

Legislative Reporter

APA Florida Bill Tracking Report

APA Florida's latest Bill Tracking Report is dated March 10 and is posted [here](#). These reports are updated and posted weekly on the website; the reports identify the last actions taken on a bill, the committee it is in, and any related bills. Legislative Reporters will be sent to members on a bi-weekly basis throughout the session as well as posted on the website. On the intervening weeks, a legislative update will be posted on the website.

You may also check the status of a bill or review bill text and amendments on the Florida Legislature's website at www.leg.state.fl.us as things can change quickly. Feel free to also contact the Chapter Office if you have any questions. Finally APA Florida's Legislative Program and Policies are always at your disposal on APA Florida's Legislative [webpage](#). Please bookmark these sites for continued access throughout the 2017 Legislative Session.

Legislative Updates

The 2017 Legislative Session began this week on March 7. Governor Scott gave his State of the State speech, focusing on defending state agencies that recruit and promote tourism. He also pushed for a package of tax cuts and for \$6 million to fight terrorism, such as that resulting in the Pulse nightclub shooting. The text of his speech can be read [here](#).

Bills filed this session cover a number of issues of interest including:

- creating a **task force on affordable housing** and directing task force to develop recommendations by Jan. 1, 2018 ([SB 854](#))
- **terminating existing CRAs** by Sept. 20, 2037 ([CS/HB 13](#) and [SB 1770](#))
- amending the **Rural Economic Development Initiative** and expanding the definition of a "rural area of opportunity" ([HB 333](#) and [SB 600](#))
- **prohibiting local governments** from adopting or imposing a new regulation, unless expressly authorized by general law, on a business, profession and occupation except under certain circumstances ([CS/HB 17](#) and [SB 1158](#))
- requiring local governments to address **private property rights** in local comprehensive plans ([HB 1309](#) and [SB 940](#))
- requiring that all local government stormwater management plans and programs incorporate best management practices adopted by the Department of Environmental Protection and **prohibiting the adoption or enforcement of more stringent water quality standards** for stormwater discharges unless the more stringent standards were adopted before Jan. 1, 2017 ([SB 1378](#) and [HB 751](#))
- prohibiting local governments from restricting use of, prohibiting, or regulating **vacation rentals** based solely on classification, use, or occupancy ([HB 425](#) and [SB 188](#)), and allowing local governments to do so ([SB 1516](#) and [HB 6003](#))
- moving **VISIT Florida** under DEO and adding requirements to increase transparency and accountability ([HB 9 E1](#))
- abolishing **Enterprise Florida** and a number of other economic development programs ([CS/CS/7005](#))
- creating an interagency workgroup to share information, coordinate ongoing efforts and collaborate on initiatives relating to **natural hazards (including sea-level change)** ([SB 464](#) and [HB 181](#))
- prohibiting FDOT and local entities from prohibiting, regulating or charging for the collocation of **small wireless facilities** in the public right-of-way except pursuant to certain requirements ([CS/SB 596](#) and [HB 687](#))
- creating a regulatory framework for transportation network companies and **preempting their regulation** to the state ([CS/HB 221](#) and [SB 340](#))
- requiring **greater financial disclosure and ethical training** for local officers and employees and requiring registration of persons who want to lobby certain local governmental entities ([HB 7021](#))
- creating the **Florida High-Speed Passenger Rail Safety Act** whose purpose includes encouraging the creation of safe and cost-effective transportation options, including high-speed rail ([SB 386](#) and [HB 269](#))
- amending s.57.111 F.S. to require the **award of attorney fees and costs** up to \$50,000 to the prevailing party in any administrative proceeding challenging a state permit or other action which has the effect of permitting the development of land ([SB 996](#) and [HB 997](#))
- providing that the **publication of a notice or advertisement** on a publicly accessible website maintained by a county or municipality as authorized by s.50.0311 constitutes legal notice ([HB 897](#) and [SB 1444](#))
- removing the pilot project status from the **Energy Economic Zone program** ([SB 1090](#) and [HB 887](#))
- authorizing the Division of Emergency Management to administer, subject to appropriation, a **matching grant fund for local governments** to implement flood hazard risk mitigation policies and projects ([HB 613](#) and [SB 112](#))
- implementing the **medical marijuana constitutional amendment** ([SB 1388](#), [SB 1666](#), [SB 406](#), [SB 614](#), and [HB 1397](#))
- amending **annexation procedures** for municipalities ([HB 1087](#) and [SB 1488](#))
- creating a process to promote the **shared use of public school playground facilities** ([HB 1131](#) and [SB 984](#))
- providing criteria for **public participation** at public meetings ([SB 1514](#))
- amending requirements related to **charter schools** ([HB 251](#), [SB 696](#), [SB 538](#), and [SB 796](#))
- revising the **calculation of school district's class size categorical allocation reduction** to school average when maximum class size requirements are not met ([HB 591](#) and [SB 808](#))
- restricting local governments ability to increase taxes, and requiring any **local referendums** raising taxes to be held during the general elections and to gain 60 percent of the vote to pass ([HB 7063](#)); requiring referendum on a local government discretionary sales surtax to be held during a general election and require the approval of a majority of the voters voting on the ballot questions to pass ([HB 139](#) and [SB 278](#))
- adding a number of requirements to **increase fiscal transparency of local governments**, including requiring additional public meetings and expanding public notice requirements for local option tax increases (other than property taxes) and new long-term, tax supported debt issuances ([HB 7065](#))
- adding the distribution or transmission of electricity to the **definition of what is not**

