

Item 6. Continued Discussion Re: Topics to consider for 2017 Legislative Priorities

The Board directed that the topic be placed on the May 12, 2016, meeting for continued discussion.

Below is an excerpt from the draft Minutes of the ManaSota League of Cities of March 10, 2016.

6. Preliminary discussion to begin the process of identifying Legislative Priorities for 2017

7. ManaSota League Advocacy Schedule and Program

President Yates commented this item was placed on the agenda to begin the process of identifying topics for legislative priorities for 2017 and noted a final legislative report from the Florida League of Cities (FLC) was expected to be available in May 2016.

Discussions were held on the following topics/issues:

- Tourist Development Tax distributions
- detrimental effect of increased growth and tourism on cities
- loss of voters and permanent residents in coastal cities due to tourism industry
- traffic issues and erosion of local infrastructure due to growth.

There was consensus to continue discussion of legislative priorities at the May 12, 2016, meeting.

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2016 Final Legislative Update

“There is no real ending. It’s just the place where you stop the story.”

by Source

“There is no real ending. It’s just the place where you stop the story.” *Frank Herbert*

Throughout history, much has been written about the cyclical and transformative nature of the passage of time. From the apocalyptic end of times found in the Book of Revelations to the uplifting endings highlighted in literature and film, we are taught that in many instances, an end, within the context of a time continuum, is simply the beginning of some other phase.

Last year, when the vitriol and acrimony reached its peak between the two chambers of the Florida Legislature, it became apparent there was potential for a colossal meltdown. And, of course, there was.

In contrast, this year there was an obvious effort by House and Senate leaders to get along better – at least publicly. From the opening day and throughout the 2016 session, it was clear that this time things would be different. In a show of unity and to demonstrate that there were no residual hard feelings between the chambers, within the first week of session, the House and Senate passed priorities left over from the previous year.

Throughout the 60 days – and particularly when budget negotiations concluded early in the last week of session – it became obvious that the 2016 legislative session would end more amicably, and more importantly, on time. There was a focus and sense of purpose for members of the Legislature. It was clear they were desperately trying to put the past behind them. Not to say that there were not differences between the chambers that caused angst and perhaps even some yelling behind closed doors, but there was an even tempo that created a glide path that ensured the Legislature would complete its work.

Aristotle argued that time cannot have a beginning or an end. While it is a convoluted and esoteric argument, one can say that the same can be said of the legislative process.

When the House and Senate are gavelled to a close today, there is still much work to be done. The governor will closely scrutinize the budget and make decisions as to how much money he will slash (will he use an axe or a scalpel?), and interest groups and legislators will continue their lobbying efforts to ensure their spending priorities are not cut. Almost immediately, if not already, legislators will begin considering what bills they might file for next year. Additionally, because all 120 members of the House and 40 members of the Senate are up for reelection, the campaigns officially begin when session ends.

Similarly, the League’s advocacy team will not stop when the gavel drops on Friday. In fact, it is just the beginning of a new cycle. We will be visiting local and regional leagues, presenting awards to legislators supportive of Home Rule, interviewing candidates and, as summer wears on, begin working on our legislative priorities for the 2017 session.

Clearly, like time, as Aristotle argued, the legislative session has no real beginning or end.

Overall, Florida's municipalities had a successful session. In fact, several of the League's priority issues, including legislation addressing public/private partnerships, regulation of backyard gun ranges, homelessness funding and a comprehensive rewrite of Florida's water laws, made it across the finish line. Additionally, more than three dozen bills containing preemptions – and dozens more that included some sort of mandate or that otherwise interfered with municipal Home Rule authority – never made it through. Unfortunately, legislation addressing harassing and predatory public records requests stalled in the House, as did legislation that would have enhanced local government transportation revenue sources and repealed the preemption on the regulation of vacation rentals.

The League advocacy team wants to thank each of you for your involvement in the League's policy development process, for taking time on your Monday mornings to join us for our weekly conference calls, for responding to our call to action and for your year round commitment to serving your citizens and protecting Home Rule. A special thanks goes out to all those local officials who made the trip to Tallahassee during this legislative session. Your time and energy directly contributed to our success this legislative session.

Thanks to each of you for all you do on behalf of your city and the citizens of Florida.

The following is a brief summary of the key issues that passed this session. For a complete summary, please refer to the Final Legislative Report that will be issued in a few weeks once the governor has taken action on legislation passed during the session.

Budget Summary

General Appropriations Act

by Source

[HB 5001 \(Appropriations\)](#) is the General Appropriations Act (GAA) containing the 2016-2017 fiscal year budget for the state of Florida. The final adopted pre-veto budget totals approximately \$82.3 billion, which represents an estimated \$4.0 billion (5%) increase from the last year's GAA. The budget is comprised of approximately \$30.3 billion of general revenue and \$52 billion of monies from trust funds.

Health and Human Services received the largest portion of funding of approximately \$34.31 billion. All educational programs and services combined received the second largest amount of total funding equal to approximately \$23.86 billion. This includes using approximately \$290 million of state general revenue to reduce the Required Local Effort (RLE) resulting in a reduction in the amount of local property taxes needed to fund education. This is a provision the League supported and this amount is being included in the total tax reduction package for this session. Environmental and Transportation expenditures combined represent the third largest portion of the budget with funding equaling approximately \$14.64 billion, which represents a 9.54% increase from the current fiscal year.

Key Environmental Budget Issues

Final budget negotiations on several environmental and natural resources issues of interest to cities resulted in \$95 million allocated to the Florida Forever program, \$10 million to the Florida Communities Trust and \$10.4 million going to the Florida Recreation Development Assistance Program (FRDAP).

Homelessness Funding

A total of \$5 million for Challenge Grants relating to homelessness was included in the 2016-2017 budget. The grants will continue to be administered through the Department of Children and Families and be available to local homelessness continuums of care. In addition, there is \$3 million included for homeless housing assistance grants.

Economic Development

This year's funding for economic incentives used to recruit businesses to Florida was a point of contention between the legislature and the governor. Ultimately, no money was appropriated by the legislature for this purpose. The budget includes \$76 million of funding for Visit Florida.

Budget Impact for Transportation

The transportation portion of the 2016-2017 budget includes \$467.3 million for the Department of Highway Safety and Motor Vehicles and \$10.76 billion for the Florida Department of Transportation, of which \$9.8 billion is earmarked to the department's work plan to build and repair Florida's highway infrastructure. Of importance to municipalities, \$10 million is included for Quiet Zone grant funding, \$68.1 million for the Small County Outreach Program and \$43.3 million for the Small County Resurface Assistance Program.

Affordable Housing

The budget includes \$200.1 million in housing appropriations from the Housing Trust Funds. Of that amount, \$129.8 million is allocated for the State Housing Initiatives Partnership (SHIP) program, \$32.3 million for the State Apartment Incentive Loan (SAIL) program, \$22.3 million for the Florida Housing Finance Corporation, and \$10 million to continue the housing grants for the developmentally disabled.

