

TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL WORKSHOP MEETING

AGENDA

APRIL 18, 2023



Laura Danowski, Mayor (Seat 2)

Phillis Maniglia, Councilmember (Seat 1)

Robert Shorr, Vice Mayor (Seat 4)

Marianne Miles, Councilmember (Seat 3)

Margaret Herzog, Councilmember (Seat 5)

Administration

Town Manager, Francine L. Ramaglia

Town Attorney, Elizabeth Lenihan, Esq.

Town Clerk, Lakisha Q. Burch

Public Works Director, Larry A. Peters, P.E.

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That is why we say "Character Counts" in the Town of Loxahatchee. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. An unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 6:00 PM day of the meeting. Comments will be "received and filed" to be acknowledged as part of the official public record of the meeting. Town Council meetings are live-streamed and close-captioned for the general public via our website, instructions are posted there.

PRESENTATION AND DISCUSSION

1. Presentation by John Archambo formerly of the Solid Waste Authority.
2. Presentation by Town's lobbyist Ronald L. Book from Pittman Law Group (7:30 p.m.).
3. Discussion on Regulation of Agricultural Related Uses.
4. Discuss and give staff direction related to committees, standing or ad hoc, to include:
 - a. Changes to the Code
 - b. Changes to the Rules of Procedure
 - c. Establishing any new committees (Housing/RV)
 - d. Whether to continue with appointments under current code/resolution provisions or wait until the new code provisions are adopted.
5. Update on Road Paving Project.
6. Discussion of Council Priorities.

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works Director

Town Clerk

TOWN COUNCILMEMBER COMMENTS

Margaret Herzog (Seat 5)

Phillis Maniglia (Seat 1)

Marianne Miles (Seat 3)

Robert Shorr (Seat 4)

Laura Danowski (Seat 2)

ADJOURNMENT

Comment Cards

Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill it out completely with your full name and address so that your comments can be entered correctly in the minutes and given to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comments. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodation in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 1

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine L. Ramaglia, Town Manager
DATE: April 18, 2023
SUBJECT: Solid Waste Ordinance and Contract Amendments

Background:

Currently, residential service includes solid waste cart service, recycling service, and six cubic yards of vegetative waste collection. Residential service is based on dwelling units, which is calculated by rooftops and is charged at \$400 per dwelling unit collected by the Town on the tax roll. Commercial service is currently solid waste service through cart or container and recycling service, charged at a series of different rates based on the level of collection. Commercial service rates are collected by the Contractor through billing. Commercial franchise fees significantly offset residential collection rates.

Staff have been addressing needed updates to the Solid Waste Collection Ordinance and Contract to re-visit service provided. One of the major considerations is residential vegetation service.

Potential Changes in Service

Mr. John Archambo, formerly of the Solid Waste Authority, will present and facilitate discussion of service options including but not limited to the following options:

- Continue with current contract, including current yard waste language. However, the Town may also want to implement and enforce a strengthened yard waste ordinance as SWA/County successfully adopted and implemented. This would provide residents a stringent timeline to have non-conforming yard waste removed or to pay higher daily fines without requiring magistrate meeting.
- Negotiate with current provider for an increased yard waste amount of 20, 30 or unlimited cubic yards of collection service.
- RFP for yard waste collection only to include residential and/or commercial which would include options for the above rate structures.
- Provide in-house service (very costly)
- Consider the cost of operating a yard waste location in the Town to deliver debris exceeding the SWA credit amount. The Town would save on collection and transport time; however,



155 F Road Loxahatchee Groves, FL 33470

must look at reduction and final destination cost (This could be a future location for hurricane debris)

- Consideration of a yard waste/manure transfer station. The Town could have a tip fee for the manure offsetting yard waste cost. Any movement in this direction will take time to research and implement.

Proposed Ordinance Revisions (1st Reading passed June 15, 2021)

Staff previously proposed to redefine the service to require either residential or commercial service on each property within the Town. Residential service would include, similar to now, solid waste service (one cart), recycling service, and six cubic yards of vegetative waste collection. Properties receiving residential service could obtain up to two residential service subscriptions and two additional carts through special services (total of up to four carts of solid waste, twelve cubic yards of vegetative waste, and recycling). Commercial service would be service for any property being used for a commercial purpose or desires to obtain service in excess of the residential service. Residential service is still proposed to be collected on the tax roll, while Commercial service and special services will be billed by the Contractor.

Preliminary Ordinance changes are attached for discussion. The Contract amendments (or structure of RFP) will depend on whether changes are made to the Ordinance.

Recommendations:

Discussion and direction.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves

FROM: Rana G. Brown via Ronald L. Book, P.A.

VIA: Francine L. Ramaglia, Town Manager

DATE: April 18, 2023

SUBJECT: Lobbyist Update

Background:

On behalf of the Pittman Law Group and Ronald L. Book, P.A., below is our funding request update and attached is our week four report for the 2023 Session. Budget Conference has not yet begun, we expect that to start this week. Below is where we stand at the pre-budget conference.

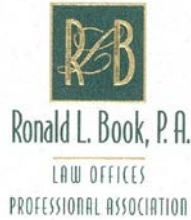
Funding Request	Senate <u>preliminary</u> <u>recommended</u> funding	House <u>preliminary</u> <u>recommended</u> funding
Loxahatchee Groves Stormwater Systems Rehabilitation (LFIR #2157/HSE #1194) Amount Requested: \$750,000 Match: 50% Sponsors: Senator Harrell, Representative Roth	\$750,000 Budget Line 1705A	\$750,000 Budget Line 1705A

Also attached are the most recent weekly reports from our lobbying team and from the Florida League of Cities outlining the legislative items moving through the session.

Our lobbying team will *join us via zoom at time certain 7:30 pm* barring any budget conference session delays.

Recommendations:

Discussion



Session 2023 - Week 4 Report

Enclosed is our 2023 Session week 4 report which includes the latest update important legislative issues. As we move through Session and issues arise, we will include those in our weekly reports as well. Please let us know if you have questions on issues included in this report, or on any other issue of concern.

➤ Legislative Issues:

Housing: SB 102 has passed and was signed into law by the Governor-Chapter No. [2023-17](#)

School Choice/Universal Voucher: HB 1 has passed and has been signed into law-Chapter No. [2023-16](#)

Civil Remedies: HB 837 has passed and has been signed into law by the Governor-Chapter No. [2023-15](#)

Agricultural Property (SB 1678/HB 1529)

Agricultural Lands (SB 1184/HB 1343)

Palm Beach County/Creates Village of Loxahatchee (HB 1113)

Local Regulation of Nonconforming or Unsafe Structures: (HB 1317)

Solid Waste Management (HB 975)

Sovereign Immunity: (SB 604/HB 401)

Recall of County Officers and Commissioners: (SJR 1066/HJR 131)

Financial Disclosure for Elected Officials: (SB 774/HB 37)

Local Ordinances/Business Impact Estimate: (SB 170/HB 1515)

Homestead Exemptions for Persons Age 65 and Older: (SB 124/HB 161)

Homestead Assessments: (SB 120/HB 471)

Vacation Rentals: (SB 714/HB 833)

Public Nuisance (SB 994/HB 269)

Careless Driving / The Anthony Reznik Act: (SB 544) has not been heard.

Municipal Utilities: (HB 1331/SB 1380)

Land Use and Development Regulations: (HB 439/SB 1604)

Land and Water Management: (SB 1240/HB 1197) has not been heard.

Agricultural Property: (SB 1678/HB 1529) Filed by Senator Calatayud and Representative Roth, this bill authorizes property to be classified as agricultural property at the time of purchase if the following conditions are met:

- The Department of Agriculture certifies that the purchaser owns an agriculture business in this state, that such business has been in operation for at least 5 years, and that such business is located on land that has received an agricultural classification under this section.
- The Department of Agriculture certifies that the purchaser has completed all recommended training and certification programs, including best management practices.
- The property is zoned for agricultural use.
- The purchaser submits a site plan, including a building construction plan.
- The purchaser completes the application for agricultural classification.

The bill further specifies that it be obtained within 5 years and addresses retroactive classification.

Neither SB 1678 nor HB 1529 have been heard.

Agricultural Lands: (SB 1184/HB 1343) Sponsored by Senator Collins and Representative Tuck, this bill would accomplish the following:

- Prohibits a county from levying any special assessment on lands classified as agricultural.
- Specifies that the construction or installation of housing for migrant farmworkers, who are legally eligible for participation in the workforce, is authorized on land zoned for agricultural use and operated as a bona fide farm.
- Prohibits a county or municipality from requiring the removal or relinquishment of an agricultural classification for land that is subject to a contract for sale that requires a development permit as a condition precedent of sale if the landowner notifies the county or municipality that the reclassification is requested as a condition precedent for a pending sale of the land. The agricultural classification for the land may not be removed or relinquished until the landowner notifies the county or municipality that the contract has closed, and the property has been conveyed to the contract purchaser.

SB 1184 has passed its first of three committees, and HB 1343 has passed its first of three committees.

Palm Beach County/Creates Village of Loxahatchee (HB 1113 -a local bill) Would provide charter, require a referendum to create the Village of Loxahatchee, only upon its approval by a majority vote of those qualified electors residing within the proposed corporate limits of the proposed Village of Loxahatchee as described in section 4, voting in a referendum election to be called by the Palm Beach County Commission and to be held on November 7, 2023.

HB 1113 has not yet been heard.

Local Regulation of Nonconforming or Unsafe Structures: (HB 1317) The House bill was up this week in its second committee hearing. A strike everything amendment was previously filed to the bill which had an even more detrimental affect on historically designated structures. In conjunction with City officials and staff, Diana Ferguson, Rutledge Ecenia and our firm, Ronald L. Book, P.A. met with the House sponsor Representative Roach several times, including this week, to express our opposition. Additionally, we offered language that would resolve the City's issues with this legislation. Our meetings included the City's legislators, Senator Garcia and Representative Basabe, and with Senator Avila's staff, wiht Senator Jones and Senator Rodriguez. The Sponsor committed to and did withdraw his amendment in committee, agreed to work with all who had come to him with concerns, and redraft his legislation to address these issues.

As stated in committee, the bill sponsor, Representative Roach, explained the intent of his bill is to apply to nonconforming buildings, buildings that are deemed unsafe by local government, and buildings that are ordered to be demolished by a local government. Those three categories only, giving locals as much control as possible. He further stated that the intent is that replacement buildings would still have to follow local requirements when building new structures. He voiced his commitment to bring back a more clear iteration of the legislation in the next committee hearing.

After the withdrawal of the amendment, the House and Senate bill are still largely identical. The legislation would create the "Resiliency and Safe Structures Act," which provides that:

- A “nonconforming structure” means a structure located in a coastal high-hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency which does not conform to the requirements for new construction issued by the National Flood Insurance Program.
- A local government may not prohibit, restrict, or prevent the demolition of any nonconforming structures, any structure determined to be unsafe by a local building official, or any structure ordered to be demolished by a local government for any reason other than public safety, unless the structure is a single-family home or individually listed on the National Register of Historic Places.
- A local government may not impose or enforce any limitation or condition on the approval of a replacement structure including a requirement for replication of the demolished structure, a limitation on the size or height of the replacement structure, or the maintenance of any of the demolished structure's elements.
- A local government may not in any way limit the demolition of structures and buildings to which the act is applicable or limit the development of a replacement structure in a way that would divest property owners or developers of land use, zoning, or other land development rights for demolishing a structure in accordance with the bill.

HB 1317 has passed two of its three committees.

SB 1346 will be heard next week on 4/4 in the Environment and Natural Resources committee.

Solid Waste Management (HB 975) the House bill was amended in committee and would now provide for the following:

- The bill would prevent municipalities or counties from prohibiting private entities from providing recycling or solid waste management services to commercial, industrial, or multifamily residential properties, including condominiums, within the municipality or county.
- A municipality or county can require the private entity to obtain a permit, license, or nonexclusive franchise equivalent, but the permit, license or nonexclusive franchise equivalent may not cost more than the administrative cost to issue the permit, license, or nonexclusive franchise equivalent.
- The bill requires a county or municipality to change a uniform franchise fee to all permit, license, or nonexclusive franchise equivalent holders. Contracts or franchises in place as of January 1, 2023, will be recognized and protected until the contract expires. A municipality or county may recognize a renewal option on an existing contract during 2023, but may not recognize an evergreen contract or an additional renewal or extension of a contract.
- For the duration of any existing contract (including any authorized renewal period), a municipality or county may charge a franchise fee in excess of administrative costs, as long that franchise fee is uniform among all service providers.
- The provisions of the bill do not apply to a municipality or county that is the sole provider of solid waste collection services in its jurisdiction performed by employees of municipality or county using municipal or county-owned equipment.

HB 975 has been heard in one of its three committees. SB798 has not been heard.

Sovereign Immunity: (SB 604/HB 401) This bill would substantially raise the sovereign immunity caps for damages against state and local government entities and restructure the process by which claims are addressed. This would place an undue burden on large and small local governments alike. As such, the status of the bill to date is this: HB 401 passed its first committee in early February and has not moved to date, SB 604 has not yet been heard. However, we continue to voice opposition throughout the Session.

