65 there is imposed an annual license tax of \$200 on electric
66 vehicles, except that the additional annual license tax for
67 electric motorcycles is \$25. Beginning January 1, 2029, the
68 additional annual license tax shall be \$250, except that the
69 annual license tax for electric motorcycles shall be \$35.

70 (3) In addition to the license tax prescribed in s. 320.08,
71 there is imposed an annual license tax of \$50 on plug-in hybrid
72 electric vehicles, except that the annual license tax for plug-
73 in hybrid electric motorcycles shall be \$10. Beginning January
74 1, 2029, the additional annual license tax shall be \$100, except
75 that the annual license tax for plug-in hybrid electric
76 motorcycles shall be \$20.

77 (4) Of the proceeds from the additional annual license
78 taxes imposed under subsections (2) and (3), 64 percent must be
79 deposited into the State Transportation Trust Fund and 36
80 percent must be allocated to the county where the vehicle is
81 registered. Each quarter, the department shall transfer the
82 funds allocated to a county to the Department of Revenue for
83 distribution to the board of county commissioners and
84 municipalities within the county in proportion to the previous
85 quarter's distribution of the local option fuel taxes authorized
86 under s. 336.025(1) (a). Local governments shall use funds
87 received pursuant to this subsection for transportation

596-01783-24

202428c1

88 expenditures as defined in s. 336.025(7).

89 (5) An electric vehicle or a plug-in hybrid electric
90 vehicle that uses a battery storage system of up to 5 kilowatt
91 hours is exempt from the additional annual license tax imposed
92 under this section.

93 (6) The additional annual license taxes imposed under this
94 section apply to an initial registration or renewal registration
95 that has a renewal period beginning on or after October 1, 2024.

96 (7) The registrant of an electric vehicle or a plug-in
97 hybrid electric vehicle is not entitled to a credit or refund
98 for the additional annual license tax imposed by subsection (2)
99 or subsection (3) for any prior year's annual license tax
100 payments unless the registrant is required by the department to
101 replace a license plate pursuant to s. 320.08056(8) or the
102 registrant meets the requirements of s. 320.15(2).

103 (8) Any delinquent fee imposed on the registrant of any
104 electric vehicle or plug-in hybrid electric vehicle pursuant to
105 s. 320.07(4)(a) must be imposed in accordance with the schedule
106 listed in that paragraph, based on the license tax prescribed in
107 s. 320.08 for a vehicle that is not electrically powered.

108 Section 3. The amendments made by this act to s. 320.08001,
109 Florida Statutes, shall expire on June 30, 2034, and the text of
110 that section shall revert to that in existence on June 30, 2024,
111 except that any amendments to such text enacted other than by
112 this act shall be preserved and continue to operate to the
113 extent that such amendments are not dependent upon the portions
114 of text which expire pursuant to this section.

115 Section 4. Paragraph (b) of subsection (2) of section
116 320.07, Florida Statutes, is amended to read:

596-01783-24

202428c1

117 320.07 Expiration of registration; renewal required;
118 penalties.—

119 (2) Registration shall be renewed semiannually, annually,
120 or biennially, as provided in this subsection, during the
121 applicable renewal period, upon payment of the applicable
122 license tax amounts required by s. 320.08, service charges
123 required by s. 320.04, and any additional fees required by law.

124 (b) Any person who owns a motor vehicle or mobile home
125 registered under s. 320.08(1), (2), (3), (4)(a) or (b), (6),
126 (7), (8), (9), (10), or (11) may renew the vehicle registration
127 biennially during the applicable renewal period upon payment of
128 the 2-year cumulative total of all applicable license tax
129 amounts required by ss. 320.08 and 320.08001, as applicable, ~~s.~~
130 ~~320.08~~ and service charges or surcharges required by ss. 320.03,
131 320.04, 320.0801, 320.08015, 320.0802, 320.0804, 320.0805,
132 320.08046, and 320.08056 and payment of the 2-year cumulative
133 total of any additional fees required by law for an annual
134 registration.

135 Section 5. This act shall take effect July 1, 2024.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 28

INTRODUCER: Transportation Committee and Senator Hooper

SUBJECT: License Taxes

DATE: December 7, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 28 imposes specified additional license taxes on certain electric vehicles. The bill defines the terms “electric motorcycle,” “plug-in hybrid electric motorcycle,” and “plug-in hybrid electric vehicle and modifies the definition of the term “electric vehicle.”” The bill imposes taxes on such vehicles in addition to registration fees currently assessed against non-electric vehicles and authorizes biennial registration of such vehicles. The additional taxes imposed apply to an initial or renewal registration that has a renewal period beginning on or after October 1, 2024.

