

Legislative Reporter

APA Florida Bill Tracking Report

The 2017 Legislative Session concluded its third week. Over the week, the Office of Economic and Demographic Research held a series of revenue estimating conferences. Additionally the appointments to the 2017-18 Constitutional Revision Commission have been completed; click [here](#) to read about the appointees. The commission had its first meeting on March 20 and is anticipated to begin its work in April.

The latest Bill Tracking report dated March 24 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.

Legislative Updates

Since the [March 17 update](#) posted on the APA Florida website, many bills have had action. Of note:

Growth Management

Local Regulation Preemption: [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 July 1, 2020. Regulations that are adopted pursuant to general law authorization could not be modified in the future to impose any additional regulations. This bill was last heard in committee on Feb. 22 and was sent to the House Commerce Committee, its last committee of reference, on March 17. A companion bill has not been filed to date in the House.

Local Business Tax: [CS/HB 487](#) (Rep. Renner) allows counties and municipalities to continue to levy business taxes after July 1 (the effective date of the proposed bill) only if an appropriate resolution or ordinance was adopted before Jan. 1, 2017. It also adds low-income persons, veterans and active duty military servicemembers' spouses to the entities exempted from a business tax. The bill was moved favorably by the House Local, Federal & Veterans Affairs Subcommittee on March 21 and now moves to the House Ways & Means Committee, its second of three committees of reference. [CS/SB 330](#) (Sen. Steube), which originally contained the restriction on levying local business taxes and also capped the amount of tax, was amended by the Senate Community Affairs Committee on March 22. The amended bill removed this restriction and caps. It now just creates an exemption from a local business tax for veterans and surviving spouses, active military servicemember spouses, and people receiving public assistance, or a person whose household income is less than 130 percent of the federal poverty level. [CS/SB 330](#) now moves to the Appropriations Subcommittee on Finance and Tax, its second of three committees of reference.

Vacation Rentals: [CS/SB 188](#) (Sen. Steube), a strike-all amendment, was moved favorably by the Senate Regulated Industries Committee on March 21. The bill originally prohibited local governments from regulating vacation rentals based only on their classification, use or occupancy. The amended bill now states that a local law, ordinance or regulation may regulate activities that arise when a property is used as a vacation rental provided that the regulation applies uniformly to all residential properties. However local governments may not prohibit vacation rentals or regulate the duration or frequency of rentals. This bill does not apply to local law, ordinance or regulation adopted on or before June 1, 2011 unless they are being amended to be less restrictive. The bill now moves to the Senate Community Affairs Committee, its second of three committees of reference. [HB 425](#) (Rep. La Rosa), identical to the original version of SB 188, is in the House Careers & Competition Subcommittee, its second of three committees of reference.

Linear Facilities: [HB 1055](#) (Rep. Ingram) and [SB 1048](#) (Sen. Lee) are identical bills that amend paragraphs 380.04(b) and (h), F.S., which contain the exemptions from "development." The bills provide that the exemption for work done on established rights-of-way applies also to rights-of way and corridors to be established. They also provide that the exemption for the creation of specified types of property rights applies to creation of distribution and transmission corridors. The bills make 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. According to the legislative staff analysis, these bills overturn a Third District Court of Appeal (the court) decision in a power plant siting case (*Miami-Dade County, et al v. In Re: Florida Power & Light Co. etc. et al.*). [HB 1055](#) was moved favorably by the House Natural Resources & Public Lands Subcommittee on March 20 and now moves to the House Commerce Committee, its last committee of reference. [SB 1048](#) was moved favorably by the Senate Community Affairs Committee, its last committee of reference, on March 22 and placed on the Senate Calendar on 2nd Reading.

Small Food Retailers: [CS/HB 1083](#) (Rep. Lee) was moved favorably by the House Agriculture & Property Rights Subcommittee on March 21. The bill establishes a three-year Healthy Food Assistance Program within the Department of Agriculture and Consumer Services. The purpose of the program is to provide a process for small food retailers to receive assistance for projects that increase the availability and sales of fresh and nutritious food, including fresh vegetables, fruits, meats, and seafood in low- and moderate-income communities. The program would end on June 30, 2020 unless reenacted by the legislature. It was amended in subcommittee to delete a requirement for OPPAGA to conduct an independent study to evaluate the policy impact of placing healthy food in previously underserved communities. The bill now moves to the House Agriculture & Natural Resources Appropriations Subcommittee, its second of three committees of reference.

