



Final Report - Legislative Session 2020

On behalf of Ronald L. Book, Kelly Mallette, and Rana Brown, we would like to first and foremost extend our appreciation for the continued opportunity to represent the City of Coral Gables. Enclosed is our final Session Report for the 2020 Legislative Session. After a 6 day extension to complete the budget, the Legislature adjourned Sine Die on Thursday, March 19th at 1:49 pm. The report below includes an update on the funding requests, and legislative issues of interest to the City.

Please let us know if you have questions on any issue included in this report, or on any other issue of concern. We will be happy to provide further information.

➤ **BUDGET UPDATE:**

We worked throughout Session with the lobby team and sponsors, to advocate for funding for the City's projects listed below. We focused on working with and meeting weekly with Appropriations subcommittee chairs, full committee chairs, House and Senate leadership, as well as with staff. As reported, our team worked with the sponsors to have the requests filed, the budget bills heard in the House as required, and throughout Session, we advocated on behalf of funding for the City's projects. Below are the funding levels for each as passed in the final State budget for FY 2020 -2021.

It is important to note that at this time, Governor DeSantis has not acted on the budget. In fact, in a press conference in recent days, the Governor outlined to his plan to wait to take action on the budget. He noted that we, as a state, need to move through the Corona Virus pandemic and determine the scale of the effect it will have on our state economy. In a manner of speaking, the Governor is keeping his veto options open. Prior to the end of the legislative session, we began working with the Governor's staff on the following budget items continuing to advocate for these projects, and will continue to do so.

Additionally, we expect the Governor and Legislature to meet in special session some time in the spring/early summer, to address any budget shortfalls and issue subsequent budget cuts as needed. We also believe that any special session would address gaming issues which would also include the creation and regulation of a sports book. We will update you on all of this as we move through the next several weeks.

➤ **FUNDING REQUESTS:** Below are the final funding levels for the City's funding requests (pre veto period).

Comprehensive Inflow & Infiltration

Sponsors: Senator Flores, Representative Duran
Funded: \$100,000 (line 1635A)

Canal Dredging

Sponsors: Senator Rodriguez, Representative Fernández
Funded: \$300,000 (line 1635A)

Pedestrian Safety on Collector Streets

Sponsors: Senator Flores, Representative Avila
Funded: \$300,000 (line 1958A)

Waterway Conveyance & Water Quality Improvements

Sponsors: Senator Flores, Representative Avila
Funded: \$0

➤ **LEGISLATIVE ISSUES:**

Tax Cut Package: (HB 7097 by Representative Avila) Negotiations on this tax package mirror somewhat the budget process, as one bill originating in the House, and negotiated with the Senate, the following summarizes the final tax package.

- Sales Tax Holidays:
 - Provides a 3-day “back-to-school” tax holiday from August 7, 2020, through August 9, 2020, for certain clothing, school supplies, and personal computers.
 - Provides a 7-day “disaster preparedness” tax holiday from May 29, 2020, through June 04, 2020, for specified disaster preparedness items.
- Insurance Premium Tax: Reduces the tax rate applied to surplus lines policies from 5 percent to 4.94 percent and applies that rate to all policies, regardless of the location of the risk.
- Ad Valorem Tax: Limits a charitable hospital’s property tax exemption to the amount of community benefits provided by the hospital.
- Deployed Servicemember property tax exemption: Updates the qualifying operations for the deployed servicemember property tax exemption.
- Value Adjustment Board: Prohibits the use of a special magistrate’s appraisal as evidence at value adjustment board hearings in a year that the special magistrate serves the board.
- Property Tax Notices: Restricts information that may be mailed with the annual Notice of Proposed Property Taxes.
- Affordable Housing:
 - Includes as portions of exempt affordable housing property vacant units and units occupied by persons or families that met the qualifying income thresholds at the time they began their tenancy, but whose income grew through the income thresholds.
 - Exempts from property tax an affordable housing project owned by a limited liability company, which is also owned by a limited liability company, if the owner of the second limited liability company is a qualifying 501(c)(3) entity.
- Sales Surtaxes:
 - Limits future levies of the Charter County Transportation System Surtax to 30 years.
 - Requires that School Capital Outlay sales surtaxes approved in the future be proportionately shared with charter schools.
 - Includes contributions to scholarship funding organizations as tax liabilities for purposes of refunds of corporate income tax required by s. 220.1105, F.S.
- Local Impact Fees: Exempts new school construction projects funded solely through local impact fees from the total cost per student station limitation.
- Tourist Development Tax: Increases the population limit under which a county is authorized to use its tourist development tax revenues for zoological parks, fishing piers, and nature centers from 750,000 to 950,000.
- Section 179D, Internal Revenue Code: Prohibits an owner of a public building from soliciting any payment for providing the allocation letter needed to receive a federal income tax deduction for energy efficient construction.
- Tax Administration: Makes changes to property tax roll classifications and required statistical measurements; provides flexibility in property tax noticing requirements during declared states of emergency; extends the time to provide documentation relating to certain boat and aircraft sales; extends the time property owners affected by Hurricane Michael may begin rebuilding and retain their prior assessment limitation; increases bond limits for certain bonds required of motor fuel dealers; amends the penalty for mislabeling dyed diesel fuel; requires certain payment settlement entities to provide a federal tax form to the Department of Revenue; and provides procedures for local governments to update business addresses and provides procedures for correcting local government distributions.