The bill provides for distribution of the proceeds of such fees to the State Transportation Trust Fund (STTF) and to the county where such a vehicle is registered, and requires the Department of Highway Safety and Motor Vehicles (DHSMV) to transfer funds allocated to a county to the Department of Revenue (DOR) for distribution, as specified. The bill restricts local government use of transferred proceeds to transportation expenditures, as defined in current law; exempts certain electric and plug-in hybrid electric vehicles from the additional tax; and provides that the additional fees expire on June 30, 2034. The bill also makes necessary conforming revisions.

The Revenue Estimating Conference determined on November 3, 2023, that the bill would increase receipts to the STTF and to county and municipal governments for Fiscal Years 2024-25 through 2028-29 by a total of \$65 million recurring. DHSMV expects to incur expenses associated with programming and implementation. See the “Fiscal Impact” heading for additional details.

The bill takes effect July 1, 2024.

II. Present Situation:

The Impact of Electric Vehicles on Revenues

Annual fuel tax revenues at both the state and federal levels are directly based on the number of gallons of gasoline and diesel fuel consumed. Because some electric vehicles (EVs) are not powered by gasoline or diesel, and because others use less gasoline or diesel fuel than a conventional vehicle with only an internal combustion engine, an increase in the number of EVs operating on the roadways results in less revenue being raised from fuel taxes for comparable vehicle miles traveled.

Projections for EV sales vary, but a literature review suggests a general consensus that while EV adoption will not significantly impact state revenues in the near-term, EV sales will continue to increase over the long-term, at least to some extent supported by federal, state, local, and utility incentives for EV purchases.¹ The Florida Department of Transportation's (FDOT's) *EV Infrastructure Master Plan*, completed in July of 2021, concludes that negative impacts to motor-fuel based revenue streams in Florida could range between 5.6 percent and 20 percent by the year 2040, depending on the rate of growth of EV sales.²

The National Perspective

Traditional funding for repairs and improvements to the nation's highways comes primarily from state and federal taxes collected at the pump. A perceived inequity may exist, in that electric vehicles do not require motor fuel to operate, or at least as much in the case of vehicles that operate on a combination of electricity and gasoline or diesel, compared to motor vehicles with internal combustion engines. The assertion is that EV owners may not be fairly contributing to the cost of constructing and maintaining public roads through payment of "traditional" registration fees.

According to the National Conference of State Legislatures (NCSL), many states face declining gas tax revenues, and "one common policy" to address the decline is to impose a separate registration fee for certain EVs to address the issues of declining revenues and fair contribution.³ The following may serve to generally highlight the trend:

- Thirty-two states impose some form of a special registration fee for electric vehicles, which is in addition to the registration fee for motor vehicles with internal combustion engines.
- Of those, 19 states also assess a fee on plug-in vehicles that operate on a combination of electricity and gasoline. The fees range from \$65 in Iowa to \$100 in Alabama, Arkansas, Ohio, and West Virginia.

¹ For a description of the Inflation Reduction Act's 2022 re-vamped tax credit of up to \$7,500 for certain all-electric and plug-in hybrid electric vehicles, see Vincent, J. and Threewitt, C., available at [How Does the Electric Car Tax Credit Work? / U.S. News \(usnews.com\)](#). For a compilation of available incentives offered by states, local governments, and utilities, see Wakefield, C., September 1, 2023, available at [Electric Car Rebates and Incentives: What To Know by State - Kelley Blue Book \(kbb.com\)](#) (last visited October 13, 2023).

² See the FDOT's *EV Infrastructure Master Plan*, p. 30 of 52, available at [fdotemp.pdf \(windows.net\)](#) (last visited October 12, 2023).

³ See [ncsl.org, Special Fees on Plug-In Hybrid and Electric Vehicles \(ncsl.org\)](#) (last visited October 12, 2023).

- Ten states⁴ enacted laws in 2019 amending or adding new fees for plug-in electric and some plug-in hybrid vehicles, with fees ranging from \$50 per year in Colorado, South Dakota, and Hawaii, to \$225 for a plug-in electric vehicle in Washington.
- The enacted legislation in Alabama, Arkansas, Ohio, and Wyoming set or increased fees for EVs to \$200 annually. In 2021, South Dakota law was revised to impose a fee of \$50 for all EVs, and Oklahoma tiered its EV fees based on vehicle weight. Louisiana enacted legislation in 2022 imposing a \$110 fee for EVs and a \$60 fee for plug-in hybrids.⁵
- At least five states tie the additional registration fees to the consumer price index or another inflation-related metric and periodically increase the fees (California, Indiana, Michigan, Mississippi, and Utah).⁶

Although the exact number of states that impose additional registration fees on electric and plug-in hybrid electric motorcycles is not readily available, a brief search revealed at least three states, Washington, Iowa, and Minnesota,⁷ that do so.