Major Bills That Passed - Energy, Environmental and Natural Resources

Water Quality & Water Supply (Priority – Support)

by Source

[CS/CS/SB 552 \(Dean\)](#) makes substantial changes to laws governing water quality and water supply. The bill establishes requirements and strategies for the protection of First Magnitude Springs (Outstanding Florida Springs). The bill amends requirements for the development of Basin Management Action Plans (BMAPs) and associated strategies for improving impaired waterbodies. In addition, the bill makes numerous changes to water supply and water resource development programs and requirements, including Minimum Flows and Levels, Consumptive Use Permits, alternative water supply development and regional water supply plans. CS/CS/SB 552 was signed by the governor on Thursday, January 21. Effective July 1, 2016. Chapter No. 2016-1. ([O'Hara](#))

At-Risk Vessels (Support)

by Source

[HB 7025 \(Highway Safety & Waterway Safety\)](#) provides additional regulations regarding vessels that are at risk for becoming derelict. The bill does not reduce nor expand the current scope of regulatory

authority for local governments regarding the regulation of vessels within mooring fields. HB 7025 is awaiting final action by the governor. ([O'Hara](#))

Environmental Control (Support)

by Source

[CS/CS/CS/HB 589 \(Pigman\)](#) strengthens requirements for submitting electronic environmental resource permit applications. The changes will ensure that permit applications are submitted prior to commencing construction and that a proposed stormwater system is designed and certified by a Florida registered professional. CS/CS/CS/HB 589 is awaiting final action by the governor. ([O'Hara](#))

Implementation of Water & Land Conservation Constitutional Amendment – Amendment 1 (Support)

by Source

[HB 989 \(Harrell\)](#) designates either 25 percent or \$200 million a year, whichever is lower, of state land acquisition trust fund money for Everglades restoration and other South Florida water projects to benefit the Everglades, Lake Okeechobee, and the St. Lucie and Caloosahatchee estuaries. 7.6 percent or \$50 million of any remainder is dedicated for springs projects, and \$5 million is dedicated for Lake Apopka restoration. HB 989 is awaiting final action by the governor. ([O'Hara](#))

Local Government Environmental Financing (Support)

by Source

[CS/CS/HB 447 \(Raschein\)](#) creates the “Florida Keys Stewardship Act,” and revises the purposes for which the local government infrastructure surtax may be used to include land acquisition for conservation, public recreation, natural resource protection, or to satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern. It expands the uses for Everglades restoration bonds to include projects to protect and restore nearshore water quality and fisheries, and to protect water resources for the Florida Keys. CS/CS/HB 447 is awaiting final action by the governor. ([O'Hara](#))

Department of Agriculture & Consumer Services/Polystyrene Preemption (Oppose – Preemption)

by Source

[CS/CS/HB 7007 \(Raburn\)](#) amends various provisions of law concerning regulatory authority and programs of the Department of Agriculture. In addition, the bill preempts the regulation of the use or sale of polystyrene products (such as food and beverage containers). The preemption does not apply to local ordinances adopted prior to January 1, 2016. Local governments, however, are authorized to regulate the sale and use of polystyrene by individuals or temporary vendors on public property, as well as by entities engaged in a contractual relationship with a local government for the provision of goods or services. CS/CS/HB 7007 is awaiting final action by the governor. ([O'Hara](#))

Special Assessments on Agricultural Lands (Oppose – Preemption)

by Source

[CS/HB 773 \(Albritton\)](#) prohibits the levy of special assessments on agricultural lands unless the property contains a residential dwelling, or contains a nonresidential farm building with a just value that exceeds \$10,000. CS/HB 773 is awaiting final action by the governor. ([O'Hara](#))

Public Land Acquisition, Management and Surplusing (Watch)

by Source

[CS/CS/HB 1075 \(Caldwell\)](#) revises numerous procedures in current law governing the acquisition, management and surplusing of state lands. The bill also requires local governments to submit a list of local government-owned conservation lands to the state for inclusion in the public conservation lands database. The bill also authorizes the development of rules to establish protection zones for springs for the purpose of restricting the speed and operation of vessels within such zones CS/CS/HB 1075 is awaiting final action by the governor. ([O'Hara](#))

Solid Waste Management Trust Fund (Watch)

by Source

[CS/SB 922 \(Montford\)](#) provides for the funding of a waste tire abatement program from the Solid Waste Management Trust Fund and revises the eligibility criteria for the solid waste management grant program to include small counties with populations of fewer than 110,000. CS/SB 922 passed is awaiting final action by the governor. ([O'Hara](#))

Utility Projects (Watch)

by Source

[CS/HB 347 \(Sprowls\)](#) establishes a new financing mechanism, "Utility Cost Containment Bonds," for the Florida Governmental Utility Authority to reduce financing costs for projects relating to water or wastewater service. CS/HB 347 is awaiting final action by the governor. ([O'Hara](#))

Major Bills That Passed - Ethics and Elections

2018 Legislative Meeting Dates (Watch)

by Source

[SB 7076 \(Ethics and Elections\)](#) requires the Legislature to convene in Regular Session on January 9, 2018. (The 2017 Regular Session will convene on March 7, 2017.) SB 7076 is awaiting final action by the governor. ([McPhail](#))

Public Corruption (Watch)

by Source

[HB 7071 \(Rules, Calendar and Ethics\)](#) is a comprehensive ethics bill relating to public corruption. The legislation, which applies to city officials and other governmental entities, redefines the intent requirements of bribery of a public official to include knowingly and intentional actions, rather than corrupt acts, thereby making it easier for prosecutors to prove bribery of a public official occurred. The bill enhances the penalties for a number of actions by public officials including the prohibition against unlawful compensation, the prohibition against official misconduct and the prohibition against

bid tampering. The bill also applies to certain government contractors, who under the bill are defined as "public servants," making it easier for prosecutors to charge them with crimes like bribery or bid-rigging. HB 7071 is awaiting final action by the governor. ([Cruz](#))

Major Bills That Passed - Finance, Taxation and Personnel

Tax Reduction Plan (Watch)

by Source

The Florida Legislature passed approximately a \$400 million tax cut plan. The largest component of that agreement is to use \$290 million in state general revenue to reduce the Required Local Effort (RLE); meaning less local property taxes will be required to fund education. [HB 7099](#) (Finance and Tax) now consists of a permanent sales tax exemption for manufacturing equipment, a three-day back-to-school sales tax holiday, additional sales tax exemptions for certain veteran organizations and a fix for cities and counties that have offered property tax exemptions. The bill also allows three counties, Bay, Walton and Okaloosa, to use the tourist development tax to fund public safety. The impact to cities of this comprehensive tax package is estimated to be approximately \$5.8 million recurring. The bill is awaiting final action by the governor.

Ad Valorem Constitutional Amendment: Renewable Energy Device Assessment Limitation (Watch)

by Source

[CS/CS/HJR 193](#) ([Brandes](#)) proposes an amendment to the Florida Constitution to allow the Legislature, by general law, to exempt the assessed value of a renewable energy device from tangible personal property tax and the installation of those devices from determining the assessed value of real property, both residential and nonresidential, for the purpose of ad valorem taxation. The proposed amendment requires 60 percent approval by voters and establishes an implementation schedule under which the amendment would take effect January 1, 2018, and would expire on December 31, 2037. [CS/CS/HJR 193](#) is awaiting final action by the governor. ([Hughes](#))

Special Election for Renewable Energy Proposed Constitutional Amendment (Watch)

by Source

[CS/HB 195](#) ([Rodrigues, R.](#)) schedules a special election on August 30, 2016, in which [CS/CS/HJR 193](#) or a similar joint resolution to the Florida Constitution will be submitted to the electors of the state for approval or rejection. [CS/HB 195](#) is awaiting final action by the governor. ([Hughes](#))

