

Tab 1	SB 334 by Stewart; Tourist Development Tax					
Tab 2	SB 410 by Perry; (Identical to CS/H 00203) Growth Management					
667322	A	S	RCS	CA, Perry	Before L.14:	01/29 11:52 AM
Tab 3	SB 1336 by Perry; (Similar to CS/H 00003) Preemption of Local Occupational Licensing					
395716	A	S	RCS	CA, Perry	Delete L.29:	02/05 02:59 PM
260602	A	S	WD	CA, Farmer	Delete L.42 - 53:	02/05 02:59 PM
662766	A	S	WD	CA, Farmer	Delete L.42 - 53:	02/05 02:59 PM
132314	A	S	RCS	CA, Farmer	Delete L.42 - 53:	02/05 02:59 PM
812038	A	S	WD	CA, Perry	Delete L.42 - 53:	02/05 02:59 PM
Tab 4	SB 716 by Mayfield; (Identical to CS/H 00345) County Boundaries					
Tab 5	SB 772 by Hutson (CO-INTRODUCERS) Perry, Flores; (Similar to CS/H 00647) Recreational Vehicle Parks					
685962	A	S	RCS	CA, Hutson	Delete L.124:	01/29 08:09 AM
Tab 6	SB 996 by Albritton; (Compare to H 00639) Displacement of Private Waste Companies					
469442	D	S	RCS	CA, Albritton	Delete everything after	01/29 11:52 AM
Tab 7	SB 1236 by Gruters; Educational Property Tax Exemption					
928038	A	S	RCS	CA, Gruters	Delete L.50 - 54:	01/29 11:52 AM
Tab 8	SB 1466 by Baxley (CO-INTRODUCERS) Broxson; (Similar to H 00855) Special Districts					
Tab 9	SB 748 by Flores; (Similar to CS/CS/H 00587) Takings Claims Within Areas of Critical State Concern					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Flores, Chair
Senator Farmer, Vice Chair

MEETING DATE: Monday, January 27, 2020
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Building

MEMBERS: Senator Flores, Chair; Senator Farmer, Vice Chair; Senators Broxson, Pizzo, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 334 Stewart	Tourist Development Tax; Authorizing counties imposing the tax to use the tax revenues to promote or incentivize film or television productions in this state; requiring such counties to require certain productions to include a specified statement in the production's credits, etc. CA 01/27/2020 Favorable FT AP	Favorable Yeas 4 Nays 0
2	SB 410 Perry (Identical CS/H 203)	Growth Management; Requiring a comprehensive plan to include a property rights element; providing a statement of rights that a local government may use; requiring a local government to adopt a property rights element by a specified date; providing that a local government's property rights element may not conflict with the statutorily provided statement of rights, etc. CA 01/27/2020 Fav/CS JU RC	Fav/CS Yeas 5 Nays 0
3	SB 1336 Perry (Similar CS/H 3)	Preemption of Local Occupational Licensing; Preempting licensing of occupations to the state; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman licenses, etc. CA 01/27/2020 Amendment Adopted - Temporarily Postponed IT RC	Amendment Adopted - Temporarily Postponed
4	SB 716 Mayfield (Similar H 345)	County Boundaries; Revising county boundaries, etc. CA 01/27/2020 Favorable GO RC	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Monday, January 27, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 772 Hutson (Identical H 647)	Recreational Vehicle Parks; Providing a timeframe for certain owners or transferees to apply for a permit; preempting to the Department of Health the regulatory authority for permitting standards; providing that evidence of a certain length of stay in a guest register creates a rebuttable presumption that a guest is transient; specifying when certain property becomes abandoned; authorizing a park operator to refuse certain individuals access to the premises and to eject transient guests or visitors based on specified conduct; providing that a person who refuses to leave the park premises commits the offense of trespass, etc. CA 01/27/2020 Fav/CS HP RC	Fav/CS Yeas 5 Nays 0
6	SB 996 Albritton (Compare H 639)	Displacement of Private Waste Companies; Revising the process for a local government to displace a private waste collection company in a county or municipality; requiring a local government to announce its intent to adopt an ordinance or a resolution for organized collection service through a resolution of intent; prohibiting a local government from commencing organized collection service for a specified time after adoption of a certain ordinance or resolution, etc. CA 01/27/2020 Fav/CS EN RC	Fav/CS Yeas 3 Nays 1
7	SB 1236 Gruters	Educational Property Tax Exemption; Exempting land and real property improvements used exclusively for educational purposes from ad valorem taxes if an educational institution, under a ground lease or other contractual arrangement, meets certain criteria; providing that the educational institution shall receive the full benefit from the exemption, etc. CA 01/27/2020 Fav/CS FT AP	Fav/CS Yeas 4 Nays 0
8	SB 1466 Baxley (Similar H 855)	Special Districts; Revising the list of items required to be included on the websites of special districts, etc. CA 01/27/2020 Favorable GO RC	Favorable Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Monday, January 27, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 748 Flores (Similar H 587)	Takings Claims Within Areas of Critical State Concern; Citing this act as the "Florida Keys Property Rights Protection Act"; providing for the apportionment of awards of damages for takings claims within areas of critical state concern; providing that certain governmental entities are liable only for certain postjudgment interest; requiring local governments to be reimbursed for specified amounts under certain circumstances, etc. JU 01/15/2020 Favorable CA 01/27/2020 Favorable AP	Favorable Yeas 5 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 334

INTRODUCER: Senator Stewart

SUBJECT: Tourist Development Tax

DATE: January 23, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paglialonga	Ryon	CA	Favorable
2.			FT	
3.			AP	

I. Summary:

SB 334 authorizes counties imposing a tourist development tax to use the tax revenues to promote or incentivize film or television production in the state. The bill requires all productions using tourist development tax revenues to include either a "Created in Florida" or "Filmed in Florida" statement within the production credits. For the bill, "production" has the same meaning as provided in s. 288.1254(1), F.S.

II. Present Situation:

Tourist Development Taxes

Florida law permits counties to impose local option taxes on short-term¹ rentals or leases of accommodations.² The taxes are generally referred to as "tourist³ development taxes," but consist of several separate tax levies. The taxes include:

- 1 or 2 Percent Tax:⁴ The county's governing board may levy this tax at a rate of 1 or 2 percent on the total amount charged for transient rental transactions.
- Additional 1 Percent Tax:⁵ This tax may be levied by an extraordinary vote⁶ of a county's governing board or by referendum approval, in addition to the 1 or 2 percent tax on the total amount charged for transient rental transactions. To be eligible to levy the tax, a county must have levied the 1 or 2 percent tax for at least 3 years.

¹ Section 125.0104(3)(a), F.S. provides that the tax applies to rentals or leases of 6 months or less.

² Section 125.0104, F.S.

³ "Tourist" means a person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient accommodations as described in paragraph (3)(a). Section 125.103(b)2., F.S.

⁴ Section 125.0104(3)(c), F.S.

⁵ Section 125.0104(3)(d), F.S.

⁶ "Extraordinary vote" is not defined by law, but by its plain definition would appear to mean something greater than an ordinary vote by simple majority. *See* Op. Att'y Gen. Fla. 2010-05.

- **High Tourism Impact Tax:**⁷ By an extraordinary vote of the governing board of the county, a county with high tourism impact may levy an additional 1 percent tax on the total amount charged for transient rental transactions.⁸
- **Professional Sports Franchise Facility Tax:**⁹ In addition to any other tourist development taxes, a 1 percent tax on the total amount charged for transient rental transactions may be levied, by a majority vote of the governing board, to pay debt service on bonds issued to finance professional sports franchise facilities, retained spring training franchise facilities, and convention centers. These funds may also be used to promote tourism in the state.
- **Additional Professional Sports Franchise Facility Tax:**¹⁰ A county that levies the professional sports franchise facility tax may levy an additional 1 percent tax to be used for the same purposes. This tax must be approved by a majority plus one vote of the membership of the board of county commissioners.

Depending on a county's eligibility, the maximum tax rate varies from 3 to 6 percent. The table below displays the five local option tourist development taxes available to counties, the number of counties eligible to levy a specific tourist development tax, and the number of counties currently levying such tax.¹¹

2020 TDT Rates & Number of Counties	Original Tax (1% or 2%)	Additional Tax (1%)	Professional Sports Franchise Facility Tax (up to 1%)	High Tourism Impact Tax (1%)	Additional Professional Sports Franchise Facility Tax (up to 1%)
Eligible to Levy:	67	59	67	9	65
Levying:	63	54	45	7	30

These local option taxes may be administered by the Department of Revenue (DOR) or by one or more units of local government. These taxes may be levied within a subcounty special district. If the tax is levied in a subcounty special district, the additional taxes must be levied only in that district.¹²

Tourist Development Council

The governing board of each county that levies tourist development taxes must form a tourist development council. Section 125.0104(4)(e), F.S., provides the authority and requirements for county tourist development councils and their memberships. Requirements include:

- The council must be called “(name of county) Tourist Development Council;”
- The council shall be composed of nine members appointed by the governing board of the county;

⁷ Section 125.0104(3)(m), F.S.

⁸ A county may be designated as having a “high tourism impact” by the Department of Revenue as provided by s. 125.0104(3)(m)2., F.S. The tax is currently levied by Broward, Monroe, Orange, Osceola, Palm Beach, and Pinellas counties. Additionally, Hillsborough, Lee, and Walton counties are eligible to levy it.

⁹ Section 125.0104(3)(l), F.S.

¹⁰ Section 125.0104(3)(n), F.S.

¹¹ Office of Economic and Demographic Research, *2020 Local Option Tourist/Food and Beverage/Tax Rates in Florida's Counties*, available at: <http://edr.state.fl.us/Content/local-government/data/county-municipal/2020LOTTrates.pdf>, (published Dec. 19, 2019) (last visited Jan. 17, 2020).

¹² See s. 125.0104(3)(b) and (d), F.S.

- A member of the county governing board shall serve as a member of the council;
- Two members of the council must be elected municipal officials;
- Six members of the council must be involved in the tourism industry, of whom no less than three and no more than four shall be owners or operators of motels, hotels, recreational vehicles parks, or other tourist accommodations in the county;
- All members of the council shall be electors of the county;
- The governing board of the county may elect a chair for the council or allow the council to elect its chair;
- The chair shall be appointed or elected annually and may be reappointed or elected;
- Members of the council shall serve staggered 4 year terms;
- The council shall meet at least once each quarter;
- The council shall recommend to the governing board of the county, special projects and uses for tourist development tax revenue;
- The council shall continuously review expenditures of revenues from the tourist development taxes; and
- The council shall report unauthorized/questionable expenditures from the tourist development tax revenues to the county governing board and the DOR for review.

Authorized Uses of Tax Revenue

Tourist development tax revenues may be used for capital construction of tourist-related facilities, tourism promotion, and beach or shoreline maintenance. More specifically, the revenues derived from tourist development taxes are authorized to be used to: ¹³

- Acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more:
 - Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums; or
 - Aquariums and museums that are publicly owned and operated, or owned and operated by a non-profit organization that is open to the public;
- Promote zoological parks that are publicly owned and operated or owned and operated by a non-profit organization that is open to the public;
- Promote and advertise tourism in the state;
- Fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies;
- Finance beach park facilities or beach improvement, maintenance, nourishment, restoration, and erosion control; or
- Acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance public facilities within the boundaries of the county or subcounty special taxing district, if the public facilities are needed to increase tourist-related business activities in the county or subcounty special district and are recommended by the county tourist development council, and only if the following five conditions are satisfied:
 - \$10 million in tourist development tax revenue was received the year before expenditure;
 - The county governing board approves the use for the proposed public facilities by a vote of at least two-thirds of its membership;

¹³ Section 125.0104(5)(a), F.S.

- No more than 70 percent of the cost of the proposed public facilities will be paid for with tourist development tax revenues;
- At least 40 percent of all tourist development tax revenues collected in the county are spent to promote and advertise tourism; and
- An independent professional analysis, performed at the expense of the county tourist development council, demonstrates the positive impact of the infrastructure project on tourist-related businesses in the county.

Tourist Development Plan

As a requirement for levying tourist development taxes, a county's tourist development council¹⁴ must prepare a plan for tourism development and present it before the governing board of the county. The plan must include the anticipated revenue derived from the tax for the first 24 months of implementation and the tax district where the tax will be imposed.¹⁵

The tourist development plan must also include a list, in order of priority, of the proposed uses of the tax revenue. The list may only detail specific projects or special uses that are authorized in s. 125.104(5), F.S. After the tourist development plan has been enacted by ordinance, the plan may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the governing board.¹⁶

An example of a tourist development plan can be seen in the ordinances of Pinellas County.¹⁷ Pinellas County's plan provides five categories of proposed uses:¹⁸

- Category A: Promoting and advertising tourism in the state, nationally and internationally, and funding other marketing events and promotional operations.
- Category B: Funding the St. Petersburg/Clearwater Convention and Visitors Bureau; funding budget reserves as authorized by law; and funding other bureaus.
- Category C: Funding beach improvement, maintenance, renourishment, restoration, and erosion control.
- Category D: Funding annually as matching funds (applicants must have at least \$1.00 for every \$1.00 of Category D tourist tax funding) to publicly owned and operated or owned and operated by not-for-profit organizations, facilities open to the public.
- Category E: Funding for debt service payments for bonds issued to finance the construction, reconstruction, or renovation of professional sports franchise facilities, retained spring training facilities, and convention centers located in Pinellas County.

Pinellas County's plan allocates 60 percent of yearly tax revenues to category A, B, and C uses, and 40 percent to category D and E uses.¹⁹ Notwithstanding the above allocations, the plan also states that tax revenues shall be allocated to debt service on bonds for the City of Dunedin

¹⁴ Also referred to as a "tourism" development council.

¹⁵ Section 125.104(4)(c), F.S.

¹⁶ See s. 125.0104(4), F.S. The provisions found in s. 125.0104(4)(a)-(d), F.S., do not apply to the high tourism impact tax, the professional sports franchise facility tax, or the additional professional sports franchise facility tax.

¹⁷ Pinellas County Code of Ordinances, ch. 118, Art. III, Sec. 118-32 Use of revenues; tourist development plan, *available at*: https://library.municode.com/fl/pinellas_county/codes/code_of_ordinances?nodeId=PTIIPICOCO_CH118TA_ARTIIITODETA_S118-34TODECO (last visited Jan. 19, 2020).

¹⁸ *Id.*

¹⁹ *Id.*

retained spring training facility, the Dali Museum, and the City of Clearwater spring training facility.²⁰

Tourist Development Tax Revenues Fiscal Year 2018

According to the DOR, total tourist development tax receipts amongst all counties for the fiscal year 2018 (most recent year data available) amounted to just under a billion dollars (\$954,937,590).²¹ This amount signified a 12.1 percent increase from the total tax revenues generated in 2017 (\$851,732,560).²² Tax revenues corresponded to tourism and transient rental activities in a county. For reference, the top five tourist development tax grossing counties for 2018 are displayed in the table below.²³

1. Orange	2. Broward	3. Pinellas	4. Osceola	5. Palm Beach
\$272,306,000	\$79,597,603	\$58,485,782	\$57,233,940	\$53,487,001

Florida's Entertainment Industry Financial Incentive Program (2010 – 2016)

In 2010, Florida began the Entertainment Industry Financial Incentive Program to encourage film productions to use Florida “as a site for filming, for the digital production of films, and to develop and sustain the workforce and infrastructure for film, digital media, and entertainment production.”²⁴ The program was administered by the Florida Office of Film and Entertainment and lasted from July 1, 2010 to June 30, 2016. During this period, Florida awarded \$296 million in tax credits and exemptions to productions and companies that met the certification criteria.²⁵

The financial incentive program utilized transferable tax credits to afford production projects an offset against any state tax liabilities. These tax liabilities included sales and use tax and corporate income tax.²⁶ These credits and exemptions provided production companies a reduction in taxes due after verification that statutory or contractual terms of eligibility had been met. Alternatively, if a qualified production had no outstanding tax liabilities, the production had the option to monetize the tax credits by selling them to another entity that may apply them to their tax obligations.²⁷

The statutory criteria for program eligibility included only certain qualified expenditures by a production. To be considered a qualified expenditure, the purchased or leased goods or services had to be furnished by a Florida vendor that was registered with the Department of State or the DOR. Production goods and services included sets, sound stages, production editing, digital

²⁰ *Id.*

²¹ Office of Economic & Demographic Research, *Local Option Tax Receipts (Data Source: Department of Revenue)*, Tax Receipts by Tax by County: SFY 1987-2018, available at: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm> (last visited Jan. 17, 2020).

²² *Id.*

²³ *Id.*

²⁴ Section 288.1254(2), F.S.

²⁵ Office of Economic & Demographic Research, *Return on Investment for the Entertainment Industry Incentive Programs* (Jan. 2015), available at: <http://edr.state.fl.us/Content/returnoninvestment/EntertainmentIndustryIncentivePrograms.pdf> (last visited Jan. 19, 2020).

²⁶ Section 288.1254(4), F.S.

²⁷ *Id.* at (5)

effects, entertainment rental equipment, up to \$300,000 in computer hardware and software, meals, travel, accommodations or lodging, and salary, wages, or other compensation paid to Florida residents (up to \$400,000 per resident).²⁸ However, tax credit awards were capped at \$8 million per production project.²⁹

In 2015, the Office of Economic & Demographic Research (EDR) issued a report analyzing the return on investment for the Entertainment Industry Incentive Program.³⁰ The EDR report evaluated the economic benefits the program provided to Florida in terms of jobs created, the increase or decrease in personal income, the impact on state Gross Domestic Product (GDP), the development of permanent in-state film industry, and the potentiality of film-induced tourism.

The EDR study ultimately found that the program produced no monetary return on investment. Altogether, the program generated returns on investment of less than one, meaning “the tax revenue generated by the project activity was insufficient to cover the cost of the granted exemptions [and credits]” (specifically, a return of \$0.54 for tax exemptions and \$0.43 for tax credits, for every \$1.00 spent by the state).³¹ In the EDR’s view, most productions failed to feature prominent physical sites to induce tourism, and the state program did not generate enough economic impact to support the public subsidies.³²

In a 2018 report, the EDR again evaluated the program but came to similar conclusions.³³

III. Effect of Proposed Changes:

Section 1 amends s. 125.104, F.S., authorizing counties to use tourist development tax revenues to promote or incentivize film or television production in Florida. The bill specifies that the term “production” is to have the same meaning as provided in s. 288.1254(1), F.S.³⁴ The bill requires

²⁸ *Id.* at (1)(h) and (i)

²⁹ *Id.* at (4)(b)

³⁰ Office of Economic & Demographic Research, *Return on Investment for the Entertainment Industry Incentive Programs* (Jan. 2015), available at: <http://edr.state.fl.us/Content/returnoninvestment/EntertainmentIndustryIncentivePrograms.pdf> (last visited Jan. 19, 2020).

³¹ *Id.* at p. 2 (“The STE program generated a positive ROI of 0.54.” “The first FTC program scenario generated a positive ROI of 0.43.”)

³² *Id.*

³³ Office of Economic & Demographic Research, *Return on Investment for the Entertainment Industry Incentive Programs* (Jan. 2018), available at: <http://edr.state.fl.us/Content/returnoninvestment/EntertainmentIndustryIncentivePrograms2018.pdf> (last visited Jan. 19, 2020).

³⁴ “Production means a theatrical or direct-to-video motion picture; a made-for-television motion picture; visual effects or digital animation sequences produced in conjunction with a motion picture; a commercial; a music video; an industrial or educational film; an infomercial; a documentary film; a television pilot program; a presentation for a television pilot program; a television series, including, but not limited to, a drama, a reality show, a comedy, a soap opera, a telenovela, a game show, an awards show, or a miniseries production; or a digital media project by the entertainment industry. One season of a television series is considered one production. The term does not include a weather or market program; a sporting event or a sporting event broadcast; a gala; a production that solicits funds; a home shopping program; a political program; a political documentary; political advertising; a gambling-related project or production; a concert production; a local, regional, or Internet-distributed-only news show or current-events show; a sports news or sports recap show; a pornographic production; or any production deemed obscene under chapter 847. A production may be produced on or by film, tape, or otherwise by means of a motion picture camera; electronic camera or device; tape device; computer; any combination of the foregoing; or any other means, method, or device.” Section 288.1254(1)(g), F.S.

productions receiving county tax revenues to include “Created in Florida” or “Filmed in Florida” in the production credits.

Section 2 provides the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Depending on a county’s implementation, expending public funds to defray the costs of film or television production for private parties may be unconstitutional under Article VII, section 10 of the Florida Consitution.³⁵ The judiciary may scrutinize the constitutionality of county film production outlay under the public purpose test.³⁶ Counties may have to demonstrate that appropriations for the promotion or incentivization of a private production venture sufficiently serve a reasonable and adequate public interest to pass constitutional muster under this organic law test.³⁷

³⁵ See Fla. Const. Art. VII, s. 10. “Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend or use its taxing power or credit to aid any corporation, association, partnership or person[.]”

³⁶ See *Jackson-Shaw Co. v. Jacksonville Aviation Authority*, 8 So.3d 1076, 33 Fla. L. Weekly S972 (Fla. 2008) at 1095 “If the State or a political subdivision has not given, lent, or used its credit, a project must merely serve a public purpose.” See also *Bannon v. Port of Palm Beahc Dist.*, 246 So.2d 737 (Fla. 1971) at 741 (When ruling that the district’s involvement in a private enterprise served a public purpose, the court observed that the district’s participation was limited to that of a lessor and did not involve responsibility for the financing, promotion, or development of the proposed project.)

³⁷ See *Linscott v. Orange County Indus. Development Authority*, 443 So.2d 97 (Fla. 1983) at 101 “Of course, public bodies cannot appropriate public funds indiscriminately, or for the benefit of private parties, where there is not a reasonable and adequate public interest. An indirect public benefit may be adequate to support the public participation in a project which imposes no obligation on the public, and the qualification of the direct beneficiary complies with the principles of due process and equal protection.”

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Visitors to Florida may incur increased taxes if additional counties decide to levy a tourist development tax in response to the film production use. Private sector film and television industries would have access to tax funds as capital for productions. Private sector businesses may also benefit depending on the efficacy of film to induce tourism.

C. Government Sector Impact:

The bill may cause counties to sustain nominal costs in updating tourist development plan ordinances to include film and television expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill references s. 288.1254(1), F.S., which defines “production” to also include digital media projects.³⁸ This definition may incorporate more than just “film or television productions.”

The bill may require a legislative statement specifying that the expenditure of public funds to promote or incentivize film or television productions serves a public purpose. Funds used for these purposes may not fall within the provisions of s. 125.045, F.S.³⁹

VIII. Statutes Affected:

This bill substantially amends section 125.0104 of the Florida Statutes.

³⁸ “Digital media project means a production of interactive entertainment that is produced for distribution in commercial or educational markets. The term includes a video game or production intended for Internet or wireless distribution, an interactive website, digital animation, and visual effects, including, but not limited to, three-dimensional movie productions and movie conversions. The term does not include a production that contains content that is obscene as defined in s. 847.001.” See Section 288.1254(1)(b), F.S.

³⁹ See section 125.045(3), F.S. “For the purposes of this section, it constitutes a public purpose to expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community.”

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 410

INTRODUCER: Community Affairs Committee and Senator Perry

SUBJECT: Growth Management

DATE: January 29, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paglialonga	Ryon	CA	Fav/CS
2.			JU	
3.			RC	

I. Summary:

CS/SB 410 requires the Department of Economic Opportunity (DEO), when selecting applicants for Community Planning Technical Assistance Grants, to give preference to certain small counties and municipalities located near a proposed multiuse corridor interchange.

The bill also adds a required property rights element to local comprehensive plans. The added element requires local governments to consider certain private property rights while making governmental decisions. The bill provides a model statement of private property rights, which consists of specific property rights recognized under common law and may be added directly to a comprehensive plan. Alternatively, the bill also allows local governments to create unique property rights provisions for a comprehensive plan, as long as the provisions do not conflict with the bill's model language. The bill requires local governments to adopt a property rights element in their comprehensive plan by the earlier of its next proposed plan amendment or July 1, 2023.

II. Present Situation:

DEO Technical Assistance Grant Program

Section 163.3168(3), F.S., requires the DEO, as the state land planning agency, to help communities find creative solutions to fostering vibrant, healthy communities and authorizes DEO to use various means to provide direct and indirect technical assistance within available resources. To carry out this charge, DEO's Bureau of Community Planning and Growth manages the Community Planning Technical Assistance Grant Program. Under the program, DEO awards grant funds to counties, cities, and regional planning councils to assist local governments in developing economic development strategies, meeting the requirements of the Community Planning Act, addressing critical local planning issues, and promoting innovative planning

solutions to challenges identified by local government applicants.¹ The program has funded a wide range of activities which have included, for example, the development and revision of comprehensive plan amendments, economic development strategic plans, affordable housing action plans, downtown master plans, transportation master plans, and revitalization plans.

Beginning in fiscal year 2011-2012, the Legislature has annually appropriated state funds to DEO to implement the program. From fiscal years 2015-2016 to 2019-2020, DEO has expended almost \$6 million on 173 approved grant projects.²

M-CORES Program

Enacted during the 2019 Regular Session,³ the Multi-use Corridors of Regional Economic Significance (M-CORES) Program is designed to advance the construction of regional corridors that will accommodate multiple modes of transportation and multiple types of infrastructure.⁴ The specific purpose of the program is to revitalize rural communities, encourage job creation in those communities, and provide regional connectivity while leveraging technology, enhancing the quality of life and public safety, and protecting the environment and natural resources.⁵

Section 338.2278(1)(a)-(k), F.S., enumerates the intended benefits which the M-CORES Program seeks to address, which include, but are not limited to: hurricane evacuation; congestion mitigation; trade and logistics; broadband, water, and sewer connectivity; energy distribution; autonomous, connected, shared, and electric vehicle technology; other transportation modes, such as shared-use nonmotorized trails, freight and passenger rail, and public transit; mobility as a service; availability of a trained workforce skilled in traditional and emerging technologies; protection or enhancement of wildlife corridors or environmentally sensitive areas; and protection or enhancement of primary springs protection zones and farmland preservation areas.

The following three corridors comprise the M-CORES Program:

- Southwest-Central Florida Connector (Collier County to Polk County);
- Suncoast Connector (Citrus County to Jefferson County); and
- Northern Turnpike Connector (the northern terminus of the Florida Turnpike northwest to the Suncoast Parkway).⁶

As required by law, the Florida Department of Transportation (FDOT) has assembled three task forces to study the three specific multi-use corridors.⁷ The task forces will make recommendations to FDOT regarding the potential economic and environmental impacts of the corridor and other factors as specified in the M-CORES legislation. Task Forces are required to report their evaluations in a final report submitted to the Governor, the President of the Senate,

¹ DEO, Division of Community Planning, *Technical Assistance*, available at: <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/technical-assistance> (last visited Jan. 28, 2020).

² Information received from DEO staff on Jan. 23, 2020 (on file with Senate Committee on Community Affairs).

³ Chapter 2019-43, Laws of Fla.

⁴ For additional detailed information about M-CORES, see the FDOT M-CORES website, available at: <https://floridamcores.com/> (last visited Jan. 28, 2020).

⁵ Section 338.2278(1), F.S.

⁶ Section 338.2278(2)(a)-(c), F.S.