If approved, would take effect July 1, 2020. HB 7097, the tax package, did pass and is awaiting action by the Governor.

Communications Services Tax: (HB 701 by Fischer and SB 1174 by Hutson) This legislation would have reformed the communications services tax (CST) reduce the local CST rate to 5% or less by January 1, 2021 and 4% or less by January 1, 2022. The bills also reduced the state CST rate from 4.92% to 4.9% and the noncharter county CST rate to 2% by January 1, 2022. The bills would have repealed the local option sales surtax conversion that is levied on communications services.

**While initially included in the tax package summarized above, we were able to work collectively to have this provision removed from the tax package as it passed in its final form.

Did not pass.

Vacation Rentals: (SB 1128 by Diaz and HB 1011 by Fischer) We continued to work closely throughout Session with the League of Cities to oppose this bill. Collectively, we were able to work with members to fight the many problems with this bill and have been successful in fighting this off for another Session.

As reported, the bill would have preempted to the state the regulation of vacation rentals including licensure and inspections; require that any local ordinance must be applied uniformly to all residential properties; clarify that local regulations cannot prohibit all rentals locally, can impose occupancy limits on rental properties, or require inspections or licensing of rentals; preempt all regulation of vacation rentals to the state with local ordinances in place before June 1, 2011 exempt.

We worked to demonstrate the many problems with a statewide preemption of local regulation. Throughout Session, met with leadership, sponsors, and members of the committees where the bills would be heard. We had members focused on issues such as discrimination, rentals by sexual predators and offenders, insurance concerns regarding homeowner's insurance which in most if not all cases, would not cover commercial rental property, licensing, inspections, and the issue of excess noise, trash, parking, safety. The House bill passed all of its committees but was not heard by the full House, and the Senate version passed two of three committees. We were able to stop it in the Rules committee, where it was scheduled but not heard.

SB 1128/HB 1011 did not pass.

State Advisory Bodies (HB 7101 filed as PCB SAC 20-05) The bill would have done the following:

- Create the Local Government Efficiency Task Force within the Legislature and the Urban Core Crime and Violence Task Force within the Department of Law Enforcement
- Require that the Efficiency Task Force (EFT) review the structure and function of local governments and determine whether any changes are necessary to make such governments more efficient
- Require the EFT to begin meeting by November 15, 2020, and, thereafter, authorizes the task force to meet as often as necessary to fulfill its responsibilities.
- Require the Urban Core Task Force (UCTF) to review system failures and the causes of high crime rates and violence in urban core neighborhoods and communities and to develop recommendations for improved interagency communications between local and state government agencies to reduce crime and violence in such neighborhoods and communities.

HB 7101 passed the full House but was not heard by the Senate. This bill did not pass.

Growth Management CS/CS/SB 410 by Senator Perry amends sections of Florida law related to the regulation of land, summarized below:

- Property Rights Element: Requires all local governments to incorporate a property rights element into their comprehensive plans by the earlier of a local government's next proposed comprehensive plan amendment or July 1, 2023. A local government may adopt its own property rights element or use the model language provided in the bill. The bill specifies that the property rights element is to ensure local governments consider private property rights in local decision making.