Revenue from these additional registration fees is, according to the NCSL, most often directed to a state transportation trust fund as a fair contribution to the cost of constructing and maintaining the public roads, with a few states also allocating some of the revenue to support EV charging infrastructure and small amounts to other uses.⁸

Types of Electric Vehicles

The U.S. Department of Energy’s Alternative Fuels Data Center uses the term, “electric-drive vehicles,” to collectively refer to all-electric vehicles (AEVs), hybrid electric vehicles (HEVs), and plug-in hybrid electric vehicles (PHEVs):

- AEVs use a battery to store the electric energy that powers the motor. AEVs do not have an internal combustion engine and are solely powered by electricity. AEV batteries are usually charged by plugging the vehicle into an electric power source.
- PHEVs are powered by an internal combustion engine that can run on conventional or alternative fuel and an electric motor that uses energy stored in a battery, and are plugged into an electric power source to charge the battery. PHEVs can travel various distances on electricity alone but can also operate solely on motor fuel.

⁴ Alabama, Arkansas, Hawaii, Illinois, Iowa, Kansas, North Dakota, Ohio, Washing and Wyoming.

⁵ *Supra* note 4. Scroll down to the “*State Action*” heading. The definitions, fees, and fee distributions for each state are reflected under the heading *States With Fees on Plug-In and/or Electric Vehicles*.

⁶ At least two states have alternatively enacted road user charges (Oregon and Utah), also known as vehicle miles traveled fees or mileage based user fees and, according to the Transportation Investment Advocacy Center (TIAC), as of May, 2022, three states (Pennsylvania, Iowa, and Oklahoma) had enacted excise taxes on the electricity that powers electric vehicles. See the TIAC’s *Electric Vehicle Excise Tax Model Language*, Appendix B, available at [2022 Electric Vehicle Excise Tax Model Language-2.pdf \(transportationinvestment.org\)](https://www.transportationinvestment.org/2022-Electric-Vehicle-Excise-Tax-Model-Language-2.pdf) (last visited October 12, 2023).

Further, at least 10 states have enacted studies or pilot programs examining the feasibility of road user charges, supported by the federal Surface Transportation System Funding Alternatives grant program. *Supra* note 3. Scroll down to the “*Road User Charges*” heading.

⁷ Thirty dollars annually in Washington, [RCW 46.17.323: Electric vehicle registration renewal fees—Electric motorcycles.](https://leg.wa.gov/bills/2022/RCW_46.17.323); \$9 annually in Iowa, [HF767.pdf \(iowa.gov\)](https://legis.iowa.gov/legislation/bills/2022/HF767); and \$10 annually in Minnesota for all-electric motorcycles, [sf1086\(hf2250\)_1 electric surcharges.pdf \(state.mn.us\)](https://legis.mn.us/sfs/2022/sf1086/hf2250_1_electric_surcharges.pdf) (last visited December, 4, 2023).

⁸ *Supra* note 4. Scroll down to the “*State Action*” heading.

- HEVs are primarily powered by an internal combustion engine that runs on conventional or alternative fuel and an electric motor that uses energy stored in a battery. An HEV battery is charged through regenerative braking and by the internal combustion engine and is not plugged in to charge.⁹

State definitions are not always consistent with the above definitions and contain some variation.

Florida's Registration Structure and Electric Vehicles

Florida's definition of the term "motor vehicle" for registration purposes is quite broad and includes motorcycles along with other vehicles.¹⁰ All vehicles meeting the definition, with some exceptions, are required to be registered in this state.¹¹ Current law imposes an initial registration fee (a license tax) of \$225 on automobiles and tri-vehicles for private use, certain trucks, and motor homes and truck campers.¹² Thereafter, registration is generally based on the class and weight of the vehicle. The fees range generally from \$5 for a moped to \$1,322 for heavy trucks or truck tractors and wreckers.¹³

After monthly distributions for education purposes, for completion of the interstate highway system, and for the Florida Seaport Transportation and Economic Development Program, the remaining proceeds from registration fees are deposited in the STTF.¹⁴

Current law defines the term "electric vehicle" for registration purposes as a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.¹⁵ The license tax for an EV is the same as that prescribed in law for a vehicle that is not electrically powered.¹⁶

Thus, Florida law currently makes no distinction between the types of EVs in its definition, as all-electric *and* hybrid electric vehicles, plug-in or regenerative, are in fact powered, in whole or in part, by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current. The definition does not require that an electric vehicle be *solely* powered as described. Additionally, Florida law does not charge a fee in addition to the registration fee for a "traditional" vehicle as some 32 other states do, for registration of electric vehicles, nor does the state impose an additional registration fee on electric or plug-in hybrid electric motorcycles.