⁷ Section 338.2278(c)1., F.S.

and the Speaker of the House of Representatives by October 1, 2020.⁸ The law requires, to the maximum extent feasible, project construction to begin no later than December 31, 2022, with projects open to traffic no later than December 31, 2030.⁹

Private Property Rights and Constitutional Protections

Under Article I, section 2 of the Florida Constitution's Declaration of Rights, individuals are provided the right "*to acquire, possess, and protect property.*"¹⁰ Although these property rights are enshrined in Florida's constitution, the state and local governments may curtail these rights through sovereign police powers. State police powers are derived from the Tenth Amendment to the U.S. Constitution, which affords states all rights and powers "not delegated to the United States."¹¹ Under this provision, states have police powers to establish and enforce laws protecting the welfare, safety, and health of the public.¹² Regarding private property rights, courts have continuously held that "even constitutionally protected property rights are not absolute, and are held subject to the fair exercise of the [police] power inherent in the State to promote the general welfare of the people through regulations that are necessary to secure the health, safety, good order, and general welfare."¹³

When a state or political subdivision thereof exercises police powers to affect property rights, citizens are provided two constitutional challenges to oppose the governmental act. First, government may act arbitrarily in violation of due process.¹⁴ In the *City of Coral Gables v. Wood*, the court ruled that "[a] zoning ordinance will be upheld unless it is clearly shown that it has no foundation in reason and is a mere arbitrary exercise of power without reference to public health, morals, safety or welfare."¹⁵ In the first constitutional challenge, government action is simply invalid under the due process clause of the constitution.¹⁶

Second, the government may so intrusively regulate the use of property in pursuit of legitimate police power objectives to take the property without compensation in violation of the just compensation clause (takings clause).¹⁷ When reasoning whether a regulation or land use plan constitutes a taking of a landowner's property, the operative inquiry is whether the landowner has been deprived of all or substantially all economic, beneficial or productive use of the property.¹⁸ In the second constitutional challenge, the government action is invalid absent compensation, and

⁸ Section 338.2278(3)(c)9., F.S.

⁹ Section 338.2278(6), F.S.

¹⁰ FLA. CONST. art. I s. 2

¹¹ U.S. CONST. amend. X

¹² "The States thus can and do perform many of the vital functions of modern government—punishing street crime, running public schools, and zoning property for development, to name but a few—even though the Constitution's text does not authorize any government to do so. Our cases refer to this general power of governing, possessed by the States but not by the Federal Government, as the police power." *See NFIB v. Sebelius*, 567 U.S. 519, 132 S.Ct. 2566, 183 L.Ed.2d 450 (2012) at 535-536.

¹³ *Shrines Hospitals for Crippled Children v. Zrillic*, 563 So.2d 64 at 68 (Fla. 1990) (quoting *Golden v. McCarthy*, 337 So.2d 388, 390 (Fla. 1976))

¹⁴ *See U.S. CONST. amend. V, XIV, s. 1; FLA. CONST. art. I s. 9; see also Fox v. Town of Bay Harbor Islands*, 450 So.2d 559, 560 (Fla. 3rd DCA 1984)

¹⁵ *City of Coral Gables v. Wood*, 305 So.2d 261, 263 (Fla. 3rd DCA 1974)

¹⁶ *See Department of Transp. v. Weisenfeld*, 617 So.2d 1071 (Fla. 5th DCA 1993)

¹⁷ *See FLA. CONST. X s. 6*

¹⁸ *See Taylor v. Villiage of North Pam Beach*, 659 So.2d 1167 (Fla. 4th DCA 1995)

so the government may either abandon its regulation or validate its action by payment of appropriate compensation to the landowner.¹⁹

Since the establishment of these constitutional protections for citizens, the scale of government and land use regulation has considerably expanded, but courts have been reluctant to afford relief to property owners under these constitutional challenges.²⁰ Thus, property owners that experienced property devaluation or economic loss caused by government regulation were seldom compensated.²¹

In 1995, the Legislature addressed the ineffectiveness of these constitutional challenges to government regulation by enacting ch. 70, F.S., which is known as the “Bert J. Harris, Jr., Private Property Rights Protection Act” (hereinafter the “Harris Act”).²²

The Bert J. Harris, Jr., Private Property Rights Protection Act

The Harris Act²³ entitles private property owners to relief when a specific action of a governmental entity inordinately burdens the owner’s existing use of the real property or a vested right to a specific use of the real property.²⁴ The Harris Act recognizes that the inordinate burden, restriction, or limitation on private property rights as applied may fall short of a taking or due process violation under the State Constitution or the U.S. Constitution.²⁵ The law does not apply to the U.S. government, federal agencies, or state or local government entities exercising delegated U.S. or federal agency powers.²⁶

In addition to action that inordinately burdens a property right, an owner may seek relief when a government entity’s development order or enforcement action is unreasonable or unfairly burdens the use of the owner’s real property,²⁷ or when a government entity imposes a condition on the proposed use of the real property that amounts to a prohibited exaction.²⁸ A prohibited exaction occurs when an imposed condition lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity seeks to avoid, minimize, or mitigate.²⁹

The Community Planning Act

The Harris Act is balanced against the state’s sovereign rights. The state needs to effectively and efficiently plan, coordinate, and deliver government services amid the state’s continued growth

¹⁹ See *Department of Transp. v. Weisenfeld*, 617 So.2d 1071 (Fla. 5th DCA 1993)

²⁰ See Cooper, Weaver, and ‘Connor, Florida Real Estate Litigation, *Statutory Private Property Rights Protection*, RPL FL-CLE 13-1 (2018).

²¹ *Id.*

²² *Id.*

²³ Section 70.001(1), F.S.

²⁴ Section 70.001(2), F.S.

²⁵ Section 70.001(1), F.S.

²⁶ Section 70.001(3)(c), F.S.

²⁷ Section 70.51(3), F.S.

²⁸ Section 70.45(2), F.S.

²⁹ Section 70.45(1)(c), F.S.

and development.³⁰ Statutes govern how the state and local governments direct land development³¹ with the State Comprehensive Plan and local comprehensive plans adopted by counties and municipalities as required by statute.³²

The State Comprehensive Plan must provide long-range policy guidance for the orderly social, economic, and physical growth of the state.³³ The goals and policies of the State Comprehensive Plan must be consistent with the protection of private property rights.³⁴ The State Comprehensive Plan must be reviewed every two years by the Legislature, and legislative action is required to implement its policies unless specifically authorized otherwise in the Constitution or law.³⁵

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act, also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.³⁶ The Community Planning Act governs how local governments create and adopt their local comprehensive plans. The Legislature expressly intended for all governmental entities in the state to recognize and respect judicially acknowledged or constitutionally protected private property rights.³⁷ The authority provided by the Community Planning Act must be exercised with sensitivity for private property rights, without undue restriction, and leave property owners free from actions by others which would harm their property or constitute an inordinate burden on property rights under the Harris Act.³⁸

Local Comprehensive Plan Elements

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements.³⁹ Plans also are required to identify procedures for monitoring, evaluating, and appraising implementation of the plan.⁴⁰ Plans may include optional elements,⁴¹ but must include the following nine elements:

- Capital improvements;⁴²
- Future land use plan;⁴³
- Intergovernmental coordination;⁴⁴
- Conservation;⁴⁵

³⁰ See s. 186.002(1)(b), F.S.

³¹ See chs. 186, 187, and 163, part II, F.S.

³² Section 163.3167(1)(b), F.S.

³³ Section 187.101(1), F.S.

³⁴ Section 187.101(3), F.S. The plan's goals and policies must also be reasonably applied where they are economically and environmentally feasible and not contrary to the public interest.

³⁵ Section 187.101(1), F.S.

³⁶ See ch. 2011-139, s. 4, Laws of Fla.

³⁷ See Section 163.3161(10), F.S., *See also* Section 187.101(3), F.S.

³⁸ *Id.*

³⁹ Section 163.3177(1), F.S.

⁴⁰ Section 163.3177(1)(d), F.S.

⁴¹ Section 163.3177(1)(a), F.S.

⁴² Section 163.3177(3)(a), F.S. The capital improvements element must be reviewed by the local government on an annual basis.

⁴³ Section 163.3177(6)(a), F.S.

⁴⁴ Section 163.3177(6)(h), F.S.

⁴⁵ Section 163.3177(6)(d), F.S.

- Transportation;⁴⁶
- Sanitary sewer, solid waste, drainage, potable water, and aquifer recharge;⁴⁷
- Recreation and open space;⁴⁸
- Housing;⁴⁹ and
- Coastal management (for coastal local governments).⁵⁰

All local government land development regulations must be consistent with the local comprehensive plan.⁵¹ Additionally, all public and private development, including special district projects, must be consistent with the local comprehensive plan.⁵² However, plans cannot require any special district to undertake a public facility project which would impair the district's bond covenants or agreements.⁵³

Amendments to a Local Comprehensive Plan

Local governments must review and amend their comprehensive plans every 7 years to reflect any changes in state requirements.⁵⁴ Within a year of any such amendments, local governments must adopt or amend local land use regulations consistent with the amended plan.⁵⁵ A local government is not required to review its comprehensive plan before its regular review period unless the law specifically requires otherwise.⁵⁶

Generally, a local government amending its comprehensive plan must follow an expedited state review process.⁵⁷ Certain plan amendments, including amendments required to reflect a change in state requirements, must follow the state coordinated review process for the adoption of comprehensive plans.⁵⁸ Under the state process, the state land planning agency is responsible for plan review, coordination, and preparing and transmitting comments to the local government.⁵⁹ The Department of Economic Opportunity (DEO) is designated as the state land planning agency.⁶⁰

Under the state coordinated review process, local governments must hold a properly noticed public hearing⁶¹ about the proposed amendment before sending it for comment from several reviewing agencies,⁶² including DEO, the Department of Environmental Protection, the appropriate regional

⁴⁶ Section 163.3177(6)(b), F.S.

⁴⁷ Section 163.3177(6)(c), F.S.

⁴⁸ Section 163.3177(6)(e), F.S.

⁴⁹ Section 163.3177(6)(f), F.S.

⁵⁰ Section 163.3177(6)(g), F.S.

⁵¹ Section 163.3194(1)(b), F.S.

⁵² See ss. 163.3161(6) and 163.3194(1)(a), F.S.

⁵³ Section 189.081(1)(b), F.S.

⁵⁴ Section 163.3191(1), F.S.

⁵⁵ Section 163.3191(2), F.S.

⁵⁶ Section 163.3161(12), F.S.

⁵⁷ Section 163.3184(3)(a), F.S.

⁵⁸ Section 163.3184(2)(c), F.S.

⁵⁹ Section 163.3184(4)(a), F.S.

⁶⁰ Section 163.3164(44), F.S.

⁶¹ Sections 163.3184(4)(b) and (11)(b)1., F.S.

⁶² See s. 163.3184(1)(c), F.S., for complete list of all reviewing agencies.

planning council, and the Department of Transportation.⁶³ Local governments or government agencies within the state filing a written request with the governing body are also entitled to copies of the amendment.⁶⁴ Comments on the amendment must be received within 30 days after DEO receives the proposed plan amendment.⁶⁵

DEO must provide a written report within 60 days of receipt of the proposed amendment if it elects to review the amendment.⁶⁶ The report must state the agency's objections, recommendations, and comments with certain specificity, and must be based on written, not oral, comments.⁶⁷ Within 180 days of receiving the report from DEO, the local government must review the report and any written comments and hold a second properly noticed public hearing on the adoption of the amendment.⁶⁸ Adopted plan amendments must be sent to DEO and any agency or government that provided timely comments within 10 working days after the second public hearing.⁶⁹

Once DEO receives the adopted amendment and determines it is complete, it has 45 days to determine if the adopted plan amendment complies with the law⁷⁰ and to issue on its website a notice of intent finding whether or not the amendment is compliant.⁷¹ A compliance review is limited to the findings identified in DEO's original report unless the adopted amendment is substantially different from the reviewed amendment.⁷² Unless the local comprehensive plan amendment is challenged, it may go into effect pursuant to the notice of intent.⁷³ If there is a timely challenge, then the plan amendment will not take effect until DEO, or the Administration Commission⁷⁴ enters a final order determining the adopted amendment complies with the law.⁷⁵

III. Effect of Proposed Changes:

Section 1 amends s. 163.3168, F.S., to require DEO, when selecting applications for Community Planning Technical Assistance Grants, to give preference to certain small counties and municipalities for assistance in:

- Determining whether an area in and around a proposed multiuse corridor interchange contains appropriate land uses and natural resource protection; and

⁶³ Section 163.3184(4)(b) and (c), F.S.

⁶⁴ Section 163.3184(4)(b), F.S.

⁶⁵ Section 163.3184(4)(c), F.S.

⁶⁶ Section 163.3184(4)(d)1., F.S.

⁶⁷ Section 163.3184(4)(d)1., F.S. All written communication the agency received or generated regarding a proposed amendment must be identified with enough information to allow for copies of documents to be requested. *See* s. 163.3184(4)(d)2., F.S.

⁶⁸ Sections 163.3184(4)(e)1. and (11)(b)2., F.S. If the hearing is not held within 180 days of receipt of the report, the amendment is deemed withdrawn absent an agreement and notice to DEO and all affected persons that provided comments. *See* s. 163.3184(4)(e)1., F.S.

⁶⁹ Section 163.3184(4)(e)2., F.S.

⁷⁰ Section 163.3184(4)(e)3. and 4., F.S.

⁷¹ Section 163.3184(4)(e)4., F.S.

⁷² *Id.*

⁷³ Section 163.3184(4)(e)5., F.S.

⁷⁴ Section 14.202, F.S., provides that the Administration Commission is composed of the Governor and the Cabinet (Section 20.03, F.S., provides that "Cabinet" means the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture).

⁷⁵ *Id.*

- Developing or amending a local government's comprehensive plan to provide for the land uses, natural resource protection, and intended benefits associated with a proposed multiuse corridor interchange.

Counties with a population of 200,000 or less, and municipalities within such counties, are eligible for the funding preference provided in the bill.

Section 2 amends s. 163.3177(6), F.S., to require local governments to incorporate a private property rights element into their comprehensive plans and consider private property rights in local decision making.

The bill provides a model statement of property rights, and local governments may incorporate the suggested language directly into their comprehensive plan. The property rights suggested by the bill include the following five acknowledgments that a local government should consider in the decision-making process:

- Physical possession and control of the property owner's interests in the property, including easements, leases, or mineral rights;
- Quiet enjoyment of the property, to the exclusion of all others;
- Use, maintenance, development, and improvement of the property for personal use or the use of any other person, subject to state law and local ordinances;
- Privacy and exclusion of others from the property to protect the owner's possessions and property; and
- Disposal of the property owner's property through sale or gift.

On the other hand, local governments may use a unique construction of their own property rights statement to satisfy the additional element required by the bill, as long as the local government's language does not conflict with the model statement in the bill. Each local government is required to adopt a property rights element in its comprehensive plan by the earlier of its next proposed plan amendment or by July 1, 2023.

Section 3 provides the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the State Constitution, provides in part that a county or municipality may not be bound by a general law requiring the county or municipality to spend funds or take an action that requires the expenditure of funds unless certain exemptions or exceptions are met.

The bill will require counties and municipalities to incur some costs to amend their comprehensive plans to add a private property rights element by July 1, 2023. Article VII, section 18 (d), provides eight exemptions, which, if any single one is met, exempts the law

from the limitations on mandates. Laws having an “insignificant fiscal impact”⁷⁶ are exempt from the mandate requirements, which for the Fiscal Year 2019-2020 is forecast at approximately \$2.2 million.⁷⁷ The cumulative cost for counties and municipalities to update their comprehensive plans to comply with the provisions of the bill is unknown at this time. However, the model language supplied by the bill may help reduce some costs for local governments. Additionally, costs may be lower if a local government adopts a private property rights element concurrent with another necessary comprehensive plan amendment before July 1, 2023.

If the bill does qualify as a mandate, and no exemption or exception applies, to be binding on the counties, the bill must include a finding of important state interest, and two-thirds of the membership of each house of the Legislature must approve the final passage.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁷⁶ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Dec. 11, 2019).

⁷⁷ Based on the Florida Demographic Estimating Conference’s Dec. 3, 2019 population forecast for 2020 of 21,555,986. The conference packet is available at: <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited Dec. 11, 2019).

C. Government Sector Impact:

Providing a preference to small M-CORES counties and municipalities for technical assistance grants will likely have a minimal fiscal impact, if any, on DEO.

Eligible small M-CORES counties and municipalities will receive preference when applying for DEO technical assistance grants.

DEO indicated that section two of the bill would have no fiscal impact on the department.⁷⁸

Section two of the bill will likely have a fiscal impact on local governments not scheduled to review their plans before 2024 due to the requirement to amend their comprehensive plans by July 1, 2023, to include a property rights element. The Florida League of Cities indicates a range of responses as to the cost for a municipality to adopt a comprehensive plan amendment. According to the Hillsborough County City-County Planning Commission, the review and process of a privately initiated amendment to the text of a comprehensive plan may cost \$10,375. The Fort Myers Community Development Department has found that a small town or city may spend \$50,000 hiring a planning consultant to draft a comprehensive plan amendment and may end up spending another \$50,000 on total staff time, advertising, and paperwork.⁷⁹ However, the costs to comply with the bill may be significantly lower for a local government depending on the timing of the adoption of the amendment (if done concurrently with another amendment) and whether a local government deems it necessary to enlist the assistance of an outside consultant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3168 and 136.3177.

⁷⁸ Department of Economic Opportunity, 2020 Agency Legislative Bill Analysis for SB 410 (Oct. 23, 2019) (on file with the Senate Committee on Community Affairs)

⁷⁹ Information received from the Florida League of Cities (Jan. 23, 2020) (on file with Senate Committee on Community Affairs).

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on January 27, 2020:

The committee substitute requires DEO to give a preference for technical assistance grant funding to certain small counties and municipalities located near a proposed multiuse corridor interchange.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



667322

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Perry) recommended the following:

Senate Amendment (with title amendment)

Before line 14
insert:

Section 1. Present subsection (4) of section 163.3168, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

163.3168 Planning innovations and technical assistance.—
(4) When selecting applications for funding for technical assistance, the state land planning agency shall give a



667322

preference to a county that has a population of 200,000 or less,
and to a municipality located within such a county, for
assistance in determining whether the area in and around a
proposed multiuse corridor interchange as described in s.
338.2278 contains appropriate land uses and natural resource
protections and for aid in developing or amending a local
government's comprehensive plan to provide for such uses,
protections, and intended benefits as provided in s. 338.2278.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Between lines 2 and 3
insert:

163.3168, F.S.; requiring the Department of Economic
Opportunity to give a preference to certain counties
and municipalities when selecting applications for
funding for technical assistance; amending s.



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: DEPARTMENT OF ECONOMIC OPPORTUNITY

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 410
BILL TITLE:	Growth Management
BILL SPONSOR:	Sen. Perry
EFFECTIVE DATE:	July, 1 2020

<u>COMMITTEES OF REFERENCE</u>
1) Click or tap here to enter text.
2) Click or tap here to enter text.
3) Click or tap here to enter text.
4) Click or tap here to enter text.
5) Click or tap here to enter text.

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

<u>CURRENT COMMITTEE</u>
Click or tap here to enter text.

<u>SIMILAR BILLS</u>	
BILL NUMBER:	HB 203
SPONSOR:	Click or tap here to enter text.

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

<u>Is this bill part of an agency package?</u>
Click or tap here to enter text.

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	10/23/2019
LEAD AGENCY ANALYST:	Sherry Spiers, Bureau of Community Planning & Growth
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	Valerie Wright, Assistant General Counsel
FISCAL ANALYST:	Susan Lincoln, Budget

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill requires every local government to adopt a property rights element into its comprehensive plan to ensure that private property rights are considered in local decision-making. The element is to be adopted by the earlier of the local government's next comprehensive plan amendment or July 1, 2023.

Effective Date: July 1, 2020.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

The Community Planning Act requires that local governments adopt and maintain comprehensive plans to guide future growth and development in their jurisdictions. The following elements are required:

- 1) Future land use;
- 2) Conservation;
- 3) Transportation;
- 4) Capital Improvements;
- 5) Public Facilities;
- 6) Intergovernmental Coordination;
- 7) Housing;
- 8) Recreation and Open Space; and
- 9) Coastal Management.

Section 163.3161(10), Florida Statutes, includes a legislative intent statement that "all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private rights". Private property rights are also recognized by federal and state case law.

2. EFFECT OF THE BILL:

Section 1. The bill amends subsection (6) of section 163.3177, Florida Statutes, to add a new subsection (i) that requires local governments to include a property rights element in their comprehensive plans so that private property rights are considered in local decision-making. The local government may adopt its own property rights element or use the statement of rights in the bill, which requires consideration of the following rights of a property owner:

1. Property owner has the right to possess physically and control his or her interests in the property, which includes easements, leases, or mineral rights.
2. Property owner has the right to the quiet enjoyment of the property, to the exclusion of others.
3. Property owner has the right to use, maintain, develop and improve his or her property for personal use or use of other person, subject to state law or local ordinance.
4. Property owner has the right to privacy and to exclude others from the property to protect the owner's possessions and property; and
5. Property owner has the right to dispose of his or her property through sale or gift.

The bill requires that a property rights element be adopted by local governments the earlier of their next comprehensive plan amendments or July 1, 2023. If a local government adopts its own property rights element, it may not conflict with the statement of rights provided under section 1 of the bill.

The bill contains no enforcement mechanism to ensure that local governments adopt the property rights element or any penalty if the element is not adopted.

Section 2. The act will take effect on July 1, 2020.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>

Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.
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4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Click or tap here to enter text.
Opponents and summary of position:	Click or tap here to enter text.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation contain a State Government appropriation?	Click or tap here to enter text.
If yes, was this appropriated last year?	Click or tap here to enter text.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.

Unknown

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.

N/A

ADDITIONAL COMMENTS

Click or tap here to enter text.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

None.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-27-20

Bill Number (if applicable) 410

Topic Growth Management

Amendment Barcode (if applicable) _____

Name Jane West

Job Title Policy Planning Director, 1000 Friends of Florida

Address 24 Cathedral Place, suite 501 Phone 904-671-4068

Street S Augustine City FL State FL Zip 32084

Email jwest@1000fol.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing 1000 Friends of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1127120
Meeting Date

410
Bill Number (if applicable)

Topic Growth Management

Amendment Barcode (if applicable)

Name Phillip Suderman

Job Title Policy Director

Address
Street

Phone

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Email

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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CA 301

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1/27/2020

Bill Number (if applicable)

410

Amendment Barcode (if applicable)

Topic

Name

Job Title

Address

Street

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

Waive Speaking:

☐ In Support

☐ Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐ Yes

☒ No

Lobbyist registered with Legislature:

☐ Yes

☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/20

Bill Number (if applicable) 410

Topic Growth Management

Amendment Barcode (if applicable) _____

Name David Cruz

Job Title Legislative Counsel

Address P.O. Box 1757

Phone 761-3676

City Tallahassee State FL Zip 32301

Email dcruz@fcities.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/2020

Bill Number (if applicable) SJS 410

Topic Growth Human growth

Amendment Barcode (if applicable)

Name DIEGO ELCHEVERRI

Job Title Legislative Liaison

Address 206 W College Ave

Phone 954-614-3363

Street

City FLH FL

City

State

Zip

Email decheverri@aphy.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

~~Florida House of Representatives~~

Libre Initiative

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/24/2020

Bill Number (if applicable) 410

Topic Greeth Management - Amendment

Amendment Barcode (if applicable) 667322

Name Don Peterson

Job Title President

Address BX 1875

Phone 2107-758-2441

Street Minneola State FL Zip 34785

Email donpeterson@opn-fl.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Coalition for Property Rights

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1-27-20

Bill Number (if applicable)

667322

Amendment Barcode (if applicable)

410

Topic

Growth Management

Name

Jane West

Job Title

Policy Planning Director

Address

21 Cathedral Pkce, Suite 504

Phone

904-671-4008

Street

St. Augustine,

FL

32084

Email

jwest@1000for.org

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

1000 Friends of Florida

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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This form is part of the public record for this meeting.