The bill would allow for the following:

- Amend s. 768.28, F.S., to increase the caps for tort damages against the state, its agencies, and its subdivisions from \$200,000 to \$2,500,000 per person, and from \$300,000 to \$5,000,000 per incident.
- Allow a subdivision of the state to settle a claim and pay the settled amount without the need for a claim bill.
- Eliminate any statute of limitations for filing a claim against a state or local government entity for sexual battery actions involving a victim who was younger than 16 years old at the time of the incident. However, the bill does not resuscitate any such claim which would have been time-barred as of July 1, 2010.
- Increase the time limitation for filing a claim from three years to four years after the claim accrues.
- Reduce from six months to three months the general pre-suit statutory time period for a government entity to review and dispose of a claim.

HB 401 passed its first committee, was scheduled in its second committee on 3/15, but was temporarily postponed; SB 604 has not yet been heard. It appears that the cap amounts are still being discussed as members attempt to come to an agreement. The bills have continued to remain stalled. We continue to voice opposition to this legislation with House and Senate leadership.

Recall of County Officers and Commissioners: (SJR 1066/HJR 131) Senate and House joint resolutions sponsored by Senator Collins and Representative Rudman that proposes an amendment to the State Constitution to authorize the Legislature to provide by general law for the recall of County officers and Commissioners.

SJR 1066 will be heard in its second committee on 4/5. HJR 131 is now ready for the full House.

SB 209 would implement HJR 131/SJR 1066 to authorize the Legislature to provide for the recall of County officers and commissioners. SB 209 has passed its 3 committee references.

Financial Disclosure for Elected Officials: (SB 774/HB 37) The bill would require mayors, elected members of the governing body of a municipality, and county or municipal managers to begin filing the CE Form 6 annual disclosure starting January 1, 2024. Current law requires that these officials file only the limited disclosure of financial interests, Form 1.

SB 774 has passed both committees and is ready for the Senate, HB 37 has passed two of three committees of reference.

Local Ordinances/Business Impact Estimate: (SB 170/HB 1515) The bill requires counties and cities to produce a “business impact estimate” prior to passing an ordinance, with exceptions. The estimate must be published on the local government’s website and include certain information, such as the proposed ordinance’s purpose, estimated economic impact on businesses, and compliance costs. Additionally, the bill imposes conditions on lawsuits brought by any party to challenge the legal validity of local ordinances as preempted by state law, arbitrary, or unreasonable. In these cases, the bill would require the following:

- Require the local government to suspend enforcement of an ordinance of such legal challenge, under certain circumstances.
- Require the court to give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

- Provide that a court may award up to \$50,000 in attorney fees to a prevailing plaintiff who successfully challenges an ordinance as arbitrary or unreasonable.
- The bill also provides that properly noticed consideration of a proposed ordinance may be continued to a subsequent meeting under certain circumstances without further publication, mailing, or posted notice.

SB 170 has passed the full Senate, HB 1515 has passed all committees and is available to be heard by the full House.

Homestead Exemptions for Persons Age 65 and Older: (SB 124/HB 161) this bill would increase the just value limit of real estate eligible for the homestead tax exemption that may be adopted by counties or municipalities for certain persons age 65 and older if SJR 126, HJR 159 or a similar constitutional amendment is approved by the voters at the next general election or at an earlier special election specifically authorized by law. It proposes to raise the eligible real estate value for the optional full homestead exemption on long-term, low-income seniors from \$250,000 to \$300,000. All of these bills have moved through their first committees but were not heard this week.

Homestead Assessments: (SB 120/HB 471) This proposes a reduction to the Save Our Homes cap of 3%, established in 1994. This would lower the state's cap on annual increases to the assessed value of properties receiving homestead exemptions from 3% to 2%. This would need to pass in conjunction with the proposed companion joint resolution, SJR 122 and HJR 469, the constitutional amendment language which would be on the ballot in the next general election or at an earlier special election specifically authorized by law.

Both SB 120 and HB 471 have passed their first committees but were not heard this week.

Vacation Rentals: (SB 714/HB 833) This version of the vacation rental legislation caps a local government registration fee of up to \$50 for an individual and \$100 for a collective vacation rental registration. Allows for fines for non-registration, parking and garbage requirements for all areas, not only the VR. Requires local governments to accept or deny a registration application in 15 days, and allows for "grandfathered" local laws adopted on or before June 1, 2011.

SB 714 has passed its first committee but was not heard this week. HB 833 passed its first committee.

Public Nuisance (SB 994/HB 269) Among many threatening actions, this bill would prohibit the distribution of materials that involves religious or ethnic intimidation, threat, or intent to harm, to desecrate or destroy any religious cemetery, gravesite, or grave marker, including any Holocaust memorial of any type, school or community center, public or private property, and various other heinous acts detailed in the legislation. The bill was amended to reflect the following:

- Revises elements of new offenses relating to littering, harassment, and criminal mischief, including damaging any cemetery, grave, or memorial or any school or community center, unlawfully projecting images on buildings. It also revises the current offense relating to disturbing a school or place of worship to increase the penalty from a second degree misdemeanor to a first degree misdemeanor. Some offenses require evidence of religious or ethnic animus.

- Creates s. 810.098, F.S., which provides it is a first degree misdemeanor for a person to trespass on the campus of a state university or Florida College System institution for the purpose of threatening or intimidating another person, and the person is warned to depart and refuses to do so.
- Specifies what constitutes prima facie evidence for purpose of hate crimes penalty reclassification.
- Requires hate-crime reporting.
- Changes effective date from October 1, 2023 to upon becoming a law.

SB 994 passed its first committee as amended. HB 269 has passed its three committees and would next be heard by the House.

Careless Driving / The Anthony Reznik Act: (SB 544) This bill would revise the definition of aggressive careless driving and would provide penalties for a number of violations outlined in the bill. However, there is no House companion bill filed and has not been heard in committee to date.

Municipal Utilities: (HB 1331/SB 1380) The bill places limits on the portion of municipal utility revenues that may be used to fund or finance a municipality's non-utility related general government functions. In doing so, the bill limits the rate of transfer for municipal electric, natural gas, and water or wastewater utilities. Under the bill, the greater the proportion of customers outside of the city boundaries that a municipal utility serves, the lower the cap is on transfers.

However, if a municipal utility is governed by a utility authority board that, through the election of voting members from outside the municipal boundaries, provides for representation of retail customers located outside the municipal boundaries approximately proportionate to the percentage of such customers, then transfers of revenue are not subject to a reduced cap.

The bill removes a provision allowing water or sewer utilities to add, for consumers outside of its boundaries, a surcharge of up to 25 percent of the rates, fees, and charges imposed on consumers within its boundaries.

The bill changes the limit on the rates, fees, and charges such utility can impose on customers outside of municipal boundaries to no more than 25 percent above the total amount the municipal water or sewer utility charges customers within the municipal boundaries, provided rates for outside customers are set in a public hearing using the same methods as rates for other customers.

The bill limits the rates, fees, and charges that a municipal water or sewer utility that provides service to consumers within the boundaries of a separate municipality, using a water treatment plant or sewer treatment plant located within the boundaries of that separate municipality, by requiring that such charges are no more than the rates, fees, and charges imposed on consumers inside its own municipal boundaries.

HB 1331 has passed its first committee. SB 1380 will be heard on 4/4.

Land Use and Development Regulations: (HB 439/SB 1604) The bill revises the Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA) process to allow a negotiated settlement between a property owner and a local government to include the same types of relief that could be ordered by the special magistrate and provides that a special magistrate's recommendation or a negotiated settlement between the property owner and the local government may contain relief that would otherwise be inconsistent with the local government's comprehensive plan if the local government finds the relief is protects the public interest served by the comprehensive plan provisions with which it is inconsistent.

The bill makes a number of changes to statutes relating to comprehensive planning, including:

- Revising definitions and data sources that are used in consideration of the comprehensive plan and plan amendments
- Increasing the length of required planning period to 10 years and 20 years
- Removing a list of indicators, a local government must consider relating to urban sprawl, instead requiring local governments to discourage urban sprawl by more effectively planning for future growth
- Revising the comprehensive plan evaluation and appraisal process to ensure timely updates
- Requiring land development regulations adopted by a local government to establish minimum lot sizes consistent with the maximum density authorized by the comprehensive plan and to provide standards for infill residential development and
- Prohibits a local government from requiring building design elements for certain residential structures in planned unit developments, master planned communities, or communities with a design review board or architectural review board created on or after January 1, 2020.

HB 439 has passed one of three committees and SB 1604 will be heard in its first committee on 4/5.

Land and Water Management: (SB 1240/HB 1197) This bill creates s. 373.027 F.S. Water management preemption- to preempt the following to the State by stating the following:

- (1) A county or municipality may not adopt laws, regulations, rules, or policies relating to any of the following: (a) Water quality. (b) Water quantity. (c) Pollution control. (d) Pollutant discharge prevention or removal. (e) Wetlands, including any delineation.
- (2) The regulation of water quality, water quantity, pollution control, pollutant discharge prevention and removal, and wetlands, including any delineation, is exclusively preempted to the state.
- (3) This section does not: (a) Apply to an interagency or interlocal agreement between the department and any agency, water management district, or local government conducting programs relating to or materially affecting the water resources of the state. (b) Affect the authority of a county or municipality to regulate and operate its own water system, wastewater system, or stormwater system.
- (4) If the department determines that a county or municipality is in violation of this section, the department shall notify the Chief Financial Officer of the violation and the Chief Financial Officer shall withhold any state funds to which the county or municipality may be entitled.

Neither bill has been heard to date.

➤ **2023 Regular Legislative Session Dates: March 7 through May 5**

Legislative Bill Summaries

01-SPOTLIGHT BILLS

Prohibition on Open Primaries and Nonpartisan Elections (Oppose)

HB 405 (Tramont) proposes an amendment to the Florida Constitution that would prohibit nonpartisan municipal elections. The proposal also provides that only qualified electors in a municipal election with the same party affiliation as a candidate for office may vote in the primary election for such office (even if a candidate has no opponent with a different party affiliation). The same prohibitions and limitations are imposed on all other state, county and local primary elections, including school boards. In addition, the proposal specifies that a candidate for office may not be prohibited from disclosing his or her party ...

HB 405 (Tramont) proposes an amendment to the Florida Constitution that would prohibit nonpartisan municipal elections. The proposal also provides that only qualified electors in a municipal election with the same party affiliation as a candidate for office may vote in the primary election for such office (even if a candidate has no opponent with a different party affiliation). The same prohibitions and limitations are imposed on all other state, county and local primary elections, including school boards. In addition, the proposal specifies that a candidate for office may not be prohibited from disclosing his or her party affiliation to the electors and may not be prohibited from campaigning or qualifying for office based on party affiliation. (O'Hara)

Solid Waste Management (Oppose)

SB 798 (Ingoglia) and CS/HB 975 (Holcomb) provide that a city or county may not prohibit or "unreasonably restrain" a private entity from providing recycling or solid waste services to commercial, industrial or multifamily residential properties. In addition, the bills authorize a local government to require such private entities to obtain a permit, license or non-exclusive franchise but specify the local government's fee may not exceed the local government's administrative cost and that the fee must be commensurate with fees for other industries. The bills prohibit the use of exclusive franchise agreements and restrict a local government from ...

SB 798 (Ingoglia) and CS/HB 975 (Holcomb) provide that a city or county may not prohibit or "unreasonably restrain" a private entity from providing recycling or solid waste services to commercial, industrial or multifamily residential properties. In addition, the bills authorize a local government to require such private entities to obtain a permit, license or non-exclusive franchise but specify the local government's fee may not exceed the local government's administrative cost and that the fee must be commensurate with fees for other industries. The bills prohibit the use of exclusive franchise agreements and restrict a local government from providing its own solid waste or recycling services. Current contracts and franchises in place as of January 2023 would be permitted to continue to their date of expiration, but the bills specify that a local government may not recognize an "evergreen" contract or additional renewal or extension of a contract or agreement. CS/HB 975 was amended to provide that the bill does not apply to a local government that is the sole provider of solid waste collection services in its jurisdiction performed by employees of a municipality or county using municipal or county-owned equipment. (O'Hara)

Municipal Electric Utilities (Oppose)

SB 1380 (Martin) provides that any municipal electric utility serving any electric retail customer located outside of the municipality's corporate boundaries is a "public utility" subject to regulation by the Public Service Commission (PSC) for a minimum of five years. The bill directs the PSC to develop rules for such regulation. (O'Hara) ...

SB 1380 (Martin) provides that any municipal electric utility serving any electric retail customer located outside of the municipality's corporate boundaries is a "public utility" subject to regulation by the Public Service Commission (PSC) for a minimum of five years. The bill directs the PSC to develop rules for such regulation. (O'Hara)

Municipal Utilities (Oppose)

CS/HB 1331 (Busatta Cabrera) substantially amends provisions of law relating to municipal water and electric utility extraterritorial surcharges, extraterritorial service and transfers of enterprise funds. The bill authorizes a municipal utility to transfer a portion of its earnings to the municipality for general government purposes. The revenues transferred to fund general government purposes may not exceed a rate equal to the amount derived by applying the average of the midpoints of the rates of return on equity approved by the PSC for investor-owned utilities in the state. The amount of the transfer must be further reduced based on ...

