Legislative Reporter
APA Florida Bill Tracking Report
APA Florida's latest Bill Tracking Report is dated Jan. 19 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 and 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 2018 Legislative Session.

Legislative Update
This week ends the second week of the session. Since the last update, the following bills of note had action or were filed:

Growth Management
Affordable Housing*:* CS/HB 987 (Rep. Cortes) amends the requirements in s.125.379 F.S. and s.166.0451 F.S. for a county and municipal inventory list of properties appropriate for use as affordable housing. On Jan. 16, it was moved favorably by the House Local, Federal & Veterans Affairs Subcommittee, its first of three committees of reference. (A similar bill, SB 1328 (Sen. Perry) has been referred to three committees of reference.) The bill states that the real property must be evaluated on criteria that includes environmental suitability for construction, site characteristics, current land use designation, current or anticipated zoning, inclusion in at least one special district meant to revitalize the community; existing infrastructure; proximity to employment opportunities; proximity to public transportation, and proximity to existing services. The committee substitute added the phrase "meant to revitalize the community" after "special district" in the criteria above. The bill continues to propose the following:

- Beginning July 1, 2018, and ending June 20, 2023, a local government may not charge a mobility or impact fee for the development or construction housing that is affordable, as defined in s.420.9071
- Counties and municipalities must report, in the annual financial reports under s.218.32, the following data on all impact fees charged: 1) The specific purpose of the impact fee, including the specific infrastructure need to be met, such as transportation, parks, water, sewer, and schools; 2) The Impact Fee Schedule Policy, describing the method of calculating impact fees, such as flat fee, tiered scale based on number of bedrooms, and tiered scale based on square footage; 3) The amount assessed for each purpose and type of dwelling; 4) The total amount of impact fees charged by type of dwelling; 5) Each exception and waiver provided for affordable housing developments.
- Creation of s.420.007, Local Permit Approval Process for Affordable Housing, which identifies a process local government needs to follow when reviewing an application for a development permit, construction permit or certificate of

occupancy for affordable housing. A local government would have 15 days to request additional information and may require the additional information to be submitted within ten days. The local government must approve or deny with 60 days of a completed application. If action is not taken within this time period, permit application is considered approved.

- Creation of s.420.56, Disposal of surplus lands for use of affordable housing, to require DEP to notify the Florida Housing Finance Corporation when nonconservation land of the Internal Improvement Trust Fund, FDOT and all water management districts, becomes available for surplus before making the parcel available for any other use including purchase by other governmental entities or the public. If the corporation determines that the land is suitable for affordable housing, the owning entity must first offer the land to the county and municipality where the land is located to be used for affordable housing. If the county or municipality does not want the parcel, the entity may dispose of it as otherwise provided by law.
- Creates the Hurricane Housing Recovery Program and Recovery Rental Loan Program to provide funds to local governments for affordable housing recovery efforts.
- For 2018-19 fiscal year, 20 percent of the most recent revenue estimate from both the Local Government Housing Trust Fund and the State Housing Trust Fund would be appropriated to the Florida Housing Finance Corporation for affordable housing hurricane recovery efforts.

CS/HB 987 now moves to the House Transportation & Tourism Appropriations Subcommittee, its second of three committees of reference.

Developments of Regional Impact: HB 1151 (Rep. La Rosa) and SB 1244 (Sen. Lee) are identical bills that basically eliminate most of the existing DRI process. The bills make a number of changes, among which are the following:

- Repealing DEO authority to issue binding letters but allows local governments to amend binding letters of vested rights based on standards and procedures in the adopted local comprehensive plan or land development code;
- Deleting all requirements for DRI applications and review procedures, reporting requirements and substantial deviation criteria;
- Preserving all essentially built-out agreements and determinations, binding letters and clearance letters, master incremental DRI agreements, preliminary development agreements, areawide DRI approvals;
- Stating that selection of contractor or design professional related to construction or expansion of public facility by private developer pursuant to a development order condition is not subject to competitive bidding or competitive negotiation;
- Stating that amendments to a DRI does not diminish or alter and credits for a development order or exaction or fee when the credits are based on a developer's contribution of land or public facility;
- Requiring local governments to review changes to a DRI based on the standards and procedures in its local comprehensive plans and land development regulations, and limiting new development order conditions to only those impacts directly created by the proposed change;

- Repealing all rules related to DRIs that are codified in chapter 73C-40 and repealing aggregation rules.

