

# 2013 Legislative Final Report





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Dear City Official:

We are pleased to provide you with the Florida League of Cities' "2013 Legislative Session Final Report."

This document summarizes key issues that the League tracked this session. It is important to note that this is only a partial list of the 1,592 bills filed this session. Of this number, 286 bills passed both chambers, which means that a number of these items will be debated during next year's session. Therefore, it is critical that you continue to implement legislative advocacy year-round with your local delegation. This continual communication is an essential part of the League's overall lobbying efforts and is the key to building the framework for our success as we prepare for the 2014 regular session.

Please feel free to contact the League should you require further information on these or any other bills for which you have interests. Thank you for all your hard work and continued advocacy efforts!

In the fight for HOME RULE,

Manny Maroño, President  
Mayor, Sweetwater

Michael Sittig  
Executive Director

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John Land, Mayor, Apopka

## FCCMA

Jonathan Lewis, City Manager, North Port

Michael Sittig, Executive Director

Harry Morrison Jr., General Counsel

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# 2013 Florida League of Cities Legislative Action Agenda

The Action Agenda reflects the priorities of 410 municipalities, as prepared by the Florida League of Cities' five legislative policy committees and adopted by the full membership at the League's 52nd Annual Legislative Conference, November 16, 2012, in Orlando.

## MUNICIPAL POLICE OFFICER AND FIREFIGHTER PENSION PLANS AND DISABILITY PRESUMPTIONS

### LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation that provides comprehensive municipal firefighter and police officer pension reform and disability presumption reform.

#### Background:

In 1999, the Legislature amended Chapters 175 and 185, Florida Statutes, relating to firefighter and police pensions. These changes included defining how insurance premium tax revenues had to be used in the plans. Until mid-2012, this law was administered by the Florida Department of Management Services in such a way that more than \$500 million in premium tax revenues had to be used for "extra pension benefits." An extra pension benefit is defined as a pension benefit in excess of a pension benefit provided to general employees.

In 2011, the Florida Legislature took the first steps in reforming municipal pension plans when it passed SB 1128. The legislation prohibits including overtime in excess of 300 hours per year and payments for unused sick or annual leave in calculating compensation for pension purposes. Overtime up to 300 hours per year is subject to collective bargaining. The legislation also eliminated the requirement in Chapters 175 and 185 that pension benefits be increased whenever member contributions are increased.

In August 2012, the Department of Management Services began sending letters to cities that substantially revises how insurance premium tax revenues must be used in firefighter and police pension plans. In the letter, the department admits its prior interpretation of the 1999 law "appears inaccurate."

The Florida Legislature has provided that health conditions relating to heart disease, hypertension or tuberculosis suffered by a firefighter, law enforcement officer or correctional officer are presumed to be job related. These

"disability presumptions" are applicable to both workers' compensation and disability pension claims. Courts have interpreted the presumption laws so favorably toward these employees that cities and other government employers basically cannot overcome the presumption and show the health condition was not work related.

In 2012, the Task Force on Public Employee Disability Presumptions made findings and recommendations to the Legislature. Changes to disability presumption laws supported by a majority of Task Force members included allowing the presumption to be overcome by a preponderance of the evidence.

## ECONOMIC DEVELOPMENT

### LEGISLATIVE PRIORITY

Recognizing that 89 percent of all businesses in Florida have 12 or fewer employees, the Florida League of Cities supports legislation that dedicates to small businesses state economic development resources emphasizing technical assistance, access to capital, public infrastructure and urban infill.

#### Background:

Over the past two years, the Florida Legislature has focused on economic development as a way to restart Florida's economic engine and create more jobs. Getting Florida back to work continues to be a major focus of Gov. Rick Scott, who has pledged to create 700,000 permanent Florida jobs over the next seven years. As part of this effort, the Florida Department of Economic Opportunity was created with the sole purpose of coordinating economic development efforts to ensure Florida has a thriving climate for businesses that seek to start, relocate or expand in Florida.

In 2012, Gov. Scott's agenda pushed to stimulate economic growth by streamlining business permitting; providing tax relief for businesses; reforming Florida's unemployment system; restoring accountability to Florida's workforce boards; offering stability to Florida's businesses by balancing the budget without raising taxes; and prioritizing

science, technology, engineering and mathematics (STEM) education in the state.

Small-business owners are the backbone of Florida's economy; however, they are often overlooked or do not qualify for existing economic development incentives. Rebuilding Florida's economy should be a "bottom up" approach that starts with local economic development and offers to retain and grow small businesses.

## COMMUNICATIONS SERVICES AND LOCAL BUSINESS TAX PROTECTION

### LEGISLATIVE PRIORITY

The Florida League of Cities opposes legislation that restricts or eliminates municipal revenues generated under the communication services tax and the local business tax.

#### Background:

##### Communications Services Tax

In 2001, the Florida Legislature created the Communication Services Simplification Act, which restructured taxes on telecommunications, cable, direct-to-home satellite and related services. The law replaced and consolidated seven different state and local taxes and fees into a single tax that is composed of two parts, the state Communication Services Tax and the local Communication Services Tax. The local Communication Services Tax is one of the main sources of general revenue for municipalities, generating nearly \$800 million every year for cities and counties. These revenues may be used for any public purpose, including pledging the revenues to secure bonds.

##### Local Business Tax

Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession or occupation within its jurisdiction. The amount of the tax, as well as the occupations and businesses on which the tax is imposed, is determined by the local government. Local business tax revenues collected by local governments are used to assist in funding services critical to businesses, such as zoning, permitting, code enforcement, and police and fire services. Local governments may also use business tax revenues to help fund economic development programs, presenting a direct benefit to businesses through the marketing of local areas. Many municipalities use the business tax as general revenue funds and have pledged these revenues to secure debt. Collections for municipal local business tax revenues are more than \$120 million annually.

## WATER

### LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation which recognizes that diminished water quality and quantity affect existing business, future economic development, local and state government budgets, and the public health and safety. Cities must retain the necessary tools to meet their obligations and responsibilities to comply with water quality standards and water supply planning, development and source protection. These tools include the authority of local governments to adopt and implement fertilizer ordinances; the ability to cooperatively fund expanded wastewater, stormwater, potable water and surface water infrastructure; and statutory clarification of municipal authority to establish stormwater utilities and charge assessments and fees to the users of such systems, including state agencies and school boards. Further, the League supports legislation that establishes environmental, technical and scientific criteria for the protection and recovery of water resources and also assists municipalities' economic development efforts.

#### Background:

In January 2009, the U.S. Environmental Protection Agency (EPA) promulgated a draft rule titled "Water Quality Standards for the State of Florida's Lakes and Flowing Waters." The proposed rule was the result of a consent agreement between the EPA and several environmental groups that had filed a lawsuit alleging that the EPA had failed to enforce nutrient levels in Florida waters. The State of Florida, the League, businesses, agriculture interests and other affected parties have continued to fight EPA efforts to impose the numeric nutrient criteria that were developed by the EPA as a result of the consent agreement. Affected parties that will be forced to spend millions of dollars to comply with the EPA numeric nutrient criteria have been fighting to allow the Florida Department of Environmental Protection to set the nutrient standards. While litigation is still ongoing to determine whether or not the state or federal government will set Florida's water quality program, many areas of water policy remain uncertain and potentially harmful to municipalities. Under the federal Clean Water Act, cities bear the burden of cleaning impaired bodies of water. Because of this mandate, cities must retain the authority to regulate numerous "contributors" to poor water quality, including urban fertilizer application, in order to keep surrounding water bodies free of nutrients.

The future of our state's economic, residential and environmental welfare depends on an increased investment in Florida's water infrastructure. Municipalities are faced with aging stormwater and wastewater treatment facilities that are in desperate need of maintenance and repair. Assistance is needed to increase public and private water treatment and conveyance infrastructure funding.

Florida cities and counties have home rule authority and statutory authority to adopt stormwater regulations and create stormwater utility systems. The construction and operation of these facilities are funded through general taxation or through the imposition of user fees and special assessments. In Florida, there have been instances in which governmental entities, such as schools, have refused to pay their stormwater utility fees. The non-payment of these fees by governmental entities shifts costs to other users of the system that have already paid a fair share. The failure to pay stormwater utility fees also results in inadequate funding for maintenance and repair of these utilities, which may result in flooding and insufficient protection of the state's waterways and drinking supply from contaminants contained in stormwater runoff.

## HOUSING POLICY

### LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation directing \$300 million from the landmark national foreclosure settlement agreement to be used for existing local government affordable housing initiatives to meet the housing needs of the local communities.

#### Background:

Florida's housing market has been one of the hardest hit in the country, and Florida's cities have been at ground zero. The record number of foreclosures comes at a time when cities have encountered a decline in funding for affordable housing programs when they are needed most.

Predatory lending and servicing practices by lending institutions are to blame for many of the foreclosures. In February 2012, 49 state attorneys general were a party to a historic joint state-federal national settlement agreement with the country's five largest mortgage servicers over foreclosure abuses and unacceptable nationwide mortgage servicing practices. The settlement calls for an estimated \$25 billion. Of that amount, \$8.4 billion has been slated for foreclosure relief for Florida homeowners who have experienced these abuses.

The settlement agreement calls for approximately \$300 million of the \$8.4 billion to be used for housing aid in Florida. The Florida League of Cities, the Florida League of Mayors and the Florida Urban Partnership (a coalition of mayors from the state's largest metropolitan areas) have asked Attorney General Pam Bondi (with whom the settlement was reached) to direct the \$300 million to existing affordable housing programs within local governments that have the highest rates of foreclosures. Florida's cities are in the unique position of having the existing capacity and administrative structures set in place to use these funds to provide the necessary relief to Florida's residents.

## ENERGY

### LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation that establishes a comprehensive statewide policy on sustainable energy development and conservation, and that incentivizes the development and implementation of renewable and alternative energy sources. In addition, the League supports legislation that authorizes the use of \$192 million in Qualified Energy Conservation Bonds allocated to the State of Florida for local government energy efficiency projects.

#### Background:

The cost of electricity and other fuel sources to Florida's cities, residents and businesses has significantly increased in recent years, and it is likely to continue to do so. Increased costs negatively affect everyone's pocket books, as well as impact economic activity and growth. Establishing a statewide policy on energy development and conservation, as well as developing cost-effective methods to lower electric and other fuel source expenses, is critical to growing our state and local economies.

In the past, the Legislature has attempted various measures to increase renewable or alternative energy sources. The state, working with cities and other interested parties, must either provide or authorize cities to provide incentives for the development and implementation of renewable and alternative energy and transportation fuel sources.

Qualified Energy Conservation Bonds (QECBs) are federally supported tax credit bonds issued by local or state governments for energy conservation-related projects. QECBs provide an opportunity for economic development and a move toward energy efficiency. Funds from QECBs may be used for financing energy efficiency improvements, mass transportation projects, and public education programs to

promote energy efficiency. Action by either the governor or Legislature is required to access the \$192 million in QECBs allocated to Florida by the federal government.

## SOBER HOMES

### LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation that defines and establishes minimum regulatory standards for sober home facilities and allows for more stringent local regulations of these facilities.

#### Background:

A number of cities, particularly those in the southern part of the state, have been experiencing problems with sober homes in residential neighborhoods. These homes are marketed as places where recovering addicts can come to “sober up.” With no regulation from government agencies, setting up a sober house is as easy as renting a house to a few residents who pledge to live in sobriety and attend support groups. At times, this has resulted in poorly run houses that provide little or no supervision for recovering addicts. Law enforcement officials have seen crime increase in neighborhoods where these sober homes have proliferated. Some cities, including Delray Beach, have adopted ordinances to restrict sober houses and transient rental homes from operating in neighborhoods or single-family homes. In May, a federal judge granted an injunction against Delray Beach, saying that the city may have “unlawfully discriminated” against people in recovery when it modified its transient housing laws. The League supports efforts to clearly define sober homes in statute and allow for the local regulation of these facilities.

## TRANSPORTATION FUNDING

### LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation that preserves local control of transportation planning and provides opportunities for additional revenue options to fund municipal transportation infrastructure projects.

#### Background:

Municipalities have limited revenue options for funding transportation projects. A major portion of transportation funding for municipalities is from the state and federal governments. Much of that funding is generated through a tax on gasoline. Recent data has shown that gas tax revenue at both the state and federal levels has decreased dramatically. The decrease in revenue is due in part to an

increase in the number of fuel efficient vehicles on the road. Gas tax revenue is forecasted to continue to decrease over time as vehicles become more fuel efficient. Compounding the problem is that the federal gas tax was last increased in 1997, the state gas tax in 1943, the county gas tax in 1941, and the municipal gas tax in 1971. None of these taxes are indexed for inflation.

Faced with lower revenues from the state and federal governments, municipalities lack the options to increase revenue to fund local transportation projects. For example, charter counties currently may hold a referendum on whether to impose up to a 1 percent sales tax to fund transportation infrastructure projects. Municipalities lack such authority. This can be problematic when there are disparities between the transportation needs of municipalities versus those of the more rural areas of the county. For example, a referendum was held in Hillsborough County to enact such a tax, which was defeated countywide. However, if the election results are broken down by municipality, the residents of Tampa actually voted to approve the tax. Extending such options to municipalities would allow greater flexibility to fund their unique transportation needs.

## BILLBOARDS

### LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation that maintains the home rule authority of municipalities to more strictly regulate outdoor advertising. Additionally, state legislation that maintains the Federal Highway Beautification Act, as enhanced by the Florida Legislature in 1985, should be the baseline standard for regulating off-premises outdoor advertising.

#### Background:

In 1972, Florida enacted the Federal Highway Beautification Act’s State/Federal Agreement that applied to interstate and federal-aid primary highways. This legislation was amended in 1985 to more strictly control the size, height and spacing of outdoor advertising signs. These regulations allow a municipality to more strictly regulate off-premises signage through the statutory “harmony of regulations” provision. The statute provides that the Florida Department of Transportation may not issue a permit for a sign that is prohibited by a municipal ordinance enacted through the lawful exercise of its municipal powers. This allows municipalities the home rule authority to be the ultimate regulator of signage within their boundaries and essentially “preempts” a state agency from issuing permits without municipal

consent. Likewise, a municipality may not permit outdoor advertising that violates the basic state regulations.

## SYNTHETIC DRUGS

### LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation and the efforts of the attorney general and law enforcement to ban the manufacture, possession, distribution, purchase or sale of synthetic drugs, including without limitation, herbal incense, bath salts, synthetic marijuana and/or any cannabinoids in Florida and also encourages funding for drug abuse education.