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Sovereign Immunity (Oppose)

CS/HB 401 (Beltran) and SB 604 (Gruters) increase the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities). The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. CS/HB 401 was amended to increase the caps for damages against state and local government entities to \$2,500,000 per person and \$5,000,000 per incident. SB 604 (Gruters) would increase the caps to \$400,000 per person and \$600,000 per incident. (Cruz) ...

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Residential Building Permits (Oppose)

SB 682 (DiCeglie) and CS/HB 671 (Esposito) are comprehensive building permit bills. Of concern to cities, the bills do the following: ...

SB 682 (DiCeglie) and CS/HB 671 (Esposito) are comprehensive building permit bills. Of concern to cities, the bills do the following: •Require the local jurisdiction to reduce the permit fee by 75% if an owner retains a private provider. •Reduce the time frame of when municipalities must provide written notice of receipt and any other additional information that is required for a properly completed application to an applicant. •Reduce the amount of times a municipality can ask an applicant for additional information. •Allow an application to be "deemed" approved if municipalities fail to meet any of the timeframes. CS/HB 671 was amended to allow local governments to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds the requirements in the Florida Building Code. (Branch)

Land Use and Development Regulations (Oppose)

CS/HB 439 (McClain) and CS/SB 1604 (Ingoglia): ...

CS/HB 439 (McClain) and CS/SB 1604 (Ingoglia): As amended, CS/HB 439 in its current form revises and amends a variety of elements impacting local government comprehensive planning as well as methodologies in data usage and planning period timeframes. The bills include local governments must comply with Special Magistrate decisions where land use decisions were challenged by petitioners who were previously denied. Several key terms are redefined such as Density, Intensity, Urban Service Area, and Urban Sprawl. The bill requires the use of the State Office of Economic

Demographics, and Research as the sole source of data for Comprehensive Planning. The bill removes the consideration of Levels of Service as a basis for denying a petition. Planned Unit Developments are removed from this section of Florida Statutes pertaining to architectural/design standards. The bills also prohibit the formation of new Design Review Boards unless established before January 1, 2020. The bills have a retroactive date of January 1, 2022. SB 1604 includes many of the same provisions of HB 439 but does not include the Special Magistrate mandate and data source requirements are different to allow for local data input into comprehensive plans. CS/SB 1604 was amended to remove the original language pertaining to the Special Magistrate decisions, the redefinitions section, the limitation on the use of local data and the prohibition of using levels of service as a basis for denial. CS/SB 1604 removes the ability of local governments to require certain design elements to single-family or two-family dwellings located in a planned unit development or master planned community. The bill also limits the application of those elements in communities with a design review board to only those board adopted prior to January 1, 2020. (Chapman)

Item 2.

Constitutional Amendment: Revised Limitation on Increases of Homestead Property Tax Assessments (Oppose)

SJR 122 (Avila) and HJR 469 (Fernandez-Barquin) would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2%. In 1994, the State of Florida established a 3% Save Our Homes (SOH) Cap assessment limit on all residential properties that receive a homestead exemption. The 3% SOH Cap limits any increase to the assessed value of a homestead exempt property for tax purposes to a maximum of 3% each year. SB 120 would reduce the assessment limit to a maximum of 2% each year. SJR 122 and HJR 469 are constitutional amendments and would ...

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Communication Services Tax (Oppose)

HB 1153 (Steele) and CS/SB 1432 (Trumbull) would freeze the current local tax rate for CST for 3 years, from January 2023 to January 2026. Additionally the bills would prevent local governments from charging franchise fees for the location of the utilities in the public right of way. Lastly, the bill reduces the state tax rate for CST percentage by 1.44% as well as the portion on direct to home satellite services by 1.44%. (Chapman) ...

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Articles in this section: 9

BUILDING CODE/CONSTRUCTION

Building Construction (Monitor)

CS/CS/HB 89 (Maggard) and CS/SB 512 (Hooper) would prohibit a local government from making substantive changes to building plans after a permit has been issued. If substantive changes are made after a permit is issued, the local government must identify the specific plan features that do not comply with the Florida Fire Prevention Code or Life Safety or local amendments, identify the specific code chapters and sections upon which the finding is based and provide this information to the permit holder. A local fire inspector, plans reviewer or building official who fails to comply will be subject to disciplinary ...

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Building Permit Applications to Local Governments (Monitor)

HB 765 (Roth) is a bill dealing with building permit applications. The bill would require municipalities to notify the owner of a property and the contractor listed on the permit within 60 days before the permit is set to expire. The bill increases the permit reduction fee by 25% for each business day the local government fails to meet the established timeframes. HB 765 also requires a municipality to accept applications electronically and post the status update of each building permit application on their website. The bill prohibits a municipality from using a permit application unless it includes ...

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Fire Sprinkler System Projects (Monitor)

CS/CS/HB 327 (Bell) and CS/SB 408 (Perry) define a fire sprinkler system project as an alteration of a total of 20 or fewer fire sprinklers or the installation or replacement of an equivalent fire sprinkler system component in an existing building. The bills create an expedited permitting process for certain “fire sprinkler system projects,” which prohibits local enforcement agencies from requiring a fire protection system contractor to submit plans to obtain a building permit for a fire sprinkler system project. A local government may require a contractor as a condition of obtaining a permit for a fire sprinkler ...

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Public Construction (CS/HB 383 – Oppose, CS/CS/SB 346 – Support)

CS/HB 383 (Griffitts) and CS/CS/SB 346 (DiCeglie) require a contract for construction services between a local government entity and a contractor to include the estimated cost of each item necessary to complete the work. The bills restrict the ability of local governments to withhold certain amounts under the contract only to those subject to good faith disputes or claims against public surety bonds. CS/CS/SB 346 was amended to remove the preemption of a municipality to enact a local preference ordinance when awarding a public works project above \$350,000. (Branch) ...

CS/HB 383 (Griffitts) and CS/CS/SB 346 (DiCeglie) require a contract for construction services between a local government entity and a contractor to include the estimated cost of each item necessary to complete the work. The bills restrict the ability of local governments to withhold certain amounts under the contract only to those subject to good faith disputes or claims against public surety bonds. CS/CS/SB 346 was amended to remove the preemption of a municipality to enact a local preference ordinance when awarding a public works project above \$350,000. (Branch)

Residential Building Permits (Oppose)

Item 2.

SB 682 (DiCeglie) and CS/HB 671 (Esposito) are comprehensive building permit bills. Of concern to cities, the bills do the following: ...

SB 682 (DiCeglie) and CS/HB 671 (Esposito) are comprehensive building permit bills. Of concern to cities, the bills do the following: •Require the local jurisdiction to reduce the permit fee by 75% if an owner retains a private provider. •Reduce the time frame of when municipalities must provide written notice of receipt and any other additional information that is required for a properly completed application to an applicant. •Reduce the amount of times a municipality can ask an applicant for additional information. •Allow an application to be “deemed” approved if municipalities fail to meet any of the timeframes. CS/HB 671 was amended to allow local governments to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds the requirements in the Florida Building Code. (Branch)

Articles in this section: 5

CYBERSECURITY

Cybersecurity (Monitor)

CS/HB 1511 (Giallombardo) and CS/SB 1708 (DiCeglie) make several changes to the Local Government Cybersecurity (Act). The bills revise the definition of “cyber incident” and revise timelines for local governments to report cybersecurity incidents. The bills would require local governments to report cybersecurity incidents within four hours of discovery; current law allows for 48 hours. Ransomware incidents would be required to be reported within two hours of discovery; current law allows for 12 hours. Incidents would be reported to Florida Digital Service, the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement and the sheriff ...

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Articles in this section: 1

ECONOMIC DEVELOPMENT

Department of Economic Opportunity (Support)

CS/HB 1209 (Shoaf) and SB 1482 (Simon) modify provisions of the Rural Infrastructure Fund to increase the amount the Department of Economic Opportunity (DEO) may award for grants from 50% of the total infrastructure project cost to 75%. If the project is located within a rural community or a rural area of opportunity, they may receive up to 100% of the project cost. SB 1482 also increases the grant award amount for infrastructure planning and preparation activities to \$300,000 and removes the requirement for a local match. (Taggart) ...

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to 75%. If the project is located within a rural community or a rural area of opportunity, they may receive up to 10% of the project cost. SB 1482 also increases the grant award amount for infrastructure planning and preparation activities to \$300,000 and removes the requirement for a local match. (Taggart)

Item 2.

Economic Programs (Monitor)

CS/HB 5 (Esposito) eliminates Enterprise Florida, Inc. and transfers all duties and programs to the Department of Economic Opportunity (DEO). The bill authorizes Visit Florida and the Florida Sports Foundation to enter into an agreement with DEO to continue operations. The bill also eliminates several economic development programs. Of note to local governments, HB 5 eliminates the Urban High Crime Job Tax Credit Program, professional sports and spring training incentives, Brownfield Redevelopment Bonus Tax Refunds and film and entertainment-related incentives. (Taggart) ...

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Financial Assistance for Rural Areas of Opportunity (Support)

CS/HB 413 (Abbott) and SB 1628 (Simon) prohibit agency agreements from requiring local governments within a rural area of opportunity to expend funds in order to be reimbursed. Agency funding may be advanced to cities and counties based on an analysis of estimated costs, pay service providers or vendors directly or undertake other options to meet the requirements of the agreement. (Taggart) ...

CS/HB 413 (Abbott) and SB 1628 (Simon) prohibit agency agreements from requiring local governments within a rural area of opportunity to expend funds in order to be reimbursed. Agency funding may be advanced to cities and counties based on an analysis of estimated costs, pay service providers or vendors directly or undertake other options to meet the requirements of the agreement. (Taggart)

Florida First Production Partnership Pilot Program (Support)

HB 251 (Trabulsy) and SB 476 (Gruters) create the Florida First Production Partnership Program within the Department of Economic Opportunity. The purpose of the program is to boost Florida's economic prosperity by providing a tax credit award to certified film projects that provide the greatest return on investment and economic benefit to the State. (Taggart) ...

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Other Bills of Interest

HB 473 (Eskamani) – Agreement for Best Practices in Economic Development ...

HB 473 (Eskamani) – Agreement for Best Practices in Economic Development
Articles in this section: 5

ETHICS & ELECTIONS

Conflicting Employment or Contractual Relationships for Public Officers or Employees (Monitor)

CS/HB 199 (Hunschofsky) and CS/CS/SB 620 (DiCeglie) address ethical conflicts of officers of independent taxing districts. CS/HB 199 would eliminate the current law exemption in the Code of Ethics for Public Officers and Employees for such officers relating to conflicting employment and contractual relationships. CS/CS/SB 620 would maintain the current law exemption but clarifies that certain conduct is still prohibited regardless of the exemption, such as misuse of public position and disclosing information that is not otherwise available to the public for their own personal benefit. CS/CS/SB 620 would also require elected local officers of independent special districts ...

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Financial Disclosures for Elected Local Officers (Oppose)

CS/HB 37 (Roach) and CS/CS/SB 774 (Brodeur) require all municipal mayors, city commissioners, elected members of a municipal governing body, and all municipal and county managers to file an annual Full Disclosure of Financial Interests (Form 6) with the Florida Commission on Ethics. These individuals are currently required to file only a Limited Disclosure of Financial Interests (Form 1). CS/SB 774 was amended to remove city managers from the list of officials required to file Form 6. (O'Hara) ...

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Local Redistricting (Monitor)

SB 1080 (Yarborough) prohibits the consideration of the residential addresses of current elected officials, and the favoring or disfavoring of any candidate or incumbent, in the district drawing process for counties, municipalities and school districts. In addition, the bill specifies that district changes may be made by counties, municipalities and school districts only in odd-numbered years. (O'Hara) ...

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Political Advertisements for Nonpartisan Office (Monitor)

CS/SB 1372 (Ingoglia) and HB 1321 (Beltran) strike provisions in current law that prohibit the political advertisement of a candidate running for nonpartisan office from stating the candidate's party affiliation and strike provisions in current law that prohibit a candidate for nonpartisan office from campaigning based on party affiliation. This would authorize a candidate for a nonpartisan municipal election to state his or her party affiliation in a political advertisement. HB 1321 would require all candidates running for a partisan office to state their party affiliation in a political advertisement and would also require candidates running for any ...

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authorize a candidate for a nonpartisan municipal election to state his or her party affiliation in a political advertisement. Item 2.
HB 1321 would require all candidates running for a partisan office to state their party affiliation in a political advertisement and would also require candidates running for any nonpartisan office (including municipal) to state their party affiliation or state “nonpartisan” in lieu of party affiliation. (O’Hara)

Prohibition on Open Primaries and Nonpartisan Elections (Oppose)

HB 405 (Tramont) proposes an amendment to the Florida Constitution that would prohibit nonpartisan municipal elections. The proposal also provides that only qualified electors in a municipal election with the same party affiliation as a candidate for office may vote in the primary election for such office (even if a candidate has no opponent with a different party affiliation). The same prohibitions and limitations are imposed on all other state, county and local primary elections, including school boards. In addition, the proposal specifies that a candidate for office may not be prohibited from disclosing his or her party ...

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Articles in this section: 5

FINANCE & TAXATION

Ad Valorem Tax Exemption for Nonprofit Homes for the Aged (Monitor)

CS/HB 127 (Smith) and CS/SB 566 (Wright) expand the current ad valorem tax exemption for not-for-profit homes for the aged. The bills will allow a home for the aged owned by a separate entity that is owned by a not-for-profit corporation to also receive the exemption. (Cruz) ...