HB 1151 is scheduled to be heard in the House Agriculture & Property Rights Subcommittee, its first committee of reference, on Jan. 23; SB 1244 is scheduled to be heard in the Senate Community Affairs Committee, its first committee of reference, on Jan. 23.

Impact/Permit Fees*:* CS/CS/HB 697 (Rep. Miller) was moved favorably by the House Ways & Means Committee on Jan. 17. The bill makes technical changes to s.163.31801, F.S., and provides a limitation on the timing of collecting impact fees to no earlier than the issuance of a building permit. The bill also codifies requirements for imposing and using impact fees articulated by the Florida Supreme Court in *St. Johns County v. Northeast Florida Builders Association, Inc.*, 583 So. 2d 635, 637 (Fla. 1991). Under the amendment, impact fees will be required to have a rational nexus to both the need for additional capital facilities and the increased impact generated by the new residential or commercial construction. The impact fee must also be reasonably connected to or have a rational nexus with the expenditures of the funds collected and the benefits accruing to the new residential or commercial construction. Local governments will be required to earmark the funds collected by the impact fees for use in acquiring the capital facilities to benefit the new residents. Finally, impact fees collected by a local government may not be used to pay existing debt or pay for prior approved projects unless such expenditure is reasonably connected to, or has a rational nexus with, to the impact generated by the new construction. The bill now moves to the House Government Accountability Committee, its last committee of reference.

CS/324 (Sen. Young) is virtually identical to CS/HB 697 and is in the Senate Appropriations Subcommittee on Finance and Tax, its second of three committees of reference.

Linear Facilities: SB 494 (Sen. Lee) amends the exemptions from the land-use-consistency provisions of the Power Plant Siting Act (PPSA) and Transmission Line Siting Act (TLSA) to provide that they apply to established rights-of-way and corridors, to rights-of-way and corridors yet to be established, and to creation of distribution and transmission corridors. The bill establishes the standard to be used in authorizing variances in a site certification under the PPSA and the TLSA. It also provides that the PPSA and TLSA cannot affect in any way the Public Service Commission's (PSC) exclusive jurisdiction to require transmission lines to be located underground.

The bill was moved favorably by the Senate Community Affairs Committee, its last committee of reference, on Jan. 16 and placed on the Calendar on 2nd Reading. HB 405 (Rep. Williamson), an identical bill, has been moved favorably by all three of its committees of reference and is currently on the House Calendar on 2nd Reading.

Local Tax Referenda: CS/CS/SB 272(Sen. Brandes), a strike-all amendment, was moved favorably by the Senate Appropriations Subcommittee on Finance and Tax on Jan. 16. The bill previously provided that a referendum to adopt or amend a local option

discretionary sales surtax that is held at any date other than a general election requires the approval of at least 60 percent of the electors voting on the ballot question. If the referendum is held at a general election, only a simple majority is required. The bill was amended to state that a referendum to adopt or amend a local government discretionary sales surtax shall be held at a general election as defined in s.97.021.

CS/CS/HB 317 (Rep. Ingolia), was moved favorably by the House Government Accountability Committee, its last committee of reference, on Jan. 18. The committee substitute made the bill consistent with CS/CS/SB 272.

Property Tax Exemptions: SB 934 (Sen. Hukill) would increase the existing ad valorem tax exemption for Florida residents who are widows, widowers, blind, or totally and permanently disabled from $500 to $5,000. The bill was moved favorably by the Senate Community Affairs Committee on Jan. 16 and now moves to the Senate Appropriations Subcommittee on Finance and Tax, its second of three committees of reference. An identical bill, HB 727 (Rep. Grall) is in the House Ways & Means Committee, its first of two committees of reference.

***Public Meetings/Public Participation*:** SB 192 (Sen. Baxley) revises Florida's "Government in the Sunshine Law," or "Sunshine Law," by codifying judicial interpretation and application of s.286.011, F.S. Specifically, the bill provides definitions for the terms: "de facto meeting," "discussion," "meeting," "official act," and "public business." The bill 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.

A resolution, rule or formal action is not considered binding unless taken or made at a public meeting. Finally, the bill provides in statute that notice is not required when two or more members of a board are gathered if no official acts are taken and no public business is discussed.