Pension Liability Discretionary Sales Surtaxes (Support)

by Source

[CS/HB 1297](#) ([Cummings](#)) creates the Pension Liability Surtax, which can be used by a county to fund or amortize the unfunded liability of a defined benefit retirement plan or system except for the Florida Retirement System. The surtax must be approved by a majority vote of the electors and the rate cannot exceed 0.5 percent. The county can only impose the surtax under certain conditions. A pension

liability surtax must terminate when the actuarial funding level of the plan reaches 100 percent. CS/HB 1297 is awaiting final action by the governor. ([Hughes](#))

Value Adjustment Board (Support)

by Source

[CS/CS/HB 499](#) ([Avila](#)) makes multiple changes to the Value Adjustment Boards (VABs) process, including specifying who is eligible to represent a property owner at a hearing. The bill requires the VAB to complete all hearings and certify the assessment roll to the property appraiser by June 1 following the tax year the assessment was made. If the number of petitions increased by more than 10 percent over the previous year, that deadline is extended to December 1. The bill reduces the interest owed from 12 percent to the prime rate on unpaid taxes and excess tax that are refunded. CS/CS/HB 499 is awaiting final action by the governor. ([Hughes](#))

Florida Retirement System/Contribution Rates (Watch)

by Source

[HB 5005](#) ([House Appropriations Committee](#)) revises the required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System effective July 1, 2016. The bill is awaiting final action by the governor. ([Conn](#))

Florida Retirement System/Death Benefits (Watch)

by Source

[SB 7012](#) ([Senate Governmental Oversight and Accountability Committee](#)) authorizes payment of death benefits to the surviving spouse or children of a member of the Florida Retirement System in the Special Risk Class (law enforcement and firefighters) killed in the line of duty. The bill establishes qualifications and eligibility requirements in order to receive death benefits and specifies circumstances under which benefit payments are terminated. The bill is awaiting final action by the governor. ([Conn](#))

Ad Valorem Constitutional Amendment: Local Option Exemption for Low-Income Seniors (Watch)

by Source

[CS/HJR 275](#) ([Avila](#)) is a proposed amendment to the Florida Constitution that clarify provisions of an existing amendment that was approved by the voters in 2012. That amendment allowed cities and counties to grant an additional homestead exemption for low-income, long-term residents that are age 65 or older. The proposed amendment clarifies that the value limitation of \$250,000 of just value of a homesteaded property is required at the time of the initial application. If approved by 60 percent of the voters adopted by a city or county, the effect is to allow a person who meets the requirements to continue to receive the exemption if the property's just value rises above \$250,000. The amendment applies retroactively to January 1, 2013. CS/HJR 275 is awaiting final action by the governor. ([Hughes](#))

Scrutinized Companies/Government Contracts (Watch)

by Source

[CS/CS/SB 86 \(Negron\)](#) requires the State Board of Administration to identify all companies that are boycotting Israel or are engaged in a boycott of Israel in which the state fund owns direct or indirect holdings. The bill requires the state fund to create and maintain a scrutinized companies list that names all identified companies. The bill also prohibits a state agency or local governmental entity from contracting for goods and services that exceed \$1,000,000 if the company has been placed on the Scrutinized Companies that Boycott Israel List.. The bill is awaiting final action by the governor. ([Conn](#))

Major Bills That Passed - Growth Management & Economic Affairs

Public-Private Partnerships (Priority – Support)

by Source

[CS/SB 124 \(Evers\)](#) amends the statutory framework that local governments must adhere to when engaging in public-private partnerships (P3s). The legislation provides supplemental authority to local governments, thereby allowing cities to rely on Home Rule authority to enter into P3 agreements or follow the process in Florida statutes. This crucial change encourages cities that have not undertaken a P3 project in the past to follow the state statute, but allows those experienced in this procurement method to rely on their established procedures. Finally, the legislation authorizes local governments to collect a fee, as determined by local ordinance, to cover the costs associated with reviewing unsolicited proposals. CS/SB 124 is awaiting final action by the governor. ([Cruz](#))

Agritourism (Oppose – Preemption)

by Source

[CS/CS/HB 59 \(Combee\)](#) prohibits local governments from enforcing local ordinances, regulations, rules or policies that prohibit, restrict, regulate or otherwise limit agritourism activities on land classified as agricultural land. The legislation expands the allowable agritourism activities to include ceremonies, trainings, exhibitions, civic activities and specific livestock operations. These newly authorized agritourism activities will allow for events such as weddings, fundraisers, polo matches and other equestrian competitions to be held at farms without any local regulation. CS/CS/HB 59 was approved by the Governor on March 8, 2016. Chapter No. 2016-14. ([Cruz](#))

Community Contribution Tax Credits (Oppose – Impairment of Home Rule)

by Source

[CS/HB 627 \(Moraitis\)](#) encourages private sector participation in community revitalization and housing projects by amending provisions of the Community Contribution Tax Credit Program. The bill does NOT include the language opposed by the League that would have required Community Redevelopment Agencies (CRAs) in Miami-Dade County to spend 5 percent of their Redevelopment Trust Funds annually to support “youth centers” that meet certain criteria. CS/HB 627 is awaiting final action by the governor. ([Cruz](#))

Growth Management (Watch)

by Source

[CS/CS/HB 1361 \(La Rosa\)](#) makes several revisions to the development of regional impact (DRI) process, effectively reducing the scope and focus of state-level reviews of large-scale developments. The legislation allows a DRI to deviate from a development order by reducing density, height or intensity from what was originally approved without losing the project's vested rights. The bill lowers the threshold for projects qualifying as a sector plan from 15,000 acres to 5,000 acres. For DRIs that are "essentially built out," the bill allows a developer to change land uses in unbuilt portions of the DRI, as long as no external transportation impacts will result from the change in land uses. Additionally, the bill revises certain deviations from a development order and allow for addition of land to a DRI in certain situations without requiring state-level review. The legislation allows a newly proposed DRI that is consistent with the local government comprehensive plan to avoid state-level review. Finally, the legislation expands the acreage a city can annex under the expedited annexation process from 10 acres to 110 acres. CS/CS/HB 1361 is awaiting action by the governor. ([Cruz](#))

Redevelopment Trust Fund (Oppose – Unfunded Mandate)

by Source

[SB 194 \(Hukill\)](#) exempts certain hospital districts that levy ad valorem taxes from paying increment revenue funds to any new community redevelopment agency (CRA) established after July 1, 2016. SB 194 is awaiting final action by the governor. ([Cruz](#))

Airport Zoning (Watch)

by Source

[CS/SB 1508 \(Simpson\)](#) substantially revises current law relating to airport zoning regulations. This re-write updates terminology used in federal regulations, removes antiquated definitions and adds consistency with Federal Aviation Administration (FAA) advisements. CS/SB 1508 is awaiting final action by the governor. ([Cruz](#))

Major Bills That Passed - Transportation & Intergovernmental Relations

Location of Utilities (Priority – Oppose – Unfunded Mandate)

by Source

[CS/SB 416 \(Flores\)](#) requires local governments, and not utilities, to bear the cost of relocating a utility's equipment if such equipment is located within a public utility easement. CS/SB 416 was approved by the governor on March 10, 2016. Chapter No. 2016-44. ([Sirjane-Samples](#))