⁹ See U.S. Department of Energy, [Alternative Fuels Data Center: Electric Vehicles \(energy.gov\)](https://www.energy.gov/alternative-fuels-data-center/electric-vehicles) (last visited October 13, 2023).

¹⁰ Section 320.01(1), F.S. Section 320.01(26), F.S., defines the term "motorcycle" to mean any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, as defined in s. 316.003, F.S., but excludes a tractor, a moped, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

¹¹ Section 320.02, F.S.

¹² Section 320.072, F.S.

¹³ Section 320.08, F.S.

¹⁴ Section 320.20, F.S.

¹⁵ Section 320.01(36), F.S.

¹⁶ Section 320.08001, F.S.

Credits or Refunds and Delinquent Fees

Section 320.08056(8), F.S., provides for the discontinuance of specialty license plates, and provides that once a specialty license plate has been discontinued, a vehicle owner or lessee issue such plate may keep the plate for the remainder of the 10-year license plate replacement period.

Section 320.15(2), F.S., provides that a motor vehicle registrant or mobile home owner who has renewed a motor vehicle registration during the advance renewal period¹⁷ and who surrenders the license plate for the vehicle before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S.

Biennial Registration

Currently, any person who owns a specified vehicle¹⁸ that is required to be registered¹⁹ may renew the registration biennially during the applicable renewal period upon payment of the two-year cumulative total; i.e., double the amount of the applicable annual license tax (as well as the service charge and surcharge).²⁰

Local Option Fuel Taxes

County governments are authorized to levy up to 12 cents of local option fuel taxes in three separate levies on fuel sold within the county.²¹ Relevant for purposes of the bill is a tax of one to six cents on every net gallon of motor and diesel fuel sold within a county.²² Generally, this tax is levied by ordinance adopted by a majority vote of the governing body or upon approval by referendum.²³ Revenues from the tax are remitted to the Department of Revenue (DOR) by the licensed terminal supplier who owned the fuel immediately prior to removal from storage²⁴ and transferred to the Local Option Fuel Tax Trust Fund.²⁵

DOR distributes the tax proceeds monthly²⁶ according to distribution factors determined at the local level by interlocal agreement between the county and municipalities within the county's boundaries. If no such agreement is established, a local government's distribution is generally based on the transportation expenditures of that local government for the immediately preceding five fiscal years as a proportion of the sum total of such expenditures for the respective county

¹⁷ The advance renewal period is pursuant to s. 320.071, F.S.

¹⁸ Generally, motorcycles and mopeds; automobiles or tri-vehicles for private use; light-duty trucks and heavy duty trucks and truck tractors of a certain weight; motor vehicles for hire; trailers for private use; trailers for hire; recreational vehicle-type units; park trailers, travel trailers, and fifth-wheel trailers of a certain length; and mobile homes. *Infra* note 18.

¹⁹ Sections 320.08(1)-(3), (4)(a) or (b), and (6) – (11), F.S.

²⁰ *See* s. 320.03, F.S.

²¹ *See* floridarevenue.com, [Florida Dept. of Revenue - Local Option Taxes \(floridarevenue.com\)](http://floridarevenue.com) (last visited December 4, 2023).

²² Section 336.025(1)(a), F.S. Local option tax rates on diesel fuel are “equalized” statewide, meaning that the full six cents, and another 1 cent per s. 336.021(1)(a), F.S., is levied on every net gallon of diesel fuel sold in every county. Seven cents’ worth of local option tax revenue on diesel fuel is distributed to local governments, regardless of whether the county is levying these two taxes. *Id.*

²³ *See* s. 335.025(3)(a)1.-3. and (3)(b), F.S.

²⁴ Section 206.41(2), F.S.

²⁵ Section 336.025(2)(a), F.S.

²⁶ *Id.*

and all municipalities within the county.²⁷ County and municipal governments may use the proceeds only for “transportation expenditures.”²⁸

III. Effect of Proposed Changes:

Definitions (Section 1)

The bill amends s. 320.01, F.S., defining and redefining terms as follows:

- “Electric motorcycle” means a motorcycle, as defined in s. 320.01(26), F.S., that is solely powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.
- “Electric vehicle” means a motor vehicle that is solely powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current. The term includes an electric motorcycle, unless otherwise specified.
- “Plug-in hybrid electric motorcycle” means a motorcycle, as defined in s. 320.01(26), that is equipped to be propelled by an internal combustion engine and an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current that are recharged by an energy source external to the motor vehicle.
- “Plug-in hybrid electric vehicle” means a motor vehicle equipped to be propelled by an internal combustion engine and an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current that are recharged by an energy source external to the motor vehicle. The term includes an electric motorcycle, unless otherwise specified.