SB 192 was moved favorably by the Senate Rules Committee, its last committee of reference, on Jan. 11 and placed on the Calendar on 2nd Reading. HB 79 (Representative Roth), a similar bill, is in the House Oversight, Transparency & Administration Subcommittee, its first of three committees of reference and scheduled to be heard on January 23.

Sports Franchise Facilities: HB 13 (Rep. Avila) was passed by the House on Jan. 12. The bill would prohibit a sports franchise from constructing, reconstructing, renovating, or improving a facility on public land leased from the state or a political subdivision thereof. The bill also requires a lease of a facility on public land by the state or a political subdivision to a sports franchise to be at fair market value. In addition, the bill requires

a sale of public land by the state or a political subdivision for a sports franchise to construct, reconstruct, renovate, or improve a facility on such land to be at fair market value. The bill requires a contract or agreement, or a renewal of or an amendment to an existing contract or agreement, entered into on or after July 1, 2018, between the state or a political subdivision and a sports franchise to fund the construction, reconstruction, renovation, or improvement of a facility to include a provision requiring the sports franchise to pay any outstanding debt incurred by the state or political subdivision to fund such construction, reconstruction, renovation, or improvement if the sports franchise permanently discontinues use of the facility. The bill specifies that the provisions in the bill may not be construed to impair any contract entered into before July 1, 2018, without the consent of the parties.

SB 352 (Sen. Garcia), a similar bill, has been referred to three committees of reference.

Economic Development/Redevelopment

Community Redevelopment Agencies*:* CS/HB 17 (Rep. Raburn) was passed by the House on Jan. 12. The bill provides that the creation of new CRAs on or after Oct. 1, 2018, may only occur by special act of the legislature. It provides for the eventual phase-out of existing CRAs at the earlier of the expiration date stated in the agency's charter or on September 30, 2038, with the exception of those CRAs with any outstanding bond obligations. However, phase-out may be prevented if a supermajority of board members serving on the board of the entity that created the CRA vote to retain the agency. The bill provides a process for the Department of Economic Opportunity to declare a CRA inactive if it has no revenue, expenditures, and debt for three consecutive fiscal years.

This bill also contains several elements intended to increase accountability and transparency for CRAs by:

- Requiring the governing board members of a CRA to undergo four hours of ethics training annually;
- Requiring each CRA to use the same procurement and purchasing processes as the creating county or municipality;
- Expanding the annual reporting requirements for CRAs to include audit information and performance data and requiring the information and data to be posted on the agency website;
- Providing that monies in the redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners of the CRA and only for those purposes specified in current law beginning Oct. 1, 2018;
- Authorizing the local governing body creating the CRA to adjust the level of tax increment financing available to the CRA;
- Requiring a CRA created by a municipality to provide its budget and any amendments to the board of county commissioners for the county in which the CRA is located by a time certain; and
- Requiring counties and municipalities to include CRA data in their annual financial report.

- Clarifying that a CRA must submit a copy of its budget to the board of county commissioners within 10 days after the date of adoption of such budget
- Clarifying that a CRA may only expend redevelopment trust fund monies for the purpose of exercising powers granted under s.163.370, F.S., to the extent those powers have been delegated pursuant to s.163.358, F.S.
- Requiring a county or municipality who petitions for the creation of a CRA by special act to include the audit report of the CRA in its annual financial report.

SB 432 (Sen. Lee) also deals with Community Redevelopment Agencies is in the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development, its second of four committees of reference. This bill does not include language related to phasing-out of CRAs but does provide a process for the Department of Economic Opportunity (DEO) to declare a CRA inactive if it has no revenue, expenditures, and debt for three consecutive fiscal years. The bill also includes a number of changes related to increasing accountability and transparency of CRAs.

CS/HB 883 (Rep. Ingoglia) also deals with community development districts. This bill states that a petition to establish a new community development district of less than 2,500 acres over land in one jurisdiction may identify adjacent parcels that the petitioner expects to add to the district's boundaries within the next 10 years. Specific information regarding these parcels is required and no parcel can be included in the petition without the written consent of the landowner. The bill also includes a process for actually amending the district to include such a parcel. HB 883 was moved favorably by the House Local, Federal & Veterans Affairs Subcommittee on Jan. 16 and now moves to the House Government Accountability Committee, its last committee of reference. A similar bill, SB 1348 (Sen. Perry) is scheduled to be heard by the Senate Community Affairs Committee, its first of three committees of reference, on Jan. 23.