considered to be development in s. 163.3221(4)(b). and s.380.04(3) ([HB 1055](#) and [SB 1048](#))

- providing for the implementation of a variety of **water resource projects** using Land Acquisition Trust Fund dollars ([CS/SB 10](#), [HB 761](#), [HB 663](#), [SB 1082](#), [HB 847](#), [CS/CS/SB 234](#), [HB 1033](#), and [SB 982](#))
- amending current laws related to the operation of **autonomous vehicles** ([CS/HB 725](#) and [SB 1066](#))

Please refer back to earlier legislative updates and bill tracking reports posted on the APA Florida website for more information on these bills or click on the bill number to be linked to the bill text.

Since the last Legislative Update posted on the APA Florida website on March 3, a number of bills of interest have been filed or had action. Of significance:

Growth Management:

[CS/HB 17](#) (Rep. Fine) would prohibit local governments from adopting or imposing a new regulation on a business, profession and occupation after July 1, 2017 unless the new regulation is expressly authorized by general law. Regulations adopted before this date would expire on Jan. 1, 2020. Regulations that are adopted pursuant to general law authorization could not be modified in the future to impose any additional regulations. The bill is in the House Commerce Committee, its second and last committee of reference.

Sen. Passidomo filed [SB 1158](#) in response to the above bill, which she believed was too broadly written. SB 1158 preempts the regulation of matters relating to commerce, trade and labor to the state under certain conditions. Unless otherwise expressly authorized by a special or general law, counties, municipalities and special districts cannot:

- Ban the sale of a good or service;
- Impose a penalty on the sale of a good or service;
- Require an employer to pay any or all of its employees a wage rate not otherwise required under a special, general, or federal law; or
- Adopt ordinance, rule, or regulation on commerce, trade, or labor which: a) Interferes with the regulation of commerce, trade, or labor outside the territorial boundaries of the county; or b) Has an adverse impact on economic growth; private sector job creation or employment; private sector investment; business competitiveness, including impeding the ability of persons doing business in the county or state to compete with persons doing business in other areas of the state or in other domestic markets; productivity; or innovation within the county or outside its territorial boundaries.

The bill also includes a procedure for a local government to seek to nullify another county or municipality or special district regulation that violates the above restrictions. The bill is retroactive to Jan. 1, 2017; however, any ordinance, rule regulation or law enacted and made effective before Jan. 1, 2017, which conflicts with the bill provisions prevails. SB 1158 has been referred to four committees of reference.

[CS/SB 596](#) (Sen. Hutson) creates the Advanced Wireless Infrastructure Deployment Act as a new subsection to 337.401 F.S. It creates a process for gaining access to and use of public rights-of-way in connection with the installation of small wireless communications infrastructure. The bill would prohibit the Department of Transportation and local government entities from prohibiting, regulating or charging for the collocation of small wireless facilities in the public right-of-way except pursuant to certain requirements. The bill creates a process and time limits for review and approval of applications. The authority must approve a complete application unless it does not meet the authority's applicable codes, defined to include "uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes, enacted solely to address threats of destruction of property or injury to persons. The term includes local government historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C s. 332(c)(7), the requirements for facility modifications under 47 U.S.C. s. 1455(a), or the National Historic Preservation Act of 1966, as amended, and the regulations adopted to implement these laws."