Transportation Funding (Priority – Support)

by Source

[HB 7027 \(Transportation and Ports\)](#) increases from \$15 million to \$25 million per year the minimum annual funding from the State Transportation Trust Fund to the Florida Seaport Transportation and Economic Development (FSTED) Program. The program represents a collaborative relationship between the Florida Department of Transportation (FDOT) and Florida's 15 public seaports. FSTED funds are to be used on approved projects on a 50-50 matching basis. The bill also requires metropolitan planning organizations and the FDOT statewide Strategic Intermodal System (SIS) Plan

to include advances in technology including autonomous vehicles) in their long range transportation plans. HB 7027 is awaiting final action by the governor. ([Sirjane-Samples](#))

Transportation (Support)

by Source

[CS/HB 7061 \(Transportation and Ports\)](#), among other things, creates the Florida aviation transportation and economic development program to finance airport transportation and facility projects, and provides a minimum of \$15 million from the State Transportation Trust Fund to fund the program each year. The bill increases the maximum population for counties eligible for the Small County Outreach Program from 150,000 to 165,000. The bill requires the Office of Economic and Demographic Research to evaluate and determine the economic benefits of the Department of Transportation's Work Program. In addition, the bill authorizes a nonemergency medical transportation service that is licensed by the county to use a vehicle that is appropriate for the number of people being transported and is consistent with the medical condition of the individuals receiving the nonemergency medical transportation services. CS/HB 7061 is awaiting action by the Governor. ([Sirjane-Samples](#))

Natural Gas Rebate Program (Support)

by Source

[CS/SB 90 \(Simpson\)](#) authorizes the Department of Agriculture and Consumer Services to use unencumbered funds from the natural gas fuel fleet vehicles rebate program for additional rebates, giving preference to governmental entities. Any remaining unencumbered funds may be expended for commercial applicant rebates. CS/SB 90 is awaiting final action by the governor. ([Sirjane-Samples](#))

Major Bills That Passed - Urban Administration

Public Records (Priority – Support)

by Source

[CS/HB 273 \(Beshears\)](#) addresses public records compliance for private contractors. Specifically, the bill requires municipalities and other public agencies to designate a custodian of public records and display custodian contact information. The bill also requires all public agency contracts to include language addressing the contractor's compliance with public records laws. To be eligible for attorney fees, the bill requires a complainant to provide written notice to the public agency and the contractor at least eight business days before filing a lawsuit against a contractor. The bill clarifies that a contractor who complies with the records request within eight business days after the notice is not liable for the reasonable costs of enforcement. Finally, the bill clarifies that a judge may assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if the contractor does not comply with all of the requirements relating to maintaining access to public records. These provisions only apply prospectively. CS/HB 273 was signed by the governor on March 8, 2016. Chapter No. 2016-20. ([Cook](#))

Backyard Gun Ranges (Support)

by Source

[CS/CS/SB 130 \(Richter\)](#) makes it a first degree misdemeanor to recreationally discharge a firearm outdoors in an area that the person knows or reasonably should know is primarily residential in nature and that has a residential density of one or more dwelling units per acre. The bill specifies that “recreationally discharge” includes target shooting. CS/CS/SB 130 was signed by the governor on February 24, 2016. Chapter No. 2016-12. ([Cook](#))

Housing Assistance/Homelessness (Support)

by Source

[CS/CS/SB 1534 \(Simmons\)](#) provides greater flexibility and increases accountability for programs receiving public funds to address homelessness. The bill:

- Authorizes rapid re-housing as a strategy to address homelessness;
- Creates a task force within the State Office on Homelessness (SOH) to make recommendations regarding the implementation of a Statewide Homeless Management Information System;
- Changes the performance measures used by the SOH to specific outcomes rather than outputs;
- Requires the SOH to establish performance measures and specific objectives by which to evaluate the performance and outcomes of lead agencies that receive grant funds;
- Requires the SOH to distribute grant funds based on lead agencies’ performance and achievement of specific objectives; and
- Clarifies the instances in which local governments participating in the State Housing Initiatives Partnership (SHIP) program may provide ongoing rental assistance.

CS/CS/SB 1534 is awaiting final action by the governor. ([Cook](#))

Alcohol Beverages Permits (Watch)

by Source

[CS/CS/SB 698 \(Bradley\)](#) is a comprehensive bill dealing with alcohol sales. Of interest to cities, the bill allows the Division of Alcoholic Beverages and Tobacco to grant up to 12 temporary permits per calendar year authorizing local governments to sell alcoholic beverages for consumption on the premises of a special event, for a period not to exceed three days, only if the local government has attempted to solicit a qualified nonprofit civic or charitable organization to conduct such sales, but has been unable to find one within a reasonable practical manner and timeframe. In addition, any net profits from alcohol sales must be retained by, or donated to, a nonprofit civic or charitable organization within 90 days after the event. The bill also allows railroad transit stations to sell alcoholic beverages within the property of the railroad transit station, clarifying that local governments can regulate hours of operation at railroad train stations. CS/CS/SB 698 is awaiting final action by the governor. ([Cook](#))

Building Codes (Oppose – Preemption, Unfunded Mandate)

by Source

[CS/CS/CS/HB 535 \(Eagle\)](#) is a comprehensive building code bill that makes several changes to the law. Of primary importance to municipalities, the bill revises the training and experience requirements necessary to take the certification exams for building code inspector, plans examiner and building code administrator. The bill exempts specific low-voltage landscape lighting from having to be installed by an electrical contractor and authorizes local building officials to issue phased permits for construction. Local governments are prohibited from requiring payment of any additional fees, charges or expenses associated with providing proof of licensure as a contractor, recording a contractor license, or providing or recording evidence of worker's compensation insurance coverage. The bill also subjects a building official to disciplinary action if the official denied or revoked a permit without providing a reason for the denial. It also clarifies that an alarm system monitoring company is not liable for civil penalties or fines assessed or imposed by cities for failure to register an alarm system, dispatch to an unregistered user, or for excessive false alarms not attributed to alarm system monitoring company error or improper installation by the contractor or alarm system monitoring company. Finally, the bill requires cities to post building permit applications on their website and give applicants the option of submitting applications electronically. CS/CS/CS/HB 535 is awaiting final action by the governor. ([Cook](#))

Body Cameras (Watch)

by Source

[HB 93 \(S. Jones\)](#) requires law enforcement agencies that permit their law enforcement officers to wear body cameras to establish policies and procedures addressing proper use, maintenance and storage of cameras and data. HB is awaiting final action by the governor. ([Cook](#))

Contraband Forfeiture (Watch)

by Source

[CS/CS/SB 1044 \(Brandes\)](#) specifies the circumstances when property may be seized by law enforcement agencies and requires the head of a law enforcement agency to approve a settlement relating to a seizure. The bill requires a filing fee and a bond be paid to the clerk of court in a forfeiture proceeding, and increases the evidentiary standard from clear and convincing evidence to proof beyond a reasonable doubt. The bill requires the seizing agency to adopt written policies, procedures and training to ensure compliance with state law and prohibits specified compensation or benefit to any law enforcement officer from being dependent upon obtaining a quota of seizures. CS/CS/SB 1044 is awaiting action by the governor. ([Conn](#))

Severe Injuries Caused By Dogs (Watch)

by Source

[CS/CS/CS/HB 91 \(Steube\)](#) allows for discretionary, rather than mandatory, impoundment of dogs that cause severe injuries to humans, as well as removes the requirement for automatic euthanasia for unclassified dogs that cause severe injuries to humans. Local governments are authorized to adopt additional restrictions on dogs that have bitten or attacked persons or domestic animals. CS/CS/CS/HB 91 was approved by the governor on March 8, 2016. Chapter No. 2016-16. ([Cook](#))