#### Background:

Synthetic drugs, marketed as “bath salts,” have been a national problem for the last several years. These products mimic the pharmacological effects of amphetamines, cocaine, ecstasy and other illegal drugs, but they can be easily purchased in gas stations, convenience stores, etc. During the 2011 legislative session, the Florida Legislature passed HB 39 and HB 1039, which added 11 synthetic cannabinoids or synthetic cannabinoid-mimicking compounds to Schedule 1 of Florida’s controlled substance schedule, allowing law enforcement officials and

prosecutors to arrest and prosecute for the possession and sale of those particular substances. Following the passage of HB 39, rogue chemists reconfigured the particular synthetic cannabinoids and synthetic cannabinoid-mimicking compounds made illegal by HB 39 and marketed new products that were not illegal under Florida law.

During the 2012 legislative session, the Legislature passed HB 1175, which added dozens of additional synthetic cannabinoids, synthetic cannabinoid-mimicking compounds and synthetic stimulants to Schedule 1 of Florida’s controlled substance schedule. It is anticipated that drug designers and chemists will again make an effort to circumvent the law by reconfiguring the molecular structure of the outlawed compounds, resulting in a similar structure, make up and effect, but with new and different chemical compounds not listed as controlled substances. It is worth noting that Section 893.035, Florida Statutes, grants Florida’s attorney general rulemaking authority to add new substances to Florida’s schedules of controlled substances, but the rulemaking process takes time. Many cities and counties have chosen to act quickly and have adopted ordinances banning the sale of these substances within their jurisdictions, but have found that action needs to be taken at the state level as this has now become a statewide problem in Florida.

## FLORIDA LEAGUE OF CITIES’ LEGISLATIVE TEAM

Scott Dudley  
Kraig Conn  
Casey Cook  
Amber Hughes  
Ryan Matthews  
David Cruz  
Ryan Padgett  
Allison Payne  
Rachel Tala  
Lisa Dove

# MAJOR BILLS THAT PASSES

## ENERGY AND ENVIRONMENTAL QUALITY

### **Agricultural Lands**

CS/CS/HB 203 (Beshears) preempts municipalities from passing any duplicative ordinance, resolution or rule affecting a bona fide agricultural operation if that operation follows a best management practice, interim measures or regulations adopted as rules under Chapter 120, Florida Statutes, by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such activity is expressly regulated by the U.S. Department of Agriculture, the U.S. Army Corps of Engineers or the U.S. Environmental Protection Agency. The bill also preempts municipalities from assessing any fee on such agricultural land. Effective July 1, 2013. (Matthews)

### **Biodiesel**

CS/HB 633 (Perry) exempts local governments that manufacture biodiesel for internal use from reporting, bonding and licensing requirements prescribed for wholesalers in Chapter 206, Florida Statutes. Effective July 1, 2013. Chapter No. 2013-142, Laws of Florida. (Matthews)

### **Consumptive Use Permits for Development of Alternative Water Supplies**

CS/SB 364 (Hays) specifies conditions for issuance of consumptive use permits (CUPs) of alternative water supplies approved after July 1, 2013. These CUPs shall be granted for a term of 30 years if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met during the life of the permit. The bill grants further extensions if the permittee issues bonds to finance the project for the life of the bond or 30 years after the date construction of the project is complete. Effective July 1, 2013. Chapter No. 2013-169, Laws of Florida. (Matthews)

### **Department of Agriculture and Consumer Services**

CS/HB 7087 (House Agriculture and Natural Resources Subcommittee) expands current law prohibiting local governments from banning agricultural or silvicultural open burning in Florida to apply when an emergency order is declared. The bill allows the Florida Forest Service to delegate open burning of land-clearing debris to local

governments. The bill grants the Florida Department of Agriculture and Consumer Services rule-making authority to distribute 70 percent of state matching funds for local mosquito control programs that have a budget of less than \$1 million when the amount of matching funds appropriated by the Legislature is insufficient to grant each local program state funds on a dollar-for-dollar matching basis. Among other provisions, the bill moves the nutrient standards and thresholds for ensuring that fertilizer sold in the state contains the amount of nutrients guaranteed to be in the product from statute to rule. The bill does not address urban fertilization. The bill preempts local governments from adopting any resolution, rule or ordinance relating to the best management practices of wildlife regulation on agricultural lands. Effective date June 28, 2013. Chapter No. 2013-226, Laws of Florida. (Matthews)

### **Domestic Wastewater Discharged Through Ocean Outfalls**

CS/SB 444 (Diaz de la Portilla) revises the measurement standard for wastewater flow, stating that the discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements by December 18, 2018. The bill also requires a utility that had a permit for a domestic wastewater discharge through an ocean outfall on July 1, 2008, to ensure the installation of a functioning reuse system within the utility's service area, or by contract with another utility, within Miami-Dade, Broward or Palm Beach counties. Effective July 1, 2013. Chapter No. 2013-031, Laws of Florida. (Matthews)

### **Energy, Water, and Wastewater Savings**

CS/CS/CS/SB 1594 (Bradley) allows for school districts, colleges and universities to enter into contracts that produce immediate and long-term energy cost savings through Energy Savings Contracting (ESCO). ESCO projects are required to produce a net cost savings to the state in every year of the contract. Agencies may use the recurring cost savings to repay the third-party loans, but are required to gain the spending authority through an annual legislative budget request process. The League supported an amendment that failed in the Senate Community Affairs Committee that would have allowed for municipalities to have access to the \$192 million in federal funding for

Qualified Energy Conservation Bonds. Effective July 1, 2013. Chapter No. 2013-135, Laws of Florida. (Matthews)

### **Environmental Regulation**

CS/CS/CS/HB 999 (Patronis), in addition to a host of “regulatory streamlining” issues, amends existing law relating to municipal review of development permits. The bill adds an enforcement mechanism against local governments for private companies that participate in recovered material collection in competition with private companies. The mechanism provides for injunctive relief and damages if a local government violates the fair competition aspects of solid waste and recovered materials found in Florida statutes. The bill limits a city from making more than three requests for additional information (RAI) from certain designated professionals, including engineers, landscapers and architects, on development permits. These limits on RAIs do not apply if the applicant waives the limitation in writing. The bill allows the Board of Trustees of the Internal Improvement Trust Fund to issue leases to riparian landowners, special event promoters and boat show owners authorizing the installation of temporary structures, including docks, moorings, pilings and access walkways, on sovereign submerged lands solely for the purpose of boat shows in, or adjacent to, established marinas or government-owned upland property. These leases would be exempt from lease fees and would not exceed 30 days duration and 10 consecutive years. Also included is language prohibiting governmental entities from imposing additional or duplicate requirements or fees for the permitting of the location, abandonment, boring or other activities associated with the installation and abandonment of a groundwater well; however, cities with a delegated program would not be affected. The bill clarifies that a water management district is the only entity that is authorized to grant a license for the construction, repair or abandonment of water wells in the state or any city or county. Effective July 1, 2013. Chapter 2013-092, Laws of Florida. (Matthews)

### **Fish and Wildlife Conservation Commission Trust Funds**

SB 212 (Hays), among other things, creates the Land Acquisition Trust Fund for acquiring and assisting other agencies or local governments in acquiring or managing lands important to the conservation of fish and wildlife. Effective July 1, 2013. Chapter 2013-022, Laws of Florida. (Matthews)

### **Florida Forever Program Trust Fund/Department of Environmental Protection**

CS/SB 214 (Hays) terminates the Florida Forever Program Trust Fund within the Florida Department of Environmental Protection and transfers all of the fund’s current balances and revenues to the Florida Forever Trust Fund, which is an identical fund. The Florida Constitution requires the termination of all state trust funds within four years of their initial creation, unless the trust fund is exempted by the constitution or operation of law. This measure is enacted to sunset the Florida Forever Program Trust Fund. Effective July 1, 2013. Chapter 2013-009, Laws of Florida. (Matthews)

### **Fossil Fuel Combustion Products**

CS/CS/SB 682 (Simpson) establishes standards for the storage of certain fossil fuel combustion products. Fossil fuel combustion products are defined as fly ash, bottom ash, boiler slag, flue gas emission control materials and other nonhazardous materials. These fossil fuels must not be in contact with groundwater or surface water bodies or within three feet of groundwater, 15 feet of wetlands or natural water bodies, or 100 feet of a potable water well that is being used or might be used for human or livestock water consumption. Effective July 1, 2013. Chapter 2013-068, Laws of Florida. (Matthews)

### **Natural Gas Motor Fuel**

CS/CS/HB 579 (Ray) addresses multiple issues relating to the use of natural gas as a motor fuel. The bill repeals the annual decal fee program for motor vehicles powered by alternative fuels effective January 1, 2014, and establishes a fuel tax structure for natural gas used as a motor fuel similar to that for diesel fuel beginning January 1, 2019, thereby exempting natural gas fuel from fuel taxes for five years. The bill also exempts natural gas fuel from state sales and use taxes and expands the definition of “energy efficiency improvement” to include “installation of systems for natural gas fuel” under uses authorized by the Local Government Infrastructure Surtax. CS/CS/HB 579 directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete and submit a report regarding taxation of natural gas fuel used to power motor vehicles to the president of the Senate and the speaker of the House by December 1, 2017. Effective January 1, 2014. Chapter No. 2013-198, Laws of Florida. (Matthews)

### **Nuclear Cost Recovery**

CS/CS/SB 1472 (Legg) addresses the issue of investor-owned utilities’ ability to recoup expenses through a 2006 law known as Nuclear Cost Recovery. The bill estab-

lishes a process by which the Public Service Commission (PSC) reviews and approves the development of a new power plant by a utility that is attempting to collect cost recovery from its customers. After obtaining the license or certificate, the utility must petition the PSC for approval before proceeding with preconstruction work beyond those activities necessary to maintain a license or certificate from the Nuclear Regulatory Commission. The only costs a utility may recover before obtaining PSC approval are those that are previously approved or are necessary to maintain the license or certification. In order to approve preconstruction work on a plant, the PSC must determine that: (1) there is still a need for the plant; and (2) the projected costs for the plant are reasonable. Ten years after the date the utility receives a license from the Nuclear Regulatory Commission, the utility must petition the PSC to preserve the opportunity for future cost recovery. Beginning January 1, 2014, the PSC may find that a utility intends to construct a nuclear facility only if the utility proves by a preponderance of the evidence it has committed sufficient, meaningful and available resources to enable the project to be completed. Effective upon becoming a law. Chapter No. 2013-184, Laws of Florida. (Matthews)

#### **Numeric Nutrient Criteria**

CS/SB 1808 (Senate Community Affairs Committee) codifies an agreement between the Florida Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency regarding the state's implementation of the DEP Numeric Nutrient Criteria Water Quality program for estuaries, as well as for streams, canals and other conveyances. The bill also clarifies that the DEP is authorized to adopt a state nutrient criteria for streams, lakes and estuaries. Effective upon becoming a law. Chapter 2013-071, Laws of Florida. (Matthews)

#### **Onsite Sewage Treatment and Disposal Systems**

CS/CS/CS/HB 375 (Roberson) states that septic tanks installed subsequent to July 1, 2010, are not required to connect to central sewer until December 31, 2020, so long as those septic tanks comply with current law maintained by the Florida Department of Health and the permitting process developed by the Florida Department of Environmental Protection. The bill allows for a property owner of a single-family residence to be approved and permitted by the Department of Health as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system's manufacturer. The bill was amended to apply only to Monroe County. Effective July 1, 2013. Chapter 2013-079, Laws of Florida. (Matthews)

#### **Public Records Exemption for Underground Storage of Natural Gas**

CS/CS/HB 1085 (Eagle) creates an exemption from the public records requirements for certain information provided in an application for a natural gas storage facility permit to inject and recover gas into and from a natural gas storage reservoir. Effective October 1, 2013. Chapter No. 2013-206, Laws of Florida. (Matthews)

#### **Public Records of Utilities**

CS/HB 649 (Cummings) creates a public records exemption for proprietary confidential business information held by an electric utility that is subject to Florida's public records law, in conjunction with a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources. Effective July 1, 2013. Chapter No. 2013-143, Laws of Florida. (Matthews)

#### **Stormwater Management Permits**

CS/SB 934 (Lee) authorizes municipalities and counties to adopt stormwater adaptive management plans and obtain conceptual permits for urban redevelopment projects. Municipalities creating a community redevelopment area or an urban infill and redevelopment area may adopt a stormwater adaptive management plan that addresses the quantity and quality of stormwater discharges for the area. The bill requires the DEP to include in its statewide environmental resource permit a conceptual permit for a city or county creating stormwater management master plan for urban infill and redevelopment areas. Effective July 1, 2013. Chapter No. 2013-176, Laws of Florida. (Matthews)

#### **Total Maximum Daily Loads**

SB 1806 (Senate Environmental Preservation and Conservation Committee) amends current law to exempt legislative ratification of rules establishing Total Maximum Daily Loads (TMDLs) from the requirement found in the Administrative Procedure Act. Effective July 1, 2013. Chapter 2013-070, Laws of Florida. (Matthews)

#### **Underground Storage of Natural Gas**

CS/CS/CS/HB 1083 (Eagle) declares underground natural gas storage to be in the public interest and authorizes the Florida Department of Environmental Protection (DEP) to issue permits to establish natural gas storage facilities. The bill was amended to remove the state preemption of local governments from adopting any ordinance, rule or land development regulation relating to these facilities. However, under the Federal Energy Regulatory Commis-

sion, local governments are restricted from adopting ordinances relating the siting and zoning of underground natural gas facilities. Effective July 1, 2013. Chapter No. 2013-205, Laws of Florida. (Matthews)

### **Water Management Districts**

SB 244 (Dean) directs each water management district to adopt a priority list of water bodies that have a potential to be affected by withdrawals in an adjacent district. Each water management district is required to submit a report to the Florida Department of Environmental Protection for review and approval. This report must include a schedule for the establishment of minimum flows and levels for surface watercourses, aquifers and surface waters within the district. The bill allows water management districts to create interagency agreements if the geographic area of a resource management activity, study or project crosses water management district boundaries. These interagency agreements may designate a single affected district to conduct all or part of the applicable resource management responsibilities under Chapter 373, Florida Statutes. Effective July 1, 2013. Chapter No. 2013-229, Laws of Florida. (Matthews)