According to the legislative staff report, this definition excludes consideration and application of zoning, land use, and aesthetic ordinances and of any other source of public safety protections.

The amended bill was moved favorably by the Senate Communications, Energy and Public Utilities Committee on March 7 and now moves to the Senate Governmental Oversight and Accountability Committee, the second of three committees of reference. The House companion bill, [HB 687](#) (Rep. La Rosa) has not been heard in committee yet.

[HB 7021](#) (Rep. Metz) makes numerous changes to Florida's Code of Ethics for Public Officers and Employees as it relates to local government officers, employees, and lobbyists. Specifically, the bill creates or amends ethics provisions related to the following:

- requires elected municipal officers serving municipalities with \$5 million or more in total revenue, and candidates for such offices, to file a full and public disclosure of their financial interests in lieu of the less detailed form of disclosure required under current law;
- requires special district governing board members to annually complete four hours of ethics training, a requirement that mirrors the current law applicable to constitutional officers and elected municipal officers;
- strengthens the law on voting conflicts of interest by requiring local officers that must abstain from voting on a measure due to a voting conflict of interest to disclose the conflict prior to participating in the measure;
- adds school districts to the list of governmental entities that may withhold salary-related payments for failure to timely file disclosure of financial interests;
- requires a person who wishes to lobby certain local governmental entities to register as a lobbyist with the Commission on Ethics

The bill was moved favorably by the House Appropriations Committee on March 8 and now moves to the House Government Accountability Committee, its last committee of reference.

Public Notice/Meeting/Records:

[SB 914](#) (Sen. Baxley) creates s. 286.011(1)(a) F.S., codifying judicial interpretation and application of the terms: "de facto meeting," "discussion," "meeting," "official act," and "public business." It also specifies that members of a board may participate in "fact-finding" exercises or excursion to research public business, and may participate in meetings with a member of the legislature if:

- The board provides reasonable notice;
- A vote, official act, or an agreement regarding a future action does not occur;
- There is no discussion of "public business" that occurs; and
- There are appropriate records, minutes, audio recordings, or video recordings made and retained as a public record.

Finally, the bill provides that, if there is a gathering of two or more board members where no official acts are taken and no public business is discussed, then no public notice or access is required. The bill was moved favorably by the Ethics and Elections Committee on March 7 and now moves to the Senate Community Affairs Committee, its second of three committees of reference. The House companion bill, [HB 919](#) (Rep. Roth), has not yet been heard in committee.

Economic Development/Redevelopment:

[CS/HB 13](#) (Rep. Raburn) makes significant changes to c.163 F.S. with respect to community redevelopment agencies (CRAs), including the automatic termination of CRAs. Among the amendments, this bill would require that:

- any CRA in existence on July 1, 2017 would terminate on the expiration date provided in the CRA's charter or on Sept. 20, 2037, whichever is earlier
- a CRA may not initiate any new projects or issue any new debt on or after Oct. 1, 2017
- no new CRAs may be created on or after July 1, 2017
- beginning Oct. 2014, a CRA that has reported no revenues, expenditures or debt for 3 consecutive years shall be declared inactive by DEO and is only authorized to expend funds from the redevelopment trust fund to service outstanding debt
- beginning July 1, 2017, CRA moneys may only be expended pursuant to an annual budget adopted by the CRA board and for specific purposes
- CRAs must comply with specified ethics training, purchasing requirements, and reporting/auditing provisions

The amended bill was moved favorably by the House Local, Federal & Veterans Affairs Subcommittee on March 8 and now moves to the House Ways and Means Committee. [SB 1770](#) (Sen. Lee) is a similar bill that also includes the termination language; however it would allow the creation of new CRAs after July 1, 2017 by a supermajority vote. SB 1770 has not been assigned to committees of reference, as of yet.