Special Districts (Watch)

by Source

[CS/HB 479 \(Metz\)](#) requires each independent special district to operate its own website and post relevant financial documents to the site. Additionally, each special district is required to submit its website domain name to the Department of Economic Opportunity. Finally, the bill addresses the process for the merger of an active special district and the dissolution of an inactive special district. CS/HB 479 was approved by the governor on March 8, 2016. Chapter No. 2016-22. ([Cook](#))

Major Bills That Failed - Ethics and Elections

Municipal Election Dates (Priority – Oppose – Preemption)

by Source

[HB 7059 \(State Affairs, Caldwell\)](#) would have preempted to the state the authority to establish the dates of elections of municipal officers. Among other things, the bill provided that the terms of incumbent elected municipal officers affected by the change in election dates would have been extended to the next municipal election. HB 7059 passed the House but died in the Senate awaiting action. ([Cruz](#))

Major Bills That Failed - Energy, Environmental and Natural Resources

Hydraulic Fracturing (Fracking) (Priority – Oppose – Preemption)

by Source

[CS/HB 191 \(Rodrigues\)](#) and [CS/CS/SB 318 \(Richter\)](#) would have revised and updated the state's oil and gas laws to increase state oversight and permitting requirements for fracking, following a statewide study and rulemaking. In addition, the bills would have limited local government regulation of fracking as follows: (1) preempt the regulation of oil and gas operations to the state; (2) void existing and prohibit future ordinances that ban fracking; and (3) authorize local governments to apply land use and zoning requirements to oil and gas operations, so long as the requirements would not effectively ban or inordinately burden the operation. CS/HB 191 passed the House (73-45). CS/CS/SB 318 died in committee. ([O'Hara](#))

Major Bills That Failed - Ethics and Elections

Government Accountability (Watch)

by Source

[CS/CS/SB 686 \(Gaetz, D.\)](#) and [CS/CS/HB 593 \(Metz\)](#) would have created the "Florida Anti-Corruption Act of 2016" amending various provisions relating to local government accountability, transparency and oversight. Among other things, the bills would have required all elected municipal officers to file a full and public financial disclosure (Form 6), rather than a financial interest disclosure (Form 1). Governmental entities, including all municipalities, would have been required to create a lobbyist registration and reporting program. The bill also imposed new requirements on cities regarding posting of their budgets; establishing internal protocols to prevent and detect fraud, waste and abuse; and clarifying that members of the public are not required to provide an advance written copy of their testimony or comments as a precondition to being given the opportunity to be heard at a public hearing. CS/CS/SB 686 died in committee. CS/CS/HB 593 passed the House (104-3) but then died awaiting action by the Senate. ([Cruz](#))

Major Bills That Failed - Energy, Environmental and Natural Resources

Sea Level Rise/Flood Peril (Priority – Support)

by Source

[CS/CS/SB 584 \(Brandes\)](#) and [CS/HB 929 \(Ahern\)](#) would have authorized a matching grant program to provide up to \$50 million in technical and financial assistance (subject to appropriations) to local governments to implement certain flood risk reduction policies and projects. The bills died in committee. ([O’Hara](#))

Sea Level Rise (Priority – Support)

by Source

[HB 1223 \(Jacobs\)](#) and [CS/SB 1544 \(Clemens\)](#) would have created a “natural hazards” interagency working group for the purpose of state agencies sharing information and coordinating on current and potential impacts of natural hazards, including extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding and coastal flooding. The bills died in committee. ([O’Hara](#))

Beach Management & Erosion Control (Support)

by Source

[HB 877 \(Albritton\)](#) would have revised the criteria to be considered by the Department of Environmental Protection for funding beach management and erosion control projects. The bill died in committee. ([O’Hara](#))

Disposable Plastic Bags (Support)

by Source

[HB 143 \(Richardson\)](#) and [SB 306 \(Bullard\)](#) would have authorized a “coastal” municipality to establish a pilot program to regulate or ban disposable plastic bags. The bills died in committee. ([O’Hara](#))

Municipal Power Regulation (Oppose – Preemption)

by Source

[CS/HB 579 \(Mayfield\)](#) and [CS/SB 840 \(Simpson\)](#) would have required the Florida Municipal Power Agency (“FMPA”) to submit annual financial statements to the Public Service Commission, the public counsel and each member municipality. The bills died in committee. ([O’Hara](#))

Protection Zones for Springs (Support)

by Source

[SB 1312 \(Dean\)](#) would have authorized the development of rules to establish protection zones for springs for the purpose of restricting the speed and operation of vessels within such zones. The bill died awaiting action by the full Senate, but a similar provision passed on the state lands bills, HB 1075. ([O’Hara](#))

Contaminated Sites (Watch)

by Source

[CS/HB 351 \(Drake\)](#) would have amended various provisions of state law concerning criteria and protocols for the cleanup of contaminated sites, brownfield sites and brownfield areas.. HB 351 died awaiting reconsideration by the House. ([O'Hara](#))

Solid Waste Collection, Disposal and Recycling (Oppose – Preemption)

by Source

[CS/CS/SB 1192 \(Hays\)](#) and [HB 1387 \(Santiago\)](#) would have amended the “Fair Competition” law in Chapter 403 regarding solid waste collection, disposal and recycling. CS/CS/SB 1192 died awaiting action by the full Senate. HB 1387 died in committee. ([O'Hara](#))

Onsite Sewage Treatment and Disposal Systems (Watch)

by Source

[SB 658 \(Evers\)](#) would have deleted the future prohibition on the land application of septage in the state. The bill died in committee. ([O'Hara](#))

Major Bills That Failed - Finance, Taxation and Personnel

Firefighter Cancer Disability Presumption (Priority – Oppose – Unfunded Mandate)

by Source

[CS/SB 456 \(Latvala\)](#) and [HB 345 \(Fitzenhagen\)](#) would have established a cancer disability presumption for firefighters (HB 345 also applied to paramedics). The bills grandfathered approximately 40,000 current local government firefighters from having to pass a physical examination. The bills would have resulted in significant increases in expenses for local governments for workers' compensation and disability pension benefits. These bills will likely be filed again for the 2017 Legislative Session. Both bills died in committee. ([Conn](#))

Reduction of the State Communications Services Tax (Priority – Oppose – Mandate)

by Source

[SB 256 \(Hukill\)](#) would have reduced the state portion of the communications services tax (CST) rates by 2.0 percent. The bill died in committee.