Technical Assistance (TA) GRANTS AWARDED FY 15-16 Totals \$1,294,000

Grantee		County	Grant Project	Grant Award
1	Apalachicola, City of (Franklin County)	Franklin	Study the stormwater framework of the City and develop a work plan to address pollutants. Draft Land Development Regulations regarding stormwater fees within the City.	\$55,000
2	Apalachee Regional Planning Council	Calhoun	Create a Strategic Community Vision Plan for downtown Blountstown and incorporate into the City's Comprehensive Plan	\$22,000
3	Dunnellon, City of	Marion	Assemble and update comprehensive plan.	\$74,000
4	Holmes County	Holmes	Create a Hwy. 90 Corridor Plan in concert with plans of Walton, Jackson, Washington, and Gadsden Counties; purpose is to draw visitors to the historic Hwy. 90 Corridor to enhance economic development.	\$20,000
5	Islamorada, Village of	Monroe	Develop a revised Building Permit Allocation System that takes into account preferred development areas and environmentally sensitive areas. Provide a draft of revised Land Development Regulations incorporating the Allocation System and hold a public workshop to obtain feedback.	\$32,500
6	Walton County	Walton	Create a Hwy. 90 Corridor Plan in concert with plans of Holmes, Jackson, Washington, and Gadsden Counties; purpose is to encourage visitors to the historic Hwy. 90 Corridor to enhance economic development.	\$20,000
7	Gadsden County	Gadsden	Create a Hwy. 90 Corridor Plan in concert with similar plans for Walton, Holmes, Jackson, and Washington Counties; purpose is to draw visitors to the historic Hwy. 90 Corridor to enhance economic development.	\$20,000
8	Alford, Town of	Jackson	Analyze the Town's strengths, weaknesses, opportunities and threats, prepare a Vision Plan, and update the Town's comprehensive plan to enhance economic development.	\$22,000

9	North Bay Village, City of	Miami-Dade	Produce an Economic Development and Redevelopment Strategic Plan	\$25,000
10	East Central Florida Regional Planning Council		Expand on Indian River Lagoon Outfall Project and update economic impact analysis for the Lagoon.	\$155,000
11	Daytona Beach, City of	Volusia	Visual Imaging for Public Projects.	\$25,000
12	East Central Florida Regional Planning Council	Orange County	Develop Orange County Food Production Strategic Plan.	\$30,000
13	Tampa Bay Regional Planning Council	Citrus, Hernando, Hillsborough, Manatee, Pasco and Pinellas	Coast to Coast Trail Branding Image.	\$115,000
14	Indian Harbour Beach, City of	Brevard	Comprehensive Stormwater Management Plan.	\$25,000
15	Franklin County	Franklin	Create a GIS-based Planning Map for unincorporated Franklin County and make available via web link on County's website	\$25,000
16	Hamilton County	Hamilton	Analyze Comprehensive Plan to address changes in statutes, streamline development review process and digitize and update Future Land Use Map	\$25,000
17	Jennings, Town of	Hamilton	Conduct a mapping study and analysis of the Town's current infrastructure and develop a 10-year plan for infrastructure repairs and expansion	\$25,000
18	Madison County	Madison	Prepare comprehensive plan amendments to update the plans of the Town of Lee and the Town of Greenville and incorporate a new Economic Development Element into each of the two comprehensive plans.	\$39,000
19	Marathon, City of	Monroe	Update Land Development Regulations to be consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern.	\$42,500
20	Mascotte, City of	Lake	Update Land Development Regulations to be consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and to adress previous DEO rejections.	\$10,000

21	Niceville, City of	Okaloosa	Update Land Development Code to maintain consistency with the Future Land Use Element of the City's Comprehensive Plan, clarifying unclear and contradicting regulations	\$25,000
22	St. Johns County	St. Johns	Conduct an analysis of the County's passive recreation parks to provide information to guide the County promote maximum use of the parks.	\$25,000
23	Atlantic Beach, City of	Duval	Create a Community Redevelopment Area (CRA) to encourage the redevelopment of the Mayport Road corridor (Highway A1A).	\$25,000
24	Dade City	Pasco	The City of Dade City, under its Neighborhood Improvement Program, will prepare a neighborhood plan for a specific neighborhood identified in the deliverables.	\$25,000
25	Tampa, City of	Hillsborough	Prepare a final proposed Tree & Landscape Ordinance that Implements the Tampa Comprehensive Plan and the City's recently adopted Urban Forest Management Plan.	\$25,000
26	Holmes County	Holmes	Prepare a Industrial park master plan for a 255-acre site in Holmes County.	\$18,000
27	Walton County	Walton	Prepare s study to determine the options for transit/transportation for the CR 30A corridor and determine infrastructure needs to enable use of these options.	\$25,000
28	Newberry, City of	Alachua	Prepare comprehensive plan amendments to update the Future Land Use, Community Visioning component, Economic Development, and other key elements of the comprehensive plan.	\$25,000
29	Columbia County	Columbia	Update the County's comprehensive plan Future Land Use Map (FLUM) and Official Zoning Atlas (OZA) to create an interactive, web-based application for its citizens to access the data.	\$17,500

30	Hampton, City of	Bradford	Update the City's comprehensive plan while educating the public and elected officials about the value purpose and potential of planning to develop strategies to improve the City for current and future residents.	\$25,000
31	Fort White, Town of	Columbia	Conduct an Evaluation and Appraisal Review of its comprehensive plan and draft any required plan amendments.	\$5,000
32	Central Florida Regional Planning Council	Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia	Develop and draft comprehensive plan amendments to meet required updates, providing transportation, intergovernmental coordination, and capital improvement policies to address the newly formed Heartland Regional Transportation Planning Organization for twelve local governments in the HRTPO.	\$77,500
33	Southwest Florida Regional Planning Council	Charolotte, Collier, Glades, Hendry, Lee and Sarasota	Developing a Rail Preservation Plan to determine the necessary steps to take in the 12 local government comprehensive plans to preserve the intact Seminole Gulf Railway Corridor for long-term multi-modal transportation uses.	\$39,000
34	Clewiston	Hendry	Develop a Main Street Revitalization Plan along US Highway 27 in the City of Clewiston	\$25,000
35	Dundee, Town of	Polk	Vision Plan for the Downtown Area and draft Land Development Regulations (LDRs) to implement the Vision Plan.	\$25,000
36	Fort Myers, City of	Lee	Community education program, Community Preference Analysis, and a Visual Preference Assessment for the Dr. Martin Luther King Corridor in the City in order to facilitate redevelopment of the corridor.	\$30,000
37	Frostproof, City of	Polk	Develop a Community Redevelopment Area (CRA) Plan that will meet the requirements of Section 163.362, Florida Statutes.	\$25,000

38	Highlands County	Highlands	Draft Land Development Regulations to implement the voluntary Sebring Airport Encouragement Zone/Spring Lake Mixed Use Development Area Overlay.	\$25,000
TOTALS				\$1,294,000

Technical Assistance (TA) GRANTS AWARDED FY 16-17 Totals \$1,509,850

	Grantee	County	Project Discription	Amount
1	Altha	Calhoun	Update Comp Plan adopted in 1991	\$30,000.00
2	Apalachee Regional Planning Council #1	Bay, Jackson, Gadsden	Feasibility Study for Chattahoochee to Bristol Trail	\$30,000.00
3	Apalachee Regional Planning Council #2	Franklin, Liberty, Dixie	Corridor 98 Vision, inventory and maps of community events, historic sites, etc., and developing a corridor master plan for three local governments along Highway 98; seek buy-in from other local governments along Highway 98	\$75,000.00
4	Bell	Gilchrist	Prepare EAR-Based Amendments	\$10,000.00
5	Bowling Green	Hardee	Master Recreation Plan for Pyatt Park	\$25,000.00
6	Bushnell	Bushnell	Establish a Community Redevelopment Area	\$25,000.00
7	Calhoun	Calhoun	Plan amendments to clarify land use categories; amend Infrastructure Element policies to address protection of areas of prime groundwater recharge	\$25,000.00
8	Cape Canaveral #1	Brevard	Master Plan Update for Canaveral City Park	\$40,000.00
9	Central FL RPC	DeSoto, Hardee, Highlands, Okechobee, Polk	Draft LDRs for temporary post-disaster accommodations	\$60,000.00
10	Century	Escambia	Update LDRs	\$25,000.00
11	Charlotte	Charlotte	Update Murdock Village Community Redevelopment Plan	\$40,000.00
12	Chipley	Washington	Develop Chipley CRA Community Redevelopment Plan	\$25,000.00
13	Clearwater	Pinellas	Evaluate flood risk for coastal areas within municipal boundaries with the Peril of Flood	\$20,000.00
14	Columbia	Columbia	Five-Year Sports Tourism Enrichment Strategic Plan	\$35,000.00
15	DeSoto	DeSoto	Update Housing and FLUE Elements, FLUM, and Housing Support Document re: work force housing	\$40,000.00
16	Dundee	Polk	Update LDRs, prepare fact sheet, application checklist, and application forms	\$25,000.00
17	Dunnellon	Marion	Update land development regulations; identify nonconforming properties, recommend solutions, and conduct a public workshop on potential solutions.	\$40,000.00

18	Freeport	Walton	Develop Freeport Recreation Plan	\$32,000.00
19	Green Cove Springs	Clay	Annexation Report	\$30,000.00
20	Gulf Co.	Gulf, Franklin, Liberty, Gadsden	Strategic Sites Inventory (identify quality industrial and commercial sites along intermodal transportation assets - highway, rail, airports, and seaport transportation assets - connecting Gulf, Franklin, Liberty, and Gadsden counties); develop a Strategic Plan for designation as a "freight logistic zone."	\$65,000.00
21	Hallandale Beach	Broward	Corridor Revitalization Plan for Hallandale Beach Boulevard	\$35,000.00
22	Hastings	St.Johns	Update Town's LDRs	\$25,000.00
23	Hawthorne	Alachua	Update Comp Plan and Data and Analysis	\$40,000.00
24	Hillsborough	Hillsborough	Promote healthy food access in an area of need in the City of Tampa	\$25,000.00
25	Indialantic	Brevard	Master Sidewalk Plan	\$15,000.00
26	Indian River	Indian River	An assessment that identifies and prioritizes areas and projects within Indian River County that are suitable for the conversion of Onsite Sewage Treatment and Disposal Systems (OSTDS, also referred to as septic systems) to centralized sewer.	\$35,000.00
27	LaBelle	Hendry	Tourism Marketing Strategy	\$30,000.00
28	LaCrosse	Alachua	EAR-based amendments	\$6,000.00
29	Lake Placid	Highlands	Community Redevelopment Plan	\$25,000.00
30	Liberty	Liberty	Update Land Development Code	\$25,000.00
31	Lynn Haven	Bay	Develop multi-modal mobility fee structure; necessary comp plan and LDR amendments.	\$25,000.00
32	Miami Gardens	Miami-Dade	Multi-Purpose CRA/Entertainment District Plan	\$25,000.00
33	Milton	Santa Rosa	Community Life Cycle Plan (planning for 1/4 of population shifting to 65+)	\$30,000.00
34	Montverde	Lake	Develop Complete Streets Criteria, Residential Design Criteria, Sidewalk Master Plan, and Village Core Ecotourism and Sports Tourism Overlay District	\$23,000.00

35	North Port	Sarasota	Develop a Neighborhood Revitalization Plan for a minimum of four and up to seven of its older neighborhoods on the north and south side of US Highway 41 along the Big Slough.	\$33,000.00
36	Orange Co.	Orange	Urban Infill and Redevelopment Plan for Pine Castle Corridor Area	\$60,000.00
37	Palm Beach	Palm Beach	Action Plan for the Westgate Avenue corridor	\$25,000.00
38	Santa Rosa	Santa Rosa	Bicycle and Pedestrian Master Plan for Pace/Pea Ridge area	\$30,000.00
39	Sneads	Jackson	Vision and Targeted Industries List and Amend Comp Plan	\$35,000.00
40	South Florida RPC	Broward, Miami-Dade, Monroe	Infrastructure Protection Plan for 6 communities in Monroe, Miami-Dade, and Broward Counties that have high risks of coastal flooding.	\$53,600.00
41	St. Augustine	St. Johns	Action Plan for the Peril Flood area	\$20,000.00
42	St. Lucie	St. Lucie	Fisherman's Wharf Plan	\$35,000.00
43	Tampa Bay Regional Planning Council	Pinellas, Pasco, Hernando, Sumpter, Lake , Orange, Seminole, Volusia and Brevard	Coast to Coast Trail Implementation and Marketing Plan	\$67,250.00
44	Wakulla	Wakulla	Land Use Assessment within Crawfordville Town Plan area.	\$25,000.00
45	Webster	Sumter	Update Zoning and Land Development Code	\$25,000.00
46	West Melbourne	Brevard	Develop a mixed use town center, identify transportation improvements, and draft comprehensive plan policies and LDRs.	\$40,000.00
TOTAL				\$1,509,850.00

Technical Assistance (TA) Grants Awarded FY 17-18 Totals \$1,151,000

GRANTEE		County	PROJECT	Amount Funded
1	Altha, Town of	Calhoun	Complete the adoption of comp plan amendments funded in FY 2016-2017 grant and add a Public School Facilities Element.	\$5,000
2	Baker County	Baker	Neighborhood Development Plan for Town of Sanderson	\$32,500
3	Crescent City, City of	Putnam	CRA Plan Update and necessary comp plan and LDR amendments	\$40,000
4	East Central Florida RPC	St. Johns, Volusia, Brevard, Putnam and Flagler	St. Johns River-To-Sea Loop Strategic Plan and Eco Tourism Resource Initiative	\$75,000
5	Havana, Town of	Gadsden	Prepare Havana Historic Downtown Master Plan	\$28,000
6	Jackson County	Jackson	Comprehensive Plan Update	\$23,500
7	Lake Helen, City of	Volusia	Prepare a Downtown Master Plan	\$40,000
8	Marineland, Town of	Flagler and St. Johns	Feasibility study of extending the municipal sewer line from either Flagler County or St. Johns County into the Town; amend Capital Improvements Element to reflect funding for the chosen alternative.	\$32,000
9	Marion County	Marion	Architectural & Site Design Standards Manual for the Silver Springs CRA and accompanying Land Development Code Amendments to adopt the manual	\$40,000
10	Mary Esther, City of	Okaloosa	Update Coastal Management Element to address Peril of Flood	\$18,000
11	Mexico Beach, City of	Bay	Update Comprehensive Plan	\$25,000
12	Montverde, Town of	Lake	Eco-tourism/Sports Tourism Facilities Plan, plan to promote Historic and Archaeological Tourism, and preparation of a draft comp plan Archaeological and Historic Resources Element to implement comp plan Economic Prosperity Element adopted in 2014	\$19,000
13	Oak Hill, City of	Volusia	Economic Development Strategic Plan	\$43,500
14	Penney Farms, Town of	Clay	Prepare a vision and Quality of Life Element for its comp plan	\$32,500
15	Pensacola, City of	Escambia	Prepare design guidelines for 3 CRAs and adopt into LDRs	\$40,000

16	West Florida RPC - AGREEMENT WILL BE WITH WALTON COUNTY; AWARD LETTER GOES TO WALTON COUNTY	Walton	Hwy 331 Corridor Economic Development Plan (EDP); plan amendment to incorporate the EDP into the comprehensive plan	\$40,000
17	Williston, City of	Levy	EAR amendments and other comp plan updates	\$32,000
18	East Central Regional Planning Council	Seminole	Food entrepreneurship plan for Sanford's Historic Goldsboro community	\$30,000
19	Orange County	Orange	Green Stormwater Master Plan for the proposed Pine Castle Urban Infill and Redevelopment Area	\$50,000
20	Palm Beach County	Palm Beach	Evaluate Westgate/Belvedere Homes CRA Overlay zoning regulations adopted in 1989 and prepare draft LDR amendments	\$40,000
21	Port St. Lucie, City of	St. Lucie	Overlay Zoning District for 5-mile area between a Florida Turnpike Interchange to the East and an I-95 Interchange to the West	\$40,000
22	South Florida RPC	Broward and Miami-Dade	Reduction in coastal flood vulnerability for City of Miami and Hallandale Beach, and Peril of Flood comp plan amendments.	\$25,000
23	Tamarac, City of	Broward	Add an Economic Development Element to the comp plan	\$25,000
24	Treasure Coast RPC for City of West Palm Beach	Palm Beach	Complete Streets Project, Forest Hill Boulevard Corridor between I-95 and US 1	\$30,000
25	Arcadia, City of	DeSoto	Prepare Economic Diversification Strategic Plan and comp plan amendments	\$25,000
26	Cape Coral, City of	Lee	Mooring Field Ordinance for Bimini Field CRA	\$30,000
27	Central Florida RPC	Polk, Highlands, Osceola, Okeechobee	Priority Action Plan for the Avon Park Air Force Range Sentinel Landscape Program (sample conservation easement, guidebook for landowners considering conservation easements, and GIS database of public owned land and land in conservation easements)	\$50,000
28	Davenport, City of	Polk	Draft LDR update, create fact sheets/guides, application checklist, and application forms	\$25,000
29	DeSoto County	DeSoto	Prepare Comprehensive Plan Economic Development Element	\$35,000

30	Dundee, Town of	Polk	Draft engineering design manual and standard details manual for design and construction of public and private infrastructure	\$25,000
31	Pasco County, City of Dade City and City of Zephyrhills	Pasco	US 301 Corridor Model Development Code to implement the adopted 2016 US 301 Corridor Land Use Vision and Transportation Strategy	\$50,000
32	Polk City, City of	Polk	Parks and Recreation Master Plan	\$25,000
33	Sebring, City of	Highlands	Update 10-Year Water Supply Plan and prepare draft related comp plan goals, objectives and policies	\$10,000
34	Southwest Florida Regional Planning Council	Glades, Hendry and Collier	Regional strategy for agricultural sustainability for Glades and Hendry Counties and the Immokalee portion of Collier County.	\$30,000
35	Marathon, City of	Monroe	Survey and Master Plan of Historic Resources	\$40,000
				Total: \$1,151,000

Technical Assistance (TA) GRANTS AWARDED FY 18-19 Totals \$1,222,300

Grantee		County	Project Description	Amount Awarded
1	Apalachee Regional Planning Council #1	Wakulla, Gulf and Jefferson	Continuation of Hwy 98 project funded FY 2016-2017 by adding Wakulla, Gulf and Jefferson Counties to the three already in (Dixie, Taylor and Franklin).	\$45,000.00
2	Apalachee Regional Planning Council #2	Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Liberty and Wakulla	<i>Apalachee Online</i> : planning and mapping tool for ARPC region; will include story boards and GIS analyses, digitized FLUMs and zoning maps.	\$63,450.00
3	Apalachicola	Franklin	Resiliency to sea level rise; draft fill regulations for flood-prone areas, establish floodplain management permitting system, and update coastal management element in the comprehensive plan to include peril of flood requirements in s. 163.3178(2)(f), F.S. (ACSC)	\$40,000.00
4	Central Florida Regional Planning Council	DeSoto, Glades, Hardee, Hendry, Highlands, Okeechobee, Polk	Interactive website for Heartland Regional TPO; data from Heartland 2060 visioning process and Building a Resilient Region to be used to forecast regional data for Heartland Regional TPO long range transportation plan.	\$60,000.00
5	Chattahoochee, City of (Grantee declined the grant 2/3/19)	Gadsden	Hwy. 90 (Washington Street) Streetscape Plan to be adopted by City Council.	\$32,600.00
6	Citrus County	Citrus	Report and recommendations for long range planning for Suncoast Parkway II.	\$40,000.00

7	Cocoa, City of	Brevard	Peril of Flood/Economic Resiliency Analysis; create a model to estimate business losses due to periodic flooding or loss of a critical city asset. Additional funding for data and analysis provided by DEP's Resilient Coastlines Program.	\$20,000.00
8	DeFuniak Springs	Walton	Create a new comprehensive plan, FLUM and zoning maps, and analyze consistency of LDRs with the new comprehensive plan.	\$40,000.00
9	DeLand, City of (Grantee declined the grant, 1st quarter)	Volusia	Update City's comprehensive plan to incorporate its 2012 Mobility Study and add policies/strategies to encourage development and redevelopment within the major transportation corridors linking the recently developed Sun Rail Commuter Train corridor.	\$35,000.00
10	Frostproof	Polk	Downtown Master Plan	\$30,000.00
11	Hendry County	Hendry	Conduct planning study addressing updated land uses for Wheeler Estate. Comp plan amendments and LDR update. Includes land use for commercial and industrial guidelines for intensity, location and supporting infrastructure. Will also address household farm animals and nonresidential uses.	\$33,250.00
12	Hernando County	Hernando	Affordable housing needs analysis for County, including cities of Weeki Wachee and Brooksville; proposed housing action plan with recommendations for amendments to the comp plan and LDRs; implementation component.	\$35,000.00
13	Highlands County	Highlands	Financial feasibility and analysis and Housing Market Study; draft amendments to Housing Element, Future Land Use Element, and FLUM in the comprehensive plan to address workforce housing and economics.	\$40,000.00

14	Howey in the Hills, Town of	Lake	Bike/ped Master Plan to implement comprehensive plan requirement.	\$35,000.00
15	Indian River County	Indian River	Living Shoreline project design and signage.	\$13,500.00
16	Jay	Santa Rosa	Locate and assemble maps of existing water system infrastructure so city can assess current infrastructure and make repairs where necessary.	\$16,000.00
17	Lake Alfred	Polk	Green Swamp related plan amendments and LDRs and guidebook to developing in the Green Swamp. (ACSC)	\$20,000.00
18	Lake County	Lake	Master Plan research report and recommendations for redevelopment of approximately 475 acres in the Mount Plymouth-Sorrento CRA.	\$30,000.00
19	Laurel Hill	Okaloosa	Locate and assemble maps of existing water system infrastructure so city can assess current infrastructure and make repairs where necessary.	\$20,000.00
20	Marianna, City of	Jackson	Redevelopment plan for growing blighted area adjacent to Jackson Hospital (closed school); proposed Medical Service District overlay.	\$32,000.00
21	Mary Esther	Okaloosa	Update zoning, FLUM, and stormwater maps.	\$25,000.00
22	Palm Beach Gardens (on behalf of 10 municipalities)	Palm Beach	Smart Connected Cities - Palm Beach Gardens, Riviera Beach, Juno Beach, Jupiter, Jupiter Inlet Colony, Mangonia Park, Lake Park, Palm Beach Shores, Tequesta	\$48,000.00
23	Port St. Lucie	St. Lucie	Feasibility study for development of Southern Grove (former DRI and a portion of the Tradition development). Property is 1,391 acres along I-95. City advises there is a potential to provide 22,500 jobs.	\$40,000.00

24	Sanford, City of	Seminole	Multi-Modal Connectivity Plan from the Downtown area to the Waterfront/Riverwalk and outline visions for connectivity to other communities along Lake Monroe/St. Johns River. The emphasis will be to establish Sanford as a destination city for the Coast-to-Coast Trail and the St. Johns River.	\$48,500.00
25	South Florida Regional Planning Council	Broward, Miami-Dade, Monroe	Peril of Flood amendments for 4 communities, 2 in the Florida Keys ACSC: Lauderdale by the Sea, Bal Harbor, Islamorada and Marathon	\$40,000.00
26	Southwest Florida Regional Planning Council #2	Lee, Collier, Sarasota, Glades, Charlotte, Hendry	Food Safety Plan for Small to Mid-Sized Growers	\$30,000.00
27	St. Cloud, City of Priority #1	Osceola	Update Housing Element	\$20,000.00
28	St. Cloud, City of Priority #2	Osceola	Transportation Master Plan	\$20,000.00
29	St. Marks, City of	Wakulla	GIS analysis to evaluate the effects of spring tides and storm surge (using the SLOSH model), soil analysis related to stormwater, and potential for flash flood events; prepare Peril of Flood amendments and conduct transmittal public hearings.	\$25,000.00
30	Suwannee County	Suwannee	Strategic Sites Inventory, Phase II, for 8 parcels that have been identified as potential sites for economic development; quantify potential costs for development, mitigation and permitting; and identify a candidate site meeting the FDOT Intermodal Logistics Center (ILC) definition for potential future request to FDOT to establish a freight logistics zone.	\$40,000.00
31	Taylor County (Steinhatchee)	Taylor	Bike/ped Master Plan that stands on its own and also connects to Florida National Scenic Trail, Sun Trail, and other regional trails; part of plan to make Steinhatchee a "trail town."	\$36,000.00

32	Volusia County	Volusia	Economic opportunity assessment (study and report) for the southern part of the county to profile commercial space launch industry suppliers and service organizations, which will provide information to help define infrastructure needs and guide recruitment of businesses in the aerospace industry. Present the report to the County and the public; prepare a comprehensive plan amendment that might include development of an aerospace industrial center. County is part of the Cape Canaveral Spaceport Technologies Triangle.	\$45,000.00
33	Washington County	Washington	Comprehensive water and sewer plan that includes central facilities for three sites identified through SSI process as suitable for economic development; geotechnical analysis; proposed plan amendment to adopt water and sewer plan into comprehensive plan.	\$35,000.00
34	Wauchula #2	Hardee	Update Water Supply Plan	\$10,000.00
35	Winter Haven	Polk	Florence Villa CRA Plan Update	\$35,000.00
36	Zephyrhills #1	Pasco	Industrial Corridor Master Plan	\$44,000.00
Total				\$1,222,300.00

Technical Assistance (TA) GRANTS AWARDED FY 19-20 Totals \$752,550

Grantee		County	Project	Amount Funded
1	Apalachee Regional Planning Council	Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Liberty, Wakulla	<i>Apalachee Online - Phase 2:</i> Expand platform funded with a CPTA grant in FY 2018-2019 to include municipal future land use maps and create municipal websites to link the 27 municipalities in the region to the <i>Apalachee Online</i> resource.	\$65,450.00
2	Calhoun County	Calhoun	Collect data and analysis to prepare a long-term recovery plan that responds to the needs of Calhoun County following Hurricane Michael. Prepare long-term recovery plan that details specific community actions to be taken, along with responsible parties and targeted funding sources that follows the outline established by Florida's Post-Disaster Redevelopment Planning process and the National Disaster Recovery Framework.	\$40,000.00
3	Chattahoochee, City of	Gadsden	Partner with Chattahoochee Main Street to develop a US 90 (Washington Street) Conceptual Streetscape Improvement Plan	\$32,600.00
4	Havana, Town of	Gadsden	Develop Historic Main Street Overlay District Design Standards	\$34,500.00
5	Hernando County	Hernando	Develop Master Plan for Anderson Snow District Park that will optimize park assets, plan for park upgrades, plan for a 43-acre expansion to the park, identify opportunities for public/private partnerships, and prepare a long-term vision that meets the needs of County residents.	\$35,000.00
6	Hilliard, Town of	Nassau	Update comprehensive plan data and analysis and goals, objectives and policies; digitize updated comprehensive plan, including maps	\$40,000.00

7	Liberty County	Liberty	Collect data and analysis and prepare a long-term recovery plan that responds to the needs of Liberty County following Hurricane Michael. Long-term recovery plan will detail specific community actions to be taken, along with responsible parties and targeted funding sources and followss the outline established by Florida's Post-Disaster Redevelopment Planning process and the National Disaster Recovery Framework.	\$40,000.00
8	Orange Park, Town of	Clay	Develop a 20-year Strategic Vision Plan to include: performance of an assessment of current capabilities/needs; review of current budgets/capital improvement plans, and other key documents; public and staff input through surveys, establish committees; conduct town meetings; conduct a SWOT analysis; and prepare Strategic Vision Plan 2040.	\$40,000.00
9	Springfield, City of	Bay	Prepare preliminary site planning of the central government complex to replace structures that were destroyed by Hurricane Michael. The site plan will identify possible locations for city hall, police & fire stations, warehouses, and vehicle maintenance shops within a pre-identified city-owned parcel located more inland than the original structures.	\$30,000.00
10	Hallandale Beach, City of	Broward	Develop a Post-Disaster Redevelopment Plan which integrates Adaptation into Long-Term Recovery for the City.	\$40,000.00

11	Indian River County #1	Indian River	Develop an outline for a management plan specific to Indian River County's portion of the Indian River Lagoon (IRL). Once an outline for the Plan is adopted, the Research Phase will commence and will seek to identify the specific factors having the greatest negative impacts to the IRL and provide recommendations for how the County can manage these factors to revitalize the IRL.	\$30,000.00
12	Loxahatchee Groves, Town of	Palm Beach	Update and improve planning "tool box" including (1) creation of a town GIS Future Land Use Map Series and Zoning Map Atlas and (2) adoption of FLUM and Comprehensive Plan text and Zoning Map amendments to update Town planning tools necessary to address unresolved issues in Town and changing conditions within the surrounding area.	\$40,000.00
13	Miami Shores Village	Dade	Procure engineering consultant to collect data, review or prepare maps, conduct a geographic information system analysis, and prepare a Sewer Facility Plan that meets the minimum policy and regulatory requirements from the county Dept of Environmental Resources Management and the Florida Department of Environmental Protection	\$40,000.00
14	Tamarac, City of (Declined Funding)	Broward	Develop a comprehensive Multi-Modal Transportation Master Plan aligned with the Broward Metropolitan Planning Organization's Transportation Planning Guidebook.	\$40,000.00
15	Central Florida RPC	DeSoto, Glades, Hardee, Hendry, Highlands, Okeechobee, Polk	Complete Phase II of the update of the regional vision known as Heartland 2060, Building a Resilient Region based upon the updated databases for population and economic forecasts and housed on an interactive website developed in Phase I.	\$50,000.00

16	Everglades City, City of	Collier	Water resource study	\$40,000.00
17	Frostproof, City of	Polk	Create Technical Memo on how best to expand the City's Sewage Treatment Plant effluent disposal capacity.	\$35,000.00
18	Apalachicola, City of	Franklin	Create a new 10-year plan that will outline specific community projects to be completed that support the mandates outlined by the Florida Legislature in section 380.0555(2), Florida Statutes.	\$40,000.00
19	Monroe County	Monroe	Update and streamline Monroe County Code Sections 114-2(a)(5) and 114-3 to reflect best practices in floodplain management. Update and republish the "Manual of Stormwater Management Practices" and "Layman's Brochure".	\$40,000.00
TOTAL				\$752,550.00

Kerry Godwin, Planning and Design Director, Community Development, Osceola County: *To handle the Comprehensive Plan Amendment support with required research, analysis, supporting language, citizen outreach, Commissioner Briefings, Public Notices, and Public Hearings. In addition, there may be required Land Development Code changes that will require staff review, required research, analysis, supporting language, citizen outreach, Public Notices, Public Hearings, Commissioner Briefings, etc. Based upon this approach, we estimate the costs to be in the \$150,000 to \$250,000 range.*

Anthony Palermo, Assistant Director, Community Development Department, Fort Myers: *A small town or City may spend \$50,000 (conservative estimate) hiring a planning consultant to draft a Comp Plan amendment and may end up spending another \$50,000 on total staff time, advertising, and paperwork. If they hold a lot of meetings and get a lot of public input it could be more. If the town does not have a land use lawyer they may spend another \$5,000 - 10,000 on legal consultants. It is a burden and most small governments will be impacted the most. A big place like Lee County may be able to absorb it with existing staff and experts.*

Brian Teeple, former Executive Director, NEFRC: *The NEFRC created a new "Quality of Life" element for the Town of Penny Farms recently using a DEO TA grant of \$30,000 and we slightly went over that budget. PF is a very small community. So I would guess average would be more like \$50K x 477 local governments (that may not be the exact number) = \$23,850,000, That estimate is conservative.*

Melissa Zornitta, Executive Director, Hillsborough County City-County Planning Commission: *We are in the midst of a fee study so I can tell you that the consultant has found it costs \$10,375.00 to review and process a privately initiated amendment to the text of the comprehensive plan. I would venture that creating a new element to the Comprehensive Plan would be at least that much – probably quite a bit more – particularly in legal staff costs. That does not include costs for holding a hearing – like the clerk, security or HTV for broadcasting it.*

Jason Green, Weiler Engineering (located in Punta Gorda): *\$25,000 minimum*

Kim Glas-Castro, AICP LEED AP
Planning, Zoning & Building Director
Village of Palm Springs

You might remember that in addition to serving as Vice Mayor in Lake Park, I am the Planning, Zoning & Building Director for the Village of Palm Springs.