CS/HB 127 (Smith) and CS/SB 566 (Wright) expand the current ad valorem tax exemption for not-for-profit homes for the aged. The bills will allow a home for the aged owned by a separate entity that is owned by a not-for-profit corporation to also receive the exemption. (Cruz)

Communication Services Tax (Oppose)

HB 1153 (Steele) and CS/SB 1432 (Trumbull) would freeze the current local tax rate for CST for 3 years, from January 2023 to January 2026. Additionally the bills would prevent local governments from charging franchise fees for the location of the utilities in the public right of way. Lastly, the bill reduces the state tax rate for CST percentage by 1.44% as well as the portion on direct to home satellite services by 1.44%. (Chapman) ...

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Constitutional Amendment: Revised Limitation on Increases of Homestead Property Tax Assessments (Oppose)

SJR 122 (Avila) and HJR 469 (Fernandez-Barquin) would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2%. In 1994, the State of Florida established a 3% Save Our Homes (SOH) Cap assessment limit on all residential properties that receive a homestead exemption. The 3% SOH Cap limits any increase to the assessed value of a homestead exempt property for tax purposes to a

maximum of 3% each year. SB 120 would reduce the assessment limit to a maximum of 2% each year. SJ and HJR 469 are constitutional amendments and would ...

Item 2.

SJR 122 (Avila) and HJR 469 (Fernandez-Barquin) would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2%. In 1994, the State of Florida established a 3% Save Our Homes (SOH) Cap assessment limit on all residential properties that receive a homestead exemption. The 3% SOH Cap limits any increase to the assessed value of a homestead exempt property for tax purposes to a maximum of 3% each year. SB 120 would reduce the assessment limit to a maximum of 2% each year. SJR 122 and HJR 469 are constitutional amendments and would require the approval of the Florida Legislature and the voters of Florida. (Chapman)

Constitutional Amendment: Homestead Tax Exemption for Certain Senior, Low-income, Long-term Residents (Monitor)

SJR 126 (Avila) and HJR 159 (Borrero) propose an amendment to the Florida Constitution to increase the just value of a home that may be eligible to receive an additional homestead exemption for homes owned by seniors 65 years or older from \$250,000 to \$300,000. Under current law, a county or city may authorize an additional homestead exemption for seniors over the age of 65 if the value of the home is \$250,000 or less, has been a permanent residence for at least 25 years, and certain income limitations are met. The legislation would simply increase the just ...

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Implementing Bill: Homestead Exemptions for Persons Age 65 and Older (Monitor)

CS/SB 124 (Avila) and CS/HB 161 (Borrero) increase the just value limit of real estate eligible for the homestead tax exemption that may be adopted by counties or municipalities for certain persons age 65 and older if SJR 126, HJR 159 or a similar constitutional amendment is approved by the voters at the next general election. (Cruz) ...

CS/SB 124 (Avila) and CS/HB 161 (Borrero) increase the just value limit of real estate eligible for the homestead tax exemption that may be adopted by counties or municipalities for certain persons age 65 and older if SJR 126, HJR 159 or a similar constitutional amendment is approved by the voters at the next general election. (Cruz)

Florida Main Street Program and Historic Preservation Tax Credit (Monitor)

CS/SB 288 (DiCeglie) and HB 499 (Stark) create the Main Street Historic Tourism and Revitalization Act, which provides a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure. The tax credit may not exceed 20 percent of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit or 30 percent of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been ...

CS/SB 288 (DiCeglie) and HB 499 (Stark) create the Main Street Historic Tourism and Revitalization Act, which provides a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure. The tax credit may not exceed 20 percent of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit or 30 percent of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit that is located within a local program area of an Accredited Main Street Program. (Chapman)

Homestead Exemption for First Responders (Monitor)

HB 101 (Woodson) and SB 184 (Polsky) expand the current homestead exemption for the surviving spouse of a first responder who dies in the line of duty to include first responders who die in the line of duty while employed by the United States Government. (Cruz) ...

HB 101 (Woodson) and SB 184 (Polsky) expand the current homestead exemption for the surviving spouse of a first responder who dies in the line of duty to include first responders who die in the line of duty while employed by the United States Government. (Cruz)

Homestead Tax Exemptions (Monitor)

HB 1599 (Tuck) and SB 1716 (Yarborough) revise the interest rate and penalty that applies to propertyowners who unlawfully received a homestead exemption. (Chapman) ...

HB 1599 (Tuck) and SB 1716 (Yarborough) revise the interest rate and penalty that applies to propertyowners who unlawfully received a homestead exemption. (Chapman)

Implementing Bill: Homestead Assessments (Oppose)

CS/SB 120 (Avila) and HB 471 (Fernandez-Barquin) would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2% if SJR 122 or a similar constitutional amendment is approved by the voters at the next general election. (Chapman) ...

CS/SB 120 (Avila) and HB 471 (Fernandez-Barquin) would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2% if SJR 122 or a similar constitutional amendment is approved by the voters at the next general election. (Chapman)

Local Tax Referenda Requirements (Monitor)

CS/SB 698 (Ingoglia) and CS/HB 731 (Temple) require referendums to reenact an expiring source of county or municipal revenue to be held at a general election immediately preceding the expiration or enactment date. Sources of revenue identified by the bill include: Tourist Development Tax, Children's Services Special District Millage Rate, Dependent District Millage Rates, Municipal Millage Rates in Excess of Limits, Local Government Discretionary Sales Tax, Ninth Cent Fuel Tax, and Local Option Fuel Tax. The bills specify that a referendum may only be held once during the 48-month period preceding the effective date of the referendum. (Chapman) ...

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Property Tax Administration (Monitor)

CS/SB 474 (Garcia) and HB 1131 (Fernandez-Barquin) revise the timeframe under which certain appeals of value adjustment board decisions must be filed by a property appraiser under certain circumstances. The bills specify when erroneous assessment of homestead property must be corrected in the year the error is discovered, removes duplicative language from the sections pertaining to correcting the error when present in subsequent years. The bills authorize a taxpayer to appeal the amount of a homestead assessment limitation difference with the value adjustment board. Including adding appeals for which a value adjustment board must meet to hear taxpayer ...

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Taxation of Affordable Housing (Support)

HB 229 (Cross) authorizes local governments to adopt ordinances to grant partial ad valorem tax exemptions to property owners whose properties are used to provide affordable housing. (Cruz) ...

HB 229 (Cross) authorizes local governments to adopt ordinances to grant partial ad valorem tax exemptions to property owners whose properties are used to provide affordable housing. (Cruz)

Tourist Development (Monitor)

HB 7053 (Regulatory Reform & Economic Development Subcommittee) would redirect a percentage of revenue levied to the Tourism Industry Marketing Corporation (Visit Florida) annually. Counties that levy the tax will have a remittance from the Department of Revenue quarterly of 5 percent of all revenue between July 1, 2023, to July 1, 2026, to Visit Florida unless the county is a Rural County. A rural county that levies the tax will have a remittance from the Department of Revenue quarterly of 2 percent of all revenue for the same time frame. The bill also repeals the Tourism Promotional ...

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Tourist Development Taxes (Monitor)

HB 309 (Shoaf) and SB 640 (Simon) allow for a fiscally constrained county bordering either the Gulf of Mexico or the Atlantic Ocean to utilize up to 10 percent of the tourist development tax revenues received to reimburse for expenses incurred in providing public safety services needed to address impacts related to increased tourism and visitors to the area. However, the revenues may not be used by a county or municipality to supplant the normal operating expenditures for public safety operations related to tourism or special events. (Chapman) ...

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Other Bills of Interest

HB 695 (Hawkins) and SB 1706 (DiCeglie) – Determinations for Tax Exemptions ...

HB 695 (Hawkins) and SB 1706 (DiCeglie) – Determinations for Tax Exemptions HB 711 (Overdorf) – Aircraft Taxes SB 882 (Brodeur) and HB 885 (Plasencia) – Local Government Infrastructure Tax HB 29 (Eskamani) and SB 114 (Book) – Tax Exemption for Diapers and Incontinence Products HB 103 (F. Robinson) and SB 182 (Rodriguez) – Taxpayer Delinquencies HB 253 (Barnaby) and SB 180 (Gruters) – Securities Transactions HB 205 (Gossett-Seidma

and SB 116 (Rodriguez) – Tax Exemption for Charges for Private Investigations SB 372 (Ingoglia) and HB 507 (Overdorf) – Federal Taxation SB 374 (Ingoglia) and HB 509 (Overdorf) – Trust Funds/Internal Revenue Service Liability Trust Fund/DFS HB 487 (Salzman) and SB 1158 (Diceglie) – Department of Financial Services SB 672 (Avila) and HB 717 (Amesty) – Homestead Property Tax Exemptions SB 686 (Brodeur) and HB 681 (Plasencia) – Sales Tax Exemption for Certain Investigation and Security Services HB 747 (Woodson) and SB 762 (Wright) – Property Tax Exemption for Surviving Spouses of Veterans SB 756 (Calatayud) and HB 1589 (Fabricio) – Cigarette Tax Distributions HB 791 (Brackett) – Taxes on Purchases Made Through Private-label Credit Card Programs SB 844 (Yarborough) and HB 867 (Griffitts) – Sales Tax Exemption for Renewable Natural Gas Machinery and Equipment SB 1360 (Ingoglia) and HB 987 (Botana) – Public Deposits SB 1710 (DiCeglie) – Taxes on Malt Beverages SB 7038 (Appropriations Committee on Criminal and Civil Justice - Trust Funds/Opioid Settlement Trust Fund/Department of Law Enforcement SB 7030 (Appropriations Committee on Health and Human Services) - Trust Funds/State Opioid Settlement Trust Fund/Department of Children and Families SB 974 (Hooper) and HB 1097 (Anderson) - Disclosures of Ad Valorem Taxes

Item 2.

Articles in this section: 15

GENERAL GOVERNMENT

Local Ordinances

CS/CS/SB 170 (Trumbull) and HB 1515 (Brackett) impose new requirements on municipalities for adopting and enforcing ordinances. First, the bills require a municipality to prepare a business impact estimate before adopting an ordinance and specifies the minimum content that must be included in the statement. The bills exempt various ordinances from this requirement. The business impact estimate must be posted on the municipality's website no later than the date of publication of notice of the proposed ordinance. Second, the bills require a municipality to suspend enforcement of an ordinance that is the subject of a civil action challenging ...

CS/CS/SB 170 (Trumbull) and HB 1515 (Brackett) impose new requirements on municipalities for adopting and enforcing ordinances. First, the bills require a municipality to prepare a business impact estimate before adopting an ordinance and specifies the minimum content that must be included in the statement. The bills exempt various ordinances from this requirement. The business impact estimate must be posted on the municipality's website no later than the date of publication of notice of the proposed ordinance. Second, the bills require a municipality to suspend enforcement of an ordinance that is the subject of a civil action challenging the ordinance's validity on the grounds that it is arbitrary or unreasonable or expressly preempted by state law. This requirement applies only if: the action was filed within 90 days of the ordinance's effective date; suspension of the ordinance was requested in the complaint; and the municipality was served with a copy of the complaint. If the municipality prevails in the civil action, the municipality may enforce the ordinance unless the plaintiff appeals the decision and obtains a stay of enforcement from the court. Third, the bills authorize the award of attorney fees, costs and damages to a prevailing plaintiff in a civil action commenced after October 1, 2023, in which an ordinance is alleged to be arbitrary or unreasonable. Attorney fees, costs and damages are capped at \$50,000. The bills authorize a court to impose sanctions upon a party for filing a paper, pleading or motion for an improper purpose (such as to harass or delay). The bills require courts to prioritize and expedite the disposition of cases in which enforcement of an ordinance is suspended. The bills exempt various ordinances from the stay of enforcement provision. Additionally, the bills clarify current law relating to notice and publication of ordinances by specifying that consideration of an ordinance properly noticed may be continued to a subsequent meeting if the date, time and place of the subsequent meeting is publicly stated. CS/CS/SB 170 passed the Senate (29-11) and is awaiting action by the House. (O'Hara)

Articles in this section: 1

HOUSING

Condominium Associations (Monitor)

CS/CS/SB 154 (Bradley) and CS/HB 1395 (Lopez) are comprehensive condominium bills. Of interest to cities, the bills do the following: ...

CS/CS/SB 154 (Bradley) and CS/HB 1395 (Lopez) are comprehensive condominium bills. Of interest to cities, towns, and villages, the bills do the following: •Authorize a municipality to determine that a milestone inspection is deemed necessary when a condominium building reaches 25 years of age instead of 30 years for a building that is three stories or more in height. The condo association is responsible for the inspection. •Allow a municipality to extend the deadline for a milestone inspection under certain circumstances upon showing a good cause. The bills provide a definition of a “good cause.” •Require the Florida Building Commission to create a standardized milestone inspection report form to be used as a submission to local enforcement agencies. •Require the condo association to submit a phase two progress report to the local enforcement agency that specifies a timeline for the completion of repairs. The phase two inspection must be performed if any substantial structural deterioration is identified during phase one inspection. (Branch)

Item 2.

Housing (Support)

CS/SB 102 (Calatayud) and CS/CS/HB 627 (Busatta Cabrera) are comprehensive housing bills that sunset after 10 years. Of interest to municipalities: ...