Maximum Millage Rates (Oppose – Impairment of Home Rule)

by Source

[CS/CS/SB 1222 \(Flores\)](#) revised the method for computing the maximum millage for the purposes of adopting the millage for a city, county or certain special districts. The bill died in committee. ([Hughes](#))

Notice Provisions Related to Adoption of Millage (Watch)

by Source

[CS/CS/HB 1015 \(Nunez\)](#) increased the notification requirements required when setting the millage for cities, counties and special districts. The bill died on the House floor, awaiting action. ([Hughes](#))

Ad Valorem Taxation Constitutional Amendment: Recapture (Oppose – Mandate)

by Source

[HJR 7015 \(Finance and Tax\)](#) and [SJR 1074 \(Gaetz, D.\)](#) proposed an amendment to the Florida Constitution that would have allowed the Legislature to repeal what is commonly known as the “Recapture Rule” of the Save Our Homes Amendment. The joint resolution died on the Senate floor, awaiting action. ([Hughes](#))

Local Government Capital Recovery (Oppose – Mandate)

by Source

[HB 7009 \(Finance and Tax\)](#) required a municipality or a county that meets certain thresholds of delinquent designated revenues to seek bids from licensed collection agencies offering a one-time, upfront cash payment to the municipality in exchange for the right to collect all of the municipality’s delinquent designated revenues. The bill died in committee. ([Hughes](#))

Sales and Use Tax: Commercial Leases (Oppose – Mandate)

by Source

[SB 116 \(Hukill\)](#) and [HB 247 \(Fitzenhagen\)](#) reduced the sales and use tax that is levied on the rental or license fees charged for real property from 6 percent to 5 percent. The bills died in committee. ([Hughes](#))

Local Tax Referenda (Watch)

by Source

[CS/CS/HB 791 \(Ingoglia\)](#) and [CS/SB 1100 \(Brandes\)](#) required local government discretionary sales surtax referenda to be held either on the day of a general election, at a presidential preference primary or a primary election and increased the threshold from a majority vote to 60 percent of voter approval needed to adopt or amend a surtax in a presidential preference primary or a primary election. [CS/CS/HB 791](#) died on the Senate floor, awaiting action. [CS/SB 1100](#) died in committee. ([Hughes](#))

Special Assessment for Law Enforcement Services (Watch)

by Source

[CS/SB 264 \(Smith\)](#) and [CS/HB 789 \(Pilon\)](#) authorized municipalities to levy special assessments to fund the cost of providing law enforcement services. [CS/HJRB 789](#) also had provisions relating to municipal capital recovery. The bills died in committee. ([Hughes](#))

Tourist Development Taxes (Support)

by Source

[CS/SB 1520 \(Gaetz\)](#) and [CS/CS/HB 1203 \(Drake\)](#) allowed certain coastal counties to use tourist development tax (TDT) revenues to fund law enforcement and emergency medical services on a reimbursement basis to address impacts related to increased tourism. The bills died in committee, but a similar provision passed in the Tax Reduction Package, HB 7099. ([Hughes](#))

Streamlined Sales and Use Tax Agreement (Support)

by Source

[HM 1207 \(Rehwinkel Vasilinda\)](#) urged the U.S. Congress to support passage of legislation providing for the collection of sales tax on goods sold on the Internet. The bill died in committee. ([Hughes](#))

Major Bills That Failed - Growth Management & Economic Affairs

Impact Fees (Priority – Oppose – Preemption)

by Source

[CS/HB 1325 \(Boyd\)](#) was a comprehensive economic development package. Of specific concern to municipalities, the bill included language that would have prohibited local governments from imposing impact fees or transportation concurrency on small businesses with 12 or fewer employees and buildings less than 6,000 square feet unless the impact fee is reinstated by a majority vote of the local governing body. CS/HB 1325 passed the House but died in the Senate awaiting action. [CS/CS/SB 1646](#) died in committee. ([Cruz](#))

Impact Fees (Watch)

by Source

[CS/SB 660 \(Hays\)](#) and [HB 735 \(Costello\)](#) would have authorized local governments to impose a discretionary surcharge on the documentary stamp tax for financing capital improvements, in lieu of charging impact fees. The legislation prohibited a local government from collecting impact fees if it opted to receive the discretionary surcharge for the same purpose. The bills died in committee. ([Cruz](#))

Major Bills That Failed - Transportation & Intergovernmental Relations

Transportation Network Company Insurance

by Source

[CS/CS/SB 1118 \(Simmons\)](#) would have addressed the insurance requirements for Transportation Network Companies (TNCs). In addition, the bill would have addressed insurance requirements for what is known as the “gap” period, the time from when a driver is notified about having a customer to pick up to when the passenger is picked up and physically in the vehicle. The bill proposed a minimum of \$1 million in coverage for death and bodily injury. Unlike CS/HB 509 (M. Gaetz) this bill included a limited preemption on local governments as it related to insurance requirements; whereas, CS/HB 509 was a complete preemption of local government regulation of TNCs. CS/CS/SB 1118 died awaiting action on the Senate floor. ([Sirjane-Samples](#))

Transportation Network Companies

by Source

[CS/CS/HB 509 \(Gaetz\)](#) was a comprehensive bill preempting local governments from regulating Transportation Network Companies (TNCs), such as Uber or Lyft. The bill would have established a statewide regulatory scheme that included insurance coverage standards, fare and rate disclosure requirements, anti-discrimination policies, background checks (Level 2 not required) and other consumer protections. The bill would have prohibited a local government from imposing a tax on, requiring a license, or subjecting a TNC or a driver to the governmental entity's rate, entry, operational or any other requirements. CS/CS/HB 509 died awaiting action on the Senate floor. ([Sirjane-Samples](#))

Transportation Reinvestment Zones (Watch)

by Source

[SB 1372 \(Flores\)](#) and [HB 1377 \(Nunez\)](#) would have defined a Transportation Reinvestment Zone (TRZ) as a locally designated district associated with an expressway or a rail corridor. The bills would have authorized an expressway authority to establish a TRZ through an interlocal agreement with a municipality or county. The bills died in committee. ([Sirjane-Samples](#))

Hillsborough County Public Transportation Commission/Transportation Network Companies (Watch)

by Source

[CS/HB 1439 \(Raulerson, Young\)](#) would have provided a streamlined regulatory framework for the Hillsborough County Public Transportation Commission to regulate the operations of Transportation Network Companies. CS/HB 1439 died on the House floor. ([Sirjane-Samples](#))

Electric, Hybrid and Hydrogen Vehicles (Watch)

by Source

[HB 661 \(Cortes, J.\)](#) would have prohibited the state, counties, municipalities or other public entities from charging a parking fee for an electric, hybrid or hydrogen vehicle that is parked in a metered or timed parking space or any other parking facility. HB 661 died in committee. ([Sirjane-Samples](#))

Freight Mobility and Trade Projects (Support)

by Source

[HB 529 \(Ray\)](#) would have required that any deposits into the State Transportation Trust Fund (STTF) in excess of \$200 million in any fiscal year be set aside for freight mobility and trade projects identified in the Freight and Mobility Trade Plan or for navigational channel deepening or maintenance projects approved by the U.S. Army Corps of Engineers. HB 529 died in committee. ([Sirjane-Samples](#))

Charter Schools (Support)

by Source

[SB 808 \(Brandes\)](#) would have made several revisions to the existing charter school statute including authorizing a municipal governing authority to become a charter school sponsor in the municipality over which the municipal governing authority has jurisdiction.. SB 808 died in committee. ([Sirjane-Samples](#))

Department of Gaming (Watch)

by Source

[SB 1198 \(Sachs\)](#) would have created the Department of Gaming and the Gaming Commission. SB 1198 died in committee. ([Sirjane-Samples](#))

Voter Control of Gambling Expansion in Florida (Watch)

by Source

[HJR 7113 \(Regulatory Affairs\)](#) was a joint resolution proposing an amendment to Florida's constitution relating to voter control of gambling expansion. HJR 7113 died on the floor awaiting action. ([Sirjane-Samples](#))

Gaming (Watch)

by Source

[SB 7072 \(Regulated Industries\)](#) and [CS/HB 7109 \(Regulatory Affairs\)](#) would have addressed pari-mutuel wagering to, among other things, allow decoupling by parimutuels. The decoupling would have authorized a greyhound racing permitholder, jai alai permitholder, harness racing permitholder and quarter horse permitholder to determine, on an annual basis, whether it would offer live racing or games at its pari-mutuel facility.SB 7072 died in committee. CS/HB 7109 died on the floor awaiting action by the House. ([Sirjane-Samples](#))