### **Water Quality Credit Trading**

CS/CS/HB 713 (Pigman) allows the Florida Department of Environmental Protection (DEP) to authorize a voluntary water quality trading credit program in adopted basin management action plans. Participants in the program must notify the DEP of the price for credits, how the price was determined, as well as any state funding received for the facilities/activities that generated the credits. The bill deletes a provision of law that limits water quality credit trading only to the Lower St. Johns River basin. The bill clarifies that the expansion of the water quality credit trading program may not be construed as altering any applicable state water quality standards or as restricting the authority to the water management districts or DEP. Effective July 1, 2013. Chapter No. 2013-146, Laws of Florida. (Matthews)

### **Water Supply**

CS/SB 948 (Grimsley) includes utility companies, private landowners, water consumers, the Florida Department of Environmental Protection and the Florida Department of Agriculture and Consumer Services (DACS) to the existing list of cities, counties and water management districts in order to achieve cooperative efforts to plan for adequate water supply. The bill requires the DACS to establish an agricultural water supply planning program to develop

data regarding prospective agricultural water supply demand. For purposes of regional water supply plans, the water management districts are required to consider the data supplied by the DACS, and agricultural demand projection data and analysis submitted by local governments, in determining the best available data for future agricultural water supply demands. Effective July 1, 2013. Chapter No. 2013-177, Laws of Florida. (Matthews)

## **FINANCE, TAXATION AND PERSONNEL**

### **Ad Valorem Taxation**

SB 1830 (Senate Appropriations Committee) contains several changes to statutes related to ad valorem taxation. The bill authorizes the use of electronic mail by property appraisers and value adjustment boards for certain documents with taxpayer consent and clarifies that a commercial mail delivery service postmark qualifies for the filing of certain applications and returns by taxpayers. The bill deletes an unconstitutional requirement that the owner of a property must reside upon the property to qualify for a homestead exemption. The bill also address a technical problem from the implementing language of Amendment 11, which was approved by the voters in 2012 to clarify the ability of local governments to provide property tax exemptions up to \$50,000 for people 65 and older. The bill implements Amendment 2, which was also approved by the voters in 2012 to remove the residency requirement that a senior disabled veteran must have been a Florida resident at the time he or she entered the service to qualify for the disabled veteran property tax exemptions. The bill exempts property used exclusively for educational purposes when the entities that own the property and the educational facility are owned by the same person. And finally, the bill includes a provision supported by the League that repeals the ability for certain limited liability partnerships to qualify for the affordable housing property tax exemption. Effective July 1, 2013. Chapter No. 2013-072, Laws of Florida. (Hughes)

### **Ad Valorem/Rental of Homestead Property (VETOED)**

CS/SB 354 (Thrasher) revises and clarifies Florida's ad valorem tax exemption for government-owned property to address federal lands leased pursuant to the U.S. Military Housing Privatization Initiative of 1996. The bill provides that certain leasehold interests and improvements to land owned by the United States, a branch of the U.S. Armed Forces, or any agency or quasi-governmental agency of the United States are exempt from ad valorem taxation. The ad valorem tax exemption applies only to housing

for active duty military or their dependents. If housing is occupied by non-military residents, the value of the ad valorem exemption is prorated according to the number of residential units used by military and non-military persons. The bill also states that such leasehold interests and improvements are entitled to an exemption from ad valorem taxation without an application being filed for the exemption or the property appraiser approving the exemption. Effective upon becoming law and applies retroactively to January 1, 2007. (Hughes)

### **Assessment of Residential and Nonhomestead Real Property**

CS/CS/HB 277 (Rehwinkel Vasilinda) partially implements the 2008 constitutional amendment approved by voters to allow the value of certain installations, changes or improvements to residential real property to be excluded from the assessed value of residential real property. The bill prohibits property appraisers from considering the increase in the just value attributed to the installation of a renewable energy source device. The bill deletes the existing definition of "renewable energy source device" and "device" and repeals provisions relating to property tax exemptions for renewable energy source devices based on the repeal of the constitutional provision by the voters in 2008. Effective July 1, 2013, and applies to assessments beginning January 1, 2014. Chapter No. 2013-077, Laws of Florida. (Hughes)

### **Community Development – Affordable Housing**

CS/CS/HB 437 (Davis) deletes an ad valorem tax exemption for property owned by certain Florida-based limited partnerships and used for affordable housing for certain income-qualified individuals. The bill clarifies the process used by the Florida Housing Finance Corporation (FHFC) to allocate low-income housing tax credits and other federal and state resources. The bill modifies the annual reporting requirements, clarifies the information and reports included in the FHFC's audited financial statements, and removes obsolete terms and provisions. The provision relating to the affordable housing property tax exemption is effective upon becoming law and applies to the 2013 ad valorem tax rolls. The remainder of the bill is effective on July 1, 2013. Chapter No. 2013-083, Laws of Florida. (Hughes)

### **Rental of Homestead Property**

SB 342 (Thrasher) allows for the rental of homestead property for up to 30 days per calendar year without the property being considered abandoned as a homestead. If the homestead property is rented for more than 30 days for two consecutive years, it is considered abandoned as a

homestead, and homestead-related ad valorem tax benefits will be lost. Effective July 1, 2013. Chapter No. 2013-064, Laws of Florida. (Hughes)

### **Tax Collectors**

CS/HB 837 (Mayfield) allows tax collectors to recover the costs for providing online tax deed application services. When a tax certificate holder applies for a tax deed electronically, the fee will be added to the application and be paid for by the applicant. If the tax collector charges a combined fee in excess of \$75 for tax deed applications and the online service, applicants for tax deeds have the option to not use the electronic service. Effective July 1, 2013. Chapter No. 2013-148, Laws of Florida. (Hughes)

### **Tax Refund Programs**

HB 4013 (Santiago) removes the maximum amount of tax refunds a business could receive over all fiscal years for both the Qualified Target Industry and Qualified Defense and Space Flight Business programs. Effective July 1, 2013. Chapter No. 2013-096, Laws of Florida. (Hughes)

### **Taxation of Agriculture Property**

CS/HB 1193 (Beshears) eliminates specific statutory guidelines under which agricultural land can be reclassified as nonagricultural for property taxation purposes, including allowing for the change in classification for land that is sold for three or more times the purchase price of bona fide agricultural land. The bill also removes the authority of the value adjustment board to review all property classified by the property appraiser upon its own motion. Effective upon becoming law and applies retroactively to January 1, 2013. Chapter No. 2013-095, Laws of Florida. (Hughes)

### **Tourist Development Tax**

CS/CS/SB 336 (Latvala) permits counties to use tax revenues from the existing tourist development tax for purposes related to aquariums owned by not-for-profit organizations, including the acquisition, construction, maintenance or promotion of such aquariums. Effective July 1, 2013. Chapter No. 2013-168, Laws of Florida. (Hughes)

### **Workers' Compensation – Repackaged Drugs**

CS/SB 662 (Hays) revises the requirements for determining the amount of a reimbursement for repackaged or relabeled prescription medication. The bill limits the price of the repackaged or relabeled drug to the amount that would have been payable if the drug had not been re-

packaged or relabeled. Effective July 1, 2013. Chapter No. 2013-131, Laws of Florida. (Hughes)

## GROWTH MANAGEMENT AND ECONOMIC DEVELOPMENT

### Agritourism

CS/CS/SB 1106 (Hays) preempts local governments from adopting any ordinance, regulation, rule or policy that restricts or otherwise limits agritourism activity on land classified as agricultural. Agritourism is defined to mean any activity consistent with a bona fide farm, ranch or working forest that allows members of the general public to view or enjoy agricultural-related activities. The legislation eases liability restrictions for agritourism operators. Agritourism activities do not apply to the construction of buildings or facilities that would primarily be used by members of the public. Effective July 1, 2013. Chapter No. 2013-179, Laws of Florida. (Cruz)

### Community Transportation Projects

CS/CS/CS/HB 319 (Ray) makes a number of changes to the transportation concurrency requirements. The bill authorizes a local government to accept contributions from multiple applicants for a planned improvement, as long as such contributions are maintained in a separate accounts designated for that purpose. The bill provides that an alternative mobility funding system may not be used to deny approvals if the developer agrees to pay for the development's identified transportation impacts using the funding mechanism implemented by the local government. The bill also requires a mobility-fee-based funding system to comply with the dual rational nexus test applicable to impact fees. Effective upon becoming a law. Chapter No. 2013-078, Laws of Florida. (Cruz)

### Development Permits

CS/HB 7019 (Trujillo) requires counties and municipalities to attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before the commencement of any development. These changes will ensure Florida is fully compliant with the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Administration. CS/HB 7019 rectifies a glitch created by the passage of HB 503 during the 2012 regular session, which contained provisions that, if implemented, would impede the state's ability to enforce required components of NFIP's floodplain management regulations and jeopardize Florida's voluntary participation in NFIP. Effective July

1, 2013. Chapter No. 2013-213, Laws of Florida. (Cruz)

### Economic Development

CS/CS/HB 7007 (Trujillo) is a comprehensive economic development bill. As originally filed, the legislation would have given rule-making authority over the Small Cities Community Development Block Grant (CDBG) program to the Florida Department of Economic Opportunity (DEO) and would have included restrictions on the use of funds, with a preference given to economic development applications. These provisions were removed from the final bill.

As passed, the bill modifies and revises various programs and activities administered by the DEO and increases transparency and accountability of businesses participating in these programs and activities. Provisions affecting cities include the following: revisions to the Florida Small Business Development Center Network that will provide various services to assist small businesses; revisions to the Small Cities CDBG Loan Guarantee Program to reduce the risk to the state and eligible local governments on federal Section 108 loans; authorization to expand certain enterprise zone boundaries in areas of the state designated as rural areas of critical economic concern; requiring a rehabilitation agreement to be in place with the Florida Department of Environmental Protection in order for a brownfield to be eligible for sales tax exemptions; and creation of Triumph Gulf Coast, Inc., a five-member nonprofit board tasked with reviewing spending priorities relating to the mitigation of areas impacted by the Deepwater Horizon oil spill in disproportionately affected counties of the Gulf Coast region. Triumph Gulf Coast will receive, administer, invest and hold the Recovery Fund. The Recovery Fund will consist of any monies disbursed, as a result of a judgment against BP for litigation that was recently filed by Florida Attorney General Pam Bondi to collect economic damages from the Deepwater Horizon oil spill.

Lastly, the bill eliminates the sales tax paid by manufacturers for certain equipment purchases for three years. Effective upon becoming law. Chapter No. 2013-039, Laws of Florida. (Cruz)

### Economic Development

CS/SB 406 (Gardiner) establishes the Economic Development Programs Evaluation process, and requires the Florida Department of Economic Opportunity to analyze each economic development incentive program and application. Provisions of the bill of particular interest to cities in-

clude the creation of a sales tax exemption for natural gas used to generate electricity in a non-combustion fuel cell used in stationary equipment and a sales tax exemption for building materials used in redevelopment projects, including brownfield sites. The bill requires the Florida Department of Revenue to distribute monies to certified applicants for a facility used by a spring training franchise. The bill revises the minimum criteria for participation in the brownfield redevelopment bonus refund program. The bill provides the certification process for an applicant to receive state funding for a facility for a spring training franchise, provides for the use of the funds, requires a certified applicant to submit an annual report and requires the Florida Department of Economic Opportunity to publish the information. Effective upon becoming a law. Chapter No. 2013-42, Laws of Florida. (Cruz)

### **Funding from the National Mortgage Settlement**

SB 1852 (Senate Appropriations) allocates \$200 million from the national foreclosure settlement, that the state was a party to in a national lawsuit against five of the nation's largest banks that committed foreclosure abuses. A League priority was to ensure that these funds went to existing local government affordable housing programs. SB 1852 allocates the \$200 million as follows: \$9.1 million for college dorms; \$5.2 million for technology upgrades for the state court system; \$16 million for additional retired judges to help relieve the foreclosure backlog; \$9.7 million to the clerks of the court to expedite foreclosure cases; \$10 million in legal aid services for low- and middle-income homeowners facing foreclosure; \$10 million in grants to the Florida Department of Children and Families (DCF) for shelter; \$20 million to Habitat for Humanity for affordable housing; \$60 million for the Florida Housing Finance Corporation (FHFC) to use in the State Apartment Incentive Loan (SAIL) program; \$40 million for FHFC to use in the State Housing Initiative Program (SHIP); a \$10 million grant for transitional housing for the homeless; and \$10 million for disabled tenants. Effective upon the deposit of the funds into the General Revenue Fund. Chapter No. 2013-106, Laws of Florida. (Cruz)

### **Growth Management: Referenda**

CS/CS/HB 537 (Moraitis) clarifies the Legislature's intent that initiatives and referenda are to be prohibited in regard to any development order, and further that initiatives and referenda be prohibited as to any local comprehensive plan or map amendment, except as specifically and narrowly permitted in the bill and that affect more than five parcels of land. As for comprehensive plan amendments,

the authority for such must be expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011. A general local government charter provision for an initiative or referendum process is not sufficient. Effective upon becoming a law. Chapter No. 2013-115, Laws of Florida. (Cruz)

### **Manufacturing Development**

CS/HB 357 (Boyd) creates the "Manufacturing Competitiveness Act," authorizing local governments to establish a local manufacturing development program through which the local government may grant master development approval for the development or expansion of sites that are, or are proposed to be, operated by manufacturers at specified locations within the local government's geographic boundaries. The Florida Department of Economic Opportunity (DEO) must develop a model ordinance to guide local governments that intend to establish a local manufacturing development program, but use of the model ordinance is not mandatory. The bill establishes the minimum criteria that must be included in a local manufacturing development program. Once a local government adopts the program, it must maintain the program for two years before it can be terminated. The DEO is charged with coordinating the manufacturing development approval process with various state agencies. Effective July 1, 2013. (Cruz)

### **Military Installations/Encroachment**

SB 1784 (Senate Military and Veterans Affairs, Space, and Domestic Security Committee) creates the Military Base Protection Program in order to secure non-conservation lands to serve as a buffer to protect military installations against encroachment, and to support local community efforts to engage in service partnerships with military installations. Effective July 1, 2013. (Cruz)

