

## Legislative Reporter

### APA Florida Bill Tracking Report

The 2017-18 Constitutional Revision Commission has begun holding public hearings around the state, where citizens can attend, share ideas and feedback on potential proposals for the ballot. The event schedule can be viewed [here](#). All public hearings and meetings of the commission can be viewed through a live-stream on the Florida Channel or viewed via video archive [here](#).

The 2017 Legislative Session is over halfway completed. The latest Bill Tracking report dated April 7 can be viewed [here](#). This report shows the bills that APA Florida is tracking, the status of each bill and the committee in which each bill sits. Note that substantive subcommittees in the House have completed their meeting schedule; bills still in a subcommittee are likely to not move further.

### Legislative Updates

The following discussion highlights those bills which have had action over the past week. If you do not see a bill, its status likely did not change since the last report. Refer to the Bill Tracking Report or to the [website](#) to review past updates. Of note:

#### Growth Management

**Growth Management:** [SB 940](#) (Sen. Perry) would require local governments to include a private property rights element in the local comprehensive plan by July 2019 and requires that land development regulations consistent with this element be subsequently adopted. The bill lays out goals, objectives and policies that, if adopted in substantial form by the local government in its element, will result in the state land planning agency approving the element. (Sen. Perry filed similar bills in 2015 and 2016 when he was serving in the House, both of which died in the House Economic Development and Tourism Subcommittee, their first committee of reference.) The bill was reported favorably by the Senate Community Affairs Committee on April 3 and now moves to the Senate Environmental Preservation and Conservation Committee, its second of three committees of reference. [HB 1309](#) (Rep. Payne), a similar bill, has not yet been heard in committee.

**Vacation Rentals:** [CS/SB 188](#) (Sen. Steube) permits a local law, ordinance, or regulation that regulates activities that arise when a property is used as a vacation rental only when such regulation applies uniformly to all residential properties without regard to whether the property is used as a vacation rental or a long-term rental under ch. 83, F.S., or is rented by the property owner. The bill retains the current requirement that local governments cannot prohibit vacation rentals or regulate the duration or frequency of vacations rentals. The bill also retains the grandfather provision in current law that exempts from the prohibition any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011, and seeks to also permit a local government to amend a law, ordinance or regulation adopted on or before June 1, 2011, to be less restrictive.

The bill was scheduled to be heard by the Senate Community Affairs Committee on April 3 but was temporarily postponed after one amendment was adopted. The amendment would allow local governments to require that a copy of the vacation rental license, a copy of the required certificate of registration and an emergency contact telephone number be submitted to the local government. Two other amendments were filed but not acted on: 1) one would provide that the bill provisions do not apply to a vacation rental owned in whole or in part by a person who is activated, deployed or temporarily assigned to military service; and 2) a substitute for 1 above that would say that the bill provisions do not apply to a vacation rental owned in whole or part by a person on active duty or temporary duty or owned by a disabled veteran with a disability of 30 percent or more. [HB 425](#) (Rep. La Rosa), which prohibits local governments from restricting, prohibiting or regulating vacation rentals solely on their classification, use, or occupancy, is in the House Commerce Committee, its last committee of reference.

**Annexation Procedures for Municipalities:** [CS/SB 1488](#) (Sen. Clemens) was reported favorably by the Senate Community Affairs Committee on April 3. The amended bill revises the circumstances under which a municipality is prohibited from annexing lands without getting consent from the registered electors of the area. The amended bill provides that if the area to be annexed does not have any registered electors that own property in the area to be annexed on the date of the ordinance or has fewer than five registered electors and such electors do not own property in the area to be annexed on the date the ordinance is adopted, a vote of the electors of the area proposed to be annexed is not required. The amended bill also removed the previously proposed changes to s.171.0413 (5). The bill now moves to the Senate Judiciary Committee, its second of three committees of reference. [HB 1087](#) (Rep. Silvers), an identical bill to SB 1488 as originally filed, is in the House Agriculture and Property Rights Subcommittee, its second committee of reference.

**Administrative Proceedings:** [SB 996](#) (Sen. Perry) was temporarily postponed by the Senate Judiciary Committee, its first committee of reference, on April 4. The bill amends the Florida Equal Access to Justice Act to require attorney fee-shifting from a non-prevailing party to the prevailing party in administrative proceedings in which a petitioner challenges an agency permit or license granted to a third party unless the challenge was substantially justified or special circumstances exist which would make the award unjust. The bill provides that such fee-shifting should occur because the financial consequences of the delay on projects authorized by permits and other orders are much greater than the consequences faced by plaintiffs in such proceedings. [HB 997](#) (Rep. Killebrew), a similar bill, was to have been heard in the House Oversight, Transparency & Administration Subcommittee, its first committee of reference, on March 28 but was also temporarily postponed.