Gaming Compact Between the Seminole Tribe of Florida and the State of Florida (Watch)

by Source

[SB 7074 \(Regulated Industries\)](#) and [HB 7111 \(Regulatory Affairs\)](#) would have ratified and approved the gaming compact between the Seminole Tribe of Florida and the State of Florida . The compact would not have altered the current statute relating to revenue sharing with local governments impacted by gaming. The bills died in committee. ([Sirjane-Samples](#))

Major Bills That Failed - Urban Administration

Public Records/Attorney Fees (Support)

by Source

[HB 1021 \(Steube\)](#) and [CS/CS/CS/SB 1220 \(Garcia\)](#) would have allowed a judge to review the facts of a public records lawsuit and determine whether or not attorney fees should be awarded to a complainant in specific situations. The bills would have also required that complainants provide written notice to the agency's custodian of records at least five business days before filing a civil

action in order to be eligible to receive attorney fees in a public records lawsuit. HB 1021 died in committee. CS/CS/CS/SB 1220 died awaiting action by the House. ([Cook](#))

Public Records/Custodian (Priority – Oppose – Impairs Home Rule Authority)

by Source

[HB 857 \(Pafford\)](#) and [SB 724 \(Joyner\)](#) would have held a custodian of a public record personally liable for the reasonable costs of public records requests enforcement, including attorney fees, if certain conditions were met. The bills died in committee. ([Cook](#))

Vacation Rentals (Priority – Support)

by Source

[HB 4045 \(Richardson\)](#) and [SB 1598 \(Margolis\)](#) would have repealed the preemption currently prohibiting local governments from regulating duration, frequency or location of vacation rentals. HB 4045 died in committee. SB 1598 was withdrawn from further consideration. ([Cook](#))

Red Light Cameras (Oppose – Preemption)

by Source

[CS/SB 168 \(Brandes\)](#) and [HB 4027 \(Artiles\)](#) would have repealed existing law and preempted local government authority to install and use traffic infraction detectors to enforce specified provisions when a driver fails to stop at traffic signal. CS/SB 168 died in committee. HB 4027 died in Senate messages. ([Cook](#))

Open Carry/Weapons and Firearms (Oppose – Mandate)

by Source

[CS/CS/CS/HB 163 \(Gaetz, M.\)](#) and [CS/SB 300 \(Gaetz, D.\)](#) would have revised current law to allow concealed weapons permit holders to openly carry firearms. CS/CS/CS/HB 163 died on the Senate floor, awaiting action. CS/SB 300 died in committee. ([Cook](#))

Open Carry/Guns in Public Meetings (Watch)

by Source

[HB 4031 \(Steube\)](#) would have authorized concealed carry licensees to carry a concealed weapon or firearm into specified public meetings or into career centers. The bill died in committee. ([Cook](#))

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Sober Homes/Substance Abuse Services (Support)

by Source

[CS/SB 1138](#) ([Clemens](#)) would have created civil and criminal penalties for unethical marketing practices by substance abuse treatment providers and operators of recovery residences. The bill died in committee. ([Cook](#))

Municipal Assessment and Utility Liens/Waivers/Building Permit Forms (Oppose – Mandate)

by Source

[CS/HB 1263](#) ([Wood](#)) and [SB 1618](#) ([Hutson](#)) would have significantly amended the lien process relating to real property pursuant to a non-ad valorem or special assessment, or utility service. The bills died in committee. ([Conn](#))

Alarm System Registration (Oppose – Mandate)

by Source

[CS/CS/CS/SB 768](#) ([Flores](#)) and [CS/HB 779](#) ([B. Cortes](#)) would have preempted local governments from adopting their own alarm registration ordinances and capped the charge for a permit fee at \$25. [CS/CS/CS/SB 768](#) died on the House floor, awaiting action. [CS/HB 779](#) died in committee. ([Cook](#))

Federal Immigration Enforcement/Sanctuary Policies (Oppose – Mandate)

by Source

[CS/CS/HB 675](#) ([Metz](#)) and [SB 872](#) ([Bean](#)) related to state and local government enforcement of federal immigration laws.. The bills would have required a state or local government official to promptly report a known or probable violation of this law to the attorney general or the state attorney having jurisdiction over the local governmental entity. [CS/CS/HB 675](#) passed the House, but both bills died in committee in the Senate. ([Conn](#))

Certificates of Public Convenience and Necessity for Life Support or Air Ambulance Services (Watch)

by Source

[CS/CS/CS/HB 517](#) ([Remner](#)) would have provided that a governmental entity located in a county that has a minimum of three independent special fire control districts was not required to obtain a certificate of public convenience and necessity or any other authorization by that county to provide basic or advanced life support non-transport services. [CS/CS/SB 742](#) ([Hutson](#)) would have required all counties to adopt or amend an ordinance to provide standards for the issuance of certificates of public convenience and necessity for basic or advanced life support services. [CS/CS/CS/HB 517](#) died on the House Calendar and [CS/CS/SB 742](#) died in committee. ([Conn](#))

Juvenile Civil Citations (Watch)

by Source

[CS/CS/CS/SB 408](#) ([Altman](#)) and [CS/HB 7085](#) ([Criminal Justice/Trujillo](#)) would have required, rather than authorized, a law enforcement officer to issue a juvenile civil citation or require participation in a similar diversion program for specified first-time “misdemeanor offenses” instead of arresting the

juvenile, when the juvenile is under 16 years old.. CS/CS/CS/SB 408 died in House messages. CS/HB 7085 died in committee. ([Cook](#))

Lethal Use-of-Force Incidents/Review Commission (Watch)

by Source

[HB 727](#) ([Watson, B.](#)) and [SB 1492](#) ([Bullard](#)) would have created a Special Review Commission to review incidences of lethal use-of-force by law enforcement officers. The bills died in committee. ([Conn](#))



Manasota League of Cities, Inc.

*Anna Maria • Bradenton • Bradenton Beach • Holmes Beach
Longboat Key • North Port • Palmetto • Sarasota • Venice*

2016 MAJOR LEGISLATIVE PRIORITIES

RELOCATION OF UTILITIES

OPPOSE legislation that mandates local government bear the cost of relocating utility equipment when the equipment is located within a public utility easement and needed to be relocated for transportation purposes or for non-transportation purposes regardless of the location.

VACATION RENTALS

SUPPORT legislation that repeals the state preemption of the regulation of vacation rental properties to allow local governments to regulate such properties to protect the health and welfare of residents, visitors and businesses. SUPPORT changes to existing State law relating to vacation rentals that permit grandfathered local governments to modify existing short term vacation rental regulations.

WATER QUALITY & QUANTITY AND SEA LEVEL RISE

SUPPORT legislation that provides a recurring funding source for programs and projects for water quality preservation and enhancement.

SUPPORT legislation that encourages vulnerability assessments, coordinates resources and supports efforts of local governments to mitigate and adapt to the impact of sea level rise.

ECONOMIC DEVELOPMENT

SUPPORT increased funding for the Community Development Block Grant (CDBG) program which funds local community development activities such as affordable housing, anti-poverty programs and infrastructure development.

LOCAL GOVERNMENT REVENUE

OPPOSE legislation that restricts or eliminates municipal revenues generated under the Communication Services Tax and the Local Business Tax.