I started my planning career working on the first 9J-5 Comp Plans for Palm Beach County and Palm Beach Gardens, so I might be a bit opinionated on this topic.

With exception of lines 30-44, the draft bills don't provide enough substance to warrant an entire element of the comprehensive plan – perhaps the better approach would be to make an element optional, and at a minimum, all Future Land Use Elements need to include a Goal, Objective and Policy pursuant to the draft bills.

The Department of Economic Opportunity no longer has sufficient staff to draft a Model Element for all cities and counties to use as a template.

Locally, I imagine our planners group will share details on how each city is addressing the mandate. As a smaller city (both Lake Park and Palm Springs), we might wait for a larger city to draft its element and then mirror their provisions. Alternatively, one of the local planning consultants will take the lead as the "expert" on what is required and all the small cities will hire the firm to draft the element.

While I have the experience to undertake the effort myself, I don't have the time given my other responsibilities and will be relying on a consultant.

Based on the fees I was charging while in the private sector, I would estimate consulting fees at \$25,000-40,000.

In Palm Springs, we have a local neighborhood newspaper (The Coastal Observer) in which we can place legal ads – the fees will be approx.. \$350.

But in Lake Park, we have to use the Palm Beach Post, and fees will be twice that (approx. \$700).

I don't have any issues with the proposed language, other than the unfunded mandate aspect of it. (The provisions would actually give me something to point to when a resident complains about a neighbor regarding something that is not within my regulatory authority and is more a matter of preference or privacy.) The provisions serve as overarching principles and not something that can really be written into the land development regulations. Again, I don't feel that an entire element is needed.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 1336

INTRODUCER: Community Affairs Committee and Senator Perry

SUBJECT: Preemption of Local Occupational Licensing

DATE: February 4, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Ryon	CA	Fav/CS
2.			IT	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1336 expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any local government licensing of occupations authorized by general law or those local occupational licenses adopted prior to October 1, 2020 are exempt from this preemption. In addition, nothing in the bill is intended to prevent or restrict a local government's ability to enact residency requirements for licenses or licensees.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation. It specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

Finally, the bill authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. Local journeyman licensing is exempt from the preemption in the bill.

II. Present Situation:

Local Government Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹ Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.² Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.³

Unlike counties or municipalities, independent special districts do not possess home rule power. Therefore, the powers possessed by independent special districts are those expressly provided by, or which can be reasonably implied from, the special district's charter or general law.⁴ Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁵

Revenue Sources Authorized in the Florida Constitution⁶

The Florida Constitution limits the ability of local governments to raise revenue for their operations. The Florida Constitution provides:

No tax shall be levied except in pursuance of law. No state ad valorem taxes⁷ shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.⁸

Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.⁹

However, not all local government revenue sources are taxes requiring general law authorization. When a county or municipal revenue source is imposed by ordinance, the question is whether the

¹ FLA. CONST. art. VIII, s. 1(f).

² FLA. CONST. art. VIII, s. 1(g).

³ FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

⁴ *See* s. 189.031(3)(b), F.S. *See also State ex rel. City of Gainesville v. St. Johns River Water Mgmt. Dist.*, 408 So.2d 1067, 1068 (Fla. 1st DCA 1982).

⁵ State Affairs Committee and Local, Federal & Veterans Affairs Subcommittee, The Florida House of Representatives, 2018 - 2020 *Local Government Formation Manual*, available at <https://myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General%20Publications&FileName=2018-2020%20Local%20Government%20Formation%20Manual%20Final.pdf> (last visited Jan. 18, 2020).

⁶ *See* Office of Economic and Demographic Research, The Florida Legislature, 2019 *Local Government Financial Handbook*, available at <http://edr.state.fl.us/Content/local-government/reports/lgfih19.pdf> (last visited Jan. 18, 2020).

⁷ Pursuant to s. 192.001(1), F.S., “ad valorem tax” means a tax based upon the assessed value of property.

⁸ FLA. CONST. art. VII, s. 1(a).

⁹ FLA. CONST. art. VII, s. 9(a).

charge is a valid assessment or fee. As long as the charge is not deemed a tax, the imposition of the assessment or fee by ordinance is within the constitutional and statutory home rule powers of county and municipal governments. If the charge is not a valid assessment or fee, it is deemed a revenue source requiring general law authorization.

Local Government Revenue Sources Based on Home Rule Authority¹⁰

Pursuant to home rule authority, counties and municipalities may impose proprietary fees, regulatory fees, and special assessments to pay the cost of providing a facility or service or regulating an activity. Because special districts do not possess home rule powers, they may impose only those taxes, assessments, or fees authorized by special or general law.¹¹

Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.¹²

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.¹³ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.¹⁴ In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.^{15,16}

In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.¹⁷ Implied preemption is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.¹⁸ Preemption of a

¹⁰ Office of Economic and Demographic Research, The Florida Legislature, *2019 Local Government Financial Handbook*, available at <http://edr.state.fl.us/Content/local-government/reports/lgfih19.pdf> (last visited Jan. 18, 2020).

¹¹ See ch. 189, F.S. See also State Affairs Committee and Local, Federal & Veterans Affairs Subcommittee, The Florida House of Representatives, *The Local Government Formation Manual 2018-2020*, 70, available at <https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General%20Publications&FileName=2018-2020%20Local%20Government%20Formation%20Manual%20Final.pdf> (last visited Jan. 18, 2020).

¹² See James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009) available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Jan. 18, 2020).

¹³ See *City of Hollywood v. Mulligan*, 934 So.2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So.3d 309 (Fla. 2008).

¹⁴ *Mulligan*, 934 So.2d at 1243.

¹⁵ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So.3d 880, 886 (Fla. 2010).

¹⁶ Examples of activities “expressly preempted to the state” include: operator use of commercial mobile radio services and electronic communications devices in motor vehicles, s. 316.0075, F.S.; regulation of the use of cameras for enforcing provisions of the Florida Uniform Traffic Control Law, s. 316.0076, F.S.; and, the adoption of standards and fines related to specified subject areas under the purview of the Department of Agriculture and Consumer Services, s. 570.07, F.S.

¹⁷ See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

¹⁸ *Phantom of Clearwater, Inc.*, 894 So.2d at 1019.

local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.¹⁹ Implied preemption is found where the local legislation would present the danger of conflict with the state's pervasive regulatory scheme.²⁰

Professions and Occupations

General law directs a number of state agencies and licensing boards to regulate certain professions and occupations. For example, the Department of Business and Professional Regulation (DBPR) currently regulates approximately 25 professions and occupations.²¹

General law determines whether local governments are able to regulate occupations and businesses, and to what degree.²² If state law preempts regulation for an occupation, then, generally, local governments may not regulate that occupation.²³ Florida law currently preempts local regulation with regard to the following:

- Assessing local fees associated with providing proof of licensure as a contractor, or providing, recording, or filing evidence of worker's compensation insurance coverage by a contractor;²⁴
- Assessing local fees and rules regarding low-voltage alarm system projects;²⁵
- Smoking;²⁶
- Firearms and ammunition;²⁷
- Employment benefits;²⁸
- Polystyrene products;²⁹
- Public lodging establishments and public food service establishments;³⁰ and
- Disposable plastic bags.³¹

Conversely, Florida law also specifically grants local jurisdictions the right to regulate businesses, occupations and professions in certain circumstances.³² Florida law authorizes local regulations relating to:

- Zoning and land use;³³

¹⁹ *Id.*

²⁰ *Sarasota Alliance for Fair Elections, Inc.*, 28 So.3d at 886.

²¹ Section 20.165, F.S.

²² See FLA. CONST art. VIII, s. 1(f), art. VIII, s. 2(b), and ss. 125.01(1) and 166.021(1), F.S.

²³ See James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009) available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Jan. 18, 2020).

²⁴ Section 553.80(7)(d), F.S.

²⁵ Section 489.503(14), F.S.

²⁶ Section 386.209, F.S.

²⁷ Section 790.33(1), F.S.

²⁸ Section 218.077, F.S.

²⁹ Section 500.90, F.S.

³⁰ Section 509.032(7), F.S.

³¹ Section 403.7033, F.S.

³² See James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009) available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Jan. 18, 2020).

³³ See part II, ch. 163, F.S.

- The levy of “reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter;”³⁴
- The levy of local business taxes;³⁵
- Building code inspection fees;³⁶
- Tattoo establishments;³⁷
- Massage practices;³⁸
- Child care facilities;³⁹
- Taxis and other vehicles for hire;⁴⁰ and
- Waste and sewage collection.⁴¹

Construction Professional Licenses

Chapter 489, F.S., relates to “contracting,” with part I addressing the licensure and regulation of construction contracting, and part II addressing the licensure and regulation of electrical and alarm system contracting.

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within DBPR.⁴² The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate.⁴³ The CILB meets to approve or deny applications for licensure, review disciplinary cases, and conduct informal hearings relating to discipline.⁴⁴

“Certified contractors” are individuals who pass the state competency examination and obtain a certificate of competency issued by DBPR. Certified contractors are able to obtain a certificate of competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.⁴⁵

“Certified specialty contractors” are contractors whose scope of work is limited to a particular phase of construction, such as drywall or demolition. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.⁴⁶

³⁴ Section 166.221, F.S.

³⁵ Chapter 205, F.S.

³⁶ Section 166.222, F.S.

³⁷ Section 381.00791, F.S.

³⁸ Section 480.052, F.S.

³⁹ Section 402.306, F.S.

⁴⁰ Section 125.01(1)(n), F.S.

⁴¹ Section 125.01(1)(k), F.S.

⁴² See ss. 489.105, 489.107, and 489.113, F.S.

⁴³ Section 489.107(1), F.S.

⁴⁴ Section 489.107, F.S.

⁴⁵ See ss. 489.105(6)-(8) and (11), F.S.

⁴⁶ See ss. 489.108, 489.113, 489.117, 489.131, F.S.

“Registered contractors” are individuals that have taken and passed a local competency examination and can practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued.⁴⁷

The table on the next page provides examples of CILB licenses for types of contractors.⁴⁸

Statutory Licenses	Specialty Licenses
<ul style="list-style-type: none"> • Air Conditioning- Classes A, B, and C • Building • General • Internal Pollutant Storage Tank Lining Applicator • Mechanical • Plumbing • Pollutant Storage Systems • Pool/Spa- Classes A, B, and C • Precision Tank Tester • Residential • Roofing • Sheet Metal • Solar • Underground Excavation 	<ul style="list-style-type: none"> • Drywall • Demolition • Gas Line • Glass and Glazing • Industrial Facilities • Irrigation • Marine • Residential Pool/Spa Servicing • Solar Water Heating • Structure • Swimming Pool Decking • Swimming Pool Excavation • Swimming Pool Finishes • Swimming Pool Layout • Swimming Pool Piping • Swimming Pool Structural • Swimming Pool Trim • Tower

Current law provides that local jurisdictions may approve or deny applications for licensure as a registered contractor, review disciplinary cases, and conduct informal hearings relating to discipline of registered contractors licensed in their jurisdiction.⁴⁹ Local jurisdictions are not barred from issuing and requiring construction licenses that are outside the scope of practice for a certified contractor or certified specialty contractor, such as painting and fence erection licenses. Local governments may only collect licensing fees that cover the cost of regulation.⁵⁰

Locally registered contractors that are required to hold a contracting license to practice their profession in accordance with state law must register with DBPR after obtaining a local license. However, persons holding a local construction license whose job scope does not substantially correspond to the job scope of a certified contractor or a certified specialty contractor are not required to register with DBPR.⁵¹

⁴⁷ Section 489.117, F.S.

⁴⁸ See s. 489.105(a)-(q), F.S., and Rules 61G4-15.015-040, F.A.C.

⁴⁹ Sections 489.117 and 489.131, F.S.

⁵⁰ Office of Economic and Demographic Research, The Florida Legislature, *2019 Local Government Financial Handbook*, available at <http://edr.state.fl.us/Content/local-government/reports/lgrfih19.pdf> (last visited Jan. 18, 2020).

⁵¹ Sections 489.105 and 489.117(4), F.S.

Electrical contractors, alarm system contractors, and electrical specialty contractors are certified or registered under the Electrical Contractors' Licensing Board (ECLB).⁵² Certified contractors can practice statewide and are licensed and regulated by ECLB. Registered contractors are licensed and regulated by a local jurisdiction and may only practice within that locality.⁵³

Electrical contractors are contractors who have the ability to work on electrical wiring, fixtures, appliances, apparatus, raceways, and conduits which generate, transmit, transform, or utilize electrical energy in any form. The scope of an electrical contractor's license includes alarm system work.⁵⁴

Alarm system contractors are contractors who are able to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An "alarm system" is defined as "any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency."⁵⁵

Electrical certified specialty contractors are contractors whose scope of work is limited to a particular phase of electrical contracting, such as electrical signs. The ECLB creates electrical certified specialty contractor licenses through rulemaking.⁵⁶ Certified electrical specialty contractors can practice statewide. The ECLB has created the following certified specialty contractor licenses:

- Lighting Maintenance Specialty Contractor;
- Sign Specialty Electrical Contractor;
- Residential Electrical Contractor;
- Limited Energy Systems Specialty Contractor;
- Utility line electrical contractor; and
- Two-Way Radio Communications Enhancement Systems Contractor.⁵⁷

Journeyman

A journeyman is a skilled worker in a building trade or craft. There is no state requirement for licensure as a journeyman, but the construction and electrical contractor practice acts account for the fact that counties and municipalities issue journeyman licenses. A person with a journeyman license must always work under the supervision of a licensed contractor, but the state does not regulate journeymen activities or issue journeymen licenses.⁵⁸

However, ch. 489, F.S., allows tradesman to be licensed as a journeyman in one local jurisdiction and work in multiple jurisdictions without having to take another examination or pay an additional licensing fee to qualify to work in the other jurisdictions (county or municipality). Specifically, s. 489.1455(1) of part I, F.S., specifies:

⁵² See Sections 489.505(3) and 489.507, F.S.

⁵³ See s. 489.505(16), F.S.

⁵⁴ Sections 489.505(12) and 489.537(7), F.S.

⁵⁵ Sections 489.505(1)-(2), F.S.

⁵⁶ Sections 489.507(3) and 489.511(4), F.S.

⁵⁷ Sections 489.505(19) and 489.511(4), F.S.; Rule 61G6-7.001, F.A.C.

⁵⁸ Sections 489.103, 489.1455, 489.503, and 489.5335, F.S.

An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee.

The statutory criteria for licensure reciprocity between local jurisdictions for journeymen include:⁵⁹

- Scoring at least 75 percent on an approved proctored examination for that construction trade;
- Completing a registered apprenticeship program and demonstrating verifiable practical experience in the particular trade;
- Completing coursework approved by the Florida Building Commission specific to the discipline; and
- Not having a license suspended or revoked within the last 5 years.

Residency Requirements for Contracting Licenses

Some local governments have adopted policies to promote the usage of local residents for contracting activities within their jurisdictions. For example, it is the policy of Miami-Dade County that, except where federal or state laws or regulations mandate to the contrary, all contractors and subcontractors of any tier performing on a county construction contract, shall satisfy the requirements of the Miami-Dade County Residents First Training and Employment Program.⁶⁰ These requirements include that the contractor will make its best reasonable efforts to promote employment opportunities for local residents and seek to achieve a project goal of having 51 percent of all construction labor hours performed by Miami-Dade County residents.⁶¹

III. Effect of Proposed Changes:

Section 1 creates s. 163.21, F.S., to define the following terms:

- "Licensing" means any training, education, test, certification, registration, or license that is required for a person to perform an occupation along with any associated fee.
- "Local government" means a county, municipality, special district, or political subdivision of the state.
- "Occupation" means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

This section of the bill expressly preempts occupational licensing to the state. This preemption supersedes any local government licensing requirement of occupations unless:

- The local licensing scheme for an occupation was imposed before October 1, 2020, or
- The licensing of occupations by local governments is authorized by general law.

⁵⁹ Section 489.1455, F.S. A similar reciprocity option applies to journeyman in the electrical trades. Section 489.5335, F.S.

⁶⁰ See Code of Miami Dade County Florida, Chapter 2, Article I, Section 2.11.17, available at

https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.17REFITREMPR

(last visited Feb. 4, 2020).

⁶¹ *Id.*

In addition, this section of the bill prohibits local governments that license an occupation that qualifies for the exemption until October 1, 2022, from imposing additional licensing requirements on that occupation and from modifying such licensing. Any local licensing of an occupation not authorized under the provisions of the bill or otherwise authorized by general law does not apply and may not be enforced.

Nothing in the bill is intended to prevent or restrict a local government's ability to enact residency requirements for licenses or licensees.

Section 2 amends s. 489.117, F.S., to provide that the bill's preemption applies to licensing that is outside the scope of state contractor licensing provisions. Specifically, it provides that a county or municipality may not require a license for a person whose job scope does not substantially correspond to a contractor category licensed by the Construction Industry Licensing Board. The bill specifically precludes counties and municipalities from requiring a license for certain job scopes, including, but not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

Sections 3 and 4 amend ss. 489.1455 and 489.5335, F.S., to authorize counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. Therefore, local journeyman licensing is exempt from the preemption in the bill.

Section 5 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Certain professionals will avoid paying local licensing and/or examination fees due to the preemption of occupational licensure to the state. This may have a positive impact on the number of individuals practicing certain professions. The impact on construction costs and workers' wages is indeterminate.

C. Government Sector Impact:

The bill will have indeterminate impact on local government costs and revenues linked to licensing.

VI. Technical Deficiencies:

Line 76 of the bill provides a job scope description of "canvas awning." The job scope may be better captured by "canvas awning installation."

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 489.117, 489.1455, 489.5335.

This bill creates section 163.21 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on February 3, 2020:

The committee substitute:

- Removes "procedure" from the list of terms that mean licensing.
- Allows a local government that imposes a license on an occupation before October 1, 2020, to retain such licensing scheme so long as the local government does not impose additional licensing requirements or modify such licensing.
- Provides that nothing in the bill is intended to prevent or restrict a local government's ability to enact residency requirements for licenses or licensees.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



395716

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Perry) recommended the following:

Senate Amendment

Delete line 29
and insert:
certification, registration, or license that is



260602

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Farmer) recommended the following:

Senate Amendment (with title amendment)

Delete lines 42 - 53
and insert:
occupations before October 1, 2020.

(b) Any local government licensing of occupations
authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that
licenses occupations and retains such licensing as set forth in
paragraph (2)(a) may not impose additional licensing



260602

requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Nothing in this section is intended to prevent or restrict a local government's ability to enact residency requirements for licenses.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 10

and insert:

be enforced; providing construction; amending s.

489.117, F.S.; specifying



662766

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Farmer) recommended the following:

Senate Amendment (with title amendment)

Delete lines 42 - 53
and insert:
occupations before October 1, 2020.

(b) Any local government licensing of occupations
authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that
licenses occupations and retains such licensing as set forth in
paragraph (2)(a) may not impose additional licensing



662766

requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Nothing in this section is intended to prevent or restrict a local government's ability to enact residency requirements for licenses or licensees.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 10

and insert:

be enforced; providing construction; amending s.

489.117, F.S.; specifying



132314

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Farmer) recommended the following:

Senate Amendment (with title amendment)

Delete lines 42 - 53
and insert:
occupations before October 1, 2020.

(b) Any local government licensing of occupations
authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that
licenses occupations and retains such licensing as set forth in
paragraph (2)(a) may not impose additional licensing



132314

requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Nothing in this section is intended to prevent or restrict a local government's ability to enact residency requirements for licenses or licensees.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 10

and insert:

be enforced; providing construction; amending s.

489.117, F.S.; specifying



812038

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 42 - 53
and insert:
occupations before October 1, 2020. However, any such local
government licensing of occupations expires on July 1, 2022.

(b) Any local government licensing of occupations
authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that
licenses occupations and retains such licensing as set forth in



812038

paragraph (2)(a) may not impose additional licensing
requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an
occupation that is not authorized under this section or
otherwise authorized by general law does not apply and may not
be enforced.

Nothing in this section is intended to prevent or restrict a
local government's ability to enact state residency requirements
for licenses or licensees.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 10

and insert:

be enforced; providing construction; amending s.

489.117, F.S.; specifying

THE FLORIDA SENATE
APPEARANCE RECORD

1336

27 Jan 2020

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

395716

Topic Preemption of Local Occupational License Amendment Barcode (if applicable)

Name Melina Rayna Spanish Farley Barlett

Job Title Executive Director

Address 8689 SE 69 Ter Phone 352-226-7477

City Trenton State FL Zip 32693 Email _____

Speaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing FL NOW

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

301 403

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-27-20

Bill Number (if applicable) 1336

Topic Presumption (Occupational Licenses)

Amendment Barcode (if applicable) _____

Name Brenda Doherty

Job Title MS

Address 1025 E. Bernard St

Phone 251-4288

City _____ State _____ Zip _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Email brendadoherty10@yahoo.com

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/20

Bill Number (if applicable) 1336

Topic Prescription / Occupational

Amendment Barcode (if applicable) _____

Name Kim Fortears

Job Title MS

Address 1010 Crenshaw Dr.

Phone 706-669-8192

City Orlando State FL Zip 32835

Email Kim4FLNOA@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing EK NOA

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2020
Meeting Date

1336
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Remission of local licensing

Name Ida V. Eskamani

Job Title Public Policy

Address 126 N. Mills Ave

City Orlando State FL Zip 32801

Phone 407376 4801

Email ida.eskamani@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Organize Florida

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 01/27/20

Bill Number (if applicable) SB1336

Topic Reemtion of local Occupational Licensing

Amendment Barcode (if applicable) _____

Name MELESIO DIAZ

Job Title CONSERVED CITIZEN

Address 2330 CONWAY DR

Phone 754 214 6850

Street 0227THO City FLORIDA State 32812 Zip

Email mdundel@hotmail.com

Speaking: ☒ For ☐ Against ☐ Information ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 01/27/10

Bill Number (if applicable) SB 1336

Amendment Barcode (if applicable) _____

Topic Exemption of Local Occupational Licensing

Name JOEL RIVERA

Job Title CONCERNED CITIZEN

Address 3421 TURKEY OAKS CT

Phone (904) 521-9236

City JACKSONVILLE State FL Zip 32217

Email JFRA.0708@GMAIL.COM

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

Meeting Date 01/27/20 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Bill Number (if applicable) SB 1336

Topic Preemption of Local Occupational Licensing

Amendment Barcode (if applicable) _____

Name Regi Arceo

Job Title Concerned citizen

Address 9326 Grande Lakes Blvd

Phone 406-318-0800

City Orlando State FL Zip 32837

Email regior0200@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 01/27/20

Bill Number (if applicable) SB1336

Topic Preemption of Local Occupational Licensing

Amendment Barcode (if applicable) _____

Name Jesse Christian

Job Title Concerned Citizen

Address _____
Street _____ Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: ☒ For ☐ Against ☐ Information
Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No
Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 01/27/20

Bill Number (if applicable) SB1336

Topic Reemption of local Occupational Licensing

Amendment Barcode (if applicable) _____

Name Maivie Macken

Job Title Concern Citizen

Address 7103 Cemelct Rd

Phone 9047316591

Street MacKenzie, Ft State 33211

Email mmackid@Bellsouth.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 01/27/20

Bill Number (if applicable) SB1336

Topic Preemption of Local Occupational Licensing

Amendment Barcode (if applicable) _____

Name Kendy Tabora

Job Title Concerned Citizen

Address 3421 Turner Oaks Ct Phone 904-424-2961

Street Jacksonville City FL State 32217 Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/2020

Bill Number (if applicable) 513 1336

Topic Pre-emption of local occupational Licensing Amendment Barcode (if applicable) _____

Name DIEGO ECHEVERRI

Job Title Legislative Liaison

Address 200 W College Ave

Phone 954-614-3363

City FLH State FL Zip _____

Email decheverr@daphy.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing ~~Libre Initiative~~ Libre Initiative

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-27-20

Bill Number (if applicable) 1336

Topic PREEMPTION OF LOCAL WEEDSINCS

Amendment Barcode (if applicable) _____

Name LAUREA YOUNGANS

Job Title LEGISLATIVE COUNSEL

Address 100 S. MONROE ST

Phone 254-1838

City TAL State FL Zip 32301

Email _____

Speaking: ☐ For ☒ Against ☐ Information ☐ Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Bill Number (if applicable) 1336

Meeting Date 1/27/2020

Amendment Barcode (if applicable) _____

Topic Local Occupational License

Name CHRISTIAN CAWARA

Job Title _____

Address 2 S. Biscayne Blvd # 3180

Phone 305 721 1600

Street

Miami FL 33131

Email CHRISTIAN@CAWARACONSULTANTS.COM

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Institute For Justice

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20

Meeting Date

1336

Bill Number (if applicable)

Topic Preemption of Local Occupational Licensing

Amendment Barcode (if applicable)

Name Phillip Suderman

Job Title Policy Director

Address

Street

Phone

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Americans for Prosperity

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/2020

Bill Number (if applicable) SB 1334

Topic Presumption

Amendment Barcode (if applicable) _____

Name Hyle Milwe

Job Title Laborer

Address 950 W. Tropicana Ct.

Phone 727-270-5801

Street Missimonec State FL Zip 34741

Email Hyle.Milwe@gmail.com

Speaking: ☐ For ☐ Against ☐ Information ☐ Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Hyle Milwe

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/20

Bill Number (if applicable) SB 1336

Topic Recreation

Amendment Barcode (if applicable) _____

Name Kyle Gennarski

Job Title _____

Address 1219 Goldend Dr Apt 5

Phone _____

Street Plant City State FL Zip 33533

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

2-27-2020

Bill Number (if applicable)

SB 1336

Amendment Barcode (if applicable)

Topic

SB 1336 Preemption

Name

Darwin Madrid

Job Title

HEO 4

Address

9777 SE 155 St

Phone

352 572 6642

Street

Summersfield BL 34491

Email

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

Waive Speaking:

☐ In Support

☒ Against

(The Chair will read this information into the record.)

Representing

Darwin Madrid

Appearing at request of Chair:

☐ Yes

☐ No

Lobbyist registered with Legislature:

☐ Yes

☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1-27-20

Bill Number (if applicable)

SB 1336

Topic

Preemption of local Occupational Licensing

Amendment Barcode (if applicable)

Name

Mark Viggiano

Job Title

Union Plumber

Address

5529 5th Ave N

Phone

727-641-1511

Street

St Petersburg

State

FL

Zip

33710

Email

mviggiano@aol.com

Speaking:

☐ For

☒ Against

☐ Information

Waive Speaking:

☐ In Support

☒ Against

(The Chair will read this information into the record.)