- Comprehensive Plans: Amends current law to clarify that all local comprehensive plans effective (rather than adopted) after January 1, 2019, and all land development regulations adopted to implement the plan, must incorporate development orders existing before the plan's effective date.
- The bill also provides that, after January 1, 2020, a county may not: adopt any comprehensive plan, land development regulation, or another form of restriction that limits the use of property located within a municipality, unless the municipality adopts such land use policies through its own ordinances; or Limit a municipality from deciding the land uses, density, and intensity allowed on lands annexed into a municipality. This does not apply to Charter Counties with a population in excess of 750,000 as of January 1, 2020.
- Municipal Annexation: Provides that, except as otherwise provided in current law governing municipal annexation of geographic areas, a municipality may not annex a territory within another municipal jurisdiction without the other municipality's consent.
- DEO Technical Assistance Grants: Directs DEO, when selecting applications for Community Planning Technical Assistance Grants, to give preference to certain small counties and municipalities located near a proposed multi-use corridor interchange. Such grants may be used to assist those local governments in amending or developing its comprehensive plan to implement appropriate land uses around a proposed multi-use corridor interchange.
- Altering a Development Agreement: Provides that a development agreement between a local government and a party, or its designated successor in interest, may be amended or canceled without securing the consent of the parcel owners that were originally subject to the development agreement, unless the amendment directly modifies the land uses of an owner's property.
- Department of Transportation; Surplus Property: Requires the Florida Department of Transportation, when disposing of surplus real property, to give the prior owner of the property the right of first refusal to purchase the property.
- Utility Right-of-Way Permitting: Provides that all permit applications to a county or municipality to use the public right-of-way for any utility must be processed within the expedited timeframe that currently applies to permit applications submitted for communications facilities.
- Development of Regional Impact Amendments: Allows for the amendment of any Development of Regional Impact agreement previously classified as (or officially determined to be) essentially built out, and entered into on or before April 6, 2018. Any such amendment may authorize the developer to exchange approved land uses, so long as the exchange will not increase impacts on public facilities.

SB 410 did pass and if approved by the Governor, takes effect July 1, 2020.

Essential State Infrastructure: (HB 7018) This bill contains provisions relating to emergency staging areas, utility permit application processing for use of county or municipal rights-of-way, development of a recommended plan for electric vehicle charging stations along the State Highway System, and use of agricultural land subject to a conservation easement for construction of a public or private linear facility and right of access. Specifically, the bill:

- Authorizes the FDOT to plan, design, and construct staging areas for emergency response on the turnpike system. These areas are for the staging of emergency supplies, equipment, and personnel to facilitate the prompt provision of emergency assistance to the public in response to a declared state of emergency
- Provides that a permit application by a county or municipality to use the right-of-way on any public road for a utility must be processed and acted upon within the expedited time frames of the "Advanced Wireless Infrastructure Deployment Act," s. 337.401(7)(d)7.,8., and 9., F.S.;
- Requires the FDOT, in coordination with the Public Service Commission (PSC) and the Office of Energy within the Department of Agriculture and Consumer Services, to develop a master plan for the development of electric vehicle charging station infrastructure along the State Highway System.
- Clarifies that ss. 570.71 and 704.06, F.S., not be interpreted to prohibit lands traditionally used for agriculture that are subject to a conservation easement from being utilized for the construction of any public or private linear facility and right of access, if such rights are voluntarily negotiated.
- Would take effect July 1, 2020.

HB 7018 did pass and is awaiting action by the Governor.

Red Light Cameras Prohibition: (HB 6083 by Ingoglia and Rodriguez (Ant)) This bill would repeal the authorization for local governments to use red light cameras within their jurisdiction.

HB 6083 did not pass.

Sovereign Immunity: (SB 1302 by Flores, no House companion bill) The bill proposes an increase in the per-occurrence liability cap to \$500,000 from \$1 million. The bill does not expand the liability of a government entity for damages resulting from the actions of a state employee acting in bad faith. This week we continued to voice the County's concerns with the sponsor and members.

SB 1302 did not pass.

Legal Notices: (HB 7 by Fine and SB 1340 by Gruters) The bill clarifies that a governmental agency must provide annual notice in a newspaper or other publication of the ability to receive notices by email or first-class mail only if the governmental agency uses a publicly accessible website to publish notices. It also provides that notices for public-private partnership projects must be published in the Florida Administrative Register and in each county where the project is located.

HB 7 has passed the House, 71 – 47 but was not heard in the Senate. The Senate companion was not heard in its first committee.

This bill did not pass.