**Linear Facilities:** [SB 1048](#) (Senator Lee) was passed by the Senate on April 6. The bill amends paragraphs 380.04(b) and (h), F.S., which contain the exemptions from "development." The bill provides that the exemption for work done on established rights-of-way applies also to rights-of way and corridors yet to be established. The bill also provides that the exemption for the creation of specified types of property rights applies to the creation of distribution and transmission corridors. The bill makes the same changes to s.163.3221, F.S., which provides definitions for use in the Florida Local Government Development Agreement Act, which provides for agreements between local governments and developers.

[HB 1055](#) (Rep. Ingram), identical to SB 1048 as originally filed, is in the House Commerce Committee, its last committee of reference.

**Onsite Sewage Treatment and Disposal System Inspections:** [CS/CS/CS/HB 285](#) (Rep. Fine) was reported favorably by the House Commerce Committee, its last committee of reference, on April 6. The bill requires that sellers statewide must provide buyers with a disclosure that the property contains an onsite sewage treatment and disposal system. The bill includes specific language that must be included in the disclosure; this language was amended by the House Commerce Committee during its meeting. The bill also requires the Department of Health to identify all onsite sewage treatment and disposal systems in the state and submit a report on the number and location to the Governor, Senate President and House Speaker by Jan. 1, 2019.

**Vessels:** [CS/HB 7043](#) (Rep. Raschein) provides, among other things, that local governments may enact and enforce regulations to require vessel owners or operators to provide proof of properly disposed of sewage in marked boundaries of a permitted mooring field and designated no discharge zones. Before such a regulation can be adopted, the local government must provide adequate pumpout services and the regulation must be approved by the FWCC. A local government is not prohibited from enacting or enforcing pump-out requirements for live-aboard vessels within any area of its jurisdiction. The amended bill also includes a provision that private residential multifamily docks grandfathered-in to use sovereignty submerged lands by Jan. 1, 1998, pursuant to former rule 18-21.00405, Florida Administrative Code, as it existed in rule on March 15, 1990, may exceed the number of moored boats for the number of units within the private multifamily development as previously authorized under the grandfather program. It also allows owners of private submerged lands adjacent to an OFW or aquatic preserve to request that the FWCC establish a boating restricted area within their property boundaries to prevent seagrass scarring.

The bill was to have been heard by the House Government Accountability Committee, its last committee of reference, on April 6 but it was not considered. [CS/SB 1338](#) (Sen. Book), a similar bill, is in the Senate Appropriations Subcommittee on the Environment and Natural Resources, its second of three committees of reference.

#### **Economic Development/Redevelopment**

**Rural Economic Development Initiative:** [CS/SB 600](#) (Sen. Grimsley) was reported favorably by the Senate Agriculture Committee on April 3. The bill revises the duties and membership of the Rural Economic Development Initiative. The amended bill deletes previously proposed language that would have required the Office of Economic and Demographic Research and OPPAGA to provide an analysis of rural areas of opportunity and the REDI program every three years. The bill now moves to the Senate Governmental Oversight and Accountability Committee, its last committee of reference. [CS/HB 333](#) (Rep. Clemons), a similar bill to SB 600 as originally filed, is in the House Transportation & Tourism Appropriations Subcommittee, its second of three committees of reference.

**Neighborhood Improvement Districts:** [SB 1496](#) (Sen. Thurston) provides that a city ordinance creating a neighborhood improvement district may authorize the district to borrow money, contract loans, and issue bonds, certificates, warrants, notes, or other evidence of indebtedness and may pledge the special assessment power of the district to pay such debts for the purpose of financing certain capital projects. The bill was reported favorably by the Senate Community Affairs Committee on April 3 and now moves the Senate Appropriations Subcommittee on Finance and Tax, its second committee of reference. An identical bill, [HB 943](#) (Rep. Russell) has not yet been heard in committee.

**Community Redevelopment Agencies:** [CS/SB 1770](#) (Sen. Lee) was moved favorably by the Senate Community Affairs Committee on April 3. As originally filed, the bill provides for the eventual phase-out of CRAs, in existence on July 1, 2017, at the earlier of the expiration date stated in the CRA's charter or on Sept. 30, 2037, with the exception of those CRAs with any outstanding bond obligations. Additionally, on or after July 1, 2017, the governing body of a county or municipality may create a CRA only by a supermajority vote of the members of the governing body of the county or municipality. The bill also makes a number of changes to increase accountability and transparency for CRAs. The bill was amended by the Senate Community Affairs Committee; among the changes were the following:

- adds language that would allow a local government to vote to continue an existing CRA beyond the proposed expiration date through a supermajority vote.
- amends the definition of blighted area to include four additional criteria related to unemployment rates, poverty rates, foreclosure rates and infant mortality rates
- deletes existing language that allows local governments to define blight through an interlocal agreement
- amends the makeup of the CRA governing body to require the appointment of two additional members, that are not elected officials, with expertise in certain areas
- deletes some of the proposed performance data
- amends the date after which redevelopment trust fund money can only be spent pursuant to an adopted annual budget from July 1, 2017 to Oct. 1, 2017 to coincide with the fiscal year of local governments

The bill now moves to the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development Committee, its second of four committees of reference.