Representing

Myself

Appearing at request of Chair:

☐ Yes

☒ No

Lobbyist registered with Legislature:

☐ Yes

☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/2020

Bill Number (if applicable) SR1336

Topic PREEMPTION OF LOCAL OCCUPATIONAL LICENSING Amendment Barcode (if applicable) _____

Name JASON STOUGH

Job Title COUNTY EMPLOYEE (ORANGE COUNTY)

Address 1985 ROBI CIRCLE Phone 407-760-3876
Street _____

City TITUSVILLE State FLA Zip 32796 Email Hubert@hubbardsbay.com

Speaking: ☐ For ☒ Against ☐ Information ☐ Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing JASON STOUGH

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

27 Jan 2020
Meeting Date

SB 1336
Bill Number (if applicable)

Topic Reemployment of Local Occupational Licensing Amendment Barcode (if applicable)

Name Melina Rayna Stanbald Farley Baroff

Job Title Legislative Director

Address 889 SE 69 Ter Phone 352-226-7477

Street City State Zip Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL NOW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/21/20

Bill Number (if applicable) 1336

Topic OC. Licenses

Amendment Barcode (if applicable)

Name KURT SPLITZEN

Job Title

Address 693 Forest Ln

Phone 228 6212

Street

City Ft. Lauderdale

City

State

Zip

Email ksplitzen@ksanet.net

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLA. Stormwater Association

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/20

Bill Number (if applicable) 1336

Topic Preempted of Local Occupational

Amendment Barcode (if applicable) _____

Name Theresa A. Jg

Job Title President

Address P.O. Box 10888 / 200 E College St

Phone 850 - 228-8940

City Tallahassee State FL Zip 32302

Email fbt.tking@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Building & Construction Trades Council

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20
Meeting Date

1336
Bill Number (if applicable)

Topic Local Licensing

Amendment Barcode (if applicable)

Name David Cruz

Job Title Legislative Counsel

Address P.O. Box 1757

Phone 701-2676

Street Fall Creek Rd 32701

Email dkrc@kcities.com

City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 716

INTRODUCER: Senator Mayfield

SUBJECT: County Boundaries

DATE: January 21, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Ryon	CA	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 716 alters the boundary lines of Indian River County and St. Lucie County. These alterations will move a 0.65 acre parcel from St. Lucie County to Indian River County and transfer 5.56 acres of land from Indian River County to St. Lucie County.

II. Present Situation:

History of Counties in Florida

While the provisional government and territorial councils provided for county forms of government in Florida, counties did not receive constitutional status until 1861. The Constitution of 1885 first recognized counties as legal subdivisions of the state. In addition, the Legislature was granted the power to create new counties and alter county boundaries.¹ Gilchrist County was created in 1925 as the last of Florida's current 67 counties.²

The revised State Constitution of 1968 amended the provision in the 1885 Constitution relating to county formation. Section 1(a), Art. VIII of the State Constitution of 1968, states:

The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment and apportionment of the public debt.

¹ State Affairs Committee and Local, Federal & Veterans Affairs Subcommittee, The Florida House of Representatives, *2018 - 2020 Local Government Formation Manual*, available at <https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General%20Publications&FileName=2018-2020%20Local%20Government%20Formation%20Manual%20Final.pdf> (last visited Jan. 21 2020).

² Chapter 11371, Laws of Fla. (1925).

Chapter 7, F.S., provides the boundary lines for Florida's 67 counties. Chapter 125, F.S., outlines the powers and duties of counties.

Changes in County Boundaries³

Adjusting the legal descriptions of one or more counties requires an amendment to general law. The Legislature has passed several acts changing existing county boundaries by amending the appropriate section of ch. 7, F.S. A bill seeking to change county boundaries should include an accurate legal description of the affected real property. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

County boundary changes of the past 35 years include those involving:

- Franklin and Wakulla counties in 1986,⁴
- Escambia and Santa Rosa counties in 1991,⁵
- Citrus and Levy counties in 1994,⁶
- Broward and Palm Beach counties in 2007,⁷ and
- St. Lucie County and Martin counties in 2012.⁸

Highway A1A Boundary Line for Indian River County and St. Lucie County⁹

Property located at 2498 S. Highway A1A is partially located in both Indian River County and St. Lucie County. In 1991, the counties entered into an agreement regarding the construction of a home at the address. The agreement addressed issues pertaining to the development of the property, including permitting, impact fees and concurrency. The agreement, however, did not address issues relating to the provision of services to the property. In 2019, the property's owner contacted both counties regarding the enactment of a boundary change, which would allow the entire property to be located in Indian River County.

County staff from both Indian River and St. Lucie met and came to an equitable boundary change to accommodate the request. The boundary change would result in moving 0.65 acres from St. Lucie County to Indian River County and transfer 5.56 acres of land from Indian River County to St. Lucie County. Owners of the affected parcels indicated their support for the boundary change and each county passed a resolution requesting the Florida Legislature to enact a bill altering the legal descriptions of both counties.¹⁰

³ See *supra* note 1.

⁴ Chapter 86-288, Laws of Fla.

⁵ Chapter 91-310, Laws of Fla.

⁶ Chapter 94-313, Laws of Fla.

⁷ Chapter 2007-222, Laws of Fla.

⁸ Chapter 2012-45, Laws of Fla.

⁹ See Indian River County Administrator, *Resolution Requesting the Legislature Enact a General Bill Amending Boundary Line between Indian River County and St. Lucie County* (Oct. 9, 2019) and County Attorney, St. Lucie County, *County Commission Agenda Request on Resolution No. 19-196* (Sep. 11, 2019) (both on file with the Senate Committee on Community Affairs).

¹⁰ St. Lucie County Resolution No. 19-196 (Oct. 1, 2019) and Indian River County Resolution No. 2019-092 (Oct. 15, 2019) (both on file the Senate Committee on Community Affairs).

III. Effect of Proposed Changes:

The bill amends s. 7.31, F.S., to alter the boundary lines of Indian River County and s. 7.59, F.S., to alter the boundary lines of St. Lucie County. These alterations will move a 0.65 acre parcel from St. Lucie County to Indian River County and transfer 5.56 acres of land from Indian River County to St. Lucie County.

The bill shall take effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Indian River County Administrator's Office, the boundary change will have minimal fiscal impact on Indian River County.¹¹ Information from the County

¹¹ Indian River County Administrator, *Resolution Requesting the Legislature Enact a General Bill Amending Boundary Line between Indian River County and St. Lucie County* (Oct. 9, 2019) (on file with the Senate Committee on Community Affairs).

Attorney Office in St. Lucie County indicates that the boundary change will result in a small reduction in ad valorem taxes collected in St. Lucie County.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 7.31 and 7.59.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹² County Attorney, St. Lucie County, *County Commission Agenda Request on Resolution No. 19-196* (Sep. 11, 2019) (on file with the Senate Committee on Community Affairs).



Consent
October 15, 2019

Office of the
**INDIAN RIVER COUNTY
ADMINISTRATOR**

Jason E. Brown, County Administrator
Michael C. Zito, Assistant County Administrator

MEMORANDUM

TO: Members of the Board of County Commissioners

FROM: Brian Sullivan
Legislative Affairs & Communications Manager

DATE: October 9, 2019

SUBJECT: Resolution Requesting the Legislature Enact a General Bill Amending
Boundary Line between Indian River County and St. Lucie County

BACKGROUND

Oskar and Gretchen Szentirmai own the property located at 2498 S. Highway A1A, which is located on the east side of Highway A1A (the "Szentirmai property"). Part of the Szentirmai property is in Indian River County and part of the Szentirmai property is in St. Lucie County. Back in 1991, St. Lucie County and Indian River County entered into an Agreement Regarding Construction of Home on St. Lucie County and Indian River County Line (the "Agreement"), which addressed issues pertaining to the development of the Szentirmai property, including permitting, impact fees and concurrency. The Agreement, however, did not address issues relating to the provision of services to the Szentirmai property. Oskar Szentirmai has recently reached out to Indian River County, St. Lucie County and Senator Debbie Mayfield about the enactment of a boundary change, which would allow for the entire Szentirmai property to be located in Indian River County. The boundary change would assist in eliminating any confusion about the provision of services to the Szentirmai property.

County staff has had initial discussions with St. Lucie County staff about the boundary change. In order to make a boundary change more equitable, as part of those discussions, we have examined having the properties located on the west side of Highway A1A, located between Highway A1A and the Indian River Lagoon, be switched to being in St. Lucie County. SBM Associates, LLC owns the property on the west side of Highway A1A. St. Lucie County has reached out to the representatives of SBM Associates, LLC who have indicated their initial support of the boundary change.

County staff has reached out to the School District of Indian River County, the Indian River County Mosquito Control District and the Indian River County Hospital District staffs and have received initial support for the boundary change.

At the September 17th meeting of the Indian River County Board of County Commissioners, the Board voted to support the statutory boundary change, authorized staff to draft a resolution in support of the boundary change and further authorized County staff to take any other actions necessary to assist in the boundary change process. Pursuant to the Board's direction, County staff has drafted the attached resolution.

Any county line boundary change can only be effective upon the enactment of a general law by the Florida Legislature.

FUNDING

Based upon the taxable value of the property located on the east and west sides of Highway A1A, the boundary change will have minimal fiscal impact on Indian River County.

RECOMMENDATION

The County Administrator recommends that the Indian River County Board of County Commissioners approve the resolution which requests the Florida Legislature enact a general law reflecting the county line boundary change.

ATTACHMENT

Property Map

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, REQUESTING THE LEGISLATURE APPROVE LEGISLATION WHICH AMENDS THE STATUTORY BOUNDARY LINE BETWEEN INDIAN RIVER COUNTY AND ST. LUCIE COUNTY

WHEREAS, the Board of County Commissioners for Indian River County desires to complete a land swap with St. Lucie County to bring two parcels of land completely within each respective county.

WHEREAS, the property located at 2498 S. Highway A1A, which is located on the east side of Highway A1A, lies in both Indian River County and St. Lucie County; and

WHEREAS, in 1991, Indian River County and St. Lucie County entered into an agreement regarding construction of a home at 2498 S. Highway A1A which addressed issues related to the development of the property but did not address issues relating to the provision of services to the property; and

WHEREAS, the owners of the property located at 2498 S. Highway A1A approached Indian River County, St. Lucie County, and members of the Florida Legislature requesting a statutory boundary change which would assist in eliminating any confusion about the provision of services to the property; and

WHEREAS, Indian River County staff has discussed the issue with St. Lucie County staff and determined, to make the boundary change more equitable, the properties located on the west side of Highway A1A, located between Highway A1A and the Indian River Lagoon, should be transferred to St. Lucie County; and

WHEREAS, Indian River County has determined the boundary change will have minimal impact on Indian River County, while eliminating confusion as to the provision of services to the property located at 2498 S. Highway A1A; and

WHEREAS, any boundary change must be enacted by the Florida Legislature through the enactment of a general bill.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

Section 1. The above "WHEREAS" clauses are true and correct, and hereby adopted as findings of this Board.

Section 2. The Board of County Commissioners hereby requests the Florida Legislature enact legislation which transfers the property located at 2498 S. Highway A1A to Indian River County and which transfers the property located within Round Island Plantation on the west side of Highway A1A, between Highway A1A and the Indian River Lagoon, to St. Lucie County.

RESOLUTION NO. 2019- 092

Section 3. This resolution shall take effect immediately upon adoption.

The foregoing resolution was moved for adoption by Commissioner Flescher, and seconded by Commissioner Zorc, and, upon being put to a vote, the vote was as follows:

Chairman Bob Solari	<u>AYE</u>
Vice-Chairman Susan Adams	<u>AYE</u>
Commissioner Joseph E. Flescher	<u>AYE</u>
Commissioner Tim Zorc	<u>AYE</u>
Commissioner Peter D. O'Bryan	<u>AYE</u>

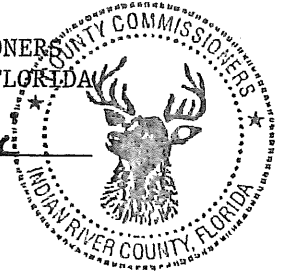
The Chairman thereupon declared the resolution duly passed and adopted this 15th day of October, 2019.

ATTEST: Jeffrey R. Smith, Clerk
of Court and Comptroller

By: Randi Wardlaw
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY, FLORIDA

By: Bob Solari
Bob Solari, Chairman



Approved as to form and legal sufficiency:

By: [Signature]
County Attorney

Document Copy



AGENDA REQUEST

10.A.1.

RES-2019-196

REGULAR AGENDA-
COUNTY ATTORNEY

DATE: 10/1/2019

*RESOLUTION ITEM -
REQUEST

QUASI-JUDICIAL ITEM? NO

TO: Board of County Commissioners

PRESENTED BY: Daniel McIntyre, County Attorney

SUBMITTED BY: County Attorney

SUBJECT: Resolution No. 19-196 - A Resolution Agreeing to have St. Lucie County Boundaries Altered to Move a 0.65 Acre Parcel from St. Lucie County to Indian River County and at the Same Time Transferring 5.56 Acres of Land from Indian River County to St. Lucie County.

BACKGROUND:

Oskar and Gretchen Szentirmai own the property located at 2498 S. Highway A1A, which is located on the east side of Highway A1A (the "Szentirmai property"). Part of the Szentirmai property is in Indian River County and part of the Szentirmai property is in St. Lucie County. Back in 1991, St. Lucie County and Indian River County entered into an Agreement Regarding Construction of Home on St. Lucie County and Indian River County Line (the "Agreement"), which addressed issues pertaining to the development of the Szentirmai property, including permitting, impact fees and concurrency. The Agreement, however, did not address issues relating to the provision of services to the Szentirmai property. Oskar Szentirmai has recently reached out to Indian River County, St. Lucie County and Senator Debbie Mayfield about the enactment of a boundary change, which would allow for the entire Szentirmai property to be located in Indian River County. The boundary change would assist in eliminating any confusion about the provision of services to the Szentirmai property.

County staff has had initial discussions with Indian River County staff about the boundary change. In order to make a boundary change more equitable, as part of those discussions, we have examined having the properties located on the west side of Highway A1A, located between Highway A1A and the Indian River Lagoon, be switched to being in St. Lucie County. SBM Associates, LLC owns the property on the west side of Highway A1A. St. Lucie County has reached out to the representatives of SBM Associates, LLC who have indicated their initial support of the boundary change.

Any boundary change would have to be approved by the Florida Legislature through the enactment of a general bill. The County Attorney's Office supports the boundary change and believes that it will have minimal impact on St. Lucie County, while eliminating confusion as to provision of services to the Szentirmai property.

PREVIOUS ACTION:

N/A

FINANCIAL IMPACT:

There will be a small reduction in the amount of ad valorem taxes collected. The TRIM notice for St. Lucie County half of the parcel would be transferred into Indian River County who states that the parcel is projected to pay \$8,097.54 in taxes next year. The Indian River County property is undeveloped and the TRIM notice states the parcel paid \$1,091.23 in taxes last year. There is an annual net loss of \$7,006.31; however, that amount will be more than made up annually when the property is developed. Currently, it is planned for five units. Both Indian River County and St. Lucie County TRIM Notices are attached.

RECOMMENDATION:

The County Attorney's Office recommends the Board support the boundary change and authorize the Chair to sign the resolution in support of the boundary change and authorize County staff to take any other actions necessary to assist in the boundary change process.

COMMISSION ACTION:

RESULT:

MOVER: None

SECONDER: None

AYES: None

NAYS: None

EXCUSED: None

Coordination/Signatures

Daniel McIntyre, County Attorney

9/11/2019



Mark Satterlee, Deputy County Administrator

9/12/2019



Howard Tipton, County Administrator

9/12/2019



RESOLUTION NO. 19-196

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST LUCIE COUNTY AGREEING TO HAVE ITS COUNTY BOUNDARIES ALTERED TO MOVE A 0.65 ACRE PARCEL FROM ST LUCIE COUNTY TO INDIAN RIVER COUNTY AND AT THE SAME TIME TRANSFERRING 5.56 ACRES OF LAND FROM INDIAN RIVER COUNTY TO ST LUCIE COUNTY

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. There is an oceanfront lot with a single family home owned by Mr. & Mrs. Szentirmai, that is half in St Lucie County and half in Indian River County AND whose address is 2498 South State Road A1A, Vero Beach, Florida 32963.
2. The property owner presently pays ad valorem property taxes in both counties.
3. Indian River County has suggested a boundary change transferring the 0.65 acre portion of Mr. & Mrs. Szentirmai parcel from St Lucie County into Indian River County, transferring 5.56 acres of land on the west side of from Indian River County into St Lucie County - as depicted on the attached map (Exhibit "A").
4. The 5.56 acre tract of land on the west side of A1A currently in Indian River County is part of a proposed residential development called Round Island Plantation, the bulk of which is in St Lucie County.
5. Access to the Round Island Plantation land in Indian River County can only be accessed from St Lucie County. In addition, water and sewer utilities to the entire development will be provided by St Lucie County Utilities.
6. The owner of the proposed Round Island Plantation project has expressed interest in agreeing to the swap as it will make development of the project simpler in dealing with only one government.
7. The legal descriptions of both parcels are attached as Exhibit "B" and Exhibit "C" and would be added to a bill approved by the Florida Legislature altering the legal descriptions of both Counties.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Lucie County, Florida:

1. The St Lucie County Board of County Commissioners does hereby agree to the proposed change of County boundaries of land with Indian River County as described herein.

After motion and second, the vote on this Resolution was as follows:

Commissioner Linda Bartz, Chair	AYE
Commissioner Cathy Townsend, Vice Chair	AYE
Commissioner Chris Dzadovsky	AYE
Commissioner Sean Mitchell	AYE
Commissioner Frannie Hutchinson	AYE

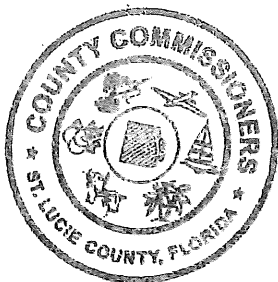
PASSED AND DULY ADOPTED this 1st day of October, 2019.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

Michelle Sennott
DEPUTY CLERK

BY: *Linda Bartz*
CHAIR



**APPROVED AS TO LEGAL FORM AND
CORRECTNESS:**

[Signature]
COUNTY ATTORNEY

Land Swap Property

St Lucie County Parcels

Indian River County Parcels

New Proposed County Boundary

Current County Boundary

Land Acreage and Total Appraised Land Value data taken from St Lucie County property appraiser data and Indian River County property appraiser website.

Date: 7/17/2019



THE FLORIDA SENATE

Reset Form

APPEARANCE RECORD

January 27, 2020

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

716

Meeting Date

Bill Number (if applicable)

Topic County Boundaries

Amendment Barcode (if applicable)

Name Edgar G. Fernandez

Job Title

Address 201 W Park Avenue, Suite 100

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Indian River County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1/27/20

Bill Number (if applicable)

716

Amendment Barcode (if applicable)

Topic County Boundary

Name Nicole Fogarty

Job Title Legislative Affairs Director

Address 2300 Virginia Ave.

Phone 772.462.6426

Street

Ft. Pierce FL 34982

Email fogarty@stlucias

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing St. Lucie County

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 772

INTRODUCER: Community Affairs Committee and Senators Hutson and others

SUBJECT: Recreational Vehicle Parks

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paglialonga	Ryon	CA	Fav/CS
2.			HP	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 772 amends provisions of ch. 513, F.S., which governs mobile home parks, lodging parks, recreational vehicle parks, and recreational camps. The bill prohibits a local government from enacting a law or regulation that would restrict the density standards and setback distances in a recreational vehicle park beyond those initially authorized by the Department of Health and a local government. The bill reforms the procedures for removing or prohibiting a disorderly transient guest or visitor from park premises to mirror ejection provisions for public lodging establishments licensed under ch. 509, F.S.¹ The bill also revises the method park operators obtain ownership of unclaimed guest property.

II. Present Situation:

Mobile Home and Recreational Vehicle Parks

Florida first began regulating recreational parks and camps in 1927 when the Legislature enacted statutes addressing the operation and maintenance of “tourist camps.” These establishments catered to transient guests by providing tent and cottage accommodations.² The substance of these original regulations is currently embodied in ch. 513, F.S. This chapter provides the rules and regulations governing mobile home parks, lodging parks, recreational vehicle (RV) parks,

¹ See Section 509.141, F.S.

² Laws of Florida ch. 12419, 1927

and recreational camps in the state. Chapter 513, F.S., also contains standards and requirements for operators of these types of recreational facilities.

Chapter. 513, F.S. has not undergone major changes since the 1993 regular session.³

Mobile home parks, lodging parks, RV parks, and recreational camps are similar to hotels in many respects. Like hotels, these parks and camps offer lodging accommodations to the public. Recreational park operators own the accommodations or a portion thereof and allow transient guests to purchase a revocable license to enter and remain on the property. The real difference between hotels and recreational parks are the nature of the facilities provided.

As of July 19, 2019, the total number of licensed mobile home parks, lodging parks, RV parks, and recreational camps in Florida amount to 5,393.⁴ In a June 2019 report, RVs Move America found that RV campgrounds and travel had a \$1.1 billion annual economic impact in Florida, which was the third-highest in the nation.⁵

Applicability of recreational vehicle park provisions to mobile home parks

Although mobile home parks are primarily regulated by ch. 723, F.S., a mobile home park that has five or more sites set aside for rent to transient RV guests, must comply with the RV park requirements in ch. 513, F.S. Notwithstanding, mobile home parks licensed under ch. 723, F.S., are not required to obtain a second operational license under ch. 513, F.S.⁶

Department of Health Oversight

The Florida Department of Health (DOH) is the exclusive regulatory and permitting authority for sanitary standards in all mobile home parks, lodging parks, recreational vehicle parks, and recreational camps. The DOH also issues operational permits, provides and enforces administrative rules, performs routine premises inspections, prosecutes regulatory violations, and issues penalties for operator misconduct. Local governments are prohibited from enacting regulations for sanitary standards within a ch. 513, F.S., park or camp.⁷

Permitting

All parks and camps must apply for and receive an operational permit from the DOH to conduct business activities. Permits are not transferable from one place or person to another and must be renewed annually.⁸ The DOH may revoke or suspend a permit if a park or camp is not constructed or maintained according to law and DOH administrative rule. When the ownership of a park or camp is transferred, and the new owner plans to continue recreational operations, the new owner must apply to the DOH for a permit before the date of transfer.⁹

³ *Id.*

⁴ Florida Department of Health, *Mobile Home Parks*, available at: <http://www.floridahealth.gov/environmental-health/mobile-home-parks/index.html> (last visited Jan. 22, 2020).

⁵ RVs Move America, *Florida* (June 2019), available at: <https://rvia.guerrillaeconomics.net/reports/e5b85c91-4f88-460c-9912-579c89f8d04e?> (last visited Jan. 22, 2020)

⁶ Section 513.014, F.S.

⁷ Section 513.051, F.S.

⁸ Section 513.02, F.S.

⁹ *Id.*

The DOH may charge park and camp operators reasonable permitting fees, but fees must be based on the actual costs incurred by the DOH in carrying out oversight of the particular facility (i.e., connected to park or camp occupancy rates).¹⁰

Placement of Recreational Vehicles on Lots in Permitted Parks

Under s. 513.1115, F.S., the separation distances between RV sites within an RV park must remain unchanged from the time the department initially approves a park's operational permit. Likewise, setback distances from the exterior park property boundary must be the setback distances established at the time of the initial approval of the park by the DOH and the local government.¹¹

Guest Register

Every park and camp operator that rents to transient guests¹² must maintain a current and signed registry of guests that occupy rental sites. The register must show the dates upon which the rental sites were occupied by such guests and the rates charged for the guests' occupancy. This register must be maintained in chronological order and be available for inspection by the DOH at any time. An operator is not required to retain a register that is more than 2 years old.¹³

Unclaimed Guest Property

If a guest leaves property in a park and the property has an identifiable owner, the park operator may obtain ownership of the property by providing the guest written notice of the property and holding the property for 90 days without it being reclaimed. Alternatively, if the property belongs to a guest who has vacated the premises without notice to the operator and has an outstanding account with the park, the operator may obtain ownership of the property through the court and a writ of distress.¹⁴

Park Rules and Guest Conduct on Premises

Park and camp operators may establish reasonable rules and regulations for the management of the park, its guests, and employees. Under s. 513.117, F.S., such park and camp rules are deemed a special contract between operators, guests, and employees. Park rules may control the liabilities, responsibilities, and obligations of all parties, and must be posted (along with provisions of ch. 513, F.S.) in the registration area of the park or camp.¹⁵ The operator of a park or camp may refuse accommodations or service to any person whose conduct on the premises of the park displays intoxication, profanity, lewdness, or brawling; who indulges in such language

¹⁰ Section 513.045, F.S.

¹¹ Section 513.1115(2), F.S.

¹² "Transient guest means any guest registered as provided in s. 513.112 for 6 months or less. When a guest is permitted with the knowledge of the park operator to continuously occupy a recreational vehicle in a recreational vehicle park for more than 6 months, there is a rebuttable presumption that the occupancy is nontransient, and the eviction procedures of part II of chapter 83 apply." Section 513.01(12), F.S.

¹³ Section 513.112, F.S.

¹⁴ Section 513.115, F.S.; *see also* Section 513.151, F.S.

¹⁵ Section 513.117, F.S.

or conduct as to disturb the peace or comfort of other guests; who engages in illegal or disorderly conduct; or whose conduct constitutes a nuisance.¹⁶

Guest Eviction

Park and camp operators may remove transient guests for certain violations of park rules and general law. A transient guest may be removed for illegal possession of a controlled substance, disturbing the peace and comfort of other persons, causing harm to the physical park, and failing to make payment of rent.¹⁷

To remove a guest, the operator of a park must notify the guest in writing that the park no longer desires to entertain the guest and request that such guest immediately leaves the park or camp. If the guest has paid in advance, the park must provide the guest with the unused portion of the payment with the written notification. If a guest remains in a park or camp after being requested to leave the guest is considered guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082 or s. 775.083, F.S. (conviction of a misdemeanor in the second degree results in a \$500 criminal fine).¹⁸

In the event a guest owes a park operator an amount equivalent to three nights' rent, the operator may disconnect all utilities to the recreational vehicle or campsite, and provide the guest written demand for the amount owed. The operator must reconnect the utilities of the recreational vehicle if the guest agrees to satisfy the debt.¹⁹

If any person is illegally on the premises of a park or camp, the operator may call a law enforcement officer for assistance. A law enforcement officer, upon the request of an operator, must arrest and take into custody any guest who violates park rules, conduct requirements, or general law in the presence of the officer. A law enforcement officer may also serve an arrest warrant on any guest or person and take the person into custody. Upon arrest, with or without a warrant, the guest is deemed to have given up any right to occupancy the park or camp premises. However, the operator of the park must refund the guest any unused payments and use all reasonable and proper means to care for personal property left on the premises by the guest.²⁰

In addition to the grounds for eviction established by law, the operator may establish grounds for eviction in any written lease agreement with a guest.²¹

Other Rights, Requirements and Remedies for Operators; Writ of Distress

In addition to the rights and remedies described above, ch. 513, F.S., includes other procedures park and camp operators must follow when recovering a rental premise and removing or obtaining ownership of guest property to satisfy an outstanding debt. These procedures require park and camp operators to follow a civil procedure in court. Procedures include, but not limited to, sealing a recreational vehicle in the presence of at least one other person who is not an agent

¹⁶ Section 513.118, F.S.