Rural Economic Development: CS/SB 990 (Sen. Montford) would create s.288.062, the Florida Rural Community Jobs and Business Resiliency Act. This bill would allow the creation of rural growth funds, defined as an entity certified by DEO pursuant to certain criteria, which are intended to invest in rural businesses in counties of 75,000 or less. The bill was moved favorably by the Senate Commerce and Tourism Committee on Jan. 16 with one amendment. The bill, as originally filed, stated that Department of Economic Opportunity "may not approve more than $200 million in investment authority and may not approve investor contributions equaling more than 3.75 percent of the total investment authority in the taxable years that include the third through seventh anniversaries of the closing date." The amended bill changed that to read "… may not approve more than $100 million in investment authority and may not approve more than $60 million in investor contributions under this section."

The bill now moves to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, its second of three committees of reference. A similar bill, HB 1415 (Rep. Beshears) is in the House Agriculture & Property Rights Subcommittee, its first of three committees of reference.

Fiscal Transparency/Government Accountability
***Local Government Fiscal Transparency*:** HB 7 (Rep. Burton) was passed by the House on Jan. 12 after having only one committee stop back in October. The bill contains several elements intended to increase the fiscal transparency of local governments. A similar bill, SB 1426 (Sen. Lee), was filed on Jan. 2 and has been referred to three committees.

Based on the legislative staff analysis, HB 7 requires easy public access to local government governing boards' voting records related to tax increases and issuance of tax-supported debt (phased in over four years). The bill also requires easy online access to property tax TRIM notices and a four-year history of property tax rates and amounts at the parcel level. This requirement is phased in over three years. Further, a four-year history of property tax rates and total revenue generated at the jurisdiction level must be provided on government websites.

The bill requires additional public meetings and expands public notice requirements for local option tax increases, other than property taxes, and new long-term, tax-supported debt issuances. Public notices for proposed tax increases must contain information regarding the rate and total annual amount of revenue expected, the annual additional revenue expressed as a percent of annual general fund revenue, detailed explanation of intended uses of the levy, and an indication of whether or not the tax proceeds will be used to secure debt. Public notices for proposed new, long-term debt issuance must disclose the total lifetime costs of the debt, annual debt service, and effects of the new debt on a government's debt affordability measures.

Local governments must conduct a debt affordability analysis prior to approving the issuance of new, long-term tax-supported debt. The analysis would, at a minimum, calculate a debt affordability ratio for the most recent five years and at least two projected years to gauge the effects of the new debt issuance on the government's debt service to revenue profile. The debt affordability ratio is the annual debt service for outstanding tax-supported debt divided by total annual revenues available to pay debt service on outstanding debt.

Currently, local governments are required to have a CPA conduct an annual financial audit, if the Auditor General has not already scheduled an audit. The bill requires the auditor to include an affidavit signed by the chair of the municipal governing board stating that it is in compliance with the provisions of the new "Local Government Fiscal Transparency Act" contained in Part VIII of ch. 218, F.S., created by the bill. The Auditor General must request evidence of corrective action from local governments found not to be in compliance with the act. Local governments must provide evidence that corrective action has been initiated within 45 days and evidence of completion within 180 days of such request. The Auditor General must report to the Legislative Auditing Committee local governments that do not take corrective action.

The bill revises the local government reporting requirements for economic development incentives. It requires each county and municipality to report to the Office of Economic

and Demographic Research whether the incentive was provided directly to an individual business or by another entity on behalf of the local government and the source of local dollars, and any state or federal dollars obligated for the incentive. The bill also revises the statutory classes of economic development incentives.

HB 7003 (Rep. Metz) deals with local government ethics reform and was passed by the House on Jan. 12. The bill makes numerous changes to Florida's Code of Ethics for Public Officers and Employees (Code) as it relates to local government officers, employees, and lobbyists. Specifically, the bill:

- Requires elected mayors and city commissioners serving municipalities with $10 million or more in total revenue for three consecutive years to file a full and public disclosure of their financial interests in lieu of the less detailed form of disclosure required under current law;
- Corrects an oversight with respect to the code's prohibition on conflicting employment or contractual relationships;
- 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;
- Requires local officers that must abstain from voting on a measure due to a conflict of interest to disclose the conflict prior to participating in the measure;
- Adds school districts to the list of governmental entities that must withhold salary-related payments from employees for failure to timely file a 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 (Commission); and
- Provides that local government ordinances that require registration are preempted by the Local Government Lobbyist Registration System established by the Commission.