A similar bill, [CS/SB 1592](#) (Sen. Bean) was moved favorably by the Senate Agriculture Committee on March 21 and now moves to the Senate Appropriations Subcommittee on the Environment and Natural Resources, its second of four committees of reference.

Vessels: [CS/HB 7043](#) (Rep. Raschein), a strike-all amendment, was moved favorably by the House Agriculture and Natural Resources Appropriations Subcommittee on March 21. The revised bill 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 pumpout 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 now moves to the House Government Accountability Committee, its last committee of reference.

[CS/SB 1338](#) (Sen. Book), a strike all amendment which made the bill generally consistent with CS/HB 7043, was moved favorably by the Senate Environmental Preservation and Conservation Committee on March 22. This bill now moves to the Senate Appropriations Subcommittee on the Environment and Natural Resources, its second of three committees of reference.

Economic Development/Redevelopment

Community Redevelopment Agencies: [SB 1770](#) (Sen. Lee) was scheduled to be heard by the Senate Community Affairs Committee on March 22 but the committee ran out of time. The next meeting will be on March 27. It should be noted that Sen. Lee has filed [three amendments](#) to the bill. The current bill language states 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; [one of the filed amendments](#) would allow the governing body to approve a CRA's continued existence by a supermajority vote.

[CS/HB 13](#) (Rep. Raburn) is a similar bill but does not currently include the option to retain an existing CRA through supermajority vote of the local municipality. This bill is in the House Ways & Means Committee, its second of three committees of reference.

Hazard Mitigation

Natural Hazards: [CS/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 and an annual report would be submitted to the Governor and Legislature. The bill authorizes funding from the Grants and Donations Trust Fund for the upcoming fiscal year to implement the bill.

CS/HB 181 was moved favorably by the House Government Accountability Committee on March 22, its last committee of reference, and was placed on the House Calendar on 2nd Reading. [SB 464](#) (Sen. Clemens), is a similar bill but does not include the funding language. It was moved favorably by the Senate Governmental Oversight and Accountability Committee on March 22 and now moves to the Senate Rules Committee, its last committee of reference.

Public Notice/Meetings

Public Notices by Local Governmental Entities: [SB 1444](#) (Sen. Stewart) was withdrawn from further consideration on March 21. The bill would have provided 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. A similar bill, [HB 897](#) (Rep. Stark), was to have been heard by the House Local, Federal & Veterans Affairs Subcommittee on March 15 but was temporarily postponed.

Schools

Maximum Class Size: 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. Similar bills [CS/HB 591](#) (Rep. Massullo) and [SB 808](#) (Sen. Mayfield) remove 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 bills repeal 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.

CS/HB 591 was moved favorably by the House Pre-K-12 Appropriations Subcommittee on March 20 and by the House Education Committee, its last committee of reference, on March 23. SB 808 was moved favorably by the Senate Education Committee on March 21 and now moves to the Senate Appropriations Subcommittee on Pre-K-12 Education, its second committee of reference.

Public Education Facilities: [SB 642](#) (Sen. Garcia) and [HB 559](#) (Rep. Duran) are similar bills which specify, 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 bills also require 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.

SB 642 was moved favorably by the Senate Education Committee on March 21 and now moves to the Senate Appropriations Subcommittee on Pre-K-12 Education, its second of three committees of reference. HB 559 has not yet been heard in committee.

Transportation

Financing of Fixed-guideway Public Transit Projects: [SB 752](#) (Sen. Flores) would revise the maximum percentage of funding the Florida Department of Transportation may provide for final design, ROW acquisition and construction phases of fixed-guideway projects that are not approved for federal funding from 12.5 percent of total cost to 25 percent. The bill was to be heard by the Senate Transportation Committee on March 22 but was temporarily postponed. The next meeting of this committee is March 28. The House companion bill, [HB 315](#) (Rep. Duran) has not yet been heard in committee.