[CS/CS/HB 13](#) (Rep. Rayburn), which originally proposed the termination of existing CRAs by Sept. 30, 2037, was amended through a strike-all amendment by the House Ways & Means Committee on April 5. Among the amendments, the bill now include language that would allow a local government to vote to continue an existing CRA beyond the proposed expiration date through a supermajority vote, similar to the amendment to SB 1170. It was not amended to include the language that would allow new CRAs to be created after July 1, 2017, which is found in the Senate version. The bill also includes a number of changes to increase accountability and transparency for CRAs. The bill now moves to the House Government Accountability Committee, its last committee of reference.

**Special Districts:** [CS/SB 1750](#) (Sen. Rodriguez) provides that a CDD shall dissolve if: a) all of the community development systems, facilities, and services that it is authorized to perform have been transferred to the private sector or a general-purpose unit of local government; or b) if a referendum petition to dissolve is signed by 40% of the qualified electors or 20 percent of landowners within the CDD, and a majority of qualified voters who vote on the referendum approve. The bill now moves to Senate Governmental Oversight and Accountability Committee, its second of three committees of reference.

#### **Hazard Mitigation**

**Natural Hazards:** [SB 464](#) (Sen. Clemens) reported favorably by the Senate Rules Committee, its last committee of reference on April 6. This bill creates 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 and an annual report would be submitted to the Governor and Legislature.

This bill is very similar to [CS/HB 181](#) (Rep. Jacobs), currently in messages in the Senate. The major difference between the two bills is that SB 464 does not include House language that earmarks funding from the Grants and Donations Trust Fund for the upcoming fiscal year to implement the bill.

#### Medical Marijuana

**Compassionate Use of Low-THC Cannabis and Marijuana:** [CS/SB 406](#) (Sen. Bradley) was reported favorably by the Senate Health Policy Committee on April 3. The bill creates the regulatory structure for implementing the medical marijuana constitutional amendment. Among the changes in the amended bill, the Department of Health is required to register five additional medical marijuana treatment centers (MMTCs) by Oct. 3, 2017, including one that is a member of the Black Farmers and Agriculturists Association. It also requires the Department of Health to add four MMTCs within six months after the registration of each instance of 75,000 patients in the Compassionate Use Registry if a sufficient number of MMTC applicants meet the registration requirements. The bill now moves to the Senate Appropriations Subcommittee on Health and Human Services.

#### Schools

**Public Education Facilities:** [HB 559](#) (Rep. Duran) specifies, for the purposes of determining the capacity of school facilities as reported in the Florida Inventory of School Houses, that a school containing kindergarten through grade 5 is considered an elementary school and a school containing students in grades 6 through 8 is considered a middle school. The bill also requires the Commissioner of Education to, upon request by a district school board, grant an exemption to the State Requirements for Educational Facilities (SREF); the bills also require the district school board to provide a comprehensive cost-benefit analysis along with its request for an SREF exemption.

HB 559 was reported favorably by the House PreK-12 Appropriations Subcommittee on April 3. It now moves to the House Pre-K-12 Quality Subcommittee, its second of three committees of reference. [SB 642](#) in the Senate Appropriations Subcommittee on PreK-12 Education, its second of three committees of reference.

**Shared Use of Public School Playground Facilities:** [CS/HB 1131](#) (Rep. Drake) was reported favorably by the House PreK-12 Appropriations Subcommittee on April 3 and subsequently reported favorably by the House Education Committee, its last committee of reference, on April 6. It creates a new section in Chapter 1013 which directs the Department of Education to promote the shared use of playground facilities. Additionally, a Shared Use Task Force would be created to identify barriers in creating shared use agreements and make recommendations to facilitate shared use in high-need communities.

The task force is required to submit a report of its findings to the Senate President and House Speaker by June 30, 2018, upon which it will expire. The bill was amended in the House Pre-K Appropriations Subcommittee to delete previously proposed language that would have required the Department of Education to provide short-term grants to help open facilities for shared use. They also deleted previously proposed language that authorized the State Board of Education to adopt rules implementing rules.