### **Mortgage Foreclosures**

CS/CS/HB 87 (Passidomo) is a comprehensive bill that expedites the mortgage foreclosure process. The bill requires the following: a reduction in the statute of limitations for deficiency judgments on a foreclosure action from five years to one year; limits the recoverable amount of the deficiency in some cases; requires the plaintiff in a foreclosure action to provide information to the court upon filing of the case regarding a lost, destroyed or stolen promissory note; provides finality of a mortgage foreclosure judgment for certain purchasers of property at a foreclosure sale while allowing for monetary damages; amends the expedited foreclosure process to allow any lienholder, instead

of just the mortgagee, to use the procedures; reduces the number of hearings from two to one; prohibits service by publication when using the expedited process unless the property is abandoned; allows any party to request a case management conference to expedite the lawsuit; and defines adequate protections where there is a lost, destroyed or stolen note. Effective upon becoming a law. The bill applies to existing mortgages and to pending cases only. Chapter No. 2013-137, Laws of Florida. (Cruz)

### Public-Private Partnerships

CS/CS/HB 85 (Steube) provides a prescriptive and bureaucratic statutory framework that local governments must adhere to when entering into public-private partnerships (P3s). The bill provides for procurement procedures, requirements for project approval, project qualifications and process, notice to affected local jurisdictions, interim and comprehensive agreements between a public and a private entity, use fees, and financing sources for certain projects by a private entity. The bill provides that county, district, or municipal hospital or healthcare systems or projects for municipal electric utilities are not required to follow the P3 process. The bill establishes a process for local governments receiving solicited or unsolicited proposals from private entities for public projects. The bill clarifies that projects developed under the P3 process do not waive the sovereign immunity of a responsible public entity, the jurisdiction where a project is located, or an officer or employee thereof with respect to participation in, or approval of, the project or its operation. The bill creates a P3 guidelines task force to review P3s and develop recommendations for their operation. The bill specifically authorizes counties to enter into P3 agreements to construct, extend or improve county roads, and provides a process. The bill allows the Orlando-Orange County Expressway Authority to enter into lease arrangements not to exceed 99 years. Lastly, the legislation modifies current law relating to contracts with charitable or not-for-profit organizations to provide services to governmental entities. Effective July 1, 2013. (Cruz)

### State-Owned or State-Leased Space

CS/CS/CS/HB 1145 (La Rosa) revises provisions relating to the update of an inventory of certain state facilities needing repairs or renovation maintained by the Florida Department of Management Services. Effective July 1, 2013. Chapter No. 2013-152, Laws of Florida. (Cruz)

### Campaign Finance

CS/CS/CS/SB 569 (State Affairs Committee), (Appropriations Committee), (Ethics and Elections Subcommittee) and (Schenck) makes several changes to campaign finance laws applicable to local, legislative and statewide candidates. Of interest to municipalities that have an ordinance or charter provisions that adopt the Florida Election Code as the controlling law for municipal elections, the contribution limit for candidates is increased to \$1,000 per person per election. Candidates would be required to file 15 campaign finance reports, instead of the current nine reports. Effective November 1, 2013, or as expressly provided in certain sections. Chapter No. 2013-037, Laws of Florida. (Padgett)

### Elections

CS/HB 7013 (Appropriations Committee), (Ethics and Elections Subcommittee) and (Boyd) makes several changes to the Florida Election Code. The following provisions apply to municipalities that have, through their charter or by ordinance, adopted the Florida Election Code as the controlling law for municipal elections.

- ▶ The primary election date will be held 10 weeks before the general election, instead of 12 weeks.
- ▶ In addition to the early voting period beginning the 10th day prior to an election and ending on the third day prior to an election, the supervisor of elections has the option of extending early voting from the 15th through 11th day prior to an election and on the second day prior to an election.
- ▶ Early voting sites are required to be open a minimum of eight hours per day up to a maximum of 12 hours per day.
- ▶ The list of early voting sites is expanded to include: fairgrounds, civic centers, courthouses, county commission buildings, stadiums, convention centers, government-owned senior centers and government-owned community centers, or a supervisor of elections may designate one early voting site per election in an area of the county that does not have any of the eligible early voting locations. Such additional early voting sites must be geographically located so as to provide all voters in that area with an equal opportunity to cast a ballot.

Effective January 1, 2014. Chapter No. 2013-57, Laws of Florida. (Padgett)

## **Eminent Domain**

CS/HB 179 (Civil Justice Subcommittee) and (Young) provides that the interest earned through a “quick take” process is paid to the ultimate owner of the property rather than the condemning authority. Effective July 1, 2013. Chapter 2013-23, Laws of Florida. (Padgett)

## **Ethics**

CS/SB 2 (Ethics and Elections) makes several changes to ethics laws that affect both state and local government officials. This summary only provides information on provisions that affect municipalities. Finance directors of municipalities are required to file financial disclosure forms. The bill gives the Florida Commission on Ethics (COE) additional authority to collect financial disclosure fines, specifically by garnishing wages. The bill allows financial disclosure filers to use a certified public accountant to prepare financial disclosure forms and provides a grace period to amend financial disclosure forms. The receipt of gifts of more than \$100 from a vendor, defined as a business that does business directly with an agency, is prohibited by the bill. The bill allows elected municipal officials to place assets in a blind trust. The time period in which certain complaints against a candidate for office may not be disclosed prior to an election is extended from five days to 30 days. The COE is authorized to initiate investigations after a referral from specified government officials. Previously, the COE could not begin an investigation until a member of the public filed a complaint. Finally, candidates or elected municipal officials are prohibited from accepting public employment if the candidate or official knows or should know the position is being offered for the purpose of gaining influence or advantage based on the official's public office or candidacy. Effective May 1, 2013. Chapter No. 2013-036, Laws of Florida. (Padgett)

## **Northeast Florida Regional Transportation Commission**

CS/SB 606 (Gibson) creates the Northeast Florida Regional Transportation Commission for the purposes of improving mobility and expanding multimodal transportation options in Northeast Florida. Effective July 1, 2013. Chapter No. 2013-173, Laws of Florida. (Padgett)

## **Public Records and Meetings of the Commission on Ethics**

CS/SB 4 (Governmental Oversight and Accountability) and (Ethics and Elections) is linked to CS/SB 2 (Ethics and Elections). CS/SB 4 provides a temporary public records exemption for written referrals from governmental officials who, pursuant to CS/SB 2, may now refer cases to the Florida

Commission on Ethics for investigation. Effective May 1, 2013. Chapter No. 2013-38, Laws of Florida. (Padgett)

## **Spaceport Territory**

CS/HB 135 (Goodson) designates certain properties in Brevard County as spaceport territory. Effective May 30, 2013. Chapter No. 2013-76, Laws of Florida. (Padgett)

## **Theft of Utility Services**

SB 338 (Simpson) increases criminal penalties for theft of utility services in relation to the amount of the utility services unlawfully obtained. Effective October 1, 2013. Chapter 2013-30, Laws of Florida. (Padgett)

# **URBAN ADMINISTRATION**

## **Animal Shelters and Animal Control Agencies**

CS/CS/SB 674 (Montford) amends Section 823.15, Florida Statutes, to provide legislative intent that importing cats and dogs into the state and that uncontrolled breeding of dogs and cats in this state pose risks to the well-being of dogs and cats, the health of humans and animals, and Florida agriculture. The bill requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. The following data must be made available to the public for the three preceding years, on a monthly basis commencing July 31, 2013:

- ▶ The total number of dogs and cats accepted by a facility, categorized by how the animal came to be admitted to the facility as well as by species;
- ▶ Species other than domestic cats and domestic dogs should be recorded as “other”;
- ▶ The condition under which the animals left the facility or were euthanized; and
- ▶ A written statement of a facility's policy on euthanizing dogs due to breed or size, if applicable. The number of dogs euthanized due to breed, temperament or size must be recorded and included in the facility's calculations for determining its percentage of animals euthanized.

The bill requires the records described above to be made available to the public pursuant to the provisions in Chapter. 119, Florida Statutes Effective July 1, 2013. Chapter No. 2013-032, Laws of Florida. (Cook)

### **Controlled Substances**

CS/SB 294 (Bradley) expands Schedule I of the controlled substances register to include 22 new formulas of synthetic drugs, all of which were included in the attorney general's December 2012 Emergency Order outlawing them. Effective April 24, 2013. Chapter No. 2013-29, Laws of Florida. (Cook)

### **Criminal Gang Prevention**

HB 407 (Ingram) provides enhanced criminal penalties for certain trespassing offenses in school safety zones by a person convicted of gang-related offenses. The bill also provides enhanced criminal penalties for a person who intentionally causes, encourages, solicits or recruits another person under 13 years of age to become a criminal gang member. The bill authorizes a county or municipal detention facility to designate an individual to be responsible for assessing whether each inmate is a criminal gang member or associate, and provides duties for such individuals. Effective October 1, 2013. Chapter No. 2013-080, Laws of Florida. (Cook)

### **Design Professionals**

CS/SB 286 (Negron) specifies conditions under which a design professional employed by a business entity or an agent of a business entity may not be held individually liable for damages resulting from negligence occurring within the course and scope of a professional services contract. Effective July 1, 2013. Chapter No. 2013-028, Laws of Florida. (Cook)

### **Drones**

CS/CS/SB 92 (Negron) prohibits a law enforcement agency from using a drone to gather evidence or information. The bill does not prohibit the use of a drone to counter a terrorist attack, under a search warrant authorizing use of a drone, or if the law enforcement agency believes swift action is needed to prevent eminent danger to life or serious damage to property. The bill provides for a civil remedy for any violation and prohibits the use of evidence obtained in violation of the act. Effective July 1, 2013. Chapter No. 2013-033, Laws of Florida. (Cook)

### **Emergency Medical Services**

SB 520 (Bradley) deletes a requirement that emergency medical technicians, paramedics and 911 public safety telecommunicators complete an educational course on HIV and AIDS. The bill redefines the terms "basic life support" and "advanced life support" for purposes of the emergency medical transportation services act. The bill

revises requirements for the certification and recertification of emergency medical technicians and paramedics. The bill also revises requirements for institutions that conduct approved programs for the education of emergency medical technicians and paramedics, and revises the certificate of completion requirements. Effective July 1, 2013. Chapter No. 2013-128, Laws of Florida. (Conn)

### **Employment Benefits/Regulation**

CS/HB 655 (Precourt) prohibits a political subdivision, including a city, from requiring or otherwise regulating employment benefits, including health benefits, sick leave or vacation time, for employees, and preempts the regulation of such benefits to the state. A political subdivision is not prohibited from establishing employment benefits for its employees, for employees of a contractor providing goods or services, under the contract, to the political subdivision, or employees of an employer receiving a direct tax abatement or subsidy from the political subdivision. The bill does not apply to a domestic violence or sexual abuse ordinance or policy adopted by a political subdivision. The bill also creates an 11-member task force charged with reviewing employer-sponsored employment benefits and the impact of the state preemption contained in the bill. Effective July 1, 2013. Chapter No. 2013-200, Laws of Florida. (Conn)

### **False Reports to Law Enforcement Officers**

CS/HB 611 (Watson) provides that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a crime if the defendant has previously been convicted of this offense and the information, if communicated orally, is corroborated in a specified manner, or was communicated in writing. Effective October 1, 2013. Chapter No. 2013-117, Laws of Florida. (Cook)

### **Fire Prevention Code**

CS/SB 1122 (Simpson) amends the Florida Fire Prevention Code to specify that for one-story or two-story structures that are less than 10,000 square feet and whose occupancy is defined as business or mercantile, a fire official is to enforce the wall fire-rating provisions for occupancy separation as defined in the Florida Building Code. The bill also provides a structure, located on property that is classified for ad valorem purposes as agricultural and that is part of a farming or ranching operation, in which the occupancy is limited by the property owner to no more than 35 people, is exempt from the Florida Fire Prevention Code. However, this provision does not apply to structures used

for residential or assembly occupancies. Effective July 1, 2013. Chapter No. 2013-134, Laws of Florida. (Cook)

### **Fire Safety and Prevention**

CS/CS/SB 1410 (Simmons) is a broad rewrite of the law relating to the authority of the state fire marshal. The bill revises provisions relating to hearings, investigations and recordkeeping, and the authority of the state fire marshal. The bill requires the establishment by rule of the uniform minimum standards for the employment and training of firefighters and volunteer firefighters. The bill revises the "Reduce Cigarette Ignition Propensity Standard and Firefighters Protection Act" to include a preemption of the act of local laws and rules. The bill clarifies which persons are authorized to inspect buildings and structures and revises requirements of persons conducting fire safety inspections. The bill prohibits a fire service provider from employing an individual as a firefighter or supervisor of firefighters and from retaining the services of an individual volunteering as a firefighter or supervisor of firefighters without having the required certification. A fire service provider is required to notify the state fire marshal of specified hirings, retentions, terminations and decisions not to retain a firefighter, and determinations of failure to meet certain requirements. The bill amends the current law relating to supplemental compensation for firefighters who pursue specified higher educational opportunities and requires the state fire marshal to determine, and adopt by rule, course work or degrees that represent the best practices toward supplemental compensation goals. The bill transfers and renumbers various provisions of current law relating to firefighter occupational safety and health, workplace safety and various studies. The bill also amends provisions in Section 191.009, Florida Statutes, relating to special fire control districts to authorize a district to levy non-ad valorem assessments to construct, operate, and maintain specified district facilities and services. Specifically, the non-ad valorem assessments may be used to fund emergency medical services and emergency transport services of the district. The bill provides that if a district levies non-ad valorem assessments for certain services, the district must cease the levy of ad valorem assessments for those services. The bill also revises provisions relating to a district's authority to provide for the levy of non-ad valorem assessments on lands within the district rather than benefited real property. Effective July 1, 2013. Chapter No. 2013-183, Laws of Florida. (Conn)

### **Florida Retirement System**

SB 1810 (Senate Governmental Oversight and Accountability Committee) sets the 2013-2014 employer contri-

bution rates for members of each membership class and sub-class of the Florida Retirement System. Effective July 1, 2013. Chapter No. 2013-53, Laws of Florida. (Conn)

### **Funerals and Burials/Protest Activities**

HB 15 (Rooney) provides definitions for "funeral or burial," "funeral procession" and "protest activities." The bill prohibits engaging in protest activities within a specified distance of the property line of the location of a funeral or burial. A violation is a first degree misdemeanor. HB 15 has been signed into law by the governor. Effective October 1, 2013. Chapter No. 2013-19, Laws of Florida. (Conn)

### **Governmental Accountability/Procurement**

CS/CS/HB 1309 (Albritton) broadly relates to governmental, primarily state agency, accountability in the procurement of commodities and contractual services. The bill amends the public records law to require each public agency contract for services to include a provision requiring the contractor to comply with the public records laws. The bill requires the public agency to enforce the contract provisions if the contractor does not comply with a public records request. The bill authorizes the Florida Department of Management Services to enter into joint agreements with governmental entities for the purchase of commodities or contractual services that can be used by multiple agencies. Effective July 1, 2013. Chapter No. 2013-154, Laws of Florida. (Conn)

### **Governmental Entity Liens**

CS/HB 267 (Wood) provides that a lien imposed on real property by a governmental or quasi-governmental entity for an improvement, service, fine or penalty, other than a lien for taxes, non-ad valorem or special assessments, or utilities, is valid and effectual against creditors or subsequent purchasers for a valuable consideration, only if the lien is recorded in the official records of the county in which the property is located. The recorded notice of lien must contain the name of the property owner of record, a description or address of the property, and the tax or parcel identification number applicable to the property as of the date of recording. Effective October 1, 2013. Chapter No. 2013-241, Laws of Florida. (Conn)

### **Internet Sweepstakes Establishments**

CS/HB 155 (Trujillo) clarifies current law regarding charitable drawings, game promotions and amusement machines, and bans Internet cafes that don't meet criteria provided in the bill. Effective April 10, 2013. Chapter No. 2013-002, Laws of Florida. (Cook)

### **Law Enforcement: Criminal History Checks**

CS/HB 585 (Hood) is the Florida Department of Law Enforcement's legislative package. Among other things, the bill clarifies that counties and cities are authorized to require state and national criminal history screenings for:

- ▶ Any position of county/city employment or appointment, whether paid, unpaid or contractual, that the governing body of the county/city finds is critical to security or public safety;
- ▶ Any private contractor, employee of a private contractor, vendor, repair person or delivery person who is subject to licensing or regulation by the county or city; and
- ▶ Any private contractor, employee of a private contractor, vendor, repair person or delivery person who has direct contact with individual members of the public or access to any public facility or publicly operated facility in such a manner or to such an extent that the governing body of the county/city finds that preventing unsuitable persons from having such contact or access is critical to security or public safety.