Public Financing of Construction Projects: (SB 178: by Rodriguez (J) and HB 579 by Aloupis) The bill requires contractors to conduct a sea-level impact projection (SLIP) study on state-funded buildings within the coastal building zone. Buildings subject to this requirement would include construction projects of a municipality, county or any other public agency that is using state-appropriated funds for the project.

SB 178 has passed and is awaiting action by the Governor.

Local Government Recycling Programs: (HB 1031 by Killebrew and SB 724 by Albritton) The original legislation would have extended the date by which each county must meet a statutorily established 75% recycling goal for recyclable waste from 2020 to 2024. However, in the Senate, the bill was amended to retain existing time frames but continue to exempt fiscally constrained counties from the statutory recycling goals. The bill would create the Florida Recycling Working Group to produce a report recommending programs and statutory changes necessary for achieving future recycling goals based on current progress.

SB 724/HB did not pass.

Local Government Reporting: (SB 1512 by Diaz HB 7069 by Ingoglia) This bill requires that by October 15, 2020, each municipality must submit information such as government spending, debt, public employee salary, and median income, to the Department of Finance Services (DFS). By January 15, 2021, DFS must establish an interactive website that allows the public to review this information. By January 15, 2021, and each January 15 thereafter, the department must generate and distribute a local government report depicting the fiscal and economic status of each county and municipality and providing a comparative ranking with all other counties and municipalities in this state.

HB 7069/SB 1512 did not pass.

Local Government Officials/Weapons and Firearms: (SB 1524 by Gainer and HB 183 by Ponder) This bill authorizes city and county commissioners who are licensed to carry a concealed weapon or firearm, to carry their weapon to a meeting of the governing body of which he or she is a member.

HB 183/SB 1524 did not pass.

Local Government Fiscal Transparency Act: (SB 1702: by Diaz and HB 1149 by DiCeglie) This bill addresses increased fiscal transparency for local governments and would require the following:

- Public access to voting records of local governing body members related to tax increases and the issuance of tax-supported debt
- Online access to truth-in-millage (TRIM) notices and a four-year history of property tax rates and total revenue generated by each local government
- Public meetings and expanded public notice requirements for local option tax increases and the issuance of new long-term, tax-supported debt;
- Require local governments to conduct a debt affordability analysis prior to issuance of new long-term, tax-supported debt
- Allows the Auditor General to request evidence of corrective action from local governments found not to be in compliance with the Act and to report those who fail to do so to the Legislative Auditing Committee.

SB 1702 has not been heard to date. HB 1149 has passed the full House 77 – 36, however, SB 1702 was not heard. These bills did not pass.

➤ **The following bills are of interest to all local governments, but none were heard and none passed:**

Local Government Lobbyist Registration Fees: (SB 768 and SB 766 by Perry and HB 611 by Sabatini) The bills establish a statewide local government lobbyist registration fee and would prohibit a local government from charging a fee for the registration of lobbyists or principals, that would exceed the cost of the registration. Enforcement fees may be charged only if enforcement action is initiated and are limited to the direct and actual cost of the enforcement action.

Did not pass.

Preemption of Recyclable and Polystyrene (Styrofoam) Materials: HB 6043 by Grieco and SB 182 by Stewart) This bill would remove a prohibition of local laws relating to regulation of auxiliary containers, wrappings, & disposable plastic bags; repeals preemption of local laws relating to use or sale of polystyrene products to DACS.

Did not pass.

Prohibition of Plastic Carryout Bags and Straws: (SB 40 by Rader) Would prohibit a store or food service business from providing to a customer a carryout bag made of plastic film; prohibiting a food service business from selling or providing to a customer a single-use plastic straw.

Did not pass.

Public Safety Communications Systems: (SB 1472 by Book) Would allow the state to bypass local governments and complete communications upgrades if the project is not completed within two years and public safety is deemed to be at risk.

Did not pass.

Municipal Electric Utilities: (HB 653 by Caruso) This bill would create s. 366.025 F.S. that would state, “notwithstanding any law to the contrary, a municipal electric utility may not use any revenues collected for providing electricity to its customers to finance general governmental functions, to purchase bonds to finance general governmental functions, or to lend money to the municipality to finance general governmental functions within the municipality. The municipal electric utility must use the revenues exclusively for electric utility operations and for building, maintaining, renovating, or otherwise improving the infrastructure of its electric utility facilities.”

Did not pass.