[CS/SB 984](#) (Sen. Bean), an identical bill to HB 1131 as originally filed, was amended by the Senate Education Committee on April 3. The amended bill retained the language dealing with the short term grants and added a requirement that DOE submits a report on the grant disbursement to the Senate President and House Speaker by June 30, 2018. The amended bill also changed the date of the Shared Use Task Force report from June 20, 2018 to Oct. 1, 2017. [CS/SB 984](#) now moves to the Senate Appropriations Subcommittee on PreK-12 Education, its second of three committees of reference.

**Maximum Class Size:** [CS/HB 591](#) (Rep. Massullo) was passed by the House on April 5. In 2003, the Florida Legislature enacted chapter 2003-391, Laws of Florida, which implements the provisions of the class-size amendment and defines the progress that districts must make in reducing class size. Compliance with class size reduction requirements is calculated at the classroom level for traditional public schools and at the school level for charter schools, district-operated schools of choice and schools participating in the Principal Autonomy Pilot Program Initiative. [CS/HB 591](#) (Rep. Massullo) removes the exemptions for class size requirements and maintains class size compliance for each classroom but revises the method for calculating the penalty to be at the school average for any school that fails to comply with class size requirements. The bill repeals an increase in the penalty for failure to comply with the class size requirements and provides that a district may not have its class size categorical allocation reduced for the 2017-18 or 2018-19 fiscal years if it meets certain requirements. A similar bill, [SB 808](#) (Sen. Mayfield) is in the Senate Appropriations Subcommittee on PreK-12 Education, its second of four committees of reference.

#### Transportation

**Transportation Network Companies:** [CS/HB 221 E1](#) (Rep. Sprowls) was passed by the House on April 5. The bill creates statewide requirements for transportation network companies (TNCs). The bill specifies that its provisions preempt any local ordinances or rules on TNCs, so that TNCs will be governed exclusively by state law. Local governments are prohibited from imposing taxes, licensing requirements or other restrictions on TNCs. [CS/CS/SB 340](#) (Sen. Brandes), a similar bill, was moved favorably by the Senate Rules Committee, its last committee of reference, on April 6.

#### Water/Natural Resources

**Water Resources:** [CS/SB 10](#) (Sen. Bradley), a strike-all amendment, was reported favorably by the Senate Appropriations Committee on April 5. The bill creates the Coast-to-Coast Comprehensive Water Resources Program, focusing on issues related to Lake Okeechobee, the St. Lucie and Caloosahatchee estuaries, St. Johns River and Keystone Heights, Florida Keys, and Indian River Lagoon. A copy of the legislative staff analysis can be read [here](#). The bill has been placed on the Special Calendar for April 12.

#### Miscellaneous:

**Unmanned Aircraft:** [CS/SB 832](#) (Sen. Young) vests the authority to regulate the ownership or operation of unmanned aircraft systems (drones) with the state. However, this would not limit the authority of a local government to enact or enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of unmanned aircraft systems if such laws or ordinances are not specifically related to the use of an unmanned aircraft system for those illegal acts. The bill was reported favorably by the Senate Transportation Committee on April 4 and now moves to the Senate Communications, Energy and Public Utilities Committee, its third of four committees of reference. A similar bill, [CS/HB 1027](#) (Rep. Yarborough), was reported favorably by the House Government Accountability Committee, its last committee of reference, on April 6.

**Regulated Professions and Occupations:** [CS/SB 802](#) (Sen. Passidomo) was moved favorably by the Senate Judiciary Committee on April 4. The bill 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. The bill now moves to the Senate Rules Committee, its last committee of reference.

### Legislative Newsclips

[Senate Panel Advances Cannabis Measure](#)

Nick Evans, WUSF, April 4

[Bill in Florida Senate spurs property rights vs. quality of life debate](#)

Isadora Rangel, TCPalm, April 3

[Major issues get little attention as Scott, lawmakers feud](#)

Gray Rohrer, Orlando Sentinel, April 3

[Pork vs Progress: House, Senate philosophically split on member projects](#)

Matt Dixon, Politico Florida, April 7

[Corcoran says Everglades reservoir bonding still a problem as others raise concerns](#)

Bruce Ritchie, Politico Florida, April 6

---

### Annual Sponsors



The Florida Chapter of APA provides statewide leadership in the development of sustainable communities by advocating excellence in planning, providing professional development for its members, and working to protect and enhance the natural and built environments.



American Planning Association - Florida Chapter  
2017 Delta Blvd  
Suite 201  
Tallahassee, FL 32303  
850.201.3272

Update your [Email Preferences](#) or [Unsubscribe](#)