Effective July 1, 2013. Chapter No. 2013-116, Laws of Florida. (Conn)

### **Low-Voltage Alarm System Contracting and Permitting**

CS/CS/CS/HB 973 (Brodeur) preempts local government ordinances or rules relating to low-voltage alarm system installations and creates a uniform notice of installation process. The bill defines "low-voltage alarm system project" to mean a project related to the installation, maintenance, inspection, replacement or service of a new or existing alarm system operating at low voltage, and ancillary components or equipment attached to such a system, such as home-automation equipment, thermostats and video cameras. The bill does not apply to the installation or replacement of a fire alarm if a plan review is required. The bill requires local governments to offer contractors uniform basic permit labels available for purchase in bulk for no more than \$55 per label. Local governments currently charging more than \$55 per permit are permitted to charge up to \$175 per permit until January 1, 2015. The labels are valid for one year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, contractor must notify the local enforcement agency no later than 14 days after the

installation and submit a uniform notice of installation. A low-voltage alarm system project may be inspected by the local enforcement agency for compliance with applicable codes and standards. Effective October 1, 2013. Chapter No. 2013-2013, Laws of Florida. (Cook)

### **Public Construction Projects**

CS/CS/HB 269 (Beshears) relates to a multitude of building construction and development matters.

- ▶ Counties and municipalities are required to attach a disclaimer to the issuance of a development permit and must include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.
- ▶ Under the code enforcement process, notices must be sent by certified mail, return receipt requested, to the alleged violator's address posted in the tax collector's office or to the address listed in the county property appraiser's database. A local government may also provide an additional notice to any other address it may find for the property owner.
- ▶ Local governmental entities must specify in local bid documents for public works that the lumber or timber product should be produced and manufactured in the state if the products are appropriately available.
- ▶ The bill specifies that certain actions relating to on-site sewage treatment and removal are not required if a bedroom is not added during a remodeling addition or modification to a single-family home.
- ▶ The bill reaffirms that local governments may enforce statutes or ordinances against unlicensed contractors under the provisions of Chapter 489, Florida Statutes, and that the maximum civil penalty that may be levied may not exceed either \$2,000 or \$2,500 for various violations.
- ▶ The bill authorizes a local building department to retain 75 percent of certain fines collected if it transmits 25 percent to the Florida Department of Business and Professional Regulation.
- ▶ The bill deletes requirements relating to "minor violations" of contractor regulatory laws and the process for handling "minor violations."
- ▶ The bill provides a definition for the term "local technical amendment" for purposes of the Florida Building Code, and prohibits any provision of the International Residential Code relating to mandated fire sprinklers from being incorporated into the Florida Building Code.

- ▶ The bill authorizes a site plan to be maintained at the worksite as an electronic copy, which must be open to inspection by the building official.
- ▶ The Florida Building Commission is required to adopt the Florida Building Code-Energy Conservation. The bill revises the purposes of the Florida Building Energy-Efficiency Rating Act and provides for the applicability of building energy-efficiency rating systems.

Effective July 1, 2013. Chapter No. 2013-193, Laws of Florida. (Cook)

### **Publicly Funded Defined Benefit Retirement Plans: Reporting**

CS/CS/CS/SB 534 (Brandes) provides that the state is not liable for shortfalls in local government retirement systems or plans and creates additional reporting standards for publicly funded defined benefit retirement plans. The bill requires each defined benefit retirement plan to submit an additional report to the Florida Department of Management Services (DMS). The bill makes the first or initial report due within 60 days after receipt of the certified actuarial report submitted after the close of the plan year that ends on or after June 30, 2014. This timeframe better coincides with financial reporting for public pensions under GASB Statements 67 and 68. After the initial report, subsequent reporting will recur on a plan's schedule for actuarial reporting. The report must include additional financial statements and information on the plan using the plan's assumed rate of return and a rate of return at 200 basis points lower than the assumed rate of return. The bill requires local governments and plan operators to post various pension plan information onto available websites. If a pension plan fails to submit the information, it will be out of compliance with the law, and penalties under Chapter 112, Florida Statutes, are provided. It is important to note that the bill does not require the plans to be funded under the conditions listed above; rather, plans must only produce a report to be submitted to the DMS. Effective July 1, 2013. Chapter No. 2013-100, Laws of Florida. (Conn)

### **Recreational Vehicle Parks**

CS/HB 969 (Raburn) provides that separation distances for sites within recreational vehicle parks and set-back distances for a park must comply with those established at the time of initial approval by the local government. The bill also provides a definition of "occupancy." Effective July 1, 2013. Chapter No. 2013-91, Laws of Florida. (Conn)

### **Red Light Cameras**

CS/CS/HB 7125 (Raburn), the Florida Department of Highway Safety and Motor Vehicles' (DHSMV) legislative package, makes the following changes relating to the operation of red-light camera programs.

- ▶ "Local hearing officer" is defined to mean the person, designated by the DHSMV, a county or a municipality operating a red light camera program, who is authorized to conduct hearings related to a notice of violation issued pursuant to Section 316.0083, Florida Statutes. A charter county, non-charter county or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The DHSMV may enter into an interlocal agreement to use the local hearing officer of a county or municipality.
- ▶ Section 316.0083, Florida Statutes, authorizing the red-light camera program, is amended to provide that a notice of violation and a traffic citation may not be issued if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right, if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required.
- ▶ After receiving a notice of violation, an alleged violator may request a hearing within 60 days following the date of a notification in order to avoid the issuance of a traffic citation. The first-class mailing of the notice of violation constitutes notification to the alleged violator.
- ▶ A person who receives a notice of violation may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto, and a form to request a hearing. If a person initiates a proceeding to challenge a violation, the he or she waives any challenge or dispute as to the delivery of the notice of violation.
- ▶ The traffic citation shall be mailed by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 60 days after notification of the notice of violation, if the registered owner has not requested a hearing, or if the registered owner has not

submitted an affidavit identifying the person with care, custody or control of the motor vehicle at the time of the violation. Delivery of a traffic citation constitutes notification, and if a person initiates a proceeding to challenge a citation, he or she waives any challenge or dispute as to the delivery of the traffic citation.

- ▶ The notice of violation and traffic citation process applies to persons identified in an affidavit, and a notice of violation must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit.
- ▶ The procedures for a hearing under Section 316.0083, Florida Statutes, include that the DHSMV is to publish and make available to each county and municipality a model "Request for Hearing" form.
- ▶ A charter county, non-charter county or a municipality electing to operate a red-light camera program must designate by resolution existing staff to serve as the clerk or the local hearing officer.
- ▶ Any person, referred to as the "petitioner," who elects to request a hearing shall be scheduled for a hearing by the clerk to the local hearing officer to appear before a local hearing officer. Notice is to be sent by first-class mail. A petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk or the local hearing officer, at least five calendar days before the date of the originally scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the penalty (\$158), plus \$50 in administrative costs, before the start of the hearing.
- ▶ All testimony at the hearing shall be under oath and shall be recorded. The local hearing officer must take testimony from a traffic infraction enforcement officer and the petitioner, and may take testimony from others. The local hearing officer must review the photographic or electronic images or streaming video of the violation. Formal rules of evidence do not apply, but due process must be observed and govern the proceedings.
- ▶ At the conclusion of the hearing, the local hearing officer must determine whether a violation has occurred and either uphold or dismiss the violation. The local hearing officer is to issue a final administrative order to include the determination and, if the notice of violation is upheld, require the petitioner to pay the penalty (\$158), and may also require the petitioner to pay county or municipal costs, not to exceed \$250. The final administrative order must be mailed to the petitioner by first-class mail.

- ▶ An aggrieved party may appeal a final administrative order consistent with the process provided under Section 162.11, Florida Statutes (appellate review by the circuit court).
- ▶ If a hearing is requested, a traffic infraction enforcement officer must provide a copy of the traffic notice of violation data to the local hearing officer having jurisdiction over the alleged offense within a specified time frame.
- ▶ The clerk of court is to notify the DHSMV of persons who fail to enter into, or comply with the terms of, a penalty payment plan or order of the clerk or the local hearing officer, or who fail to appear at a scheduled hearing of a violation under Section 316.0083, Florida Statutes. The clerk is to provide the person's driver's license number or other identifying information. Upon receipt of the notice, the DHSMV may not issue a license plate or revalidation sticker for any motor vehicle owned by that person until the amounts assessed have been fully paid.

Effective July 1, 2013. Chapter No. 2013-160, Laws of Florida. (Cook)

### **School Emergencies**

CS/SB 284 (Negron) requires district school board policies to list the emergency response agencies that are responsible for notifying the school district of emergencies. The bill requires emergency response agencies to notify public and private schools of emergencies under specified circumstances, authorizes public and private schools to purchase and maintain a supply of epinephrine auto-injectors, and requires the adoption of protocols for the use of such auto-injectors. Effective July 1, 2013. Chapter No. 2013-063, Laws of Florida. (Cook)

### **Testimony at Public Meetings**

CS/CS/SB 50 (Negron) requires a board or commission to provide members of the public with a reasonable opportunity to be heard on a proposition before the board or commission. "Board or commission" is broadly defined to include "any agency or authority of a county, municipal corporation or political subdivision," which includes elected city commissions and appointed city boards or commissions. The opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action on the item, but the opportunity must occur at a meeting that is during the decision-making process and is within reasonable proximity in time to the meeting at which the board takes the official action.

The bill allows boards or commissions to adopt policies or rules on providing testimony, while putting into place criteria that these policies must meet. A board or commission may maintain orderly conduct and proper decorum in public meetings. There is an exemption for certain emergency situations, for ministerial acts, for meetings exempt from the Sunshine Law, or when a board or commission is acting in a quasi-judicial capacity with respect to the rights of a person. If a board or commission adopts rules or policies in compliance with the law and follows the rules or policies, the board or commission is deemed to be acting in compliance with the law. The bill provides for the payment of attorney's fees for any action needed to enforce the opportunity to be heard. The bill also specifically provides that a violation of providing an opportunity to be heard does not void any action taken by a board or commission. Each city is advised to have the city attorney review any existing policies on providing testimony at public meetings to ensure the city has proper policies in place for city elected and appointed entities prior to October 1, 2013. CS/CS/SB 50 passed the Legislature, and is awaiting action by the governor. Effective October 1, 2013. Chapter No. 2013-227, Laws of Florida. (Conn)

### **Transparency in Government Spending**

HB 5401 (House Government Operations Appropriations Subcommittee) provides for additional transparency in government spending, primarily related to state contracting. While the transparency requirements do not currently apply to local governments, the bill requires the Legislative Auditing Committee to recommend to the Legislature whether the scope of the transparency requirements should be expanded to include school districts, local government units and other governmental entities. The committee is also charged with recommending a schedule for adding information and governmental entities to the transparency requirements. The bill deletes a current

reporting exemption from Section 215.985, Florida Statutes, relating to a municipality or special district that has total annual revenues of less than \$10 million. Effective July 1, 2013. Chapter No. 2013-54, Laws of Florida. (Conn)

### **Texting While Driving**

CS/CS/CS/SB 52 (Detert) creates the "Florida Ban on Texting While Driving Law." The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols or other text in a handheld wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. The bill makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, radio broadcasts and autonomous vehicles. The bill also makes an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message. The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of \$30 plus court costs that vary by county. A second violation committed within five years after the first is a moving violation punishable by a \$60 fine plus court costs. The bill allows for the admissibility of a person's wireless communications device billing records as evidence in the event of a crash resulting in death or personal injury. In addition to the fines, a violation of the unlawful use of a cell phone that results in a crash will result in six points added to the offender's driver's license record, and the unlawful use of a cell phone while committing a moving violation within a school safety zone will result in two points added to the offender's driver's license record, in addition to the points for the moving violation. Effective October 1, 2013. Chapter No. 2013-058, Laws of Florida. (Cook)



# MAJOR BILLS THAT FAILED

## ENERGY AND ENVIRONMENTAL QUALITY

### **Bonds for Florida Keys Areas of Statewide Critical Concern**

HB 467 (Raschein) and SB 698 (Bullard) would have provided for legislative funding for the City of Key West, not to exceed \$200 million and limited to \$50 million per fiscal year, for the purpose of funding the City of Key West and the Florida Keys Area of Critical State Concern protection program. The Florida Department of Environmental Protection would have entered into financial assistance agreements with the City of Key West and local governments located in the Florida Keys Area of Critical State Concern to finance or refinance the cost of constructing stormwater management facilities and sewage collection, treatment and disposal facilities. The bills died in committee. (Matthews)