¹⁷ Section 513.13, F.S.

¹⁸ *Id.* at (2)

¹⁹ *Id.* at (3)

²⁰ *Id.* at (4)

²¹ *Id.* at (5)

of the operator, preparing an itemized inventory of any property belonging to the guest in the presence of a person who is not an agent, petitioning a court for a writ of distress predicated on a lien created under s. 713.77, F.S., addressing property claims by third persons, and storing property until a settlement or a final court judgment is obtained on the guest's outstanding account.²²

III. Effect of Proposed Changes:

Sections 1 and 3 amend ss. 513.012 and 513.051, F.S., respectively, to clarify that the DOH is the exclusive regulatory and permitting authority for sanitary standards and operational matters in all mobile home parks, lodging parks, recreational vehicle parks, and recreational camps.

Section 2 amends s. 513.02, F.S., to provide park and camp purchasers 60 days to apply for an operational permit from the DOH after the ownership interest in a park is transferred.

Section 4 amends s. 513.112, F.S., to provide a rebuttable presumption that a guest who occupies an RV in a park for less than 6 months, as evidenced by the length of stay shown in the guest registry, is a transient occupant. This change supports the right of operators to eject transient guests and helps avoid property interest considerations in landlord-tenant law.

Section 5 amends s. 513.1115, F.S., to allow RV parks to use the same density standards originally permitted by the DOH and local government when rebuilding a site after it was damaged or destroyed by wind, water, or other natural disasters. The bill also states that the initial density standards and setback distances permitted by the DOH and local government will supersede any subsequent local government law or regulation on lot size, lot density, lot separation, or setback distance.

Section 6 amends s. 513.115, F.S., to categorize property left by a guest with an outstanding account with the operator as abandoned property. The disposition of this abandoned property will be governed by the requirements specified in the Landlord and Tenant Act under s. 715.10, F.S.

Section 7 amends s. 513.118, F.S., to broaden the ability of park and camp operators to deny transient guests and visitors access to the park premises. The bill allows operators to remove guests and visitors for conduct that disturbs the quiet enjoyment of other guests, or conduct that constitutes a safety hazard. Guests and visitors that do not leave park premises commit the offense of trespass as provided in s. 810.08, F.S.²³ The bill authorizes operators to rely on a law enforcement officer to supervise guest removal. The bill provides that a removed guest, accompanied by a law enforcement officer, may return to park premises to reclaim left personal property within 48 hours of removal.

Section 8 amends s. 513.13, F.S., to add disturbing quiet enjoyment and a violation of posted park rules as causes for removal of park guests under the section. The bill provides standardized language, mirroring s. 509.141, F.S.,²⁴ park operators may use to request a guest to leave park premises. If a guest committed a removable offense according to a park operator and remains on

²² Section 513.151, F.S.

²³ Criminal trespass in a structure or conveyance is a misdemeanor of the second degree. *See* s. 810.08(2)(a), F.S.

²⁴ Refusal of admission and ejection of undesirable guests in public lodging establishments.

park premises after receiving the notice, the bill requires a law enforcement officer to remove the guest from the premises. The bill allows removed guests to recollect personal property from the park within 48 hours. The bill changes eviction²⁵ terminology to ejection,²⁶ clarifying that an operator may remove a transient guest without the process of law similar to guest removal in hotels, motels, and lodging establishments.

Section 9 provides the bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill prevents a local government from utilizing land use regulations to restrict the occupancy of a park beyond that provided in an initial DOH permit.

C. Government Sector Impact:

The bill may cause a negative, indeterminate fiscal impact on the government sector. The bill requires state and local law enforcement officers to be more involved in the removal

²⁵ Eviction is defined as dispossession by process of law; the act of depriving a person of the possession of land or rental property he has held or leased. *See* Black's Law Dictionary 555 (6th ed. 1991).

²⁶ Ejection is defined as a turning out of possession. Ejectment is an action to restore possession of property to the person entitled to it. *See* Black Law Dictionary 516 (6th ed. 1991).

of guests. This involvement may cause state and local law enforcement offices to incur additional costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 513.012, 513.02, 513.051, 513.112, 513.1115, 513.115, 513.118, and 513.13.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on January 27, 2020:

The committee substitute references the appropriate law, s. 768.28, F.S., to govern when a law enforcement officer would be liable for tortious acts committed while removing persons or property from a recreational vehicle park.

B. Amendments:

None.



685962

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete line 124
and insert:
property from the recreational vehicle park under this section,
except as provided under s. 768.28.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 24



685962

11 and insert:
12 enforcement officers; providing an exception;
13 providing for removal of a

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/20

Bill Number (if applicable) SB 772

Topic RV Parks and Campgrounds

Amendment Barcode (if applicable) _____

Name Bobby Cornwell

Job Title Executive Dir.

Address 1340 Vickers Rd

Phone 850-562-7151

City Tall State FL Zip 32303

Email Bcornwell@FALV.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Assn. of RV Parks and Campgrounds

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/CS/CS/SB 996

INTRODUCER: Community Affairs Committee, Environment and Natural Resources Committee;
Community Affairs Committee; and Senator Albritton

SUBJECT: Local Government Waste Programs

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Ryon	CA	Fav/CS
2.	Schreiber	Rogers	EN	Fav/CS
3.	Toman	Ryon	CA	Fav/CS
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 996 exempts fiscally constrained counties from specified recycling goals for local governments. The exemption expires July 1, 2035.

The bill creates a recycled materials management pilot project for Polk County, in coordination with the University of Florida. The bill contains requirements for the program. During the term of the program, Polk County is exempt from the solid waste goals and requirements for local governments. Polk County must submit a report on the pilot program to the Governor and Legislature by July 1, 2025. The pilot program expires July 1, 2025.

The bill revises the definition of “displacement” in requirements for local government collection services that displace private waste companies. The bill states that the term does not apply to certain government actions or situations at the end of a franchise granted to a private company.

The bill revises the process and procedures a local government must follow to displace a private waste company. The bill removes the discretion of the local government to pay a displaced company in lieu of providing a 3-year notice period. The bill makes the 3-year notice requirement mandatory before a local government engages in the actual provision of the service that displaces the company. In addition, the bill requires a local government to pay a displaced

company an amount equal to the company's gross receipts for the preceding 18 months at the end of the 3-year period.

II. Present Situation:

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹ Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.² Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except when expressly prohibited by law.³

County governments have authority to provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.⁴ Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitutions, county charter, or statute.⁵

Solid Waste

Counties have the authority to provide and regulate waste and sewage collection and disposal.⁶ A county may require that any person within the county demonstrate the existence of some arrangement or contract by which the person's solid waste⁷ will be disposed of in a manner consistent with county ordinance or state or federal law.⁸ Counties also have authority to adopt ordinances that govern the disposal of solid waste generated outside the county at the county's solid waste disposal facility.⁹

The Department of Environmental Protection (DEP) is responsible for implementing and enforcing the solid waste management program, which provides guidelines for the storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the state.¹⁰ The program is required to include procedures and requirements to ensure cooperative efforts in

¹ FLA. CONST., art. VIII, s. 1.(f).

² FLA. CONST., art. VIII, s. 1.(g).

³ FLA. CONST., art. VIII, s. 2.(b); *see also* s. 166.021(1), F.S.

⁴ Section 125.01(1)(d)(e)(f) and (k)1., F.S.

⁵ Section 166.021(3), F.S.

⁶ Section 125.01(1)(k)1., F.S.

⁷ Section 403.703(36), F.S., defines "solid waste" as sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

⁸ Section 125.01(1)(k)2., F.S.

⁹ Section 403.706(1), F.S.

¹⁰ Section 403.705, F.S.

solid waste management by counties and municipalities and groups of counties and municipalities where appropriate.¹¹

Counties are responsible for operating solid waste disposal facilities, which are permitted through the DEP, in order to meet the needs of the incorporated and unincorporated areas of the county¹² and may contract with other persons to fulfill some or all of its solid waste responsibilities.¹³ Each county must ensure that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means.¹⁴ In providing services or programs for solid waste management, local governments and state agencies are encouraged to use the most cost-effective means for providing services and are encouraged to contract with private entities for any or all such services or programs to assure that those services are provided on the most cost-effective basis.¹⁵ Local governments are expressly prohibited from discriminating against privately owned solid waste management facilities solely because they are privately owned.¹⁶

Competition with Private Companies

Section 403.70605, F.S., was enacted in 2000¹⁷ to address concerns of private waste management companies about competition with local government solid waste departments for third party service contracts. Private companies were concerned that public entities were able to subsidize their costs with funds from other government operations, allowing the public entities to unfairly compete for contracts.¹⁸

Solid Waste Collection Services in Direct Competition

Under s. 403.70605, F.S., local governments providing specific solid waste collection services in direct competition with a private company must comply with local environmental, health, and safety standards applicable to private companies providing competitive collection services.¹⁹ Local governments may not enact or enforce any license, permit, registration procedure, or associated fee that:

- Does not apply to the local government and for which there is not a substantially similar requirement that applies to the local government; and
- Provides the local government with a material advantage in its ability to compete with a private company in terms of cost or ability to promptly or efficiently provide such collection services, excluding zoning, land use, or comprehensive plan requirements.²⁰

¹¹ Section 403.705(2)(a), F.S.

¹² Section 403.706(1), F.S.

¹³ Section 403.706(8), F.S.

¹⁴ Section 403.706(3), F.S.

¹⁵ Section 403.7063, F.S.

¹⁶ *Id.*

¹⁷ Chapter 2000-304, s. 1, Laws of Fla.

¹⁸ See Florida House of Representatives, *CS/HB 1425 Final Analysis*, p. 2 (May 12, 2000), available at <http://archive.flsenate.gov/data/session/2000/House/bills/analysis/pdf/HB1425S1Z.CA.pdf> (last visited Feb. 13, 2020).

¹⁹ Section 403.70605(1)(a), F.S.

²⁰ Section 403.70605(1)(a)2., F.S.

When providing solid waste collection services outside of their jurisdiction in competition with private companies, local governments are prohibited from instituting predatory pricing schemes.²¹

A private company in competition with a local government has legal remedies against local government action that violates the statute, including injunctive relief.²² The private company must notify the local government of the violation and give them 30 days to respond. A local government may defend against these suits if the official action has a reasonable relationship to the health, safety, or welfare of the citizens of the local government or the action taken was in direct response to a natural disaster or emergency declaration order by the Governor. A court may still grant relief in cases where the official action was taken for public health and safety if the court finds that the actual or potential anticompetitive effects of the official action outweigh the public benefits.

Displacement of Private Garbage, Trash, and Refuse Collection Services

A local government, or group of local governments, may not displace a private company²³ that provides garbage, trash, or refuse collection without following the requirements under s. 403.70605, F.S. “Displacement” refers to a local government deciding to provide a collection service and prohibiting a private company from continuing to provide the same service it was providing at the time the local government decision was made.²⁴

Displacement does not include situations such as:

- Public and private sector competition for individual contracts;
- A local government refusing to renew an expiring contract with a private company;
- Local government action in response to any act by a private company that is a threat to public health or safety or a substantial public nuisance;
- A material breach of contract by a private company;
- Contracts between local governments and private companies absent an ordinance that displaces another private company;
- A majority of property owners in the displacement area petitioning for the local governing body to take over collection services;
- Municipal annexations honoring existing solid waste contracts pursuant to law; or
- A private company licensed to provide service for a limited time whose license expires and is not renewed by the local government.²⁵

Before displacing a private company, a local government must first hold at least one public hearing, publicly noticed, with separate notice to private companies providing service in the jurisdiction by mail at least 45 days before the hearing.²⁶ The local government must take measures to provide services within 1 year of the final public hearing, and provide 3 years’

²¹ Section 403.70605(2), F.S.; *see also* ss. 542.18 and 542.19, F.S.

²² *See* ss. 403.70605(1)(b) & (2)(c), F.S. for information for this entire paragraph.

²³ “Private company” does not include another local government providing solid waste collection services. Section 403.70605(4)(b), F.S.

²⁴ Section 403.70605(3)(a), F.S.

²⁵ *Id.*

²⁶ Section 403.70605(3)(b), F.S.

notice to a private company before it engages in the actual provision of the service that displaces the company. To avoid the 3 years' notice requirement, the local government may pay the displaced company an amount equal to the company's preceding 15 months' gross receipts for the displaced service in the displacement area. The local government and the private company are not prohibited from agreeing to a different notice period or compensation amount.²⁷

If a private company refuses to continue operations under the terms and conditions of its existing agreement during the 3-year notice period, the company no longer falls within the definition of displaced.²⁸

Other Restrictions on Terminating Private Solid Waste Collection Services

A new municipality, except for the merger of existing municipalities, cannot incorporate without honoring any existing solid waste contracts for 5 years or the remainder of the contract term, whichever is shorter.²⁹ Similarly, municipalities cannot annex additional land subject to existing solid waste contracts without honoring the existing contracts for 5 years or the remainder of the contract term, whichever is shorter.³⁰ If an exclusive franchisee has provided services in an area to be annexed for at least the preceding 6 months, the franchisee may continue to provide service in the area for the shorter of 5 years or the expiration of its service contract as long as it meets certain conditions including providing the service at a reasonable cost.³¹

Recycling in Florida

"Recycling" is any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products.³² "Municipal solid waste" includes any solid waste (except for sludge) resulting from the operation of residential, commercial, or governmental establishments that would normally be collected, processed, and disposed of through a solid waste management service (this excludes waste from industrial, mining, or agricultural operations).³³

In 2008, the Legislature established a weight-based goal of recycling 75 percent of Florida's municipal solid waste by 2020.³⁴ In 2010, the Legislature established interim goals that counties must pursue leading up to 2020.³⁵ The interim goals require each Florida county to implement a recyclable materials recycling program with a goal of recycling 40 percent of recyclable solid waste by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31,

²⁷ Section 403.70605(3)(c), F.S.

²⁸ Section 403.70605(3)(a)5., F.S.

²⁹ See s. 165.061(1)(f); see also FLA. CONST., art. I, s. 10.

³⁰ See s. 171.062(4), F.S.; see also FLA. CONST., art. I, s. 10.

³¹ Section 171.062(4)(a)2., F.S.

³² Section 403.703(31), F.S.

³³ Section 403.706(5), F.S.

³⁴ Chapter 2008-227, s. 95, Laws of Fla.; s. 403.7032, F.S.; see DEP, *Florida and the 2020 75% Recycling Goal, Volume I - Report*, 5, 7, 28 (2017)[hereinafter *DEP 2017 Report*], available at <https://floridadep.gov/waste/waste-reduction/content/recycling>. The 75% recycling goal is a weight-based recycling rate: for every 100 tons of municipal solid waste collected, the goal is to recycle (or recover energy from) at least 75 tons.

³⁵ Chapter 2010-143, s. 7, Laws of Fla.; s. 403.706(2)(a), F.S.

2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020.³⁶ These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream before final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers.
- Aluminum cans.
- Steel cans.
- Glass.
- Plastic bottles.
- Cardboard.
- Office paper.
- Yard trash.³⁷

Counties with a population of 100,000 or less, in lieu of achieving the interim goals, may instead provide residents with the opportunity to recycle.³⁸ Providing the “opportunity to recycle” must include both of the following:

- Either:
 - Providing a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or
 - Providing a system of places within the county for collection of source-separated recyclable materials.
- Providing a public education and promotion program that is conducted to inform residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling and composting materials.³⁹

According to a 2019 report by DEP, only 36 of Florida’s 67 counties have populations over 100,000.⁴⁰ These 36 counties contain approximately 95% of Florida’s population, and produced 45 million of the 47 million tons of municipal solid waste generated in Florida in 2018.⁴¹

In order to assess progress towards achieving the interim goals, counties are required to provide information on their solid waste management programs and recycling activities to DEP by April 1 of each year.⁴² Certain activities are eligible for special credit towards achieving a county’s recycling goals, including using solid waste as a fuel in a renewable energy facility and innovatively using yard trash or other clean wood waste or paper waste.⁴³ If DEP determines that a county has not reached the interim recycling goals in time, DEP is authorized to direct the county to develop a plan to expand recycling programs to existing commercial and multifamily

³⁶ Section 403.706(2)(a), F.S.

³⁷ Section 403.706(2)(f), F.S.

³⁸ Section 403.706(4)(c), F.S.

³⁹ *Id.*

⁴⁰ DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report, Volume I*, 3, 9 (2019)[hereinafter *DEP 2019 Report*], available at <https://floridadep.gov/waste/waste-reduction/content/recycling> (last visited Feb. 13, 2020).

⁴¹ *Id.* at 18, 29.

⁴² Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

⁴³ Section 403.706(4), F.S.

dwelling, including apartment complexes.⁴⁴ Such a directive applies to the larger counties (with populations over 100,000), which are required to pursue the interim goals.⁴⁵

Florida achieved the interim recycling goals established for 2012 and 2014.⁴⁶ However, Florida's recycling rate for 2016 was 56 percent, falling short of the 2016 interim recycling goal of 60 percent.⁴⁷ Florida's recycling rate declined from 52 percent in 2017 to 49 percent in 2018, both of which fall short of the interim targets.⁴⁸ This decrease can largely be attributed to a reduction in the reported amount of construction and demolition (C&D) debris recycled in 2018.⁴⁹ In those years when the state's recycling rate does not meet the statutory thresholds for the interim goals, DEP must provide a report to the President of the Senate and the Speaker of the House of Representatives, identifying those additional programs or statutory changes needed to achieve the state's recycling goals.⁵⁰ DEP submitted the most recent status report in 2019.⁵¹ Without significant changes to the current approach, DEP does not expect the 75 percent by 2020 goal will be achieved.⁵²

In 2018, of Florida's 36 large counties (with populations over 100,000), four met the 70% interim recycling goal.⁵³ Recycling credits received for renewable energy and C&D debris were the primary factors for success in these four counties.⁵⁴ In August of 2019, DEP requested each of the 32 large counties not reaching the interim goals to develop a plan to expand current recycling programs to existing commercial and multifamily dwellings.⁵⁵ As of November 21, 2019, DEP has received all 32 county recycling plans.⁵⁶

DEP may reduce or modify the municipal solid waste recycling goal if necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.⁵⁷

DEP has been working to increase recycling rates through grant programs, educational opportunities, and the development of a statewide outreach campaign called "Rethink. Reset. Recycle."⁵⁸ DEP is also working on the following recycling options:

⁴⁴ Section 403.706(2)(d), F.S.

⁴⁵ *DEP 2019 Report*, at 3.

⁴⁶ *DEP 2017 Report*, at 5, available at <https://floridadep.gov/waste/waste-reduction/content/recycling> (last visited Feb. 13, 2020).

⁴⁷ *Id.*

⁴⁸ *DEP 2019 Report*, at 3.

⁴⁹ *Id.* at 9; *see. s. 403.706(2)(b)*, F.S. Each county must implement a program for recycling C&D debris.

⁵⁰ Section 403.706(2)(e), F.S.

⁵¹ *DEP 2019 Report*, at 3.

⁵² *Id.* at 29.

⁵³ *Id.* at 3.

⁵⁴ *Id.*

⁵⁵ *Id.* at 9.

⁵⁶ *Id.*; DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report, Volume 2, Appendices*, Appendix B (2019), available at <https://floridadep.gov/waste/waste-reduction/content/recycling> (last visited Feb. 13, 2020).

⁵⁷ *Id.*

⁵⁸ *DEP 2019 Report*, at 22, available at <https://floridadep.gov/waste/waste-reduction/content/recycling>; Rethink. Reset. Recycle., *About*, <https://floridarecycles.org/> (last visited Feb. 13, 2020).

- Evaluating the implications of shifting from a weight-based recycling goal to sustainable materials management⁵⁹ processes.
- Researching the concept of moving from a weight-based recycling goal of 75 percent by 2020 to market-specific goals such as a food diversion goal or an organics recycling goal.
- Requesting that Florida's state universities and Department of Education review potential K-12 curriculum programs emphasizing waste reduction and recycling practices.
- Continuing to work with state agencies to identify recycling/cost-saving measures specific to their operations.
- Providing counties not achieving the interim recycling goals with assistance in analyzing, planning, and executing opportunities to increase recycling.⁶⁰

Contamination

Many counties and municipalities have instituted single stream recycling programs.⁶¹ Single stream curbside recycling programs allow all accepted recyclables to be placed in a single, curbside recycling cart, comingling paper, plastic bottles, metal cans, and glass containers. Single stream recycling programs have been marginally successful in providing curbside collection efficiency by increasing the number of materials collected and residential participation. While there are many advantages to single stream recycling, it has not consistently yielded positive results for the recycling industry. The unexpected consequence of single stream recycling has been the collection of unwanted materials and poorly sorted recovered materials, resulting in increased contamination originating in the curbside recycling cart.⁶²

Contamination hinders processing at recovered materials processing facilities (RMPFs) when unwanted items are placed into recycling carts.⁶³ For example, plastic bags are harmful to the automated equipment typically used to process and separate recyclable materials from single stream collections. While RMPFs are equipped to handle some non-recyclable materials, excessive contamination can undermine the recycling process and result in additional sorting, processing, energy consumption, and other increased costs due to equipment downtime, repair, or replacement needs. In addition to increased recycling processing costs, contamination also results in poorer quality recovered materials, and increased rejection and landfilling of materials. Although some local governments have implemented successful single-stream recycling programs with low contamination rates, contamination rates for other programs have continued to increase.⁶⁴

⁵⁹ See EPA, *Sustainable Materials Management Basics*, <https://www.epa.gov/smm/sustainable-materials-management-basics> (last visited Feb. 13, 2020); see DEP 2019 Report, at 26-29, available at https://floridadep.gov/sites/default/files/Final%20Strategic%20Plan%202012-13-2019_1.pdf (last visited Feb. 13, 2020). The report contains a discussion of Sustainable Materials Management.

⁶⁰ DEP 2019 Report, at 10.

⁶¹ *Id.* at 11.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

Recycling Markets

Until 2017, China consumed over 50 percent of the recycled paper and plastic in the world, including 70 percent of the plastics collected for recycling in the U.S.⁶⁵ In 2017, China announced a ban on the import of 24 recyclable materials, such as post-consumer plastics and mixed paper, as well as a 0.5 percent contamination standard for most recyclables not named in the ban.⁶⁶ In 2018, the ban was expanded to include post-industrial plastics and a variety of scrap metals, and China implemented pre-shipment inspection requirements for inbound loads of certain material.⁶⁷ The ban has caused shipments of recyclables to other Asian countries to increase dramatically, resulting in nations including India, Malaysia, Indonesia, Thailand, and Vietnam enacting policies restricting the import of recyclable materials.⁶⁸

China's recycling ban has created substantial challenges around the world for the solid waste and recycling industry.⁶⁹ The loss of the Chinese export markets has caused recyclable materials to be sent to landfills or burned.⁷⁰ China's ban and higher standards for contamination are leading to higher costs and lower revenues for the U.S. recycling industry.⁷¹ In Florida, local governments are struggling with issues such as rising costs of processing and high contamination rates.⁷² DEP reports that these changes in the markets create challenges for Florida as it tries to increase its recycling rates because future growth is dependent on healthy markets.⁷³ The increased supply of recyclable materials and decreased demand from end markets has resulted in a depression of commodities prices in the recycling industry.⁷⁴ In response, DEP has utilized state programs and engaged various stakeholders to develop and grow Florida's recycling markets.⁷⁵

⁶⁵ National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Imported Recyclables*, 1 (Apr. 2018), available at <https://wasterecycling.org/>; Cheryl Katz, *Piling Up: How China's Ban on Importing Waste Has Stalled Global Recycling*, Yale Environment 360 (Mar. 7, 2019), <https://e360.yale.edu/features/piling-up-how-chinas-ban-on-importing-waste-has-stalled-global-recycling> (last visited Feb. 13, 2020).

⁶⁶ Resource Recycling, *From Green Fence to Red Alert: A China Timeline*, <https://resource-recycling.com/recycling/2018/02/13/green-fence-red-alert-china-timeline/> (last visited Feb. 13, 2020); National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Imported Recyclables*, 1 (Apr. 2018).

⁶⁷ Resource Recycling, *From Green Fence to Red Alert: A China Timeline*; see also Resource Recycling, *China Reiterates Total Ban and Tries to Define "Solid Waste"* (Apr. 9, 2019), available at <https://resource-recycling.com/recycling/2019/04/09/china-reiterates-total-ban-and-tries-to-define-solid-waste/> (last visited Feb. 13, 2020).

China is planning a total ban on virtually all recovered material imports.

⁶⁸ Resource Recycling, *From Green Fence to Red Alert: A China Timeline*; Christopher Joyce, *Where Will Your Plastic Trash Go Now That China Doesn't Want It?*, NPR (Mar. 13, 2019), <https://www.npr.org/sections/goatsandsoda/2019/03/13/702501726/where-will-your-plastic-trash-go-now-that-china-doesnt-want-it> (last visited Feb. 13, 2020).

⁶⁹ See Brooks et. al., *The Chinese Import Ban and Its Impact on Global Plastic Waste Trade*, SCIENCES ADVANCES (Jun. 20, 2019), available at <https://advances.sciencemag.org/content/advances/4/6/eaat0131.full.pdf> (last visited Feb. 13, 2020).

⁷⁰ Cheryl Katz, *Piling Up: How China's Ban on Importing Waste Has Stalled Global Recycling*, Yale Environment 360 (March 7, 2019), <https://e360.yale.edu/features/piling-up-how-chinas-ban-on-importing-waste-has-stalled-global-recycling> (last visited Feb. 13, 2020).

⁷¹ National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Imported Recyclables*, 1-2 (Apr. 2018), available at <https://wasterecycling.org/> (last visited Feb. 13, 2020).

⁷² Waste Dive, *How Recycling is Changing in All 50 States* (June 5, 2019), <https://www.wastedive.com/news/what-chinese-import-policies-mean-for-all-50-states/510751/> (last visited Feb. 13, 2020).

⁷³ *DEP 2017 Report*, at 15, available at <https://floridadep.gov/waste/waste-reduction/content/recycling>.

⁷⁴ *Id.*

⁷⁵ *Id.* at 15-17; *DEP 2019 Report*, at 12-15, available at <https://floridadep.gov/waste/waste-reduction/content/recycling>.

The reduction in global markets has forced many waste haulers and waste management companies to reduce the amount of contamination, i.e., unwanted items found in recycling bins, being transported and delivered to their processing facilities.⁷⁶ Reducing contamination increases the value of the recovered materials.⁷⁷ Due to decreases in the average price for mixed recovered materials, several counties have been asked to renegotiate their recycling contracts.⁷⁸ Many of the contracts have clauses that stipulate contamination must be below a certain percentage or the local government will be charged a much higher rate and/or penalized.⁷⁹ There is very little revenue, if any, generated and returned to municipalities for recovered materials that have been collected and processed, and many municipalities are left with decisions regarding which materials to include in curbside recycling programs or whether to continue the programs.⁸⁰

Fiscally Constrained Counties

Section 218.67, F.S., defines “fiscally constrained counties” as:

- Each county entirely within a rural area of opportunity⁸¹ as designated by the Governor pursuant to the Rural Economic Development Initiative in s. 288.0656, F.S.; or
- Each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to the calculations in s. 1011.62(4)(a)1.a., F.S., from the previous July 1.⁸²

For the 2019-20 fiscal year, the Department of Revenue determined the following 29 counties to be fiscally constrained: Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, and Washington.⁸³

III. Effect of Proposed Changes:

The bill amends s. 403.706, F.S., which contains goals and requirements for county recycling programs. The bill exempts fiscally constrained counties⁸⁴ from recycling goals for local governments in s. 403.706, F.S. The exemption expires July 1, 2035.