SUPPORT the preservation of the Communication Services Tax and Local Business Tax.

MENTAL HEALTH INITIATIVES

SUPPORT legislation that plans and adequately funds basic mental health facilities and programs in Florida including additional psychiatric beds.

PUBLIC PENSIONS

SUPPORT the codification of the Florida Department of Retirement's interpretation of minimum benefits under Florida Statutes Chapter 175 and 185 Firefighter and Police Officers' municipal pension plans that was issued in 2012 and that provides local governments with flexibility in the use of insurance premium tax revenues.

SOBER HOMES

SUPPORT legislation that defines and establishes minimum regulatory standards for Sober Home facilities and allows for more stringent local regulations of these facilities.

MANASOTA LEAGUE OF CITIES
2016 LEGISLATIVE PRIORITIES
(Details)

RELOCATION OF UTILITIES

For more than 100 years, state law has provided local government with the authority to require non-government utilities to pay the costs associated with relocating its utility equipment out of public rights-of-way and public utility easements to accommodate public construction projects, such as road improvement projects and other non-transportation public projects. Public utility easements and public rights-of-way are controlled by local government and access is provided to utilities as a permissive use. Generally, a utility is required to pay the costs to relocate its equipment when relocation is in the public interest.

In many communities, a “public utility easement” is created by dedication in a land developer’s plan for a new community, such as “The owners of this property do hereby dedicate easements along each boundary of each home site for county drainage purposes and for public utilities.” Typically, public utility easements do not exceed six to ten feet in width and run alongside public rights-of-way in the case of roadways. Like rights-of-way, courts have found that public utility easements are for the benefit of the public and, therefore, are not owned by utilities. Instead, such easements function as public property for the use of utilities. Thereby, developers create interests relating to particular (limited) property uses by third parties who then use the property to provide essential public services. Occasionally utilities purchase these property interests, but often they do not, leaving local authorities with the burden of purchasing property for public easements and/or rights-of-way as part of roadway improvement projects.

If local governments are required to bear the cost of relocation, it would dramatically and negatively affect local governments by transferring the costs of utility relocations from the utility provider to local government taxpayers instead of the actual users of the utilities. In many cases, the utility equipment that needs to be relocated does not service the constituent taxpayers of that municipality or county, but services a neighboring municipality or county.

The expense of relocating a utility’s equipment in the public easement and for non-transportation purposes within the right-of-way will greatly increase the costs of completing transportation projects at a time when local governments continue to struggle with funding for such projects. Transportation projects are often the catalyst for economic development and the result of growth within a community, which benefit the utility in terms of an expanded customer base.

VACATION RENTALS

Vacation rentals are expanding throughout communities in Manatee and Sarasota Counties and the State. Legislation is needed to provide local governments with more flexibility in dealing with problematic vacation rentals and that will set minimum stay requirements for these properties. Additionally, legislation is needed that will clarify “grandfathered” local governments and will permit the amending of their vacation rental ordinances without penalty.

WATER QUALITY & QUANTITY AND SEA LEVEL RISE

Local government programs and projects are needed that protects local water resources; improves water quality and quantity; mitigates pollution from onsite waste water systems; expands the use of alternative water resources, recognizes that reclaimed water is an asset paid for by utilities’ rate payers; and requires all infrastructure users to pay the cost of operation and maintenance of such utilities.

Recognition must be given to the impact sustained by coastal cities statewide related to sea-level rise, changing precipitation patterns and increasing storm severity. The coastal communities will be the first to feel the effect of sea level rise. Portions of our island cities are very low and even extremely high tides can flood roads and homes. State participation is needed to provide a leadership role in planning practices in anticipation of sea level rise.

ECONOMIC DEVELOPMENT

SUPPORT increased funding for the Community Development Block Grant (CDBG) program which funds local community development activities such as affordable housing, anti-poverty programs and infrastructure development. CDBG, like other block grant programs, differs from categorical grants made for specific purposes in that they are subject to less federal oversight and are largely used at the discretion of the state and local governments and their sub grantees.

LOCAL GOVERNMENT REVENUE

Communications Services Tax: OPPOSE legislation that modifies, restricts, or eliminates the authority of municipalities to levy, collect, and/or expend the Communication Services Tax. In 2001, the Florida Legislature restructured taxes on telecommunications, cable, direct-to-home satellite, and related services. This change was called the Communication Services Simplification Act and replaced and consolidated seven different state and local taxes and fees into a single tax that is comprised of two parts, the state CTS and the local CST. The CST is one of the main sources of general revenue for municipalities. Local governments collect nearly \$800 million year. These revenues may be used for any public purpose, including pledging the revenues to secure bonds. The loss or reduction of that revenue will be disastrous to the budgets of local government.

Local Business Tax: OPPOSE legislation that modifies, restricts or eliminates the authority of municipalities to levy or collect Local Business Tax. Many local governments in Florida require businesses operating within their jurisdictions to obtain a Local Business Tax Receipt. Revenues collected in this form assist in providing services that contribute to business growth - growth which directly contributes to the economic development of the State. These revenues are used by many local governments to assist in the funding of services critical to businesses. Some local governments use the revenue to help fund economic development programs, representing a direct benefit to businesses through the promotion and marketing of the local area and its resources. Many municipalities use the business tax as general revenue funds and have pledged these revenues to secure debt. The Local Business Tax is one tool that enables local governments to operate efficiently without reducing services to citizens. Additionally, it allows local governments to know what businesses are operating in their community.

MENTAL HEALTH INITIATIVES AND PROGRAMS FUNDING

SUPPORT: Legislation that plans and adequately funds basic mental health facilities and programs in Florida, including additional psychiatric beds. While most psychiatric hospitals were closed from the mid 1960's thru the 1990's, adequate funding of replacement community mental health did not occur, with federal and state mental health program funding being dramatically reduced in the 1980's and more recently in the Great Recession. As psychiatric hospitals were being reduced, jail and prison cells were dramatically expanded by over 200%. It is estimated that over 20% of our jails and prisons are serving as de facto psychiatric hospitals (without treatment capabilities) and over 30% of our chronic homeless population is suffering from severe mental health problems including schizophrenia, manic-depressive disorder and severe depression aggravated by substance abuse.

The lack of mental health beds and community mental health program funding has become a critical problem placing costly pressures on our jails, hospitals, police, and EMS departments and our urban centers. As such, the lack of mental health treatment options for individuals, families, hospitals, courts and communities is fiscally and socially irresponsible resulting in an increasing number of well documented human and community tragedies across our country.

PUBLIC PENSIONS

SUPPORT: Legislation that protects Home Rule power to set and fund municipal employee benefit levels and specifically provides comprehensive pension reform, disability presumption reform and a mechanism for municipalities to revoke their election to participate in the Florida Retirement System. The Manasota League of Cities also supports legislation that provides flexibility in the use of insurance premium taxes as currently interpreted by the Department of Management Services.

SOBER HOMES

SUPPORT: Legislation that clearly defines Sober Homes, allows for the regulation of these facilities and details the minimum operating standards. "Sober Homes" or "Halfway Houses" provide needed transitional housing opportunities for people who are progressing through treatment for substance abuse problems. Presently there is little or no regulation from government agencies in setting up a Sober Home. Law enforcement officials have seen increases in crime and homelessness in neighborhoods where these Sober Homes have located. Residents of the neighborhoods have reported an increase in burglaries, panhandling and other criminal activity. There is clearly a lack of uniform state standards or regulations for "Sober Homes."