CS/SB 102 (Calatayud) and CS/CS/HB 627 (Busatta Cabrera) are comprehensive housing bills that sunset after 10 years. Of interest to municipalities: Funding and Tax Credits •The bills propose over \$700 million for affordable housing programs including \$252 million for SHIP, \$259 million for SAIL and \$100 million for the Florida Hometown Heroes Housing Program. •The bills create a new Live Local Corporate Tax Donation program for taxpayers to donate funds directly to the Florida Housing Finance Corporation (FHFC) for the SAIL program in return for tax credits against corporate and insurance liability tax. Affordable Housing Tax Exemptions •The bills authorize local governments to adopt an ordinance providing a property tax exemption for units dedicated to tenants with incomes at 60% of local AMI. •The bills also authorize local governments to deny or revoke exemption based on the history of code enforcement violations or failure to pay fines or charges related to code enforcement violations. Zoning and Land Use •The bills preempt municipalities’ regulation on zoning, density and height for certain multifamily or mixed-use affordable housing developments in commercial areas but must otherwise be consistent with local comprehensive plans. •The bills prohibit any local governments from enacting rent control. •The bills also require municipalities to post an inventory of lands appropriate for affordable housing on its website. CS/SB 102 passed the Senate (40-0) and the House (103-6) and was signed by the Governor. Effective July 1, 2023. Chapter No. 2023-17. (Branch)

Other Bills of Interest

HB 321 (Stevenson), HB 323 (Stevenson), SB 1404 (Trumbull) and SB 1406 (Trumbull)– Movable Tiny Homes ...

HB 321 (Stevenson), HB 323 (Stevenson), SB 1404 (Trumbull) and SB 1406 (Trumbull)– Movable Tiny Homes SB 570 (Powell) – Building Permits HB 611 (Lopez) – Bonds of Contractors Constructing Public Buildings SB 1212 (Rodriguez) and HB 1293 (Mooney) – Affordable Housing SB 1586 (Trumbull) and HB 1417 (Esposito) – Residential Tendencies HB 1535 (Rizo) and SB 1682 (Rodriguez) – Fees for Enforcement of Florida Building Code SB 1394 (Perry) – Building Plans

Articles in this section: 3

LAND USE AND COMPREHENSIVE PLANNING

Agriculture Lands (Monitor)

CS/HB 1343 (Tuck) and CS/SB 1184 (Collins) increase the exemption from the levy of a county special assessment for fire protection services from \$10,000 to \$350,000 for the value of nonresidential farm buildings. The bills authorize the construction of housing for migrant farmworkers on land zoned agricultural without any local government approval by ordinance or resolution. The migrant farmworker housing may not exceed 7,500 square feet. The bills require that the migrant workers have legal status to work in the United States. The bills prohibit local governments from adopting a land use or zoning restriction, condition or regulation ...

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construction of housing for migrant farmworkers on land zoned agricultural without any local government approval ordinance or resolution. The migrant farmworker housing may not exceed 7,500 square feet. The bills require that migrant workers have legal status to work in the United States. The bills prohibit local governments from adopting a land use or zoning restriction, condition or regulation that requires the termination or surrender of an agricultural classification for any property. CS/HB 1343 was amended to prohibit counties from levying any special assessment on lands classified as agricultural that meet certain requirements. (Cruz)

Alternative Mobility Funding Systems (Support)

CS/HB 235 (Robinson, W.) and SB 350 (Brodeur) provide clarity to local government adoption of a mobility plan and a mobility fee system. A mobility plan identifies various multimodal projects necessary to permit redevelopment, infill projects, and development. A mobility fee is a one-time fee paid by a developer to a local government to cover the costs of the improvements necessary to fully mitigate the development's impact on the transportation system. The bill would prohibit a transportation impact fee or fee that is not a mobility-based fee from being imposed within the area that is within a mobility ...

CS/HB 235 (Robinson, W.) and SB 350 (Brodeur) provide clarity to local government adoption of a mobility plan and a mobility fee system. A mobility plan identifies various multimodal projects necessary to permit redevelopment, infill projects, and development. A mobility fee is a one-time fee paid by a developer to a local government to cover the costs of the improvements necessary to fully mitigate the development's impact on the transportation system. The bill would prohibit a transportation impact fee or fee that is not a mobility-based fee from being imposed within the area that is within a mobility plan. The bills would require mobility fees to be updated every five years once adopted or updated. The bills outline the comprehensive requirements a local government must follow in implementing the mobility plan and mobility fee system. In addition, the bills make a revision to the impact fee statute that was substantially amended during the 2021 Legislative Session. Current law now limits the amount impact fees can be increased by, and it requires a phase-in period depending on the amount an impact fee is increased by. However, current law also provides an exception to the impact fee increase process by allowing for increases to be greater than the requirements if the governmental entity establishes the need for the increased fee pursuant to the rational nexus test, uses a study (completed within the 12 months preceding the increase) showing that extraordinary circumstances require the additional increase, holds at least two publicly noticed workshops, and adopts the increase by a 2/3 vote. SB 350 will eliminate this exception to impact fee increases. Therefore, all impact fee increases will have to comply with the increase limits and phase-in requirements provided for in the current law, with no exception. CS/HB 235 was amended, addressing League concerns with the impact fee provisions of the bill. CS/HB 235 allows for "extraordinary" impact fee increases but requires a demonstrated needs study to show that the projected population growth and demand for the specific services funded by the impact fee will exceed the projected rates of population growth and demand for those specific services statewide. (Cruz)

Land Development Initiative and Referendum Processes (Monitor)

CS/CS/HB 41 (Garcia) and SB 856 (Rodriguez) would prohibit an initiative or referendum process for any amendment to local land development regulations. Under current law, the initiative or referendum process is prohibited for any development order and, under certain circumstances, local comprehensive plan or map amendments. The bills would now also prohibit the use of initiatives or referendums for any amendment to land development regulations. The bills are drafted to be remedial in nature and would render null and void any referenda or initiative actions pertaining to land development regulations commenced after June 11, 2011. The bills were ...

CS/CS/HB 41 (Garcia) and SB 856 (Rodriguez) would prohibit an initiative or referendum process for any amendment to local land development regulations. Under current law, the initiative or referendum process is prohibited for any development order and, under certain circumstances, local comprehensive plan or map amendments. The bills would now also prohibit the use of initiatives or referendums for any amendment to land development regulations. The bills are drafted to be remedial in nature and would render null and void any referenda or initiative actions pertaining to land development regulations commenced after June 11, 2011. The bills were amended to remove the language which would have made them remedial in nature. As such, the bills no longer render land development regulations commenced after June 1, 2011 null and void. (Chapman)

Land Use and Development Regulations (Oppose)

Item 2.

CS/HB 439 (McClain) and CS/SB 1604 (Ingoglia): ...

CS/HB 439 (McClain) and CS/SB 1604 (Ingoglia): As amended, CS/HB 439 in its current form revises and amends a variety of elements impacting local government comprehensive planning as well as methodologies in data usage and planning period timeframes. The bills include local governments must comply with Special Magistrate decisions where land use decisions were challenged by petitioners who were previously denied. Several key terms are redefined such as Density, Intensity, Urban Service Area, and Urban Sprawl. The bill requires the use of the State Office of Economics, Demographics, and Research as the sole source of data for Comprehensive Planning. The bill removes the consideration of Levels of Service as a basis for denying a petition. Planned Unit Developments are removed from this section of Florida Statutes pertaining to architectural/design standards. The bills also prohibit the formation of new Design Review Boards unless established before January 1, 2020. The bills have a retroactive date of January 1, 2022. SB 1604 includes many of the same provisions of HB 439 but does not include the Special Magistrate mandate and data source requirements are different to allow for local data input into comprehensive plans. CS/SB 1604 was amended to remove the original language pertaining to the Special Magistrate decisions, the redefinitions section, the limitation on the use of local data and the prohibition of using levels of service as a basis for denial. CS/SB 1604 removes the ability of local governments to require certain design elements to single-family or two-family dwellings located in a planned unit development or master planned community. The bill also limits the application of those elements in communities with a design review board to only those board adopted prior to January 1, 2020. (Chapman)

Local Government Comprehensive Plans (Support)

CS/CS/HB 359 (Duggan) and CS/SB 540 (DiCeglie) would allow for the Capital Improvement Element of Local Comprehensive Plans to have the option to modified administratively if all the projects have been adopted by the project's appropriate board. Additionally, the bills amend language to allow for the prevailing party in a challenge to recover attorney fees and costs in challenging or defending a plan or plan amendment, including reasonable appellate attorney fees and costs. The bills extend the deadline by which that small scale and large scale plan amendments must be adopted. The bills also prohibit local governments from ...

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Local Regulation of Nonconforming or Unsafe Structures (Oppose)

CS/HB 1317 (Roach) and CS/CS/SB 1346 (Avila) allow private property owners to obtain a building permit to demolish any nonconforming structure, including those which are designated on the National Register of Historic Places or the State Inventory of Historic Places. To be demolished, the structure must be a nonconforming use, located in a coastal high-hazard area, and fail to meet current Federal Emergency Management Agency (FEMA) flood standards for new construction. A local government may only prohibit the demolition of such a structure if the enforcement agency or local building official determines that demolition of the structure is ...

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existing nature and degree of nonconformity is not increased. A local government may not impose or enforce any limitation or condition on the approval of the replacement structure other than compliance with applicable current zoning and building regulations. Local governments may not require the replication of the demolished structure or limit the size or height of the replacement structure. The bills have been amended in committee to address local government concerns by limiting the scope of the bill to not apply to the demolition of a property on the National Register of Historic Places or to single-family homes. CS/CS/SB 1346 was amended to expand the types of qualifying nonconforming structures that will qualify for demolition and the building of a replacement structure from those located in a coastal high-hazard area, to those that are located within one-half mile of the coastline and within flood zones V, VE, AO or AE, as identified in Flood Insurance Rate Map. (Cruz)

Articles in this section: 6

OTHER

Actions Against Public-use Airports (Monitor)

HB 347 (Bankson) specifies that a person who owns, operates or uses a public-use airport is not subject to civil liability or criminal prosecution as it relates to noise or nuisances that result from operation or use. The bill does not prohibit a local government from regulating the location and construction of a public-use airport after July 1, 2023. (Branch) ...

HB 347 (Bankson) specifies that a person who owns, operates or uses a public-use airport is not subject to civil liability or criminal prosecution as it relates to noise or nuisances that result from operation or use. The bill does not prohibit a local government from regulating the location and construction of a public-use airport after July 1, 2023. (Branch)

Chiefs of Police (Oppose)

CS/HB 935 (Jacques) and CS/SB 998 (Burgess) prohibit a municipality from terminating a police chief without providing written notice, including just cause, and give them the opportunity to defend themselves against the termination in a public hearing. The chief may be represented by counsel at the public meeting at their own cost. The bills clarify that these provisions do not supersede any written employment contract, discipline, or termination standards or procedures. The bills create a civil cause of action, authorizing a police chief to sue for damages against anyone who knowingly files a false complaint against the police ...

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Department of Business and Professional Regulation (Monitor)

CS/SB 782 (Hooper) and CS/HB 869 (McClain) are a broad agency package for the Department of Business and Professional Regulation. Within this package is a new requirement for vacation rental licensees or licensed agents to create an online account and provide an email contact for all communications. Any changes made to the address or number of houses/units under a license must be submitted to the division within 30 days. (Taggart) ...

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Drones (Monitor)

CS/CS/CS/SB 1068 (Collins) and CS/CS/HB 1071 (Duggan) prohibit local governments from withholding issuance of a business tax receipt or enacting or enforcing an ordinance or resolution that prohibits a drone delivery service's operation based on the location of the delivery service's drone port. As amended, the bills exempt drone ports from the Florida Fire Prevention Code, including national codes and the Life Safety Code. CS/CS/CS/SB 1068 was amended to allow local governments to enforce minimum setback and landscaping regulations that are generally applicable to permitted uses in the drone port site's zoning district. (Branch) ...

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Enforcement of School Zone Speed Limits (Monitor)

CS/CS/SB 588 (Rodriguez) and CS/HB 657 (Koster) would authorize a local government to place or install an automated speed detection system under its jurisdiction or a state road if permitted by the Florida Department of Transportation (FDOT) to be used solely to enforce speed limits in school zones. The bills also require local governments to notify the public of the speed detection system through a 30-day public awareness campaign before enforcement. The bills require each county or municipality that operate a speed detection system to submit a report on October 1, 2024, and annually thereafter, to the Department ...

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Flags (Monitor)

SB 668 (Collins) and SB 1011 (Borerro) prohibit governmental agencies from displaying to the public any flag that does not follow the protocol adopted by the Governor. The current protocol of displaying flags is based on the United States Flag Code and the Florida Flag Code and directs the public and governmental agencies on how to display the United States Flag, the State Flag, the POW/MIA Flag, the Firefighter Memorial Flag and the Honor and Remember Flag. (Taggart) ...

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Flood Damage Prevention (Support)

HB 859 (Basabe) and SB 1018 (Trumbull) would allow local governments to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds the requirements in the Florida Building Code. (Branch) ...

HB 859 (Basabe) and SB 1018 (Trumbull) would allow local governments to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds the requirements in the Florida Building Code. (Branch)

Food Insecure Areas (Support)

Item 2.