School Planning

School District Accountability: CS/HB 1279 (Rep. Sullivan) was moved favorably by the PreK-12 Quality Subcommittee with some amendments on Jan. 17. The bill, as amended:

- Requires school boards to provide financial efficiency data and fiscal trend information;
- Requires the Department of Education to develop a web-based tool that identifies schools and districts with high academic achievement based on per pupil expenditures; and
- Requires school boards to provide a full explanation of, and approve, any budget amendment at the boards' next public meeting.
- Requires school districts with revenues more than $500 million to employ an internal auditor;
- Requires school districts with low ending fund balances to reduce administrative costs and other expenditures;
- Requires districts in a financial emergency to withhold the salaries of superintendents and school board members until the emergency is addressed;

- Clarifies that the Department of Education's Office of Inspector General must investigate allegations and reports of fraud and abuse from certain government officials; and
- Requires the Auditor General to perform follow-up procedures to determine a school board's progress in addressing audit findings.
- Prohibits appointed, along with elected superintendents, from lobbying school districts for a period of two years after vacating the position;
- Aligns school board member salaries with beginning teacher salary or the amount calculated by statute, whichever is less;
- Requires prior school board approval for reimbursement of out-of-district travel expenses;
- Requires school boards to withhold a portion of an employee's salary who owes a public financial disclosure fine;
- Repeals s.1011.64, F.S., relating to school district minimum classroom expenditure requirements; and
- Prohibits superintendents, along with district school board members, from employing or appointing a relative to work under their direct supervision.
- Require school districts with previous operational audit findings to provide evidence of corrective action;
- Require a district school board member's request for out-of-state travel to include an itemized list of all anticipated expenses and provide an opportunity for public comment on the travel request agenda item;
- Authorize individual district school board members to request and receive budget information;
- Specify that districts must reduce administrative costs in proportion to the reduction in their general funds ending balance or the reduction in student enrollment, whichever is greater, when the district's ending fund balance is below the 3-percent threshold for two consecutive years; and
- Require an investigation, instead of a forensic audit, when school districts are unable to timely pay current debts and liabilities

SB 1804 (Sen. Stargel), a similar bill, has been referred to three committees of reference.

Transportation

Bicycle/Pedestrian Planning: CS/HB 1033 (Rep. Toledo) and SB 1304 (Sen. Young) are similar bills that create s.341.851 F.S. to preempt regulation of dockless bicycles and bicycle sharing companies to the state. The House Careers & Competition Subcommittee moved the original bill with a strike-all amendment that basically clarified that the bill only applies to dockless bicycles and dockless bicycle companies. The bills require bicycle sharing companies to maintain insurance and identifies specific requirements for the bicycles. The bills also include specific requirements that bicycle sharing companies must follow. Local governments may not:

- Impose a tax on, or require a license for, a dockless bicycle or a bicycle sharing company relating to reserving a dockless bicycle;
- Subject a dockless bicycle or a bicycle sharing company to any rate, entry, operation, or other requirement of the local governmental entity;

- Require a bicycle sharing company to obtain a business license or any other type of authorization to operate within the jurisdiction of the local governmental entity; or
- Enter into a private agreement containing a provision that prohibits a bicycle sharing company from operating within the jurisdiction of the local governmental entity or that limits the operation of a bicycle sharing company within such jurisdiction. To the extent that a local governmental entity entered into an agreement containing such a provision before July 1, 2018, such provision is unenforceable.

SB 1304 has been referred to three committees of reference but has not yet been heard.

LEGISLATIVE NEWS

Vacation rentals become focal point of state vs. local power struggle
Kenya Woodard, Palm Beach Post (Jan. 21)

Judge sides with Florida House instead of Emeril TV producer
Ashley Richmond, WTXL (Jan. 20)

House Speaker rejects state aid for Miami's Amazon bid
Lloyd Dunkelberger, Florida Politics (Jan. 18)

No special elections in Latvala, Hahnfeldt districts
News Service of Florida (Jan. 18)

Secret talks among CRC members 'just part of the process,' says commissioner
Daniel Ducassi, Politico Florida (Jan. 19)