An all-electric (or “battery electric”) vehicle would meet the definition of “electric vehicle,” as it is solely powered as described, but not meet the definition of “plug-in hybrid electric vehicle,” as it is not also equipped to be propelled by an internal combustion engine. The definition of “plug-in hybrid electric vehicle” excludes all-electric vehicles, as they are not equipped to be propelled by an internal combustion engine, and excludes hybrid electric vehicles, as they are not recharged by an energy source external to the motor vehicle. The same logic applies to electric and plug-in hybrid electric motorcycles. Under the bill, Florida law would impose additional license taxes, in addition to registration license taxes for non-electric vehicles, only on electric vehicles and plug-in hybrid electric vehicles, as defined. Hybrid electric vehicles that use regenerative braking would not be subject to an additional license tax.²⁹

²⁷ Section 336.025(4)(a), F.S.

²⁸ Section 336.025(7), F.S. The term “transportation expenditures” includes public transportation operations and maintenance; roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment; roadway and right-of-way drainage; street lighting installation, operation, maintenance, and repair; traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair; bridge maintenance and operation; and debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks. Note that current law authorizes the governing body of a county with a population of 50,000 or less on April 1, 1992, or the governing body of a municipality within such county to use the proceeds in any fiscal year to fund “infrastructure projects” under the conditions and as specified in s. 336.025(8), F.S.

²⁹ Research identified only eight states that impose an additional fee on hybrid electric vehicles that use regenerative braking.

Additional License Taxes, Applicability, Exemption, and Distribution (Section 2)

The bill amends s. 320.08001, F.S., to remove “an electric vehicle” from current law providing that the license tax for such is the same as that prescribed in s. 320.08, F.S., for a vehicle that is not electrically powered, leaving that provision applicable only to a low-speed electric vehicle. Instead, the bill imposes the following annual license taxes in addition to the license taxes prescribed in s. 320.08, F.S.:

- For electric vehicles, an annual license tax of \$200, increasing to \$250 beginning January 1, 2029. The annual license tax for electric motorcycles is \$25, increasing to \$35 on the same date.
- For plug-in hybrid electric vehicles, an annual license tax of \$50, increasing to \$100 on January 1, 2029. The annual license tax for plug-in hybrid electric motorcycles is \$10, increasing to \$20 on the same date.

The additional license taxes expressly apply to an initial registration or renewal registration that has a renewal period beginning on or after October 1, 2024. The bill exempts from the additional annual license tax imposed under the amended section of law an electric or plug-in hybrid electric vehicle that uses a battery storage system of up to five kilowatt hours.

Sixty-four percent of the proceeds from the additional license taxes imposed must be deposited into STTF, and 36 percent must be allocated to the county where the vehicle is registered. The DHSMV must transfer the funds allocated to a county to the FDOR for distribution to the board of county commissioners and municipalities within the county in proportion to the previous quarter’s distribution of the local option fuel taxes. Local governments must use the funds for defined transportation expenditures.³⁰

The bill provides that the registrant of an electric vehicle or plug-in hybrid electric vehicle is not entitled to a credit or refund of any additional license tax for any prior year’s annual license tax payments unless the registration is required by DHSMV to replace a discontinued specialty license plate or meets the requirements of s. 320.15(2), F.S.

The bill provides that any delinquent fee imposed on the registration of any electric vehicle or plug-in hybrid electric vehicle must be imposed in accordance with the schedule listed in s. 320.07(4)(a), based on the license tax prescribed in s. 320.08, F.S., for a vehicle that is not electrically powered.

Expiration of the Additional License Taxes (Section 3)

The bill creates an undesignated section of law providing that the amendments made by the act to s. 320.08001, F.S., expire on June 30, 2034, and the text of that section reverts to that in existence on June 30, 2024, except that any amendments to such text enacted other than by the act are preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text that expire.

³⁰ *Supra* note 27.

Conforming Revision (Section 4)

The bill amends s. 320.07(2)(b), F.S., relating to biennial registration, to insert a conforming cross reference, thereby authorizing biennial registration of the specified vehicles.

Effective Date (Section 5)

The bill takes effect July 1, 2024.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. The bill not does require counties or municipalities to spend funds, reduce counties' or municipalities' authority to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19, of the Florida Constitution requires that a new state tax or fee must be approved by two-thirds of the membership of each house of the Legislature and must be contained in a separate bill that contains no other subject. Article VII, s. 19(d)(1), of the Florida Constitution defines "fee" to mean "any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service." The bill imposes license taxes in addition to the "base" registration fee for electric and plug-in hybrid electric vehicles, authorizes payment of the additional license taxes biennially, provides for distribution of the proceeds from the additional taxes, and provides an exemption from the additional fees. The bill requires a two-thirds vote of the membership of each house of the Legislature.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

On November 3, 2024,³¹ the Revenue Estimating Conference determined that the bill will increase receipts to the State Transportation Trust Fund and to county and municipal governments for Fiscal Years 2024-25 through 2028-29 as follows:

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2024-25	0.0	0.0	21.0	41.6	11.8	23.4	32.8	65.0
2025-26	0.0	0.0	33.0	41.6	18.6	23.4	51.6	65.0
2026-27	0.0	0.0	35.1	41.6	19.8	23.4	54.9	65.0
2027-28	0.0	0.0	35.7	41.6	20.1	23.4	55.8	65.0
2028-2029	0.0	0.0	41.6	41.6	23.4	23.4	65.0	65.0

B. Private Sector Impact:

Those who register electric vehicles or plug-in hybrid electric vehicles would be subject to the specified additional registration fees.