Two bills which deal with Enterprise Florida Inc. and VISIT Florida were passed by the House on March 10. [HB 9 E1](#) (Rep. Renner) moves VISIT Florida from the supervision of Enterprise Florida, Inc. to the Department of Economic Opportunity and transfers certain responsibilities to Enterprise Florida to DEO. The bill also adds requirements to increase transparency and accountability of VISIT Florida.

[CS/CS/HB 7005](#) (House Careers & Competition Subcommittee), as originally filed, would have included Enterprise Florida and Visit Florida in a pool of economic incentives and development programs that would be eliminated. As amended through the committee process, the bill eliminates Enterprise Florida and provides that all duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other public funds relating to the programs in Enterprise Florida are transferred by a type two transfer to DEO. The bill now provides that VISIT Florida may enter into an agreement with DEO to continue any existing program, activity, duty, or function necessary for operation of the foundation and that any funds held in trust for the corporation may be used for the purpose for which the funds were received.

Hazard Mitigation:

[HB 181](#) (Rep. Jacobs) would create an interagency workgroup to share information, coordinate ongoing efforts and collaborate on initiatives relating to natural hazards, extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding. The workgroup would include representatives for each agency within the executive branch and water management districts, and the Public Service Commission. It would be coordinated by the DEM director. The bill was moved favorably by the House Natural Resources & Public Lands Subcommittee and is now in the House Appropriations Committee, its second of three committees of reference. An identical bill, [SB 464](#) (Sen. Clemons) was moved favorably by the Senate Community Affairs Committee and is now in the Senate Governmental Oversight and Accountability Committee.

Water/Natural Resources:

[SB 442](#) (Sen. Young), which would ban all types of fracking in Florida, was moved favorably by the Senate Environmental Preservation and Conservation Committee on March 7. It now moves to the Senate Appropriations Subcommittee on the Environment and Natural Resources, its second of three committees of reference. An identical bill, [HB 451](#) (Rep. Miller) has not yet been heard in committee. Three other bills that would prohibit extreme well stimulation ([SB 98](#), [HB 35](#) and [SB 108](#)) are also awaiting their first committee hearings.

[CS/SB 10](#) (Sen. Bradley) was amended by the Senate Appropriations Subcommittee by the Environment and Natural Resources to expand the water resource projects included in it. Originally focusing on the creation of a reservoir project in the Everglades Agricultural Area to address algal issues in the Treasure Coast area, the bill was amended on March 8 to include water projects from other bills related to the St. Johns River, Indian River Lagoon and Florida Keys. These projects would be funded with money from the Land Acquisition Trust Fund. It would also expand the ability of wastewater-treatment facilities to recycle water. The bill now moves to the Senate Appropriations Committee, its last committee of reference. [HB 761](#), the House companion bill, has not yet been heard in committee.

Miscellaneous:

[SB 802](#) (Sen. Passidomo) addresses licensing, registration, and regulatory requirements for various professions and occupations. Among these changes, the bill amends s.481.219 to require that a business organization may not engage practice of architecture unless its qualifying agent is a registered architect.

[SB 1396](#) (Sen. Brandes) and [HB 7047](#) (Rep. Beshears) also contain similar language. SB 802 was moved favorably by the Senate Regulated Industries Committee on March 8 and now moves to the Senate Judiciary Committee, its second of three committees of reference.

Legislative Newsclips

[Florida House targets schools, roads and health care in proposed budget cuts](#)

Arek Sarkissian and Alexandra Glorioso, Naples Daily News

[Corcoran tells Democrats he needs them to override expected Scott veto of Enterprise, Visit Florida bills](#)

Matt Dixon, Politico (March 8)

[Negron Water Plan Picks Up Other Projects Across The State](#)

News Service of Florida (March 9)

[A "Ray" of Hope for Fracking Legislation This Year](#)

Jim Ash, WFSU, (March 9)

[Medical marijuana plans stacking up in Legislature](#)

Dan Sweeney, Sun Sentinel (March 9)

[Charter vs. public schools: Will state fund construction or is local tax hike coming?](#)

Kristen M. Clark, Bradenton Herald (March 9)

[Medical Marijuana Activists Slam Rigid House Legislation](#)

Allison Nielsen, Sunshine State News (March 10)

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