HB 727 (Rayner-Goolsby) and SB 778 (Rouson) authorize local governments to enact land development regulations to allow for small-footprint grocery stores within food insecure areas. Food insecure areas are areas where people have limited access to affordable, healthful and nutritious foods. The bills define a small-footprint grocery store as a store that has less than \$1 million in gross sales, and 20% of its gross receipts are from the retail sale of nutrient-dense foods. The bills also give local governments the authority to require mandatory reporting of certain information from the small-footprint grocery store. (Cruz) ...

HB 727 (Rayner-Goolsby) and SB 778 (Rouson) authorize local governments to enact land development regulations to allow for small-footprint grocery stores within food insecure areas. Food insecure areas are areas where people have limited access to affordable, healthful and nutritious foods. The bills define a small-footprint grocery store as a store that has less than \$1 million in gross sales, and 20% of its gross receipts are from the retail sale of nutrient-dense foods. The bills also give local governments the authority to require mandatory reporting of certain information from the small-footprint grocery store. (Cruz)

Government and Corporate Activism (Monitor)

CS/CS/HB 3 (Rommel) and CS/SB 302 (Grall) are comprehensive bills aimed at eliminating the consideration of environmental, social and governance (ESG) from government investment strategies, procurements, bond issuances and use of banks. The relevant provisions to local governments are as follows: ...

CS/CS/HB 3 (Rommel) and CS/SB 302 (Grall) are comprehensive bills aimed at eliminating the consideration of environmental, social and governance (ESG) from government investment strategies, procurements, bond issuances and use of banks. The relevant provisions to local governments are as follows: •The bills require fiduciaries of all government retirement plans to make investment decisions that only consider pecuniary factors, which do not include the consideration or furtherance of any social, political or ideological interests. By December 15, 2023, and by December 15 of each odd-numbered year thereafter, each government retirement system or plan shall file a comprehensive report detailing and reviewing the governance policies concerning decision-making in vote decisions and adherence to the fiduciary standards as required by the bill. •The bills prohibit local governments from the issuance of bonds used to further an ESG purpose. The bills define ESG bonds to include bonds that will be used to finance a project with an ESG purpose including, but not limited to, green bonds, Certified Climate Bonds, GreenStar designated bonds and other environmental bonds marketed as promoting an environmental objective; social bonds marketed as promoting a social objective; and sustainability bonds and sustainable development goal bonds marketed as promoting both environmental and social objectives. •The bills require that any contract between a government entity and an investment manager include provisions requiring a disclaimer be included in any communications from the investment manager. The disclaimer the investment manager must include states: "The views and opinions expressed in this communication are those of the sender and do not reflect the views and opinions of the people of the State of Florida." •The bills amend the definition of a "qualified public depository" to prohibit government entities from depositing funds in banks that make it a practice to deny or cancel services of its customers based on a person's political opinions, speech, affiliations, lawful ownership or sales of firearms, production of fossil fuels or other factors related to ESG. Pursuant to current law, all public deposits may only be deposited in a qualified public depository. •Lastly, the bills amend procurement requirements of all governmental entities to prohibit government bodies from giving a preference to vendors based on ESG factors or requesting information from vendors related to ESG. CS/CS/HB 3 passed the House (80-31) and is awaiting action by the Senate. (Cruz)

Governmental Agency Drone Use (Monitor)

HB 1455 (Altman) and SB 1514 (Wright) would require all governmental agencies that use a drone not produced by an approved manufacturer to submit to the Department of Management Services a comprehensive plan for discontinuing the use of such drone by July 1, 2026. (Branch) ...

HB 1455 (Altman) and SB 1514 (Wright) would require all governmental agencies that use a drone not produced by an approved manufacturer to submit to the Department of Management Services a comprehensive plan for discontinuing the use of such drone by July 1, 2026. (Branch)

License or Permit to Operate Vehicle for Hire (Oppose)

Item 2.

CS/HB 807 (Borrero) and SB 1700 (DiCeglie) would allow a person who holds a valid vehicle for hire license or permit from any city or county the ability to operate a vehicle for hire in another city or county without being subject to additional licensing or permitting requirements. The bills would grant the same reciprocity at airports. (Branch) ...

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Licensed Counseling for First Responders (Oppose)

HB 169 (Lopez) and CS/SB 314 (Rodriguez) require employers of first responders to pay for up to 12 hours of licensed counseling following a work-related traumatic event. This benefit would be in addition to any potential workers' compensation claim or counseling services covered by health insurance. Covered first responders include firefighters, paramedics, emergency medical technicians and law enforcement officers, including those working on a volunteer basis. The bills also hold the employing agency responsible for paying for up to an additional 24 hours of treatment if a mental health specialist finds that the first responder requires more hours ...

HB 169 (Lopez) and CS/SB 314 (Rodriguez) require employers of first responders to pay for up to 12 hours of licensed counseling following a work-related traumatic event. This benefit would be in addition to any potential workers' compensation claim or counseling services covered by health insurance. Covered first responders include firefighters, paramedics, emergency medical technicians and law enforcement officers, including those working on a volunteer basis. The bills also hold the employing agency responsible for paying for up to an additional 24 hours of treatment if a mental health specialist finds that the first responder requires more hours of counseling. CS/SB 314 was amended to cap the cost of employer-paid counseling at \$500 per hour. The bill was also further expanded to include correctional officers. (Cruz)

Local Floodplain Management (Oppose)

SB 920 (DiCeglie) prohibits a local government from denying a request for a variance or an exception if the local floodplain management requirements exceed the minimum standards for the National Flood Insurance Program. (Branch) ...

SB 920 (DiCeglie) prohibits a local government from denying a request for a variance or an exception if the local floodplain management requirements exceed the minimum standards for the National Flood Insurance Program. (Branch)

Local Occupational Licensing (Monitor)

CS/SB 1570 (Hooper)/HB 1625 (Mooney) and SB 1584 (Perry)/HB 1383 (Trabulsy) would allow municipalities to impose certain occupational licenses if the local government imposed a licensing requirement before January 1, 2021. HB 1383 prohibits a local government from requiring a license as a prerequisite to submit a bid for public work projects if the work to be performed does not require a license under general law. CS/SB 1570 was amended to change the expiration of local government occupational licenses to July 1, 2024. (Branch) ...

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Monuments and Memorials (Monitor)

CS/SB 1096 (Martin) and CS/HB 1607 (Black) provide that any person or entity that damages, defaces, d Item 2. or removes an existing monument or memorial will be civilly liable for the costs to return, repair or replace the monument or memorial unless the person was authorized or the entity was the owner. The bills provide legal standing to any resident of this state to bring a civil action against any person or entity for damaging a monument or memorial displayed on public property. The bills clarify that these provisions do not prevent an agency from relocating a monument or ...

CS/SB 1096 (Martin) and CS/HB 1607 (Black) provide that any person or entity that damages, defaces, destroys or removes an existing monument or memorial will be civilly liable for the costs to return, repair or replace the monument or memorial unless the person was authorized or the entity was the owner. The bills provide legal standing to any resident of this state to bring a civil action against any person or entity for damaging a monument or memorial displayed on public property. The bills clarify that these provisions do not prevent an agency from relocating a monument or memorial when necessary for the construction, expansion or alteration of publicly owned buildings, roadways or other transportation projects. The agency must relocate the monument or memorial to a site of similar prominence, honor and visibility within the same jurisdiction. (Taggart)

Municipal Boundaries (Support)

CS/SB 718 (Yarborough) and CS/HB 653 (Canady) specify that before starting annexation procedures, a local government shall prepare a feasibility study for the proposed area. To provide needed clarification on the process of contraction, the bills require a city to get permission from at least 50% of owners in an area proposed to be de-annexed when more than 70% of the land is owned by individuals, corporations or legal entities. "Contraction" means the reversion of property within municipal boundaries to an unincorporated status. Currently property owners who are not registered to vote from the property from the land ...

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Natural Emergencies (Monitor)

CS/CS/SB 250 (Martin) is a bill dealing with natural emergencies that impact the state. Of interest to cities, the bill does the following: ...

CS/CS/SB 250 (Martin) is a bill dealing with natural emergencies that impact the state. Of interest to cities, the bill does the following: Building Permits and Contracts •Requires the Division of Emergency Management to post on its website a model debris removal contract for the benefit of local governments. •Encourages local governments to create emergency financial plans in preparation for major natural disasters. •Authorizes local governments to create specialized building inspection teams following a natural disaster and encourages interlocal agreements for additional building inspection services during a state of emergency. •Requires local governments to expedite the issuance of permits following a natural disaster. •Prohibits counties and municipalities located in areas designated in the Federal Emergency Management Agency disaster declaration for Hurricane Ian or Hurricane Nicole from increasing building fees before October 1, 2024. This preemption expires on June 30, 2025. Tolling and Contractors •Increases the extension of certain building permits following a declaration of a state of emergency from six to 24 months and caps such extension at 48 months in the event of multiple natural emergencies. •Allows registered contractors to engage in contracting for the types of work covered by their registration within areas for which a state of emergency has been declared. This authorization terminates 24 months after the expiration of the declared state of emergency. Zoning and Funding •Provides that counties and municipalities cannot prohibit a resident from placing a temporary residential structure on their property for up to 36 months following a natural emergency under certain circumstances. •Prohibits counties a

municipalities within the disaster declaration for Hurricane Ian or Hurricane Nicole from adopting more restrictive procedures for proposing amendments to its comprehensive plan or land development regulations or for issuing a development permit or development order before October 1, 2024. •Makes the Local Government Emergency Bridge Loan Program a revolving program, and makes funds available for local governments impacted by federally declared disasters until July 1, 2038. CS/CS/SB 250 passed the Senate (39-0) and is awaiting action by the House. Currently, there is no House companion. (Branch)

Preemption of the Regulation of Tobacco and Nicotine Products (Support)

HB 519 (Edmonds) and SB 530 (Polsky) would repeal the preemption on the regulation of tobacco and nicotine products. (Taggart) ...

HB 519 (Edmonds) and SB 530 (Polsky) would repeal the preemption on the regulation of tobacco and nicotine products. (Taggart)

Private Property for Motor Vehicle Parking (Monitor)

CS/HB 617 (Lopez, V.) and CS/SB 694 (Gruters) require that owners and operators of private property used for motor vehicle parking must have a physical location in Florida, establish parking fees that are equal to that of the local governments and have posted signage that is clearly visible to those parking. Additionally, the bills remove a preemption in current law that prohibits local governments from regulating private parking lots. The bills were amended significantly to remove the provision requiring the owner or operator of a private parking lot to have a physical presence in the state and remove ...

CS/HB 617 (Lopez, V.) and CS/SB 694 (Gruters) require that owners and operators of private property used for motor vehicle parking must have a physical location in Florida, establish parking fees that are equal to that of the local governments and have posted signage that is clearly visible to those parking. Additionally, the bills remove a preemption in current law that prohibits local governments from regulating private parking lots. The bills were amended significantly to remove the provision requiring the owner or operator of a private parking lot to have a physical presence in the state and remove the limitations on what rates the operator may charge. Additionally, the amendment does not remove the current preemption in law but limits the preemption to local regulations on the rates that may be charged by a private parking lot. (Taggart)

Prohibited Applications on Government-Issued Devices (Monitor)

CS/CS/SB 258 (Burgess) and CS/HB 563 (Amesty) prohibit employees of governmental entities from downloading or accessing prohibited applications on government-issued devices. The bills also direct governmental entities to block all prohibited applications on any wireless device or network they operate. The bills direct the Department of Management Services (DMS) to compile and maintain a list of prohibited applications and publish the list on its website. Both bills clarify that these provisions do not apply to law enforcement officers if the use of these applications is necessary for public safety or to conduct an investigation. A public employer may ...

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Public Meetings (Support)

HB 397 (Tuck) allows local governments to meet in private with legal counsel, during the 90-day notice period, to discuss claims concerning the Bert Harris Act and private property rights. Transcripts of these private meetings will be made a part of the public record upon settlement of a claim or when the statute of limitation has expired if there is no litigation or settlement. (Cruz) ...

Item 2.

HB 397 (Tuck) allows local governments to meet in private with legal counsel, during the 90-day notice period, to discuss claims concerning the Bert Harris Act and private property rights. Transcripts of these private meetings will be made a part of the public record upon settlement of a claim or when the statute of limitation has expired if there is no litigation or settlement. (Cruz)

Resale of Tickets (Monitor)

HB 317 (McFarland) and CS/SB 388 (Bradley), of concern to municipalities, would preempt the regulation of sales or resale of tickets to the state. (Taggart) ...

HB 317 (McFarland) and CS/SB 388 (Bradley), of concern to municipalities, would preempt the regulation of sales or resale of tickets to the state. (Taggart)

Retail Sale of Domestic Dogs and Cats (Monitor)

HB 849 (Killebrew) and SB 800 (Wright) would prohibit for-profit businesses from selling domestic cats and dogs. The bills do not prohibit a city or county from adopting an ordinance on the sale of animals that is more stringent than the bill. (Taggart) ...