C. Government Sector Impact:

The DHSMV estimates it will incur \$66,173 for programming and implementation required by the bill.³²

The bill will allow for increased spending on projects funded through the State Transportation Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³¹ See the Revenue Estimating Conference’s adopted consensus estimate available at [page16-19.pdf \(state.fl.us\)](https://www.state.fl.us/page16-19.pdf) (last visited November 6, 2023).

³² See DHSMV’s 2024 Agency Legislative Bill Analysis for SB 28, July 1, 2024 (on file in the Senate Transportation Committee).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.01, 320.08001 and 320.07.

This bill creates an undesignated section of law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on December 6, 2023:

The committee substitute:

- Relocates and amends definitions contained in the bill to s. 320.01, F.S., the definitions section of that chapter, to provide consistency in the use of defined terms.
- Creates additional license taxes for electric motorcycles and plug-in hybrid electric motorcycles.
- Clarifies that any refunds for the additional license taxes are available only under the same circumstances that refunds are presently available for non-electric vehicles.
- Removes duplicative language authorizing biennial registration of the specified vehicles.
- Clarifies that the delinquent fee imposed on persons who fail to timely renew a vehicle registration for the specified vehicles is calculated based on the license tax for a vehicle that is not electrically powered.

- B. **Amendments:**

None.



Form 6



2023 Legislative Session

End of Session Summary

This report was compiled by the staff of the Florida House of Representatives upon completion of the 2023 Legislative Session. The information is intended to provide Florida legislators and their constituents with a summary of the bills that passed both legislative chambers. This document is not an in-depth description of the bills. For your convenience, an "Index of Passed Legislation" is included in the back of this report. The index is presented in bill number order. This index also serves as a cross-reference index, which identifies bills passed as components of other bills. As you review this index, it will become evident that a House bill number may be listed under a Senate bill number or vice versa, indicating that each bill contains all or a portion of another bill.

The complete text of the bills included in this report and a section-by-section analysis of each bill can be found at [MyFloridaHouse.gov](https://www.myfloridahouse.gov). Both the current version of a bill or analysis and all earlier versions are included. The enrolled version of a bill is the one that passed both chambers and is presented to the Governor—this is the version of the bill that has, or will, become law unless vetoed. Earlier versions of the bill do not reflect the exact language as passed by both chambers. It should be noted that this report was compiled with information provided prior to May 23, so some acts had not been presented to the Governor and the time allotted for the Governor to approve or veto an act had not expired. Therefore, some acts identified as passed by both chambers may not have become law at the time of publication. To verify the current status of acts passed by the Legislature, visit [flgov.com](https://www.flgov.com).

CS/CS/SB 774 (ch. 2023-49, L.O.F.) - Ethics Requirements for Public Officials

By: Rules; Ethics and Elections; Brodeur

Tied Bills: None

Companion Bills: CS/CS/HB 37

Committee(s) of Reference: Ethics and Elections; Rules

Category: Ethics; Local Government; Public Employees

The bill requires members of the Commission on Ethics (Commission), mayors, and elected members of a municipal governing body to file the Form 6 disclosure starting January 1, 2024. The bill maintains the requirement to electronically file Form 6 disclosures as of January 1, 2023, and requires the electronic filing of Form 1 disclosures starting January 1, 2024. The bill clarifies that federal income tax returns and other attachments may be included with the electronic submissions.

The bill requires the Commission to investigate any lobbying firm, lobbyist, principal, agency, officer, or employee only when individuals or entities have intentionally failed to disclose a material fact or knowingly submitted false information. The bill authorizes the Commission to dismiss certain complaints or investigations in certain instances. Lastly, the bill increases the civil penalty that may be assessed for a violation of the Code of Ethics for Public Officers and Employees.

The bill became law on May 11, 2023, chapter 2023-49, Laws of Florida, and became effective on that date.