### **Brownfields**

CS/HB 415 (Hutson) and CS/CS/SB 554 (Altman) would have revised the Brownfield Program administration process by allowing local governments with jurisdiction over a proposed brownfield area to designate the area for rehabilitation through a resolution adopted by the local government body. The local government would have been required to notice, convene and conduct a public hearing regarding the rehabilitation project within the brownfield area. The Senate version was amended to require local governments to notify the Florida Department of Environmental Protection and the local pollution control program when a brownfield area is designated. The bills died in committee; however, language from CS/HB 415 was passed as part of HB 7007. HB 7007 was approved by the governor. (Matthews)

### **Disposable and Reusable Bags**

SB 722 (Bullard) and HB 957 (McGhee) would have repealed an existing preemption and authorized local governments to adopt, by ordinance, a prohibition of plastic bags. The prohibition would have been limited to retail facilities of a certain square footage and gross annual sales of specified goods. An affected store would have been required to provide its customers with reusable bags for a fee or at no cost for carrying away goods. The bills died in committee. (Matthews)

### **Environment**

CS/SB 1104 (Brandes) would have clarified that a road providing access to a property within a state park must be maintained by the Florida Department of Transportation (DOT) if the road is a part of the State Highway System and may be improved and maintained by DOT if the road is part of a county road system or city street system. The bill also would have expanded the 2012 law that authorizes each water management district to own, acquire, develop, construct, operate and manage public information systems, stating that any public information system must comply with Federal Highway Administration safety standards. CS/SB 1104 would have clarified that a public information system that is subject to the Highway Beautification Act of 1965 must be approved by the DOT and the Federal Highway Administration. CS/SB 1104 died in committee. (Matthews)

### **Fracturing Chemical Usage Disclosure Act**

CS/CS/HB 743 (Rodrigues) and CS/CS/SB 1028 (Clemens) would have created the Fracturing Chemical Usage Disclosure Act. The act would have required the Division of Resource Management within the Florida Department of Environmental Protection (DEP) to establish an online registry for all wells on which hydraulic fracturing treatments are performed. The owners and operators of wells where fracturing occurs would have been required to report information to the DEP as to which chemicals are used in the operation of the well, including any additional chemicals that are used during ongoing operations. The bills died in committee. (Matthews)

### **Government-Owned Utilities**

HB 733 (Mayfield) would have subjected municipal water, wastewater, electric and gas utilities to regulation by the Public Service Commission if the utility provided service outside the municipality's boundaries. The bill would have required the approval of the board of county commissioners for a municipal utility to operate outside of its corporate limits. HB 733 died in committee. (Matthews)

### **Lease of Sovereignty Submerged Lands for Private Docks**

HB 199 (Peters) and SB 588 (Brandes) would have provided exemptions from lease fees for private residential

single-family docks on sovereignty submerged lands for a preempted area equal to or less than 10 times the riparian shoreline on the affected water body. The bills died in committee. (Matthews)

### **Management and Storage of Surface Waters**

SB 1590 (Evers) would have expanded an exemption that preempts local governments from issuing permits that would affect the rights of any person engaged in the operation of agriculture, silviculture, floriculture or horticulture who alters the topography of any tract of land, including activities that impede or divert the flow of surface waters or adversely impacts wetlands. SB 1590 died in committee. (Matthews)

### **Municipal Public Works**

SB 1620 (Garcia) would have required the approval of the board of county commissioners for a municipal utility to operate outside of its corporate limits. SB 1620 died in committee. (Matthews)

### **Renewable Energy Producers**

HB 309 (Rehwinkel Vasilinda) and SB 498 (Thompson) would have revised the definition of public utility to exclude an entity that produces and sells no more than five megawatt hours per hour of renewable energy to users of that renewable energy if use is contiguous, adjacent or located within ½ mile of where the renewable energy is produced. The bills died in committee. (Matthews)

### **Springs Revival Act**

HB 789 (Stewart) and SB 978 (Bullard) would have enacted the Springs Revival Act, which would have required each water management district, by October 1, 2013, to identify the first and second magnitude springs within the district that were in decline based upon historic average water quality and flow levels. By July 1, 2014, each water management district would have had to develop a five-year plan to restore historic average water quality and flow levels to the springs identified. This report would have been compiled quarterly and submitted to the speaker of the House, president of the Senate and governor. The bills died in committee. (Matthews)

### **Stormwater Management Fees**

HB 1231 (Moskowitz) and SB 1712 (Altman) would have allowed local governments to place a lien on properties that are delinquent in paying their stormwater fees. A property that was in delinquency for a period greater than 30 days may have been foreclosed upon by the local

government. The lien placed on the delinquent property would have had priority over other liens filed with the exception of state, county and municipal tax liens. The bills died in committee. (Matthews)

### **Water and Wastewater Utilities**

SB 1386 (Hays) would have established an obligation of the Public Service Commission to determine the value and quality of water services provided by an investor-owned utility and whether such a utility has satisfied its obligation to provide water service to its customers. SB 1386 died in committee. (Matthews)

## **FINANCE, TAXATION AND PERSONNEL**

### **Communications Services Tax**

HB 303 (Grant) and SB 1422 (Richter) would have repealed the authority of local governments to levy the Communication Services Tax (CST) and revised the state CST rate on sales of communications services to be a uniform 10.65 percent. The bills also would have deleted provisions that impose the CST on retail sale of direct-to-home satellite services and the residential household exemption from the CST and gross receipts tax. The bills would have required local governments to reduce their ad valorem tax millage rate to offset certain increases in CST revenues, unless the local government adopted a resolution to not reduce the ad valorem millage and submitted it to the Florida Department of Revenue. The bills would have also repealed existing authority of municipalities, charter counties and noncharter counties to collect permit fees from providers of communications services that use or occupy municipal or county roads or rights of way. Neither bill was heard in any committee. (Hughes)

### **Delinquent Real Property Taxes**

SB 1062 (Latvala) and HB 421 (Ahern) would have reduced the interest rate applicable to delinquent real property taxes from 18 percent to 12 percent per year. The bills died in committee. (Hughes)

### **Emergency Communication Systems - E911**

CS/CS/HB 807 (Stuebe) and CS/SB 1070 (Hays) would have amended provisions relating to the E911 fee, which funds costs incurred by local governments to install and operate 911 emergency systems. CS/CS/HB 807 would have authorized the collection of a prepaid telephone wireless E911 fee by retailers at the point of sale, reduced the existing E911 fee to \$0.46 per month per service identifier, and set the prepaid wireless E911 fee at \$0.46 per month for

each retail transaction. CS/SB 1070 would have extended an existing moratorium on the collection of the E911 fee on prepaid phones until July 1, 2015. CS/CS/HB 807 died in messages. CS/SB 1070 died in committee. (Hughes)

#### **Exemption for Property Used for Affordable Housing**

SB 740 (Simpson) and HB 921 (Renuart) would have deleted an ad valorem tax exemption for property owned by certain Florida-based limited partnerships and used for affordable housing for certain income-qualified persons. Similar language was included in CS/CS/HB 437 and SB 1830, which both passed the Legislature. SB 740 died in committee. HB 921 died on the calendar. (Hughes)

#### **General Tax Administration**

CS/HB 7105 (Caldwell) and CS/SB 1828 (Senate Appropriations Committee) would have updated the tax administration in Florida. CS/SB 1828 was laid on the table. CS/HB died in returning messages. (Hughes)

#### **Homestead Exemption**

SB 182 (Detert) would have authorized a person to report to a local property appraiser a possible homestead exemption violation under certain circumstances. The bill would have required the tax collector to pay a specified maximum reward to the reporting individual after the recovery of any back taxes, interest or penalties, and would have required associations for condominiums and cooperatives to provide a list of rented units to the property appraiser's office. SB 182 was never heard in committee. (Hughes)

#### **Homestead Property Tax Exemptions**

SB 1838 (Senate Military and Veterans Affairs, Space, and Domestic Security Committee) would have implemented Amendment 2 to the Florida Constitution, which was approved by voters in November 2012. The bill would have removed the requirement that a veteran must have been a resident of Florida at the time he or she entered the military to be eligible for the property tax discount available to veterans with a combat-related disability. This language was amended onto SB 1830, which passed. SB 1838 died in committee. (Hughes)

#### **Independent Special Fire Control Districts**

CS/CS/HB 885 (Caldwell) and SB 1196 (Richter) would have expanded the authority of an independent fire control district to levy non-ad valorem assessments for emergency rescue services, first response medical aid, emergency medical services and emergency transport services. CS/CS/

HB 885 died on the calendar. SB 1196 died in committee. (Hughes)

#### **Online Sales Tax**

CS/SB 316 (Detert), SB 88 (Margolis), HB 497 (Moskowitz) and HB 7097 (House Finance and Tax Subcommittee) would have created two new situations in which out-of-state retailers that conduct business over the Internet would be required to collect and remit Florida sales tax on sales made to Florida residents. The bills would have required the Revenue Estimating Conference to calculate the amount of additional sales tax that is remitted from out-of-state retailers. The bills died in committee. (Hughes)

#### **Prepaid Calling Arrangements**

SB 290 (Galvano) and HB 435 (Davis) would have revised the definition of "prepaid calling arrangement" to clarify that these services should be subject to sales and use tax rather than communication services tax. The bills would have provided for retroactive application to ensure that any past sales of prepaid services are not penalized for previously failing to collect the communication services tax. The bills died in committee. (Hughes)

#### **Professional Sports Facilities**

CS/CS/SB 306 (Braynon) and CS/HB 165 (Gonzalez) would have allowed a county that levies the charter county convention development tax to levy the additional professional sports franchise facility tourist development tax, and would have expanded the allowable uses of the additional professional sports franchise facility tourist development tax to include paying for debt service on bonds issued to finance the renovation of a professional sports franchise facility. The bills would have also created the new category of "professional sports franchise renovation facility," which would have been eligible for a sales tax distribution if it met certain requirements and was certified by the Florida Department of Economic Opportunity. CS/CS/SB 306 died in messages, and CS/HB 165 died in committee. (Hughes)

#### **Public Depositories**

HB 251 (Hager) and SB 918 (Garcia) would have expanded the definition of "qualified public depository" in which governmental entities can deposit money to include any financial institution. HB 251 and SB 918 died in committee. (Hughes)

#### **Revising Local Business Tax**

HB 7109 (House Finance and Taxation Subcommittee) would have established three uniform classifications

based on the square footage of a business for purposes of imposing the local business tax. Each local government would have set the rates for each classification based on criteria outlined in the proposal. The bill allowed a local government to raise rates every other year by up to 5 percent, and it retained the current local administration of the tax. The bill also had grandfather provisions for local governments that have specifically pledged the local business tax for outstanding bonds and local governments with extraordinary reliance on the tax. The bill died in committee. (Hughes)

### **Sales Tax Exemptions on Machinery and Equipment**

CS/HB 391 (Magar) and CS/SB 518 (Hukill) would have expanded the sales tax exemption for machinery and equipment for new or expanding businesses to all businesses by eliminating productivity requirements for expanding businesses to qualify for the tax exemption. Similar language was included in CS/CS/HB 7007, which passed the Legislature. CS/HB 391 died on the calendar. CS/HB 518 died in committee. (Hughes)

### **Senior Services**

SB 976 (Sobel) and HB 315 (Schwartz) would have authorized each county to create by ordinance an independent special district to provide funding for services for seniors. The bills required elector approval to annually levy ad valorem taxes up to 0.5 mills. The bills would have created a district governing council and outlined the responsibilities and reporting requirements of the council. The bills died in committee (Hughes)

### **Streamlined Sales and Use Tax Agreement**

HB 505 (Rehwinkel Vasilinda) would have revised and simplified Florida's sales and use laws to conform to the definitions, collections and administration of the Streamlined Sales and Use Tax Agreement so that the state would be able to sign onto the agreement. The bill was never heard in committee. (Hughes)

### **Tax on Sales, Use and Other Transactions**

HB 629 (O'Toole) and SB 656 (Hukill) would have incrementally reduced the tax imposed on rental or license fees charged for use of commercial real property. These bills would have completely repealed the tax as of January 2019. Neither bill was heard in any committee. (Hughes)

### **Community Development Block Grants**

SB 494 (Simpson) would have authorized the Florida Department of Economic Opportunity to have rule-making authority over the Small Cities Community Development Block Grant program. The bill would have required greater accountability of federal Section 108 loans. SB 494 died in committee. The federal Section 108 loan provisions were amended to CS/CS/HB 7007 (Trujillo) which did pass the Legislature. (Cruz)

### **Community Redevelopment**

HB 621 (McGhee) and SB 856 (Bullard) would have revised the definition of the term "blighted area" to include land previously used as a military facility. HB 621 and SB 856 died in committee. (Cruz)

### **Comprehensive Plan Amendments**

SB 786 (Simpson) would have established a pilot program that would have allowed Jacksonville, Miami, Tampa, Hialeah, Pinellas County and Broward County to adopt comprehensive plan amendments without any state approval. SB 786 died in committee. (Cruz)

### **Department of Economic Opportunity Website**

CS/CS/HB 121 (Combee) and SB 670 (Brandes) would have required local governments to report comprehensive data to the Florida Department of Economic Opportunity in order to create a new webpage that would disseminate information to businesses looking to expand or move into the state. The information required would have included millage rates, local business taxes, sign and landscaping ordinances, etc. The bills did not designate a funding source for cities to comply with these requirements. CS/CS/HB 121 was amended in the House Local and Federal Affairs Committee to voluntarily allow local governments to comply with the requirements of the bill. CS/CS/HB 121 and SB 670 died in committee. (Cruz)

### **Development Exactions**

HB 673 (Perry) and SB 772 (Brandes) would have prohibited local governments from imposing or requiring certain exactions on or against private property when collecting impact fees or requiring transportation concurrency to pay for transportation improvements. The legislation would have eliminated the dual rational nexus test used by courts to determine what fees a local government may impose

and would have replaced it with a stricter “essential nexus” standard. HB 673 and SB 772 died in committee. (Cruz)

### **Developments of Regional Impact**

HB 4035 (Spano) would have repealed the current statute authorizing the state land planning agency or a local government to petition the Administration Commission to increase or decrease the numerical thresholds of statewide guidelines and standards used in determining whether developments are subject to development of regional impact review. HB 4035 died in committee. (Cruz)

### **Developments of Regional Impacts**

SB 1698 (Latvala) and HB 4041 (Raulerson) would have repealed provisions relating to certification of local governments to conduct developments of regional impact reviews. SB 1698 and HB 4041 died in committee. (Cruz)