HB 849 (Killebrew) and SB 800 (Wright) would prohibit for-profit businesses from selling domestic cats and dogs. The bills do not prohibit a city or county from adopting an ordinance on the sale of animals that is more stringent than the bill. (Taggart)

Statewide Blue Ribbon Task Force on County Realignment (Monitor)

SB 740 (Brodeur) creates the Statewide Blue Ribbon Task Force on County Realignment within the Department of Economic Opportunity. The task force will study and evaluate the effectiveness, efficiency and value of realigning county boundaries in the state. This task force will be comprised of key stakeholders, including one representative from the Florida League of Cities. (Cruz) ...

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Substance Abuse and Mental Health Services (HB 1303 – Oppose; CS/SB 1010 – Monitor)

HB 1303 (Snyder) create the Substance Abuse and Mental Health Treatment and Housing Task Force within the Department of Children and Families. The bill directs the task force to study issues related to the regulation of treatment providers and the impact of current regulations on the site selection of community residential homes and provide recommended changes. The bill directs the task force to conduct a statewide review of zoning codes to determine the effect of local regulations. The bill exempts all certified recovery residences from state and local zoning laws or ordinances, including all requirements included in Chapter ...

HB 1303 (Snyder) create the Substance Abuse and Mental Health Treatment and Housing Task Force within the Department of Children and Families. The bill directs the task force to study issues related to the regulation of treatment providers and the impact of current regulations on the site selection of community residential homes and provide recommended changes. The bill directs the task force to conduct a statewide review of zoning codes to determine the effect of local regulations. The bill exempts all certified recovery residences from state and local zoning laws or

ordinances, including all requirements included in Chapter 419, Florida Statutes, which do not apply to all other family and multifamily dwellings from July 1, 2023, until July 1, 2026, while the study is conducted. The task force would be required to submit all findings and recommendations to the Department of Children and Families by December 31, 2024. Any future changes to provisions relating to recovery residence credentialing would be adopted by department rule beginning October 1, 2023, rather than legislatively. CS/SB 1010 (Gruters) was substantially amended to remove the creation of the Substance Abuse and Mental Health Treatment and Housing Task Force and also removes the three-year exemption from local zoning laws and ordinances. (Taggart)

Substance Abuse Prevention (Monitor)

SB 704 (Boyd) and CS/HB 783 (Caruso) create the Statewide Council on Opioid Abatement for the purpose of coordinating state and local efforts. Members of the council must review how settlement monies recovered from the opioid litigation brought by the state and political subdivisions have been spent and the results that have been achieved from such expenditures. The Florida League of Cities would have two appointments to the council. (Taggart) ...

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Substance Abuse Providers (Monitor)

CS/HB 295 (Caruso) and CS/SB 210 (Harrell) close a loophole in current law. The bills require day or night community housing addiction treatment centers to be certified by the Florida Association of Recovery Residences. The bills also prohibit the use of marijuana on the premises of the residences in order to obtain licensure. The bills also clarify that anyone discharged from a recovery residence who refuses to leave may be charged with trespassing in lieu of an eviction proceeding. CS/SB 210 passed the Senate (39-0) and is awaiting action by the House. (Taggart) ...

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Technology Transparency (Monitor)

CS/SB 262 (Bradley) and CS/HB 1547 (McFarland), of importance to municipalities, the bills prohibit officers or employees of a governmental entity from using their position or state resources to communicate with a social media platform for purposes of content moderation. This prohibition does not apply if the entity or individual is performing routine account management of the entity’s account, attempting to remove content if it pertains to a crime or a violation of the state’s public records law, or for law enforcement or public safety purposes. The bills also preempt the collection, processing, sharing or sale of consumer ...

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Temporary Commercial Kitchens (Monitor)

CS/HB 415 (Porras) and CS/CS/SB 752 (Calatayud) preempt local governments from regulating temporary commercial kitchens as it relates to licensing, permits and fees. This mimics the current regulatory structure for food trucks. The bills define a “temporary commercial kitchen” as any kitchen that is a public food establishment used for take-out or delivery meals housed in a portable movable structure that includes self-contained utilities. A temporary commercial kitchen that is operated on the same premises and by a separately licensed public food service establishment may operate during the same hours of operation as the separately licensed public food ...

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Towing Vehicles (Monitor)

SB 438 (Rodriguez) clarifies current law to ensure that law enforcement agencies may tow a motor vehicle from the scene of the incident to their storage facility in lieu of the wrecker operator’s storage facility. Current law prohibits a law enforcement agency from placing a hold on a motor vehicle within a wrecker operator’s storage facility for more than five business days If a law enforcement agency does tow a vehicle to their own facility, the agency may not release the vehicle to the owner or lienholder until proof of payment of the towing and storage charges incurred ...

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Unmanned Aircraft Systems Act (Support)

CS/CS/HB 645 (Brackett) and CS/SB 908 (Rodriguez) remove the requirement on local governments to apply to the Federal Aviation Administration in order to restrict or limit the operations of drones in close proximity to infrastructure or facilities owned or operated by the local government. (Branch) ...

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Workers' Compensation Benefits for Posttraumatic Stress Disorder (Monitor)

CS/HB 337 (McFarland) and SB 352 (Burgess) provide that 911 public safety telecommunicators and crime scene investigators are eligible for workers' compensation benefits for post-traumatic stress disorder, which is currently provided only to first responders. The bills specify that the time for notice of an injury or death in a

compensable post-traumatic stress disorder claim must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later. (Cruz) ...

Item 2.

CS/HB 337 (McFarland) and SB 352 (Burgess) provide that 911 public safety telecommunicators and crime scene investigators are eligible for workers' compensation benefits for post-traumatic stress disorder, which is currently provided only to first responders. The bills specify that the time for notice of an injury or death in a compensable post-traumatic stress disorder claim must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later. (Cruz)

Other Bills of Interest

HB 27 (Benjamin) and SB 1574 (Rouson) – Judgement Liens ...

HB 27 (Benjamin) and SB 1574 (Rouson) – Judgement Liens SB 46 (Wright) – Health Insurance Cost Sharing HB 477 (Rizo) and SB 1110 (Ingoglia) – Term Limits for School District School Board Members HB 1491 (Altman) and SB 1666 (Wright) – Marine Encroachment on Spaceflight and Military Operations HJR 129 (Roth) and SB 1410 (Gruters) – Requiring Broader Public Support for Constitutional Amendments or Revisions HJR 131 (Rudman), HB 209 (Rudman) and SB 1066 (Collins) – Recall of County Commissioners HB 137 (Nixon) and SB 1598 (Torres) – Department of Labor HB 237 (Altman) and SB 286 (Powell) – Legal Instruments HB 331 (Overdorf) and SB 624 (Grall) – Liens and Bonds HB 655 (Trabulsky), SB 468 (Garcia) and SB 914 (Garcia) – Suicide Prevention HB 743 (Fabricio) and SB 708 (Burgess) – Estoppel Letters HB 751 (Stark) – Mobile and Manufactured Homes HB 991 (Beltran) and SB 1220 (Brodeur) – Defamation, False Light, and Unauthorized Publication of Name or Likenesses HB 1141 (Gottlieb) and SB 1174 (Polsky) – Resolution of Disputed Property Insurance Claims HB 1129 (Plasencia) and SB 1458 (Yarborough) – Roller Skating Rink Safety HB 1299 (Daley) and SB 1344 (Bradley) – Payments for Health Care Providers and Surgical Procedures Under Workers' Compensation HB 1347 (Truenow) and SB 1400 (Martin) – County Constitutional Offices HB 1373 (Fernandez-Barquin) and SB 1490 (Garcia) – County Constitutional Officers HB 1551 (Berfield) and SB 1370 (Ingoglia) – Wind-borne Debris Region HB 1529 (Roth) and SB 1678 (Calatayud) – Agricultural Property Classification HB 1617 (Michael) and SB 1718 (Ingoglia) – Unlawful Immigration SB 1704 (DiCeglie) – Commercial Motor Vehicle Insurance SB 1686 (Wright) and HB 1489 (Altman) – Designation of Brevard Barrier Island Area of Critical State Concern SB 304 (Boyd) and HB 1239 (Griffitts) – United States-produced Iron and Steel in Public Works Projects HB 529 (Mooney) and SB 322 (Gruters) – Natural Gas Fuel Taxes HB 665 (Roth) – Workforce Housing Communities HB 597 (Lopez) – Operation of Electric Bicycles and Motorized Scooters HB 941 (Busatta Cabrera) and SB 942 (Calatayud) – Authorization of Restriction Concerning Dogs HB 1397 (McClure) and SB 1532 (Burgess) – Regional Transportation Planning HB 49 (Driskell) and SB 430 (Driskell) – Abandoned and Historical Cemeteries HB 275 (Daley) – Pari-mutual Wagering HB 269 (Caruso) and SB 994 (Calatayud) – Public Nuisances HB 493 (Antone) and SB 548 (Davis) – Applicants for Licensure as a Medical Marijuana Treatment Center SB 554 (Gruters) – Medical Treatment of Animals HB 745 (McFarland) and SB 1418 (Bradley) – Emergency Communications HB 701 (Bell) and SB 760 (Perry) – Wreckers and Towing-Storage Operators HB 67 (Gottlieb) and SB 174 (Polsky) – Obscene or Harassing Telephone calls HB 865 (Valdes) and SB 1722 (Rouson) – Public Food Service Establishments SB 932 (Book) and HB 381 (Waldron) – Animal Welfare SB 1576 (Torres) – Legalization of Medical Marijuana
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PERSONNEL

Cost-of-living Adjustment of Retirement Benefits (Monitor)

HB 181 (Lopez) and SB 1354 (Stewart) specify the minimum factor used to calculate the cost-of-living adjustment for certain retirees and beneficiaries of the Florida Retirement System. (Cruz) ...

HB 181 (Lopez) and SB 1354 (Stewart) specify the minimum factor used to calculate the cost-of-living adjustment for certain retirees and beneficiaries of the Florida Retirement System. (Cruz)

Local Official's Employment Contract (Oppose) *Amendment change summary*

CS/SB 696 (Ingoglia) and HB 729 (Holcomb) prohibit a municipality from renewing, extending, or renegotiating employments contracts with the Chief Executive Officer of a municipality or a municipal attorney within 12 months before an August primary election for the municipality’s mayor or for members of the governing body. CS/SB 696 amended the original bill to now prohibit a municipality from renewing or extending, employments contracts with the Chief Executive Officer of a municipality or the city’s general counsel within 8 months before a general election for the municipality’s mayor or for members of the governing body. (Chapman) ...

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Rights of Law Enforcement Officers and Correctional Officers (Monitor)

HB 927 (Alvarez) and SB 1086 (Gruters) require an agency to provide notice to a law enforcement or correctional officer within 180 days after an alleged misconduct before any disciplinary action, suspension, demotion, or dismissal can be taken. (Chapman) ...

HB 927 (Alvarez) and SB 1086 (Gruters) require an agency to provide notice to a law enforcement or correctional officer within 180 days after an alleged misconduct before any disciplinary action, suspension, demotion, or dismissal can be taken. (Chapman)

Rights of Law Enforcement Officers and Correctional Officers - 2 (Monitor)

CS/HB 95 (Duggan) and CS/SB 618 (Yarborough) will amend the "law enforcement officer bill of rights" to prohibit a law enforcement officer or correctional officer from being discharged, suspended, demoted or otherwise disciplined solely as a result of a prosecuting agency determining that the officer withheld exculpatory evidence or that officer’s name was included on the Brady identification system. The Brady identification system is a database that contains information about police misconduct, public complaints, use-of-force reports, etc. (Cruz) ...

CS/HB 95 (Duggan) and CS/SB 618 (Yarborough) will amend the "law enforcement officer bill of rights" to prohibit a law enforcement officer or correctional officer from being discharged, suspended, demoted or otherwise disciplined solely as a result of a prosecuting agency determining that the officer withheld exculpatory evidence or that officer’s name was included on the Brady identification system. The Brady identification system is a database that contains information about police misconduct, public complaints, use-of-force reports, etc. (Cruz)

Other Bills of Interest

HB 239 (Bussatta Cabrera) and SB 224 (Hooper) – Special Risk Class Retirement Date ...

HB 239 (Bussatta Cabrera) and SB 224 (Hooper) – Special Risk Class Retirement Date HB 291 (Holcomb) and SB 436 (Rodriguez) – 911 Public Safety Telecommunicators HB 1121 (Bartleman) and SB 1156 (Burton) – Florida Retirement System SB 632 (Powell) and HB 687 (Daniels) – Veteran's Preference for Promotion SB 576 (Book) and HB 663 (Cassel) – Employment Protections SB 972 (Polsky) and HB 1065 (Nixon) – Protections for Public Employees Who Use Medical Marijuana as Qualified Patients SB 1026 (Stewart) – Discrimination in Labor and Employment HB 1109 (Barnaby) and SB 1310 (DiCeglie) – Expanding Public Sector Career Opportunities HB 1445 (Black) and SB 256 (Ingoglia) – Employee Organizations Representing Public Employees HB 1311 (Porrás) and SB 1452 (Rodriguez) – Survivor Benefits SB 7024 (Government Oversight and Accountability) – Retirement

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Competitive Award of Public Construction Works Contracts (Support)

SB 830 (Hooper) clarifies that a public works project for the purposes of repair or maintenance also includes projects that utilize a consortium or cooperative purchasing agreement. (Taggart) ...