MEMORANDUM

TO: Mayor and Town Council

FROM: Paul Gougelman, Town Attorney

SUBJECT: Status of Litigation Regarding Form 6 Financial Disclosure

DATE: September 22, 2024

The Town and Town Council Members have joined with numerous other municipalities and elected officials from around the state to contest financial disclosure requirements adopted by the Legislature in 2023 requiring local elected officials to file annually ethics Form 6 financial disclosure. As you are aware, my Firm is handling this class action litigation, and two lawsuits have been filed. The federal case pending in the Federal court in Ft. Lauderdale, President of Town Council Loper v. Lukis, Case No. 1:24-cv-20604-XXXX (S.D. Fla. *case filed* Feb. 15, 2024),¹ has been assigned to Judge Damian. This case raises objections to the new law based primarily on First Amendment grounds. The other case, against the State of Florida, Town of Briny Breezes v. Lukis, Case No. 2024-CA-00283 (Fla. 2d Cir. Ct. *case filed* Feb. 15, 2024), has been filed in state court in Tallahassee and raises objections based on Article, Section 23 of the Florida Constitution.

FEDERAL CASE

As you know, on June 10, Judge Damian entered a statewide preliminary injunction enjoining the Commission on Ethics members from enforcing the Form 6 requirement during the pendency of the lawsuit. The Defendants did NOT appeal. Instead, they complied and allowed all municipal elected officials throughout Florida to file Form 1 rather than Form 6 (and granted a two week extension until July 15, 2024 to do so). This, however, did not end the case. The Defendants' Motion to Dismiss was still pending and the case needs to proceed through Final Judgment (which the Defendants could still appeal at that time).

At our request, Judge Damian held an in-person Case Management Conference on August 22, 2024. Judge Damian indicated she was inclined to deny their motion to dismiss, so the State withdrew their motion and were ordered to answer the latest amended complaint by September 4, 2024 (which they have now done). The parties advised that there was no more discovery to be done so she set a briefing schedule for cross-motions for summary judgment.

Summary judgment is a process by which the parties agree that there are no disputed factual issues, and resolution on the case is sought on legal grounds without a formal trial. Summary judgment motions from both parties are due on October 11, responses on October

¹ Ashley Lukis, one of the named defendants, is the Chair of the Florida Commission on Ethics.

25 and replies on November 8. Judge Damian, who seems to have a very good understanding of the issues presented in this case, will then set a hearing on the cross-motions, probably in late November and hopefully have a ruling by the end of the year or early next year.

STATE CASE

We made a strategic decision to push the Federal case first (filing a Motion for Preliminary Injunction in Federal, but not State, court), but the State case also remains pending. In the State case, the Defendants filed a Motion to Dismiss on April 1, 2024, to which we have filed a Response. We were waiting for Judge Marsh to either rule on the Motion to Dismiss on the papers or to set a hearing (pursuant to his local rules), but he did not do so.

We then learned that Judge Marsh had been transferred to a different division and the new Judge for our division was Judge Jonathan Sjostrom, who is the father of Noah Sjostrom (one of the attorneys for the Defendants in the Attorney General's Office, who wrote and signed the Defendants' Motion to Dismiss). Although Noah Sjostrom has since left the Attorney General's Office, we were still concerned. A case management conference was recently, and Judge Sjostrom, as expected, recused himself. Accordingly, the Chief Judge will now assign a new Judge to the case and it will proceed.

Given the entry of the Preliminary Injunction in the Federal case, we may agree to stay the State case pending completion of the Federal case.

OVERALL ISSUES

In addition, two new members have been appointed to the Commission on Ethics, and they have been substituted in as Defendants in both of our cases. The Commission on Ethics has also noticed a public meeting for 3:00 on September 25 to discuss the Form 6 lawsuits. We do not know what they will be discussing, but we plan to monitor the meeting. In addition, we are watching the Legislature to see whether any bills related to financial disclosure are filed.

PRG/mb

pc: Adam Conley, Interim City Attorney, City of Melbourne
Karl Bohne, City Attorney, City of Indian Harbour Beach



Homelessness

Summary – created a new law that prohibits a city or county from authorizing or otherwise allowing any person from regularly engaging in public sleeping on any public property unless the county designates property for such purposes.

October 1, 2024

- The law authorizes a county, by a majority vote of the governing body, to designate property owned by the county or city to be used for public camping or sleeping for up to one year.
- A designation located within a city is contingent upon a majority vote of the city’s governing body.
- A designation is contingent upon a Department of Children & Families approval.
- Contingency will be determined based on the number of shelter beds available in the area, the wrap-around services provided, and running water and sewer.

January 1, 2025

- A resident of the county or an owner of an business located in the county, may bring an action in any court of competent jurisdiction for violations of the new law.
- A resident or business owner may prevail by providing in writing an alleged violation of the law to the county or city.
- The county or city has 5 business days to cure the violation.
- If the county or city fails to cure the violation, and the resident or business owner prevails, they may be awarded attorney fees and costs.