### **Economic Development**

HB 5601 (House Finance and Tax Subcommittee) was a comprehensive economic development bill. The bill included language establishing a lower takeoff weight threshold for rotary wing aircraft qualifying for certain tax exemptions. The Florida Department of Revenue was directed to distribute a specified amount of money to certain applicants if a spring training franchise used a local government facility, and established a certification process to retain spring training baseball franchises. The bill would have deleted caps on tax refunds for qualified defense contractors and space flight businesses and for qualified target industry businesses. The legislation also contained language reinstating the popular back-to-school sales tax holiday during which the sale of clothing, wallets, bags, school supplies, personal computers and personal computer-related accessories are exempt from sales tax is. HB 5601 died when it was never considered for a vote by the full House. Many of the provisions contained in the bill were amended to other pieces of legislation that did pass. (Cruz)

### **Economic Development Incentive Application Process**

CS/SB 446 (Hukill) requires an applicant to provide a surety bond to the Florida Department of Economic Opportunity before the applicant received any incentive awards through the Quick Action Closing Fund or the Innovation Incentive Program. CS/SB 446 died in committee. The substantive provisions of CS/SB 446 were amended to CS/CS/HB 7007 (Trujillo), which did pass the Legislature. (Cruz)

**Florida Small Business Development Center Network**  
CS/SB 224 (Detert) proposed changes to the Florida Small Business Development Center Network. The bill would have established an incentive program to encourage the adoption of small-business assistance best practices among regional small business development centers. CS/SB 224 passed the Senate and died in messages. The provisions of CS/SB 224 were amended to CS/CS/HB 7007 (Trujillo), which did pass the Legislature. (Cruz)

### **Neighborhood Improvement Districts**

CS/CS/SB 770 (Ring) and HB 741 (Jones, S.) would have provided that an ordinance creating a neighborhood improvement district could authorize the district to exercise certain powers in addition to those already granted to such districts, including the ability to issue bonds. CS/CS/SB 770 passed all committees but was not considered for a full vote of the Senate. HB 741 died in committee. (Cruz)

### **Neighborhood Improvement Districts**

CS/CS/SB 564 (Simmons) and HB 679 (Nelson) would have authorized the governing body of any municipality or county to form a neighborhood improvement district through the adoption of an ordinance rather than by a planning ordinance. The legislation would have given neighborhood improvement districts the authority to issue bonds. CS/CS/SB 564 and HB 679 died in committee. (Cruz)

### **New Markets Development Program**

SB 98 (Richter) and HB 515 (Oliva) would have increased the cumulative amount of tax credits that could be awarded to the Florida New Markets Tax Credit Program from \$163.8 million to \$263.8 million. The program encouraged capital investment in rural and urban low-income communities by allowing taxpayers to earn credits against specified taxes by investing in qualified community development entities that make qualified low-income community investments in qualified active low-income community businesses to create and retain jobs. SB 98 and HB 515 died in committee. However, the provisions of this legislation were amended onto CS/CS/HB 7007 (Trujillo), which did pass the Legislature. (Cruz)

### **Purchase of Land by a Governmental Entity**

SB 584 (Hays) and HB 901 (Stone) would have limited the ability of the state and local governments to purchase land for conservation purposes, unless exiting land held for conservation was sold first. SB 584 and HB 901 died in committee. (Cruz)

### **Small Business Development Fund**

SB 820 (Soto) and HB 893 (Gibbons) would have created the Small Business Development Fund to secure loans from participating private lending institutions for certain small businesses. The legislation would have required the Florida Department of Economic Opportunity to select the participating private lending institutions, the small businesses and small start-up businesses that qualify for funding. SB 820 and HB 893 died in committee. (Cruz)

### **Small Business Participation in State Contracting**

SB 1142 (Gibson) and HB 985 (Rogers) would have required the state to structure agency contracts to facilitate competition by and among small businesses in Florida. The legislation defined small business as one with 50 or fewer employees that has been domiciled in Florida for at least three years. SB 1142 and HB 985 died in committee. (Cruz)

### **Special Districts**

CS/SB 538 (Ring) and HB 881 (Ray) would have required public facility projects of independent special districts with taxing authority to be approved by the appropriate local general-purpose government. The legislation would have required that a city or county representative serve as an ex-officio, nonvoting member of the district. CS/SB 538 and HB 881 died in committee. (Cruz)

### **Transparency in Government Spending**

SB 1764 (Governmental Oversight and Accountability Committee) would have required the Office of the Governor to create a single website providing access to information relating to the fiscal planning of the state. This website would have contained a database of state financial plans and expenditures. SB 1764 passed the Senate and died in messages. (Cruz)

### **Transportation Concurrency and Impact Fees**

CS/CS/CS/HB 321 (La Rosa) and CS/SB 1716 (Garcia) would have prohibited proportionate-share contributions for new development before July 1, 2016, unless authorized by a majority vote of the local government's governing body. The prohibition would have applied only to commercial development of less than 6,000 square feet. CS/CS/CS/HB 321 passed the House and died in messages. CS/SB 1716 died in committee. (Cruz)

### **Urban Infill and Redevelopment Assistance Grant Program**

HB 89 (Pafford) and SB 348 (Soto) would have provided for a state program administered by the Florida Department

of Economic Opportunity to issue grants to counties and municipalities with urban infill and redevelopment areas. This program was removed from state statute during the 2012 legislative session due to lack of funding. This legislation would have reinstated the program in the hopes it may be funded in the future. HB 89 and SB 348 died in committee. (Cruz)

## **TRANSPORTATION AND INTERGOVERNMENTAL RELATIONS**

### **Billboards**

CS/CS/CS/SB 1632 (Latvala) and CS/CS/CS/HB 1299 (Goodson) would have revised provisions of the outdoor advertising statute. While many of the provisions would have applied only to the Florida Department of Transportation (DOT), there was language specifying that outdoor advertising signs would only be permitted by the DOT in commercial or industrial zones, as determined by the local government. The bills would have removed a requirement that local governments conduct a survey and hold a hearing of property owners who may have been affected by the construction of a noise wall if the wall impacted an existing outdoor advertising sign. The Senate bill was amended to give municipalities and the DOT the authority to regulate public information systems located on water management district lands. The bills died in messages. (Padgett)

### **Commission on Ethics**

HB 285 (McBurney) and SB 424 (Detert) would have provided the Florida Commission on Ethics (COE) the authority to place judgment liens on property to recover unpaid fines. The bills would have allowed the COE to initiate an investigation based on a referral from specified government officials rather than having to wait for a written complaint to be filed. HB 285 died in committee. SB 424 was withdrawn from further consideration. (Padgett)

### **Department of Transportation**

CS/CS/HB 7127 (House Transportation and Highway Safety Subcommittee) was the omnibus transportation bill. The Florida Transportation Commission would have been required to conduct a study of the locations and the amount of revenues generated from parking meters located on state roads. Public transit providers would have been prohibited from using federal block grant funds for advocacy purposes. Municipalities would have been given the authority to regulate public information systems located on water management district lands. The Florida Department of Transportation (DOT) would have been

authorized to pay for utility relocation costs for municipalities in rural areas of critical economic concern under certain conditions. Under the provisions of the bill, the DOT would have had the authority to grant permits to high-speed rail providers to construct communications equipment related to the operation of a high-speed rail system. Prior to issuing a permit, the DOT would have been required to accept and consider comments from municipalities impacted by construction of the communications equipment. This permitting provision was amended onto CS/HB 7019 (Economic Affairs Committee) and Economic Development and Tourism Subcommittee), which passed both houses. The bill died in messages. (Padgett)

### **Department of Transportation**

HB 355 (Harrell) and SB 756 (Grimsley) would have required the Florida Department of Transportation to adopt rules to allow local governments to use excess fiber optic networks for non-transportation purposes. The bill died in committee. (Padgett)

### **Early Voting**

HB 449 (Castor Dentel) and SB 782 (Thompson) would have expanded the number of sites that can be used for early voting. The bills died in committee. (Padgett)

### **Early Voting**

SB 82 (Margolis) would have increased the number of early voting sites, hours and days. The bill died in committee. (Padgett)

### **Elections**

SB 80 (Joyner) would have made changes to early voting and provisional ballot statutes. The bill would have expanded the number of locations at which early voting may be held and specified the number of early voting sites that must be open. In addition, the bill would have increased the number of early voting days from eight to 14 for a general election and required seven days of early voting for a special election. The bill would have required polling places be open for 12 hours each weekday and a total of 12 hours for weekends. The bill also would have allowed a voter to change an address at the polling location and cast a regular ballot rather than a provisional ballot. The bill died in committee. (Padgett)

### **Elections**

SB 176 (Diaz de la Portilla) would have extended mandatory early voting days from eight days to nine days. The bill would have allowed a supervisor of elections the op-

tion to extend early voting time up to 14 hours in each location. The bill would have required a supervisor of elections to submit a report to the secretary of state outlining preparations for an upcoming election. The bill died in committee. (Padgett)

### **Elections**

HB 25 (Rouson) and SB 388 (Soto) would have made several changes to the Florida Election Code. The bill would have amended provisions relating to third-party voter registration organizations and expanded the number of early voting sites and early voting days. An elector would have been permitted to vote in the precinct in which the elector established a new residence, regardless of whether the change in residence was within the same county. The bills also would have deleted a provision allowing the full text of a proposed constitutional amendment to be placed on the ballot. The bills died in committee. (Padgett)

### **Elections**

SB 114 (Sachs) would have prohibited certain parties from making statements or sponsoring political advertisements or electioneering communications with actual malice that constitutes libel or defamation per se. The bill died in committee. (Padgett)

### **Elections**

HB 385 (Rodrigues, R.) would have amended the time limitations for the submission of overseas ballots. The bill died in committee. (Padgett)

### **Eminent Domain**

HB 273 (Gibbons) and SB 870 (Sobel) would have allowed property taken by eminent domain to be conveyed to a person or private entity if the property was condemned pursuant to a noise mitigation program at an airport. The bills died in committee. (Padgett)

### **Ethics**

HB 233 (Fasano) would have made several changes to Florida's ethics laws including: prohibiting a person who reports a statement of financial interests from accepting gifts from vendors; prohibiting a public officer or employee from acting in a manner that would lead a person to conclude the public officer or employee can be improperly influenced; allowing a public officer to place assets in a blind trust; amending the financial disclosure process; and allowing the Florida Commission on Ethics to begin an investigation on its own motion. The bill died in committee. (Padgett)

## **Ethics**

SB 272 (Clemens) would have barred members of the Legislature from voting or participating in legislation that would inure to a special private gain or loss. The bill died in committee. (Padgett)

## **Ethics**

HB 379 (Clelland) would have expanded the items which are required to be reported on the statement of financial interests. The bill would have given the Florida Commission on Ethics the authority to begin an investigation upon receipt of any written statement, rather than a statement submitted on a specific form and sworn to under oath. The bill died in committee. (Padgett)

## **Freight Logistic Zones**

CS/CS/CS/HB 879 (Ray) and SB 1058 (Ring) would have allowed a local government to file an application with the Florida Department of Transportation (DOT) to have a geographical area in its jurisdiction be designated as a freight logistic zone and, therefore, be eligible for certain funding and incentives. The bills would have created a pilot project that would have allowed the secretary of the DOT to designate up to four areas as a freight logistics zone beginning July 1, 2013. The bills died in messages. (Padgett)

## **Highway Safety**

SB 158 (Hays) and HB 75 (Hood) would have prohibited buses from stopping on a roadway while loading or unloading passengers if the stopped bus would impede the flow of traffic. The bills died in committee. (Padgett)

## **Legislative Gift Ban**

CS/SB 1634 (Lee) and CS/CS/SB 544 (Braynon) and HB 593 (Rogers) would have clarified that a governmental entity can provide a legislator with the use of a public facility or public property for a public purpose without violating the legislative gift ban. Legislators would have been authorized to accept individual servings of nonalcoholic beverages at events sponsored by lobbyists or a meal when giving a speech to an organization in the course of their legislative work. The bills died in committee. (Padgett)

## **Public Records**

HB 381 (Clelland) is linked to HB 379 (Clelland). HB 381 would have provided a public records exemption for written statements alleging an ethics violation received by the Florida Commission on Ethics. The bill died in committee. (Padgett)

Public Records and Meetings of the Commission on Ethics HB 287 (McBurney) and SB 652 (Detert) are linked to HB 285 (McBurney) and SB 424 (Detert). HB 287 and SB 652 would have provided a temporary public records exemption for written referrals from governmental officials who, pursuant to the linked bills, would have been able to refer cases to the Florida Commission on Ethics for investigation. The bills died in committee. (Padgett)

## **Public Records and Meetings of the Commission on Ethics**

HB 287 (McBurney) and SB 652 (Detert) are linked to HB 285 (McBurney) and SB 424 (Detert). HB 287 and SB 652 would have provided a temporary public records exemption for written referrals from governmental officials who, pursuant to the linked bills, would have been able to refer cases to the Florida Commission on Ethics for investigation. The bills died in committee. (Padgett)

## **Public Records and Open Meetings**

HB 297 (Fasano) is linked to HB 233 (Fasano). HB 297 would have provided a public records and open meetings exemption for the process that would have allowed the Florida Commission on Ethics to initiate ethics investigations. The bill died in committee. (Padgett)

## **Voter Registration**

SB 234 (Clemens) would have automatically registered persons applying for a driver's license to vote. The bill died in committee. (Padgett)

## **URBAN ADMINISTRATION**

### **Concealed Weapons and Firearms**

HB 97 (Powell) and SB 374 (Braynon) would have created an exception to the preemption on firearms by the Legislature to allow local governments and state agencies to prohibit firearms and ammunition at specified publicly sanctioned or sponsored events conducted in public buildings or at government-sponsored outdoor public venues. The bills died in committee. (Cook)

### **Consultants' Competitive Negotiation Act**

HB 739 (Metz) and SB 1002 (Soto) would have allowed cities to use, at their discretion, a best value selection process that creates a two-stage procurement process for selecting certain design professionals. In stage one, agencies would evaluate firms using the same criteria as established in current law. In stage two, agencies could consider cost. However, compensation could not exceed

50 percent of the total value of any agency's evaluation criteria. The bills died in committee. (Cook)

### **Electrical Contracting**

SB 346 (Soto) would have authorized cities to require that an electrical journeyman who is present on certain industrial or commercial construction sites possess a certificate of competency. The bill died in committee. (Cook)