Water/Natural Resources

Land Acquisition Trust Fund: [CS/SB 982](#) (Sen. Mayfield) requires an annual appropriation

of \$30 million for projects dedicated to the restoration of the Indian River Lagoon. Funds may be used for land management and acquisition and for recreational opportunity and public access improvements connected with the Indian River Lagoon system. The bill was moved favorably by the Senate Environmental Preservation and Conservation Committee on March 22 and now moves to the Senate Appropriations Subcommittee on the Environment and Natural Resources, its second of three committees of reference. The House companion bill, [HB 1033](#) (Rep. Altman) has not yet been heard in committee.

Miscellaneous

Deregulation of Professions and Occupations: [HB 7047](#) (Rep. Beshears) 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 [SB 802](#) (Sen. Passidomo) also contain similar language. HB 7047 was moved favorably by the House Government Operations & Technology Appropriations Subcommittee on March 21 and now moves to the House Commerce Committee, its last committee of reference. HB 802 is in the Senate Judiciary Committee, its second of three committees of reference, while SB 1396 has not yet been heard in committee.

Drones: [CS/SB 832](#) (Rep. Young) vests the authority to regulate the ownership or operation of unmanned aircraft systems with the state. However this does 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 Senate Criminal Justice Committee amended the bill on March 21 to state that a prohibition against operating over a critical infrastructure facility does not apply to drones operating in transit for commercial purposes in compliance with Federal Aviation Administration regulations. The bill now moves to the Senate Transportation Committee. A similar bill, [CS/HB 1027](#) (Rep. Yarborough) was moved favorably by the House Transportation and Infrastructure Subcommittee on March 21 and now moves to the Careers and Competition Subcommittee, its second of three committees of reference.

Disposable Plastic Bags: [SB 162](#) (Sen. Rodriguez) authorizes a coastal community with a population of fewer than 100,000 people to establish a pilot program to regulate or ban disposable plastic bags. A municipality that establishes a pilot program must enact an ordinance for the regulation or ban of disposable bags, which may not take effect earlier than Jan. 1, 2018, and must expire no later than June 30, 2020. The enacted ordinance may not include new taxes or fees on the use or distribution of disposable plastic bags. Additionally, a municipality that establishes a pilot program is required to collect data pertaining to the impact of its regulation or ban and submit a report on the impact of such regulation or ban to the governing body of the municipality at a public hearing. A copy of the report must also be provided to the Department of Environmental Protection.

The bill was moved favorably by the Senate Environmental Preservation and Conservation Committee on March 22 and now goes to the Senate Community Affairs Committee, its second of four committees of reference. A similar bill, [HB 93](#) (Rep. Richardson) has not yet been heard in committee.

Local Government Ethics Reform: [CS/HB 7021](#) makes numerous changes to Florida's Code of Ethics for Public Officers and Employees as it relates to local government officers, employees, and lobbyists. It was moved favorably by the House Government Accountability Committee, its last committee of reference, on March 22.

Legislative Newsclips

[Scott, lawmakers should keep their hands off Sadowski affordable-housing funds](#)
Editorial, Bradenton Herald, March 21

[Critics: Bill to implement solar tax breaks has become a vehicle for solar barriers](#)
Mary Ellen Klas, Miami Herald, March 21

[State Legislature, Rick Scott Moving Too Slowly on Medical Marijuana, say Voters](#)
Allison Nielsen, Sunshine State News, March 21

[Wireless Technology Sparks Legislative Debate](#)
Jim Turner, News Service of Florida, March 20

[Joe Negron's Lake Okeechobee bill could decide Enterprise Florida's fate](#)
Craig Pittman, Tampa Bay Times, March 21

[Florida fracking foes rally at Capitol, but proposed ban splits Legislature](#)
Arek Sarkissian, Naples Daily News, March 22

[Bill would require city officials to file state financial disclosures](#)
Drew Wilson, Saint PetersBlog, March 2

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