Legislative Leadership

FLORIDA HOUSE



Rep. Daniel Perez
House Speaker Designate



Rep. Lawrence McClure
Appropriations Chair Designate



Rep. Fentrice Driskell
Minority Leader

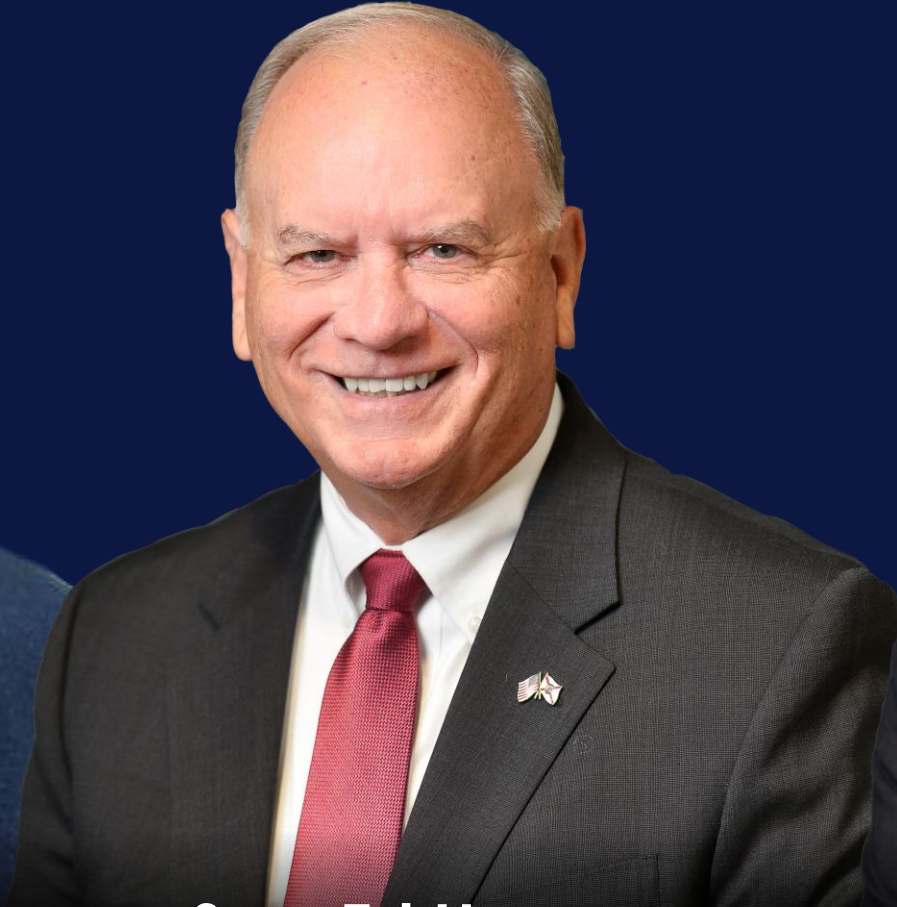
Leadership Priorities

SPEAKER PEREZ

- Property insurance reform.
- Reform and bolster the state's system for people with disabilities.
- Unknown healthcare reforms.



FLORIDA SENATE



Sen. Ben Albritton
Senate President Designate

Sen. Ed Hooper
Appropriations Chair Designate

Sen. Jason Pizzo
Minority Leader

Leadership Priorities

PRESIDENT ALBRITTON

- Rural and family lands, land conservation.
- Somehow helping the failing citrus industry.
- Reform on state's handling of foster children.





Key Dates



2024 - 2025 Key Legislative Dates

October 2024

4 FLC Policy Committee Meetings (Round 1) – Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819

November 2024

5 General Election

8 FLC Policy Committee Meetings (Round 2) Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819

13-16 National League of Cities City Summit – Tampa, FL

December 2024

2-6 Legislative Interim Committee Meetings (House of Representatives only)

4-6 FLC Legislative Conference – Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819; FLC Policy Committee Meetings on Dec. 5 (Round 3)

9-13 Legislative Interim Committee Meetings (Senate only)

January 2025

13-17 Legislative Interim Committee Meetings

21-24 Legislative Interim Committee Meetings

February 2025

3-7 Legislative Interim Committee Meetings

10-14 Legislative Interim Committee

17-21 Legislative Interim Committee

20 FLC Legislative Session Preview Webinar at 2:00 p.m. ET



March 2025

- 4 Regular Legislative Session Convenes
- 10-12 NLC Congressional City Conference – Washington, DC
- 24-26 FLC Legislative Action Days – Tallahassee, FL

May 2025

- 2 Last Day of Regular Legislative Session
- 15 FLC Post Legislative Session Review Webinar at 2:00 p.m. ET

For further details about the mentioned events or legislative information, contact medenfield@flcities.com.



Notes