The bill contains legislative findings regarding challenges in meeting the state’s recycling goals and the need to investigate other options for the management of recyclable material resources.

⁷⁶ *DEP 2019 Report*, at 12.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.* at 12-13.

⁸⁰ *Id.* at 13.

⁸¹ See s. 288.0656(2), F.S. A rural area of opportunity is a rural community (such as counties with a population of 75,000 or fewer), or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe/chronic distress, or a natural disaster, or which presents a unique economic development opportunity of regional impact.

⁸² Section 218.67(1), F.S.

⁸³ Office of Economic and Demographic Research, *2019 Local Government Financial Information Handbook*, 93 (2019), available at <http://edr.state.fl.us/Content/local-government/reports/lgfih19.pdf>; see also Department of Revenue, *Fiscally Constrained Counties*, available at <https://floridarevenue.com/property/Documents/fcco081210.pdf>. (last visited Feb. 13, 2020).

⁸⁴ Section 218.67(1), F.S. The bill defines fiscally constrained counties using this subsection.

The bill creates a recycled materials management pilot project for Polk County, in coordination with the University of Florida. The pilot project must identify sustainable, environmentally responsible, and cost-effective collection, storage, and retention methods for recyclable materials which have limited economic or industrial utility but retain their potential to be reintroduced into the market through an economically viable recycling process. The pilot program expires July 1, 2025.

The bill states the following regarding the pilot program:

- Polk County may join or contract with one or more other public or private entities to finance or implement the pilot program. The contracts may provide for contributions by each party to the contract for the division and apportionment of resulting costs, including operations and maintenance, benefits, services, and products. The Legislature may not provide funding assistance for the pilot program. However, this does not limit the University of Florida or other state entities from providing in-kind services to the pilot program.
- During the term of the pilot program, Polk County is exempt from the solid waste goals and requirements for local governments.⁸⁵
- Polk County must periodically communicate and collaborate with the Department of Environmental Protection (DEP) regarding the program's objectives, progress, and conclusions.
- Polk County must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2025, regarding the conclusions of the pilot program. The report must include all of the following:
 - A description of the pilot program, including its goals and an overview of the methodology used to identify the specific recyclable materials determined to provide the greatest environmental benefit and opportunity for recycling.
 - An overview of the methodology used to segregate the recyclable materials of greatest benefit while minimizing the processing of recyclable materials of low environmental benefit.
 - Progress made with the pilot program in comparison to other processes currently being used for the collection, disposal, or reuse of the same recyclable materials.
 - Capital and operating costs Polk County estimates it would expend to implement recycling and solid waste management practices revealed by the pilot program, in comparison to other alternatives local governments have implemented in Florida.
 - The source of funds used in developing and implementing the pilot program.
 - The benefits to Polk County and the state from implementing any recycling and solid waste management practices revealed by the pilot program.
 - A recommendation as to whether any recycling and solid waste management practices revealed by the pilot program should be available as an alternative to traditional processes used by local governments to manage recyclable materials and, if so, identification of the statutory changes necessary to do so.

⁸⁵ See DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report, Volume 2, Appendices*, 162-164 (2019), available at <https://floridadep.gov/waste/waste-reduction/content/recycling>. In 2019, Polk County submitted a recycling plan to DEP in accordance with s. 403.706, F.S. Polk County is working with the University of Florida's Sustainable Materials Management Research Laboratory to update the county's recycling data and explore future recycling initiatives that would have the greatest positive environmental impact.

The bill amends s. 403.70605(3), F.S., which contains requirements for when a local government's collection service displaces a private waste company. The bill revises the definition of the term "displacement," as used in the subsection. The bill states that the term "displacement" does not include actions by which a local government, at the end of a franchise that the local government has granted to a private company, refuses to renew the franchise and either: grants a franchise or awards a contract to another company or companies, or decides to provide the collection service itself. The bill also states that the term "displacement" does not include situations where private companies are franchised to do business within a local government for a limited time and such franchise expires and is not renewed by the local government.

The bill revises the process and procedures a local government must follow to displace a private waste company. The local government must provide 3 years' notice to the private company before the local government engages in the actual provision of the service that displaces the company. At the end of the 3-year notice period, the local government must pay the displaced company an amount equal to the company's preceding 18 months' gross receipts for the displaced service in the displacement area. The bill also removes a provision stating that a local government and a private waste company may voluntarily negotiate a different notice period or amount of compensation.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be a positive economic impact on the private sector because displaced private waste collection companies are assured 3 years' notice prior to displacement and 18 months of gross receipts when their service ends.

C. Government Sector Impact:

There may be a negative fiscal impact on local governments due to the required 3-year notice period for displacement of a private waste company and the payment of 18 months of gross receipts when the service ends.

The bill exempts fiscally constrained counties from specified recycling goals for local governments, which could result in these counties avoiding expenditures on recycling programs. This may have an indeterminate, positive fiscal impact on fiscally constrained counties.

The bill creates a recycled materials management pilot project that Polk County must implement, which may cause Polk County to incur additional costs. The bill exempts Polk County from certain recycling goals for local governments during the term of the pilot program, which may result in Polk County avoiding certain expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.70605 and 403.706.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Community Affairs on February 17, 2020:

The committee substitute clarifies that the bill exempts fiscally constrained counties from specified recycling goals but not from their other solid waste responsibilities.

CS/CS by Environment and Natural Resources on February 10, 2020:

- Exempts fiscally constrained counties from the solid waste goals and requirements for local governments. This exemption expires July 1, 2035.
- Creates a pilot project for Polk County, in coordination with the University of Florida, for recycled materials management. The project will identify collection,

storage, and retention methods for recyclable materials. Regarding the pilot project, the bill provides the following: Polk County may join or contract with other entities to finance or implement the project, but the Legislature may not provide funding assistance to the program; during the term of the pilot program, Polk County is exempt from solid waste goals and requirements for local governments; Polk County must periodically communicate and collaborate with DEP regarding the program's objectives and progress; and Polk County must submit a report to the Governor and Legislature by July 1, 2025, which must include the program's goals and progress, overviews of the methodologies used to identify and segregate the recyclable materials of greatest environmental benefit, funding sources for the program, estimated costs and benefits to Polk County of implementing practices revealed by the program, and a recommendation on practices revealed by the program.

- Repeals the pilot program on July 1, 2025.
- Revises the definition of "displacement" in requirements for local governments' collection services that displace a private waste company. The bill states that the term "displacement" does not include actions by which a local government, at the end of a franchise that the local government has granted to a private company, refuses to renew the franchise and either: grants a franchise or awards a contract to another company or companies, or decides to provide the collection service itself. The bill also states that the term "displacement" does not include situations where private companies are franchised to do business within a local government for a limited time and such franchise expires and is not renewed by the local government.

CS by Community Affairs on January 27, 2020:

The committee substitute:

- Removes the discretion of a local government to pay a displaced private waste company in lieu of providing a 3-year notice period and makes the 3-year notice mandatory.
- Requires a local government to pay a displaced private waste company an amount equal to the company's preceding 18 months' gross receipts for the displaced service at the end of the 3-year notice period.
- Removes a provision stating that a local government and a private waste company are not prohibited from voluntarily negotiating a different notice period or amount of compensation.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Albritton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (3) of section
403.70605, Florida Statutes, is amended to read:

403.70605 Solid waste collection services in competition
with private companies.—

(3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

(c) Following the final public hearing held under paragraph



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(b), but not later than 1 year after the hearing, the local government may proceed to take those measures necessary to provide the service. The ~~A~~ local government shall provide 3 years' notice to the ~~a~~ private company before it engages in the actual provision of the service that displaces the company. At the end of the 3-year notice period ~~As an alternative to delaying displacement 3 years,~~ the ~~a~~ local government shall ~~may~~ pay the ~~a~~ displaced company an amount equal to the company's preceding 18 ~~15~~ months' gross receipts for the displaced service in the displacement area. The 3-year notice period shall lapse as to any private company being displaced when the company ceases to provide service within the displacement area. ~~Nothing in this paragraph prohibits the local government and the company from voluntarily negotiating a different notice period or amount of compensation.~~

Section 2. This act shall take effect July 1, 2020.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to displacement of private waste companies; amending s. 403.70605, F.S.; requiring a local government to pay a specified amount of compensation to a displaced private waste company at the end of a specified notice period; removing a provision authorizing a local government to pay a specified amount of compensation to a private waste



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40 company as an alternative to delaying displacement for
41 a specified period; removing a provision authorizing a
42 local government and a private waste company to
43 negotiate such compensation and notice period;
44 providing an effective date.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/20

Bill Number (if applicable) 996

Topic Displacement of Private Waste Companies

Amendment Barcode (if applicable) _____

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757

Phone 202 9684

City Tallah. State FL Zip 32302

Email robara@flcities.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing FLA League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 1236

INTRODUCER: Community Affairs Committee and Senator Gruters

SUBJECT: Educational Property Tax Exemption

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Ryon	CA	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1236 expands the current ad valorem exemption for property used for educational purposes to exempt land that is not owned by the educational institution, but used for educational purposes by the educational institution under a lease, but only if the educational institution is responsible for the taxes owed and ongoing maintenance and operational expenses of the land and buildings under the lease, and if the property has been used for educational purposes and has been receiving the exemption for at least 10 years.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property

¹ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise (FLA. CONST. art VII, s. 4). Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965);

within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes⁴ and limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Educational Property Tax Exemption

All property in the state is subject to taxation unless it is expressly exempted.¹¹ Section 196.012, F.S., provides a number of relevant definitions related to exemptions:

- "Exempt use of property" or "use of property for exempt purposes" means predominant or exclusive use of property owned by an exempt entity for educational, literary, scientific, religious, charitable, or governmental purposes.¹²
- "Exclusive use of property" means use of property solely for exempt purposes.¹³
- "Use" means the exercise of any right or power over real or personal property incident to the ownership of the property.¹⁴

Property used for educational purposes is generally exempt from property tax in Florida.¹⁵ Generally, in order to be exempt, the property has to be both owned by an educational institution and used for educational purposes by the educational institution or another exempt entity.¹⁶

The exemption also covers several additional educational situations:

Deltona Corp. v. Bailey, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

³ See s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ See FLA. CONST. art. VII, ss. 3 and 4, and s. 196.001, F.S.

¹² Section 196.012(1), F.S.

¹³ Section 196.012(2), F.S. Such purposes may include more than one class of exempt use.

¹⁴ Section 196.012(4), F.S.

¹⁵ Section 196.198, F.S.

¹⁶ *Id.*

- Certain workshops that provide rehabilitation and retraining of disabled persons;
- Certain portions of property used by college fraternities and sororities;
- The use of property by certain public fairs and expositions;
- Situations where the property used for educational purposes and the educational institution are owned by the same persons; and
- Property owned by a non-profit entity but used for educational purposes by a 501(c)(3) educational institution that uses the property under a ground lease or other contractual arrangement to provide education for students prekindergarten through grade 8.¹⁷

Nonprofit Entity Status within Other Property Tax Exemptions

Chapter 196, F.S., features a number of property tax exemptions, which specify certain nonprofit ownership or usage criterion to govern a property's qualification for an exemption. These include:

- Section 196.196, F.S. (Determining whether property is entitled to charitable, religious, scientific, or literary).
- Section 196.197, F.S. (Additional provisions for exempting property used by hospitals, nursing homes, and homes for special services).
- Section 196.1975, F.S. (Exemption for property used by nonprofit homes for the aged).
- Section 196.1978, F.S. (Affordable housing property exemption).

Leaseholds and Leasebacks¹⁸

Generally, a leasehold represents interests in real property held under a rental agreement in which the owner gives the lessee the right to occupy or use the land for a period of time; or signifies the asset representing the right of the lessee to use the leased property. A leaseback is a transaction whereby a transferor sells property and later leases back the property. In a sale-leaseback arrangement, for example, an educational institution might sell its property to a new and separate entity and subsequently lease the property from the new and separate entity.

III. Effect of Proposed Changes:

Section 1 amends s. 196.198, F.S., to provide that land, buildings, and other improvements to real property used exclusively for educational purposes shall also be exempt from ad valorem taxes if, under a lease, the educational institution is responsible for any taxes owed and for ongoing maintenance and operational expenses for the land and buildings under the lease and if the real property has been used for educational purposes and has been receiving the exemption under this section for at least 10 years. For such leasehold properties, the educational institution shall receive the full benefit from the exemption. The owner of the property shall disclose to the educational institution the full amount of the benefit derived from the exemption and the method for ensuring the educational institution receives the benefit.

Section 2 provides an effective date of July 1, 2020.

¹⁷ *Id.*

¹⁸ See BLACK'S LAW DICTIONARY (6th ed. 1990).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

B. Private Sector Impact:

Educational institutions that meet the bill's new exemption qualifying parameters will likely pay less property tax.

C. Government Sector Impact:

The Department of Revenue would need to amend Form DR-504 and Rule 12D-16.002, F.A.C.¹⁹

VI. Technical Deficiencies:

The provisions in the CS specify that the exemption applies under certain circumstances which include that the real property has been receiving the exemption for at least 10 years. The sponsor may want to clarify characteristics of the 10 years (e.g., cumulative, consecutive, or immediately preceding).

¹⁹ Florida Department of Revenue, *SB 1236 Agency Bill Analysis* (Jan. 15, 2020) (on file with the Senate Committee on Community Affairs).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 196.198 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on January 27, 2020:

Specifies that the exemption applies if, under a lease, the educational institution is responsible for any taxes owed and for ongoing maintenance and operational expenses for the land and buildings under the lease and if the real property has been used for educational purposes and has been receiving the exemption under this section of law for at least 10 years.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2020	.	
	.	
	.	
	.	

The Committee on Community Affairs (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 50 - 54
and insert:
educational purposes shall also be exempt from ad valorem taxes
if, under a lease, the educational institution is responsible
for any taxes owed and for ongoing maintenance and operational
expenses for the land and buildings under the lease and if the
real property has been used for educational purposes and has
been receiving the exemption under this section for at least 10



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11 years.
12
13 ===== T I T L E A M E N D M E N T =====
14 And the title is amended as follows:
15 Delete lines 5 - 7
16 and insert:
17 educational purposes from ad valorem taxes if certain
18 criteria are met;

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1466

INTRODUCER: Senator Baxley

SUBJECT: Special Districts

DATE: January 19, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Ryon	CA	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 1466 alters current required reporting of information on a special district's official website. Specifically, the bill allows a special district to satisfy the required posting of its most recent final, complete audit report on its own website by providing a link to this report maintained on the Auditor General's website. In addition, the bill removes the requirement for online posting of a special district's public facilities report and any of a special district's meeting or workshop materials. Required postings of a special district meeting or workshop, and the agendas of such events, remain.

II. Present Situation:

Special Districts

A "special district" is "a unit of local government created for a special purpose... operat[ing] within a limited geographic boundary and is created by general law, special act, local ordinance, or rule of the Governor and Cabinet."¹ Special districts are created to provide a wide variety of services, such as mosquito control,² beach facilities,³ children's services,⁴ fire control and rescue,⁵ and drainage and water control.⁶

¹ Section 189.012(6), F.S.

² Section 388.021(1), F.S.

³ See s. 189.011, F.S.

⁴ Section 125.901(1), F.S.

⁵ Section 191.002, F.S.

⁶ Section 298.01, F.S.

Special districts can be classified as “dependent special districts” or “independent special districts.” For a special district to be classified as a “dependent special district,” the district must meet at least one of the following criteria:

- Membership of its governing body is identical to that of the governing body of a single county or a single municipality;
- All members of its governing body are appointed by the governing body of a single county or a single municipality;
- The members of its governing body are subject to removal at will by the governing body of a single county or single municipality, during their unexpired terms; or
- The district has a budget that requires approval or can be vetoed by the governing body of a single county or a single municipality.⁷

An “independent special district” is any special district that does not meet the definition of “dependent special district.”⁸ Additionally, any special district that includes territory in more than one county is an independent special district, unless the district lies entirely within the borders of a single municipality.⁹

According to the Department of Economic Opportunity (DEO) Special District Accountability Program Official List of Special Districts, the state currently has 1,756 active special districts. Specifically, there are:

- 633 dependent special districts; and
- 1,123 independent special districts.¹⁰

In 1989, the Legislature enacted the Uniform Special District Accountability Act (Act) which governs special districts and reformed and consolidated laws relating to special districts.¹¹ In 2014, the Legislature extensively revised and reorganized the Act into eight parts. The revision made significant changes to provisions concerning independent special districts and special district oversight and accountability.¹²

Reporting Requirements

Special districts are subject to oversight and review by state and local governments to better determine the need for the continued existence of a district, the appropriate future role and focus of a district, improvements to the function or service by a district, and the need for any transition, adjustment, or special implementation periods or provisions.¹³

⁷ Section 189.012(2), F.S.

⁸ Section 189.012(3), F.S.

⁹ *Id.*

¹⁰ See Department of Economic Opportunity, Division of Community Development, Special District Accountability Program, *Official List of Special Districts Online – Directory*, available at <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx> (last visited Jan. 19, 2020).

¹¹ Section 189.06, F.S.

¹² Chapter 2014-22, L.O.F.

¹³ Section 189.068(1), F.S. Any final recommendations from the oversight review process which are adopted and implemented by the appropriate level of government may not be implemented in a manner that would impair the obligation of contracts.

Special districts created by special act are subject to review by the Joint Legislative Auditing Committee (JLAC) at a public meeting for not complying with reporting requirements under ch. 189, F.S., as well as oversight matters in general.¹⁴ Special districts created by local ordinance or resolution are subject to review by the chair, or the equivalent, of the local governing body.¹⁵ Special districts created or established by rule of the Governor and Cabinet may be reviewed as directed by the Governor and Cabinet.¹⁶ Special districts not subject to other oversight may be reviewed as directed by the President of the Senate and the Speaker of the House of Representatives.¹⁷

State agencies administering funding programs to eligible special districts oversee the use of such funds by the special districts. The state agencies must report the existence of programs as well as an annual list of special districts participating in state funding programs to the DEO Special District Accountability Program.¹⁸

Special District Websites

Each special district is required to maintain an official website containing essential information about the district.¹⁹ Each independent special district is required to maintain a separate website.²⁰ Each dependent district is, at a minimum, required to be prominently displayed on the home page of the website of the local general-purpose government upon which it is dependent.²¹ However, a dependent special district may maintain a separate website.²² A special district shall post the following information, at a minimum, on the district's official website:²³

- The full legal name of the special district.
- The public purpose of the special district.
- The name, official address, official e-mail address, and, if applicable, term and appointing authority for each member of the governing body of the special district.
- The fiscal year of the special district.
- The full text of the special district's charter, the date of establishment, the establishing entity, and the statute or statutes under which the special district operates, if different from the statute or statutes under which the special district was established. Community development districts may reference ch. 190, F.S., as the uniform charter but must include information relating to any grant of special powers.
- The mailing address, e-mail address, telephone number, and website uniform resource locator of the special district.
- A description of the boundaries or service area of, and the services provided by, the special district.

¹⁴ Section 189.0651(2), F.S.

¹⁵ Section 189.0652(2), F.S. Dependent special districts, not created by special act, may be reviewed by the local general-purpose government upon which it is dependent; *see* s. 189.068(2)(c), F.S.

¹⁶ Section 189.068(2)(d), F.S.

¹⁷ Section 189.068(2)(e), F.S.

¹⁸ Sections 189.065(1)-(2), F.S. The list of participating special districts must indicate if a district is not in compliance with state funding program requirements.

¹⁹ Section 189.069(1), F.S.

²⁰ Section 189.069(1)(a), F.S.

²¹ Section 189.069(1)(b), F.S.

²² *Id.*

²³ Section 189.069(2)(a), F.S.

- A listing of all taxes, fees, assessments, or charges imposed and collected by the special district, including the rates or amounts for the fiscal year and the statutory authority for the levy of the tax, fee, assessment, or charge. For purposes of this subparagraph, charges do not include patient charges by a hospital or other health care provider.
- The primary contact information for the special district for purposes of communication from the department.
- A code of ethics adopted by the special district, if applicable, and a hyperlink to generally applicable ethics provisions.
- The budget of the special district and any amendments thereto in accordance with s. 189.016, F.S.
- The final, complete audit report for the most recent completed fiscal year and audit reports required by law or authorized by the governing body of the special district.
- A listing of its regularly scheduled public meetings as required by s. 189.015(1), F.S.
- The public facilities report,²⁴ if applicable.
- The link to the Department of Financial Services website as set forth in s. 218.32(1)(g), F.S.
- At least 7 days before each meeting or workshop, the agenda of the event, along with any meeting materials available in an electronic format, excluding confidential and exempt information. The information must remain on the website for at least 1 year after the event.

Noncomplying Special Districts

If an independent special district fails to file required reports or information regarding registered agents,²⁵ public meetings,²⁶ public facilities,²⁷ or its budget²⁸ with the local general-purpose government in which it is located, the local government notifies the district's registered agent.²⁹ If the governing body of the local general-purpose government determines that there has been an unjustified failure to file reports or information it must notify DEO.³⁰ This notification triggers a series of steps taken by DEO to assist a special district in complying with its financial reporting requirements pursuant to s. 189.067, F.S.

If a dependent special district fails to file such reports with the local governing authority to which it is dependent, the local governing authority is obligated to take the necessary steps to enforce the special district's accountability.³¹ These may include withholding funds, removing the governing body members, vetoing the special district's budget, conducting the oversight review process, or amending, merging, or dissolving the special district in accordance with the provisions contained in the ordinance that created the dependent special district.³²

²⁴ Section 189.08(2)(a), F.S., states that a public facilities report shall provide a description of existing public facilities owned or operated by the special district, and each public facility that is operated by another entity, except a local general-purpose government, through a lease or other agreement with the special district..

²⁵ Section 189.014, F.S.

²⁶ Section 189.015, F.S.

²⁷ Section 189.08, F.S.

²⁸ Section 189.016(9), F.S.

²⁹ Section 189.066(1), F.S. An extension of up to 30 days for filing the required reports or information is possible.

³⁰ *Id.* This notification triggers a series of steps taken by DEO to assist a special district in complying with its financial reporting requirements pursuant to s. 189.067, F.S.

³¹ Section 189.066(2), F.S.

³² *Id.*

The oversight and accountability provisions in s. 189.067, F.S., are also initiated by special district noncompliance related to noticing of bond issues, state agency actuarial reports, annual financial reports, and annual financial audit reports.³³ If a special district fails to comply after DEO has exhausted its attempt to assist under s. 189.067, F.S., the failure is deemed final action by the district.³⁴ The district is subject to the oversight process headed by either the JLAC³⁵ or the local governing body,³⁶ as appropriate.

Federal and State Laws Regulating Access to Records by Disabled Individuals

The Americans with Disabilities Act³⁷

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The legislation prohibits discrimination and guarantees that people with disabilities have the same opportunities as persons without disabilities. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin -- and Section 504 of the Rehabilitation Act of 1973 -- the ADA is considered an "equal opportunity" law for people with disabilities.

To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities; a person who has a history or record of such an impairment; or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered. Title I of the ADA applies to employment, Title II applies to public services and Title III applies to public accommodations and services operated by private entities.

Title II: Public Entities

Title II of the ADA prohibits public entities from excluding the participation in or denying the benefits of their services, programs, or activities to qualified individuals with a disability,³⁸ or otherwise discriminating against such individuals, because of the disability.³⁹ "Public entities" includes state and local governments, state and local agencies, and special districts.⁴⁰ To meet the definition of a qualified individual with a disability, the person must be eligible for receipt of the public benefit with or without a reasonable modification.⁴¹

³³ See s. 189.066, F.S.

³⁴ Section 189.067(2), F.S.

³⁵ Sections 189.067(2) and 189.0651, F.S.

³⁶ Sections 189.067(2) and 189.0652, F.S.

³⁷ United States Department of Justice, Civil Rights Division, *Information and Technical Assistance on the Americans with Disabilities Act*, available at https://www.ada.gov/ada_intro.htm (last visited Jan. 19, 2020).

³⁸ A person is a 'qualified' individual with a disability with respect to licensing if he or she, with or without reasonable modifications, 'meets the essential requirements' for the receipt of services or the participation in programs or activities provided by a public entity. 42 U.S.C. s. 12131(2). See also *The Fla. Bar v. Clement*, 662 So. 2d 690, 700 (Fla. 1995), as amended (November 28, 1995).

³⁹ 42 U.S.C. s. 12132.

⁴⁰ 42 U.S.C. s. 12131(1)

⁴¹ 42 U.S.C. s. 12131(2)

If the need is obvious or upon request,⁴² a public entity must:

- Make reasonable modifications to its rules, policies, or practices;
- Remove architectural, communication, or transportation barriers; or
- Provide auxiliary aids and services when necessary to accommodate an individual with a disability.⁴³

A public entity must provide auxiliary aids and services in a timely manner and in an accessible format, and must protect the privacy and independence of the individual.⁴⁴ An accommodation or modification that fundamentally alters the nature of the activity, service, or program, or that causes the public entity an undue financial or administrative burden is not reasonable or necessary.⁴⁵

Title III: Private Entities

Title III prohibits certain private entities⁴⁶ from discriminating against an individual on the basis of a disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation. A private entity may provide a different or separate benefit if necessary to effectively provide benefits.⁴⁷

A private entity must make reasonable modifications to its policies, practices, or procedures, or take any steps necessary to ensure individuals are not denied services, segregated or otherwise treated differently due to the absence of an aid or service. A modification or step that will fundamentally alter the nature of the product or service, or pose a direct danger to others is not required. When readily achievable,⁴⁸ a private entity must:

- Remove any existing architectural, structural communication, or transportation barrier; or
- Offer access to its product or service through alternative methods.⁴⁹

ADA Internet Website Access Administration

The Department of Justice (DOJ) is responsible for administering Title II and Title III of the ADA.⁵⁰ In 2010, DOJ took the position that internet website access fell within the scope of the ADA, even in the absence of explicit language. Therefore, public entities communicating through web-based applications or otherwise providing internet services must ensure that individuals with disabilities have equal access to such services or information unless it would

⁴² See *McCullum v. Orlando Regional Healthcare*, No. 6:11-cv-1387-Orl-31GJK, 2013 WL 1212860, at *4 (M.D.Fla.2013); see also *Smith v. Rainey*, 747 F.Supp.2d 1327, 1338 (M.D.Fla.2010).

⁴³ See 42 U.S.C. s. 12131(2).

⁴⁴ 28 C.F.R. s. 35.160(b).

⁴⁵ See *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581, 603, 119 S. Ct. 2176 (1999).

⁴⁶ 42 U.S.C. s. 12181(6). A private entity is defined as any entity other than a public entity. Private entities that own, lease, or operate places of public accommodation fall under Title III.

⁴⁷ See 42 U.S.C. s. 12182.

⁴⁸ 42 U.S.C. s. 12181(9). Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense.

⁴⁹ 42 U.S.C. s. 12182. See also *A.L. by & through D.L. v. Walt Disney Parks & Resorts US, Inc.*, 900 F.3d 1270 (11th Cir. 2018)(holding that the Defendant's blanket accommodation for all cognitively disabled theme park guests was not per se ADA violation).