### **Fire Safety Devices**

CS/HB 47 (Hooper) and CS/CS/SB 264 (Hays) would have required that any battery-operated smoke alarm that is newly installed or replaces an existing smoke alarm be powered by a nonreplaceable, nonremovable battery capable of powering the smoke alarm for at least 10 years. The bills would have exempted electrically operated smoke alarms, fire alarm systems with smoke detectors, or any other fire alarms that use a low-power radio frequency wireless communication signal. The bills died in committee. (Cook)

### **Florida Retirement System**

CS/CS/SB 1392 (Simpson) would have provided that a member initially enrolled in the Florida Retirement System on or after July 1, 2014, is vested in the pension plan after 10 years of creditable service. Employees initially enrolled on or after July 1, 2014, in positions covered by the Elected Officers' Class or the Senior Management Service Class would be compulsory members of the investment plan. The bill also restricted the ability of an elected officer eligible for membership in the Elected Officers' Class from being enrolled in the Senior Management Service Class. CS/CS/SB 1392 died on the Senate floor. (Conn)

### **Florida Retirement System**

CS/CS/HB 7011 (House Government Operations Subcommittee) would have provided that all eligible employees in the Florida Retirement System (FRS) initially enrolled on or after January 1, 2014, would be compulsory members of the investment plan, and membership in the pension plan would not be permitted. The bill revised the required employer retirement contribution rates for members of each membership class and subclass of the FRS. The bill required members of the Special Risk Class (primarily police and firefighters) enrolled on or after January 1, 2014, to be provided with an in-line-of-duty disability benefit and an in-line-of-duty death benefit equal to 10 times the employee's salary. CS/CS/HB 7011 passed the House but died in the Senate. (Conn)

### **Internet Cafes**

HB 257 (Tobia) would have established requirements for electronic game promotions, required owners to pay an annual terminal fee to the state, and authorized cities and counties to regulate or prohibit these operations. The bill died in committee. (Cook)

### **Joint Use of Public School Facilities**

SB 392 (Brandes) and HB 525 (Raburn) would have encouraged each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property, and to increase the number of joint-use agreements with local governments or private entities. The bills provided immunity from liability for a district school board that adopted public access policies or entered into a joint-use agreement, except in instances of gross negligence or intentional misconduct. HB 525 passed the House but died in the Senate. SB 392 died in committee. (Conn)

### **Local Bids and Contracts for Public Construction**

SB 602 (Hukill) and HB 687 (McBurney) would have eliminated specified conditions under which a local government is exempt from the requirement to competitively award contracts. The bills died in committee. (Cook)

### **Local Preference Ordinances**

SB 684 (Hays) and CS/HB 307 (Tobia) would have preempted local preference ordinances for personal property and construction services if state funds were used. The bills would have also mandated a preference for Florida-based businesses if state funds are used in part or in whole. The bills died in committee. (Cook)

### **Overtime and Leave Considerations/Military**

CS/CS/HB 519 (Moraitis) and SB 1290 (Sobel) would have provided that an employee of the state or any city, county or other political subdivision who is the spouse of a military service member could not be compelled to work overtime or extended hours during active duty deployment of his or her spouse. The bills prohibited imposing a sanction or penalty upon such employee for failure or refusal to work overtime or extended work hours during the period of his or her spouse's active duty deployment. The bills required an employing authority to grant a request by such employee for unpaid leave for specified purposes during the active duty deployment. CS/CS/HB 519 died on the House calendar. SB 1290 died in committee. (Conn)

### **Pain Management Clinics**

CS/CS/SB 1192 (Grimsley) would have preempted the regulation of licensure, activity and operation of pain management clinics to the state if the clinic is owned or operated by a physician who meets certain standards. The bill would have allowed local governments to regulate these clinics through land use and zoning, but would have required that pain-management services be allowed to operate in land use or zoning categories that permit hospitals, clinics or other health care facilities. The bill contained similar provisions for pharmacies and pharmacists, but was amended to narrow the scope of the preemption and the prohibition from imposing fees, levies and charges was removed. CS/CS/ SB 1192 died in messages.

CS/CS/HB 831 (Fasano) would have required pharmacists to consult the Prescription Drug Monitoring Database (PDMP) within two days of filling a prescription. The bill would have removed the restriction on public funding for the PDMP. The bill did not contain any preemption language. CS/CS/HB 831 died on second reading. (Cook)

### **Police and Firefighter Pensions**

CS/CS/SB 458 (Ring) and CS/HB 1399 (Rooney) were the two bills in 2013 relating to city firefighter and police officer pensions. CS/CS/SB 458 passed the Senate but it was NOT meaningful pension reform, rather it was a victory for police and fire unions. Because of this action by the Senate, the League opposed both bills.

CS/CS/SB 458 was amended (Diaz de la Portilla and Latvala, amendment sponsors) to prohibit cities from negotiating police/fire pension benefits that are lower than the benefit level that existed as of 1999 in each individual city. This action was again the Senate dictating a pension benefit level for cities – rather than allowing cities and police/fire unions to collectively bargain pension benefit levels. Many cities provided unsustainably high pension benefit levels in 1999. To keep existing plans sustainable, sound and secure for current and future police/fire retirees, cities must have the flexibility to negotiate a sustainable benefit level. The bill, as amended, prevented this from occurring.

Both bills removed from law the statutory basis for the current Florida Department of Management Services (DMS) interpretation on the use of insurance premium tax revenues (as reflected in the “City of Naples”-type letters). The current DMS interpretation provides cities and police/fire unions, for the first time since 1999, with the needed flexibility to collectively bargain pension bene-

fit levels and use of insurance premium tax revenues for these benefits. Rather, as noted above, CS/CS/SB 458 required cities to maintain the unsustainable level of pension benefits provided by the city in 1999. While the bills contained a narrow “grandfather” provision for cities operating in reliance on the current DMS interpretation, the bills effectively repealed the interpretation. Therefore, no new letters could have been issued, and the grandfather would have expired no later than October 1, 2016.

Both bills provided a complicated process for the use of insurance premium tax revenues based upon when a tax amount was generated (1999 amount, difference between 1999 and 2012 amounts, and post-2012 amount) and whether the plan had an assets-to-liabilities funded ratio of less than or greater than 80 percent. (CS/CS/SB 458 even had a different process for plans with “supplemental” or “share” plans.) This complicated process was fraught with problems and, again, prevented cities and police/fire unions from collectively bargaining over the appropriate use of insurance premium tax revenues to fund benefits.

CS/CS/SB 458 passed the Senate, and an amendment to the bill was filed in the House to strike all the language in the bill and replace it with a study of police and fire pensions by the Department of Management Services. However, CS/CS/SB 458 was not considered any further and died in the House. CS/HB 1399 died in committee. (Conn)

### **Project Labor Agreements**

SB 1118 (Hays) and HB 181 (Van Zant) would have prohibited cities that contract for public works projects from imposing requirements or limitations on staffing, sources of employee referrals, assignments of work, sources of insurance or benefits, or requiring the contractor to hire employees from a particular source. The bills died in committee. (Cook)

### **Public Records Exemption for Financial Statement from Construction Companies**

HB 403 (Raschein) would have exempted certain financial statements that agencies of the state require in order to prequalify for bidding or responding to request for proposals. The bill contained language requiring the Legislature to repeal the statute by October 2, 2018, unless the language was reenacted by the Legislature prior to that date. HB 403 died in committee. (Cook)

### **Public Retirement Plans/Consolidated Governments**

CS/HB 853 (Taylor) and CS/SB 1246 (Bean) would have provided that a consolidated government (Jacksonville/



cases in which a claim regarding the justifiable use of force was raised. The bills died in committee. (Cook)

### **State Procurement**

HB 1017 (Fresen) would have defined the term “local business” and required that every state procurement be evaluated before advertisement to determine whether a local preference was appropriate. The bill would have required the state to give preference to local businesses whose principal place of business has been located in the state for at least one year and at least 60 percent of the owners and workers live in the state. The bill also provided that when a business that was not local was the lowest responsive bidder and the bid of a “local business” was no more than 10 percent above the lowest bid, preference would be given to the local business by offering the local business and the non-local business that was the low bidder an opportunity to submit a best-and-final bid equal to or lower than the amount of the lowest bid. In the case of a tie, the contract would be awarded to the local business. HB 1017 died in committee. (Cook)

### **Texting While Driving**

SB 152 (Altman) would have prohibited a person under 18 years of age from texting or typing while driving. The bill would have restricted the number of passengers under the age of 18 allowed in a vehicle operated by a person under the age of 18, unless accompanied by a person at least 21 years of age. SB 152 died in committee.

SB 74 (Sachs) would have prohibited drivers from using a wireless communication device while driving, unless the device was being used in conjunction with a hands-free device. The bill would have exempted drivers engaged in certain activities, such as law enforcement personnel,

people reporting criminal activity, or those using a phone for navigation purposes. SB 74 died in committee.

HB 61 (Slosberg) and SB 396 (Abruzzo) would have prohibited drivers under the age of 18 from using a wireless communications device or telephone while operating a motor vehicle. The bills would have exempted drivers using the device for emergency purposes. Violations would be treated as noncriminal traffic infractions. The bills died in committee. (Cook)

### **Volunteers for Organized Youth Sports and Recreation Programs**

HB 161 (Jones) and SB 1038 (Ring) would have required youth sports or recreation authorities to conduct specified background screening of all volunteers with any youth athletic team or organized youth recreational program using publicly owned facilities. The bills would have required that copies of these background checks be saved by both the authority running the league and the local government for five years. The bills died in committee. (Cook)

### **Wage Theft**

CS/SB 1216 (Bradley) and CS/HB 1125 (Goodson) would have preempted the local regulation of wage theft issues and provided a new civil claim for wage theft. The wage theft claim must have been brought in the county in which the unpaid work was alleged to have been performed within one year of the last date of performance. The bills would have allowed local governments to establish an administrative program to help an employee recover unpaid wages. CS/SB 1216 died on second reading. CS/HB 1125 died in committee. (Cook)

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# FLORIDA LEAGUE OF CITIES LEGISLATIVE GLOSSARY

**Act** – a bill that has passed both houses of the Legislature

**Adoption** – refers to favorable action by a chamber on an amendment, motion, resolution, or memorial.

**Adjournment Sine Die** – motion to adjourn sine die concludes a legislative session.

**Amendment** – makes a change to a bill after the bill has been filed. This change can happen in committee or on the floor of the House or Senate.

**Bill** – legislation, including joint resolutions, concurrent resolutions, memorials, or other measures upon which a council or committee may be required to report.

**Bill Number** – bills are issued a number based on the order they are filed and received by bill drafting. House bills receive odd numbers, while Senate bills receive even numbers.

**Chair** – the presiding officer for a floor session or committee meeting.

**Claims Bill** – presents a claim for compensation for an individual or entity for injuries caused by negligence or error on the part of a public office, local government, or agency.

**Committee** – a panel of legislators appointed by either the Senate president or speaker of the House to perform specific duties, such as considering legislation and conducting hearings and/or investigations.

**Committees of Reference** – each bill is assigned to committees after it is filed. Often, the more committees a bill is assigned is an indication of its chances to pass or fail.

**Companion Bill** – bills introduced in the House and Senate that are identical or substantially similar in wording.

**“Died in Committee”** – refers to when a bill is not heard on the floor of the respective chamber in which it was introduced. A bill must pass all committees of reference or

be pulled from remaining committees in order to pass. A bill that dies in committee fails to pass each of its committee references during committee weeks and session.

**Engrossed Bill** – the version of a bill that incorporates adopted floor amendments, which were added subsequently to the bill passing its committees of reference. The revision is done in the house of origin and engrossed under the supervision of the secretary of the Senate or the clerk of the House.

**Enrolled Bill** – once a bill has passed it is enrolled in the house of origin. After that piece of legislation is enrolled and signed by officers of both houses (president and speaker), it is then sent to the governor for action and transmittal to the secretary of state. An enrolled bill may either be signed by the governor and enacted into law or vetoed.

**Florida Statutes** – an edited compilation of general laws of the state.

**General Bill** – a bill of general or statewide interest or whose provisions apply to the entire state.

**House Resolution** – a measure expressing the will of a legislative house on a matter confined to that house, dealing with organizational issues, or conveying the good wishes of that chamber. Often used to congratulate Floridians or recognize significant achievements.

**Interim** – refers to the period between the adjournment sine die of a regular session and the convening of the next regular session.

**Joint Resolution** – used to propose amendments to the Florida Constitution. They are also the form of legislation used for redistricting state legislative seats.

**Law** – an act becomes a law after it has been approved and signed by the governor; without the governor’s signature after his or her ability to veto the act within seven days of presentation; or after the Legislature overrides the governor’s veto by a vote of two-thirds in each house.

**Local Bill** – a bill that applies to an area or group that is less than the total population of the state.

**Memorial** – a type of concurrent resolution addressed to an executive agency or another legislative body, usually Congress, which expresses the sentiment of the Florida Legislature on a matter outside its legislative jurisdiction.

**Message** – the houses of the Legislature send formal communications to each other regarding action taken on bills. This measure is usually reserved for the last couple of weeks of a legislative session. If a bill dies in messages, it has passed each chamber in form; however, one of the two chambers has made a change or amended the bill so that the two versions are no longer identical.

**Proposed Committee Bill (PCB)** – a draft legislative measure taken up by a committee for the purpose of considering whether or not to introduce it in the name of the committee.

**Proviso** – language used in a general appropriations bill to qualify or restrict the way in which a specific appropriation is to be expended.

**Referendum** – a vote by the citizens upon a measure that has been presented to them for either approval or rejection.

**Repeal** – the deletion by law of an entire section, subsection or paragraph of language from the Florida statutes.

**Session :**

**Regular Session:** the annual session that begins on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year, for a period not to exceed 60 consecutive days. There is no limit on the subject matter that may be introduced in a regular session.

**Special Session:** special sessions may be called by proclamation of the governor, by joint proclamation of the House speaker and the Senate president, or by the members of the Legislature for the purpose of considering specific legislation and shall not exceed 20 consecutive days unless extended by a three-fifths vote of each house. In order for members of the Legislature to call a special session, three-fifths of the members of both houses must vote in favor of calling a special session.

**Special Order Calendar** – a list of bills determined by the Rules chairman considered to be of high importance and priority scheduled for consideration in a specific order during a floor session on a particular day.

**Sponsor** – the legislator or committee that files a bill for introduction.

**Temporarily Postponed** – a motion can be made in the chamber or in committee to temporarily defer a consideration of a measure.

**Veto** – an objection by the governor to an act passed by the Legislature. Vetoes can be overridden by vote of two-thirds of the membership of each chamber. A line item veto may be performed by the governor of specific measures in the general appropriations bill (the budget).



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