⁵⁰ See 28 CFR parts 35 (Title II) and 36 (Title III).

alter the nature of the product or cause the entity an undue burden. To date, the DOJ has promulgated no regulations on this issue.⁵¹

From December 2006 to June 2007, the Civil Rights Division of DOJ released a Best Practices Tool Kit for State and Local Governments.⁵² Chapter 5 addresses web accessibility under Title II. DOJ provides suggestions for how governments may design their websites and recommends referencing the Worldwide Web Consortium's (W3C) Web Content Accessibility Guidelines 2.0 (WCAG 2.0), an internationally accepted resource, for conformance standards.

State and local governments are not required to use the Tool Kit. However, DOJ intends to provide a reasonable approach to achieve compliance through the Tool Kit. Among the common basic challenges to website accessibility cited in the Tool Kit are images without text equivalents. According to the Tool Kit, screen readers and refreshable Braille displays utilized by persons who are visually impaired cannot interpret photographs, charts, color-coded information, or other graphic elements on a webpage. The suggested solution for this challenge is the addition of HTML⁵³ code to provide text for each image and graphic to enable a user with a vision disability to understand what it is. For documents posted online, DOJ suggests governments posting documents online in Portable Document Format (PDF), or other image-based format, also post a version in Rich Text Format (RTF), or other text-based format, to allow compatibility with assistive technologies. The Tool Kit includes a checklist to help local governments assess the accessibility of their websites.

Section 508 of the Rehabilitation Act of 1973

Federal agency website accessibility is not regulated under the ADA but primarily under section 508 of the Rehabilitation Act of 1973 (Section 508).⁵⁴ Public entities are not required to follow these guidelines. However, Florida requires its state agencies, which includes the executive, legislative, and judicial branches, to follow Section 508 when providing public and employee access to electronic information and data.⁵⁵

Under Section 508, when federal agencies develop, procure, maintain, or use electronic and information technology, they must give employees and members of the public with disabilities access to that information that is comparable to the access available to those without disabilities. The U.S. Access Board (Access Board) is responsible for developing federal accessibility

⁵¹ DOJ stated in its 2010 comments, "The Department expects to engage in rulemaking relating to website accessibility under the ADA in the near future." Department of Justice, *2010 Guidance and Section-by-Section Analysis (Attorney General's Comments)*, available at https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35102 (last visited Jan. 20, 2020).

⁵² Department of Justice, *ADA Best Practices Tool Kit for State and Local Governments, Chapter 5*, available at <https://www.ada.gov/pcatoolkit/chap5toolkit.htm> (last visited Jan. 20, 2020). The Tool Kit contains a notice that some chapters may not fully reflect the current ADA.

⁵³ Hypertext mark-up language is a common mark-up language used to present webpages. It tells the web browser how information should be structured and accessed.

⁵⁴ See 29 U.S.C. s. 794d, s. 508 of the Rehabilitation Act; 47 U.S.C. s. 255, and s. 255 of the Telecommunications Act. There is proposed legislation currently in the U.S. Congress that would research the best guidance for state and local governments providing website access. See H.R. 4099 (2019).

⁵⁵ See ss. 282.601-606, F.S.

standards.⁵⁶ The Access Board updated its rules in 2018 and currently incorporates the WCAG 2.0 into its regulation.⁵⁷

Florida Statutes Related to Accessibility of Electronic Information

Chapter 282, F.S., regulates the accessibility of electronic information among state agencies.⁵⁸ Executive, legislative, and judicial branches of state government must ensure that state employees with disabilities have access to and are provided with electronic information and data comparable to the access and use by state employees who do not have disabilities unless an undue burden would be imposed on the agency.⁵⁹ Similarly, individuals with disabilities who are members of the public must be provided with access to and use of electronic information and data comparable to that provided to nondisabled members of the public, unless an undue burden would be imposed on the agency.⁶⁰

Each state agency must develop, procure, maintain, and use accessible electronic information and information technology in conformance with federal law,⁶¹ absent an undue burden. If an agency claims compliance will impose an undue burden, it must provide proof an alternative method allows the individual to use the information and data.⁶² The statute does not extend its requirements to local governments.⁶³

Case Law Involving Access to Electronic Information

To establish a claim under Title II, a plaintiff must establish he or she had a disability, was denied a public benefit or other discrimination, and the denial of benefits or discrimination was by reason of the plaintiff's disability.⁶⁴ The scope of public entities subject to Title II of the ADA includes public prisons,⁶⁵ universities,⁶⁶ courts,⁶⁷ and legislative chambers.⁶⁸ Additionally, states may be held accountable for discrimination by private entities that lease government-owned property.⁶⁹

While currently there appears to be no Florida appellate court decision resolving a challenge to state agency website accessibility, there have been a number of federal cases in recent years. In *Nat'l Assn. of Deaf v. State*, hearing impaired individuals sued the Florida Senate and House of Representatives claiming the failure to put closed captions on live and archived videos of Florida

⁵⁶ See 29 U.S.C. s. 794d; 36 CFR s. 1194. See also U.S. General Services Administration, *IT Accessibility Laws and Policies*, <https://www.section508.gov/manage/laws-and-policies> (last visited Jan. 20, 2020).

⁵⁷ See 36 CFR Part 1194, Appendix C. The WCAG guidelines are primarily intended for web content developers.

⁵⁸ Sections 282.601-606, F.S.

⁵⁹ Section 282.601(1), F.S.

⁶⁰ Section 282.601(2), F.S.

⁶¹ Including Section 508 and 36 C.F.R. part 1194.

⁶² Section 282, 603, F.S.

⁶³ See ch. 282, F.S.

⁶⁴ *Kornblau v. Dade Cty.*, 86 F.3d 193 (11th Cir. 1996).

⁶⁵ *Pennsylvania Dep't of Corr. v. Yeskey*, 524 U.S. 206 (1998); *Edison v. Douberly*, 604 F.3d 1307 (11th Cir. 2010).

⁶⁶ *Bd. of Trustees of Univ. of Alabama v. Garrett*, 531 U.S. 356 (2001).

⁶⁷ *Tennessee v. Lane*, 541 U.S. 509 (2004).

⁶⁸ *Nat'l Ass'n of Deaf v. State*, 318 F. Supp. 3d 1338, Case no. 18-cv-21232-UU (S.D. Fla. 2018).

⁶⁹ See *Haas v. Quest Recovery Servs., Inc.*, 549 U.S. 1163 (2007).

legislative sessions violates the ADA.⁷⁰ The case survived a motion to dismiss because the Court found the right to participate in the democratic process is a fundamental right that properly abrogates the state's Eleventh Amendment sovereign immunity.⁷¹

Local governments are facing continued federal litigation in the absence of official rules on ADA compliance for government website and electronic document access. The case law is new and unsettled, but there are two emerging legal theories currently being used to determine if a case is viable. Some courts have relied on the standing analysis in Title III (Private Entities) website access cases to resolve Title II cases.⁷² Other courts have adopted a new Title II rubric based, in part, on the connection the plaintiff has with the defendant-government.⁷³

Some governments argue that these cases are not ripe for adjudication because DOJ has not yet promulgated regulations. Courts have generally dismissed this argument, with one court emphasizing that DOJ has had eight years to comment further or promulgate rules on website accessibility compliance but failed to do so.⁷⁴

III. Effect of Proposed Changes:

Section 1 amends s. 189.069, F.S., to allow a special district to satisfy the required posting of its most recent final, complete audit report and other statutorily required audit reports on its own website by providing a link to the most recent audit report maintained on the Auditor General's website. In addition, amending provisions remove the requirement for online posting of a special district's public facilities report and any of a special district's meeting or workshop materials. Required posting of a special district meeting or workshop, and the agendas of such events, remains.

Section 2 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁷⁰ *Nat'l Ass'n of Deaf v. State*, 318 F. Supp. 3d 1338, Case no. 18-cv-21232-UU (S.D. Fla. 2018)(case is pending).

⁷¹ "Order of Motion to Dismiss Based on Sovereign Immunity," *Id.* (June 18, 2018).

⁷² *See Gil v. Broward Cty.*, No. 18-60282-CIV, 2018 WL 4941108 (S.D. Fla. 2018)

⁷³ *See Price v. City of Ocala*, 375 F. Supp. 3d 1264 (M.D. Fla. 2019)(reasoning Title III analysis is the wrong standard to apply to Title II website access cases because Title III requires a nexus between a physical place and the alleged violation), and *Gil v. City of Pensacola, Fla.*, 392 F. Supp. 3d 1493 (N.D. Fla. 2019).

⁷⁴ *See Open Access for All, Inc. v. Town of Juno Beach, Fla.*, "Order Denying Defendant's Motion to Dismiss," Case no. 9:19-CV-80518-ROSENBERG/REINHART, 2019 WL 3425090 (S.D. Fla. July 29, 2019)(case dismissed on other grounds August 15, 2019).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill's removal of certain required website reports and documents may have a negative impact on private companies that provide specific ADA compliant website development and maintenance for special districts.

C. Government Sector Impact:

Special districts may realize a positive financial impact if they are no longer required to post certain reports and documents on their websites.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 189.069 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1-27-20

Bill Number (if applicable)

1466

Topic SPECIAL DISTRICTS

Amendment Barcode (if applicable)

Name LAUREA YOUNG

Job Title LEGISLATIVE COUNSEL

Address 130 S. MONROE

Phone 254-1838

Street

TAC

PL

32301

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/20

Bill Number (if applicable) 1466

Topic Special Districts

Amendment Barcode (if applicable) _____

Name Michael Eckert

Job Title Attorney - Hopping Green & Sams PA

Address 119 S. Monroe St, Tallahassee, FL 32304

Phone 850-222-7500

City Tallahassee State Florida Zip 32301

Email MichaelE@hsslaw.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Association of Florida Community Developers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/19

Bill Number (if applicable) 1466

Topic Special Districts

Amendment Barcode (if applicable) _____

Name Loi Kilinger

Job Title Attorney/Lobbyist

Address _____

Phone 830 222 5702

Street Tallahassee

Email _____

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL ASSOCIATION OF SPECIAL DISTRICTS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 748

INTRODUCER: Senator Flores

SUBJECT: Takings Claims Within Areas of Critical State Concern

DATE: January 21, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Favorable
2.	Paglialonga	Ryon	CA	Favorable
3.			AP	

I. Summary:

SB 748 establishes the Florida Keys Property Rights Protection Act. The Act provides that the state and a local government located in an area of critical state concern must share equally in judgments if they both are defendants in property rights-related litigation in state court and if:

- The court has found both the state and local government liable for the taking; and
- The regulation restricting development or use, which was the basis of the judgment, was mandated or approved by the state land planning agency or the Administration Commission.

The Act further provides that it applies to judgments by a state court entered jointly and severally against the state and local government before the Act takes effect and becomes law. In those circumstances, the state must reimburse the local government for half of the total amount that the local government paid to satisfy the judgment.

Finally, the Act provides that if a federal court enters the judgment against a local government, the state must reimburse the local government for half of the amounts paid by the local government to the claimant.

II. Present Situation:

The adoption of development regulations can impose significant burdens on a property owner's rights. These regulations can be especially significant in areas designated as areas of critical state concern.

Areas of critical state concern are designated by the Administration Commission, which is composed of the Governor and Cabinet, following a process set forth in statute.¹ Areas that qualify for designation include only:

¹ Section 380.05, F.S.

An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, but not limited to, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources.²

Once designated, the area's land planning regulations must comply with the principles guiding development specified by the Administration Commission, which must be approved by the Department of Economic Opportunity.³

Several areas have been designated as an area of critical state concern or have had their designations ratified by statute. These areas include the Big Cypress Area,⁴ the Green Swamp Area,⁵ the Apalachicola Bay Area,⁶ and the Florida Keys Area.⁷

For the Florida Keys Area, land planning regulations that are subject to approval by the state must be consistent with the principles of protecting many different natural resources and making affordable housing available.⁸ Additionally, these regulations must be consistent with "maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours."⁹

A specific regulation that may form the basis of property rights-related litigation in the Florida Keys Area is the Monroe County Rate of Growth Ordinance.¹⁰ Under this ordinance, Monroe County permits for new residential development are subject to an annual cap of 197 units plus unused allocations from previous years. Additionally, at least 71, but not more than 126 of the 197 permits must be allocated to affordable housing.

According to representatives from Monroe County, the total number of development permits that may be issued in the future is also capped to allow for sufficient hurricane evacuation clearance time. As a result, the number of undeveloped lots for which owners may seek development permits exceeds the total number of permits that will ultimately be available. This permitting requirement is expected to cause additional property-rights related litigation when the available permits are exhausted in 2023.

Informal Agreement for Shared Defense and Liability with the State

Because the state and the local government in an area designated as an area of critical state concern are involved in the applicable land planning regulations, both the state and the area can

² Section 380.05(2), F.S.

³ Section 380.05(6), F.S.

⁴ Section 380.055, F.S.

⁵ Section 380.0551, F.S.

⁶ Section 380.0555, F.S.

⁷ Section 380.0552, F.S.

⁸ Section 380.0552(1)(d), F.S.

⁹ Section 380.0552(9)(a)2., F.S.

¹⁰ Rule 28-20.140(2), F.A.C.

be defendants in property-rights based litigation or litigation involving inverse condemnation or takings claims.

For Monroe County and the Florida Keys Area, the state and Monroe County have been operating under an informal agreement for 15 years to defend against property-rights related litigation and share equally in judgments awarded against them.¹¹ Judgments in property-rights related litigation arising out of the state-approved Monroe County land development regulations are starting to be entered. In a judgment provided as an example by Monroe County, the judgment was entered against the county and the state, jointly and severally.^{12,13}

Eminent Domain and Inverse Condemnation

In an eminent domain action, the government, as the plaintiff, asserts its power to take private property for public use. In compliance with the United States Constitution, the government must compensate the landowner for the loss.¹⁴ The Florida Constitution similarly states that no private property may be taken except for a public purpose and each owner must be fully compensated.¹⁵ In an inverse condemnation action, however, the government has “taken” private property without the owner’s consent, either through its activities or conduct and without adequate compensation. Because the government has not adequately compensated the property owner, the property owner is the plaintiff who sues to recover the value of property that has been taken.¹⁶

There are several forms of takings, one being by regulatory action. In those instances, the trial judge is the trier of all legal and factual issues, except for the issue of what constitutes just compensation for damages.¹⁷ A jury determines the value of damages owed to a landowner. For a landowner to be fully compensated, prejudgment interest reaching back to the date of the taking must be permitted.¹⁸ Attorney fees and costs are also recoverable at the trial level and on appeal.¹⁹

¹¹ Correspondence from Jonathan A. Glogau explaining the Monroe County land development regulations and the informal agreement with the state dated March 6, 2019. (On file with the Committee on Judiciary).

¹² *Thomas and Collins v. Monroe County*, Case No. 04-CA-379-M (Fla. 16th Cir. Ct. Feb. 15, 2017).

¹³ The Legislature acknowledged in s.7, ch. 2006-223, Laws of Fla., that the state may have some liability for inverse condemnation actions in the Florida Keys Area due to the state’s role in adopting land use regulations for the area as follows:

If the designation of the Florida Keys Area as an area of critical state concern is removed, the state shall be liable in any inverse condemnation action initiated as a result of Monroe County land use regulations applicable to the Florida Keys Area as described in chapter 28-29, Florida Administrative Code, and adopted pursuant to instructions from the Administration Commission or pursuant to administrative rule of the Administration Commission, to the same extent that the state was liable on the date the Administration Commission determined that substantial progress had been made toward accomplishing the tasks of the work program as defined in s. 380.0552(4)(c), Florida Statutes.

¹⁴ The Fifth Amendment to the United States Constitution provides “. . . nor shall private property be taken for public use without just compensation.”

¹⁵ FLA. CONST. art. X, s. 6.

¹⁶ 21 FLA. JUR 2d Eminent Domain, s. 221.

¹⁷ *Id.*, at s. 223.

¹⁸ 21 FLA. JUR 2d Eminent Domain at s. 236.

¹⁹ *Id.*, at s. 237.

Relief from Burdens on Real Property Rights, Chapter 70, F.S.

The Legislature enacted the “Bert J. Harris, Jr., Private Property Rights Act” in 1995. The Legislature recognized that some laws, regulations, and ordinances of the state and its entities could inordinately burden, restrict, or limit private property rights without amounting to a taking under either the State Constitution or the United States Constitution.²⁰ The act provides a process whereby private landowners may seek relief and recover damages when the actions of a government inordinately burden their property.²¹

Recent U.S. Supreme Court Decision on Takings Claim

In June 2019, the U.S. Supreme Court rendered a decision, *Knick v. Township of Scott, Pennsylvania*,²² which significantly changes how and when a property owner may initiate takings claims against state and local governments. Before the *Knick* decision, a landowner who had a takings claim generally was required first to pursue state remedies before he or she could bring the claim in federal court. Going the state court route first generally involved the plaintiff spending a large sum of money and time. If the plaintiff did not prevail in state court, he or she could be barred from pursuing a claim in federal court. These barriers seemed to work against plaintiffs and to the advantage of defendants.²³ The *Knick* Court determined that requiring state-litigation before federal litigation imposed an unjustifiable burden on takings plaintiffs. The Court held that a property owner has an actionable Fifth Amendment takings claim as soon as a government takes his or her property for public use without paying for it, and the property owner may bring a claim in federal court at the time of the uncompensated taking.

III. Effect of Proposed Changes:

The bill establishes the Florida Keys Property Rights Protection Act. The Act provides that the state and the local government located in an area of critical state concern must share equally in paying judgments including compensation, costs, attorney fees, and prejudgment interest if they both are defendants in property rights-related litigation and if:

- The court has found both the state and local government liable for the taking; and
- The regulation restricting development or use, which was the basis of the judgment, was mandated or approved by the state land planning agency or the Administration Commission.

These proceedings are brought pursuant to a claim for inverse condemnation or any other property-rights related action when the state is named as a codefendant or a third-party defendant by a local government in an area of critical state concern. A third-party defendant is “brought into a lawsuit by the original defendant”²⁴ who alleges that the third-party defendant is at fault, or at least partially at fault, for the actions giving rise to the plaintiff’s lawsuit.

²⁰ Section 70.001, F.S.

²¹ Amber L. Ketterer and Rafael E. Suarez-Rivas, *The Bert J. Harris, Jr., Private Property Rights Protection Act: An Overview, Recent Developments, and What the Future May Hold*, THE FLORIDA BAR JOURNAL, (Sept./Oct. 2015), <https://www.floridabar.org/the-florida-bar-journal/the-bert-j-harris-jr-private-property-rights-protection-act-an-overview-recent-developments-and-what-the-future-may-hold/>.

²² *Knick v. Township of Scott, Pennsylvania*, 139 S. Ct. 2162, 204 L. Ed. 2d 558 (2019).

²³ Edward J. Sullivan, *In the Knick of Time: The Supreme Court Provides Direct Relief to Taking Claimants*, 42 No. 9 ZONING AND PLANNING LAW REPORT NL 1 (Oct. 2019).

²⁴ BLACK’S LAW DICTIONARY (11th ed. 2019).

If a claimant is successful, the Act requires the state court to enter separate judgments for the apportioned amounts against the state and local government. The Act further provides that a governmental entity named as a judgment debtor²⁵ is only liable for post-judgment interest²⁶ on the judgment entered against it. The governmental entity is not liable for post-judgment interest on the judgment entered against the other governmental entity. However, the Act does not prohibit a court from awarding a separate judgment for attorney fees and costs.

If, before the bill is enacted, a state court has entered a judgment jointly and severally against the state and a local government where each was found liable for the taking, and the regulation was mandated or approved by the state land planning agency or the Administration Commission, the state is required to reimburse the local government for half of the total amount the local government paid to satisfy the judgment.

The Act also contemplates that a claimant may file property rights-related litigation in federal court against a local government based on regulations approved by the state. In those cases, the Act requires the state to reimburse the local government for half of the total amount that the local government pays to satisfy any judgment, including interest, costs, and attorney fees.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

²⁵ A judgment debtor is someone “against whom a money judgment has been entered but not yet satisfied.” BLACK’S LAW DICTIONARY (11th ed. 2014).

²⁶ Postjudgment interest is the amount of interest that a creditor is allowed to collect from a debtor after a judgment is rendered until the date it is paid by the debtor. TheLaw.com Dictionary <https://dictionary.thelaw.com/postjudgment-interest/>.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

No agency analyses have been provided that estimate the fiscal impact of this bill. However, the bill will provide the affected state and local governments with some certainty on their liability in property-rights related litigation in areas of critical state concern.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 380.050 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

THE FLORIDA SENATE

Reset Form

APPEARANCE RECORD

January 27, 2020

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

748

Meeting Date

Bill Number (if applicable)

Topic Takings Claims within Areas of Critical State Concern

Amendment Barcode (if applicable)

Name Edgar G. Fernandez

Job Title

Address 201 W Park Avenue, Suite 100

Phone (786) 255-5755

Street

Tallahassee

FL

32301

Email Edgar@Anfieldflorida.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Monroe County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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APPEARANCE RECORD

1/27/2020

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748

Meeting Date

Bill Number (if applicable)

Topic Takings Claims Within Areas of Critical State Concern

Amendment Barcode (if applicable)

Name Carol Bracy

Job Title Consultant

Address 201 E. Park Ave, 5th Floor

Phone 850.577.0444

Street

Tallahassee

FL

32301

City

State

Zip

Email carol@ballardpartners.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing City of Marathon

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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CourtSmart Tag Report

Room: SB 301
Caption: Florida Senate Committee on Community Affairs

Case No.:

Type:
Judge:

Started: 1/27/2020 4:03:56 PM

Ends: 1/27/2020 5:55:25 PM

Length: 01:51:30

4:04:04 PM Committee Meeting begins
4:04:15 PM Roll is called
4:04:41 PM SB 716 is introduced by Sen. Mayfield
4:05:41 PM Nicole Fogarty and Edgar Fernandez waive in support
4:06:25 PM Roll is called
4:06:30 PM SB 716 passes favorably
4:06:40 PM SB 996 is introduced by Sen. Albritton
4:07:04 PM Strike all amendment 469442 is explained
4:08:16 PM Sen. Pizzo has question
4:09:16 PM Sen. Albritton answers
4:09:32 PM Sen. Pizzzo has follow up
4:10:24 PM Sen. Albritton responds
4:10:48 PM Sen. Simmons has question
4:11:48 PM Sen. Albritton responds
4:12:08 PM Sen. Broxson has question
4:12:50 PM Sen. Albritton responds
4:13:26 PM Sen. Farmer has question
4:14:26 PM Sen. Albritton responds
4:16:13 PM Strike all amendment is adopted
4:17:12 PM Rebecca Ohara waives in opposition
4:17:30 PM On debate for bill SB 996
4:19:27 PM Albritton closes on SB 996
4:21:19 PM Roll is called
4:22:19 PM SB 996 passes CS
4:22:36 PM SB 1236 is introduced by Sen. Gruters
4:23:11 PM Sen. Pizzo has question
4:23:18 PM Sen. Gruters responds
4:23:26 PM Sen. Pizzo has follow up question
4:24:19 PM Sen. Gruters responds
4:24:29 PM Sen. Farmer has question
4:24:41 PM Sen. Gruters
4:24:51 PM Sen. Gruters responds
4:25:36 PM AA 928038 adopted
4:26:36 PM Back on bill as amended
4:26:41 PM Sen. Gruters closes
4:26:55 PM Roll called
4:27:00 PM SB 1236 passes CS
4:27:16 PM SB 334 is introduced by Sen. Stewart
4:28:08 PM Sen. Pizzo has question
4:29:13 PM Sen. Stewart responds
4:29:23 PM Sen. Broxson has question
4:30:14 PM Sen. Stewart responds
4:31:14 PM Roll called
4:31:32 PM SB 334 passes favorably
4:31:48 PM Sen. Broxson introduces SB 1466
4:32:08 PM Sen. Pizzo has question
4:33:08 PM Sen. Broxson responds
4:33:17 PM Laura Youmans waives in support
4:33:32 PM Michael Eckert waives in support
4:33:44 PM Lori Killinger waives in support
4:33:51 PM Sen. Pizzo has further question
4:34:00 PM Chair Flores responds

4:34:22 PM Roll is called
 4:35:05 PM SB 1466 passes favorably
 4:35:22 PM Sen. Flores introduces SB 748
 4:35:50 PM Carol Bracy waives in support
 4:36:52 PM Edgar Fernandez waives in support
 4:36:59 PM Roll is called
 4:37:14 PM Informal recess is called while waiting on non member bill sponsors to arrive.
 4:38:05 PM Recording Paused
 5:02:05 PM Recording Resumed
 5:02:08 PM Meeting resumes
 5:03:08 PM SB 410 is introduced by Sen. Simmons
 5:03:33 PM Amendment 667322 is introduced
 5:04:33 PM Jane West waive in opposition of Amendment
 5:05:33 PM Amendment is passed
 5:05:43 PM Back on bill as amended
 5:06:38 PM Sen. Pizzo has question
 5:07:38 PM Sen. Simmons responds
 5:08:28 PM Sen. Pizzo has follow up
 5:09:27 PM Sen. Simmons responds
 5:10:51 PM Jane West speaking for 1,000 Friends of Florida
 5:12:53 PM Sen. Broxson has question for Jane west
 5:13:53 PM Jane West responds
 5:14:20 PM Sen. Broxson has follow up question
 5:15:29 PM Jane West responds
 5:15:39 PM Americans for Prosperity waives in support
 5:16:09 PM David Cullen waives in opposition
 5:16:16 PM David Cruz speaks in support
 5:19:18 PM Sen. Pizzo has a question for David Cruz
 5:20:19 PM David Cruz responds
 5:21:18 PM Sen. Pizzo has follow up
 5:22:51 PM Sen. Pizzo has follow up
 5:22:52 PM SB 410 paused while committee wait for Sen. Perry (sponsor) to arrive
 5:23:52 PM SB 772 is presented by Sen. Flores for Sen. Hutson
 5:25:01 PM Amendment 685962 introduced
 5:26:01 PM Amendment 685962 adopted
 5:26:37 PM Back on bill as amended
 5:26:41 PM Sen. Farmer has question
 5:27:09 PM Sen. Flores responds
 5:27:55 PM Bobby Cornwell waives in support
 5:28:35 PM Roll called
 5:28:53 PM SB 772 reported CS
 5:29:18 PM Returning back to SB 410 as Sen. Perry arrives
 5:29:35 PM Sen. Pizzo has question for Sen. Perry
 5:29:56 PM Sen. Perry responds
 5:30:15 PM Sen. Pizzo has follow up
 5:30:53 PM Sen. Perry responds
 5:31:09 PM Dan Peterson, Pres. Coalition for Property Rights, speaking for the bill
 5:31:59 PM David Cruz, FL League of Cities, speaking against the bill
 5:32:24 PM
 5:32:41 PM
 5:33:30 PM Sen. Simmons in debate
 5:35:59 PM Sen. Farmer in debate
 5:37:12 PM Sen. Perry closes
 5:39:33 PM Roll Called
 5:39:41 PM SB 410 passes CS
 5:39:50 PM SB 1336 is introduced by Sen. Perry
 5:42:20 PM Amendment 395716 introduced
 5:43:22 PM Amendment 395716 adopted
 5:43:25 PM Amendment 260606 introduced by Sen. Farmer
 5:44:50 PM Amendment 260606 by Sen. Farmer is adopted
 5:45:35 PM back on bill as amended
 5:45:42 PM Sen. Simmons makes a motion to reconsider the vote on Amend. 260602. Motion adopted. Amendment

W/D.

5:47:40 PM Sen. Perry responds

5:53:43 PM SB 1336 is TP'd.

5:54:47 PM Meeting adjourned