SB 830 (Hooper) clarifies that a public works project for the purposes of repair or maintenance also includes projects that utilize a consortium or cooperative purchasing agreement. (Taggart)

Commercial Service Airport Transparency and Accountability (Monitor)

CS/CS/HB 1123 (Gossett-Seidman) and CS/SB 1646 (Davis) require commercial service airports to post certain information on their website and modify certain purchasing requirements. The airport must post online the airport's master plan and any contract or contract amendments for the purchase of commodities or contractual services in excess of category five. The bills also increase the threshold that requires commercial service airports to use a competitive solicitation process from category three to category five. The bills were amended to specify that contract approval must be placed as a separate line item on a meeting agenda for all contracts. ...

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Energy (Monitor)

CS/CS/SB 284 (Brodeur) and CS/HB 1025 (Caruso) revise the vehicle procurement requirements for the state purchasing plan. Specifically, the bills require vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs rather than the greatest fuel efficiency. Before July 1, 2024, the Department of Management Services (DMS) shall make recommendations to all governmental agencies regarding the procurement of electric vehicles and best practices for integrating such vehicles into existing fleets. The bills direct DMS to rank vehicles based on the lowest cost of ownership over five years. Any vehicle purchased ...

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Interests of Foreign Countries (Monitor)

CS/CS/SB 264 (Collins) and CS/HB 1355 (Borrero) prohibit governmental agencies from knowingly entering into a contract with an entity that would give access to an individual's personal information if the entity is owned by a foreign country of concern or a foreign country of concern has a controlling interest in the entity. These provisions would also apply to entities that have their principal place of business in a foreign country of concern

Beginning January 1, 2024, the bills require governmental agencies to receive a signed affidavit under penalty of perjury attesting that they do not meet the criteria ...

Item 2.

CS/CS/SB 264 (Collins) and CS/HB 1355 (Borrero) prohibit governmental agencies from knowingly entering into a contract with an entity that would give access to an individual's personal information if the entity is owned by a foreign country of concern or a foreign country of concern has a controlling interest in the entity. These provisions would also apply to entities that have their principal place of business in a foreign country of concern. Beginning January 1, 2024, the bills require governmental agencies to receive a signed affidavit under penalty of perjury attesting that they do not meet the criteria as described above. Foreign countries of concern include: the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro and the Syrian Arab Republic. The bills direct the Attorney General to enforce these provisions. The bills also prohibit governmental entities from providing economic incentives to foreign countries of concern. (Taggart)

Small Business Certification Program (Monitor)

SB 918 (DiCeglie) directs the Office of Supplier Diversity of the Department of Management Services to establish a Small Business Certification Program. The bill requires local governments to accept this small business certification regardless of any additional local certification process. (Taggart) ...

SB 918 (DiCeglie) directs the Office of Supplier Diversity of the Department of Management Services to establish a Small Business Certification Program. The bill requires local governments to accept this small business certification regardless of any additional local certification process. (Taggart)

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PUBLIC RECORDS & PUBLIC MEETINGS

Accessibility of Government Records (Monitor)

SB 1516 (Pizzo) and HB 1527 (Joseph) require governmental agencies to provide members of the Legislature and the Florida cabinet any requested documents within seven days after receiving the request. The governmental entity may not redact the records and must waive all fees associated with the request. The legislative member or the cabinet member requesting the records is responsible for keeping the records confidential and may only share the records with another member of the Legislature. The requestee must submit a form to the agency releasing the records acknowledging this obligation. (Taggart) ...

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Electronic Payment of Public Records Fees (Monitor)

SB 1264 (Rouson) requires an agency to provide an electronic option for the payment of any fee associated with a request to inspect or copy public records. (Taggart) ...

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Federal Law Enforcement Agency Record (Monitor)

HB 279 (Jacques) and SB 310 (Collins) would require federal law enforcement agencies that are not subject to the Freedom of Information Act and have a physical office in Florida to comply with the state's public records requirements. (Taggart) ...

Item 2.

HB 279 (Jacques) and SB 310 (Collins) would require federal law enforcement agencies that are not subject to the Freedom of Information Act and have a physical office in Florida to comply with the state's public records requirements. (Taggart)

OGSR/Building Plans, Blueprints and Schematic Drawings (Support)

HB 7009 (Ethics, Elections & Open Government Subcommittee) and SB 7008 (Governmental Oversight and Accountability) save from repeal the public record exemption for building plans, blueprints and schematic drawings. The exemption does not apply to comprehensive plans or site plans that are submitted for approval or that have been approved under local land development regulations, local zoning regulations or development-of-regional-impact review. SB 7008 passed the Senate (38-0) and the House (109-0) and is awaiting action by the Governor. (Taggart) ...

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OGSR/Nationwide Public Safety Broadband Network (Support)

HB 7001 (Yarkosky) and SB 7006 (Governmental Oversight and Accountability) save from repeal the public record exemption for information related to the Nationwide Public Safety Broadband Network. SB 7006 passed the Senate (38-0) and the House (108-0) and is awaiting action by the Governor. (Taggart) ...

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OGSR/Security and Firesafety System Plans (Support)

HB 7007 (Ethics, Elections & Open Government Subcommittee) saves from repeal the public record and public meeting exemption for security or firesafety system plans for any property owned by or leased to the state or any of its political subdivisions or for any privately owned or leased property held by an agency, information related to such systems, as well as any portion of a meeting relating directly to or that would reveal such systems, plans or information. (Taggart) ...

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Public Meetings/Commission on Public Safety in Urban and Inner-City Communities (Monitor)

HB 495 (Antone) creates the Commission on Public Safety in Urban and Inner-City Communities within the Department of Law Enforcement. The purpose of the commission is to investigate system failures and the causes and reasons for high crime and gun violence incidents in urban and inner-city neighborhoods and communities and to develop recommendations for system improvements. Linked to HB 495, HB 497 (Antone) creates a public meeting exemption for the Commission on Public Safety in Urban and Inner-City Communities when exempt or confidential information is discussed. This provision is set to sunset in 2028. (Taggart) ...

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Public Records/Current and Former County and City Attorneys (Support)

CS/SB 216 (Burgess) and CS/HB 525 (Arrington) create a public records exemption for the personal identifying and location information of current county and city attorneys and assistant/deputy county and city attorneys, as well as information regarding the spouses and children of those attorneys. (Taggart) ...

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Public Records Exemption for Animal Foster or Adoption (Monitor)

HB 157 (Holcomb) and SB 518 (DiCeglie) provide a public records exemption for the personal information of individuals who foster or adopt an animal from an animal shelter or animal control agency operated by a local government. (Taggart) ...

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Public Records/Reports of County or Municipal Code Violations (Support)

SB 842 (Harrell) provides a public records exemption for the personal identifying information of a person reporting a potential code violation. (Taggart) ...

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Other Bills of Interest

HB 313 (Rudman) and SB 560 (Trumbull) – Pub. Rec./Active Duty Servicemembers and Families ...

HB 313 (Rudman) and SB 560 (Trumbull) – Pub. Rec./Active Duty Servicemembers and Families SB 1316 (Broder) – Information Dissemination HB 1495 (Holcomb) and SB 1616 (Martin) – Pub. Rec./Security and Transportation Services Records HB 1549 (McFarland) and SB 1648 (Bradley) – Pub. Rec./Investigations by the Department of Legal Affairs SB 552 (Hooper) and HB 1437 (Esposito) – Public Records/Broadband Opportunity Program
Articles in this section: 11

PUBLIC SAFETY

Bereavement Benefits for Law Enforcement Officers (Monitor)

CS/HB 364 (Avila) and CS/CS/HB 535 (Botana) allow a law enforcement agency to grant administrative leave, up to eight hours, to a law enforcement officer in order to attend a funeral of an officer killed in the line of duty. The bills specify that expenses incurred with bereavement travel are to be reimbursed by the agency. The bills

also increase the amount to be paid toward the funeral and burial expenses of an officer from \$1,000 to \$10,000. Both bills were amended to limit travel to within the state of Florida. (Taggart) ...

Item 2.

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Law Enforcement Operations (Monitor)

CS/HB 1595 (Fernandez-Barquin and Yarkosky) and SB 1588 (Burgess) – Current law sets out a process to prevent municipalities from reducing law enforcement budgets. The current process allows the state attorney or a member of the governing body of a city to file a petition to the Administration Commission (comprised of the Governor and Cabinet) within 30 days after the municipality posts its tentative budget if the budget contains a funding reduction to the operating budget of the municipal law enforcement agency. The governing body of the municipality then has five working days to file a reply with ...

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Impeding, Provoking or Harassing First Responders (Support)

CS/CS/SB 1126 (Avila) and CS/HB 1539 (Rizo) would make it unlawful for any person, after receiving a warning from a first responder not to approach, to violate such warning and approach or remain within 20 feet of a first responder who is engaged in the lawful performance of any legal or emergent duty, with the intent to: 1. Interrupt, disrupt, hinder, impede or interfere with the first responder's ability to perform such duty; 2. Provoke a physical response from the first responder; or 3. Directly or indirectly harass the first responder or make so much noise that a ...

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911 Public Safety Telecommunicators Certificates (Monitor)

CS/HB 341 (Amesty) and CS/SB 980 (Brodeur) revise the time period that a 911 public safety telecommunicator certificate may remain inactive or be reactivated from 180 days to six years. CS/SB 980 was amended to remove the requirement that the certificate holder must request their inactive status and instead makes that automatic after six years and removes the \$50 fee. (Taggart) ...

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Item 2.

Possession or Use of a Firearm in a Sensitive Location (Monitor)

HB 215 (Rayner-Goolsby) and HB 456 (Berman) prohibit the possession or use of a firearm in "sensitive locations." The bills define a sensitive location as numerous public facilities including but not limited to buildings or facilities owned, leased or operated by government entities, including public transportation. (Taggart) ...

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Public Safety Emergency Communications Systems (Monitor)

HB 1575 (Brackett) and CS/SB 1614 (Rodriguez) require local authorities to have a qualified third party certify that the jurisdiction's public safety emergency communications system meets or exceeds the minimum radio coverage design criteria for emergency services communications systems in the current edition of the National Fire Protection Association (NFPA) before the local authority having jurisdiction requires an assessment for the need of a two-way radio communications enhancement system in a new or existing building. If the third party proves the authority has a valid radio coverage design certification, the authority may only require an assessment of a ...

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Special Persons Registry/Public Records (Monitor)

CS/SB 784 (Burgess) allows a local law enforcement agency to develop and maintain a Special Persons Registry. The registry contains a list of persons who have developmental, psychological or other disabilities or conditions that may be relevant to their interactions with law enforcement officers. CS/SB 786 (Burgess) creates a public records exemption for all records, data, information, correspondence and communications relating to and submitted in connection with the enrollment of persons in the Special Persons Registry. (Taggart) ...

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Surrendered Newborn Infants (Monitor)

Item 2.

CS/HB 899 (Canady) and CS/SB 870 (Burton) authorize the use of newborn infant safety devices by hospitals, emergency medical services stations and fire stations. The devices are used to safely surrender newborn infants and must meet designated safety requirements. If an agency chooses to use the device, it must be monitored 24 hours per day, and the alarm must be checked at least twice per week. CS/HB 899 passed the House (110-0) and is awaiting action by the Senate. (Taggart) ...

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Other Bills of Interest

HB 25 (Benjamin) and SB 812 (Simon) – Citizen's Arrest ...

HB 25 (Benjamin) and SB 812 (Simon) – Citizen's Arrest HB 45 (Skidmore) and SB 66 (Berman) – Risk Protection Orders HB 119 (Benjamin) and SB 1510 (Pizzo) – Visiting County and Municipal Detention Facilities HB 217 (Rayner-Goolsby) and SB 584 (Book) – Rights of Child01ren HB 151 (Daley) and SB 146 (Polsky) – Sale or Transfer of Ammunition HB 153 (Daley) and SB 148 (Polsky) – Pub. Rec./Sales of Ammunition HB 187 (Waldron) and SB 208 (Polsky) – Sale, Transfer, or Storage of Firearms HB 165 (Hunschofsky) and SB 164 (Polsky) – Controlled Substance Testing SB 214 (Burgess) and HB 221 (Snyder) – Sales of Firearms and Ammunition HB 571 (Hinson) and HB 277 (Hinson) – Storage of Firearms in Private Conveyances and Vessels HB 353 (Skidmore) and SB 318 (Polsky) – Conditions of Pretrial Release HB 335 (Amesty) – School Safety Training SB 428 (Rouson) and HB 403 (Basabe) – Community Violence Intervention and Prevention Grant Program SB 462 (Berman) and HB 579 (Eskamani) – Assault Weapons and Large-capacity Magazines HB 1081 (Benjamin) and SB 1556 (Perry) – Contraband Forfeiture SB 1300 (Burton) and HB 1047 (Killebrew) – Animals Working with Law Enforcement Officers HB 1543 (Payne) – Minimum Age for Firearm Purchase or Transfer
Articles in this section: 9

SHORT-TERM RENTALS

Public Lodging and Food Service Establishments (Support)

HB 1399 (Cassel/Woodson) and SB 1422 (Pizzo) would require an applicant for a vacation rental license to provide the Division of Hotels and Restaurants of the Department of Business and Professional Regulation (DBPR) with proof of inspection and compliance with municipal codes when it changes in use from single-family residential to a transient public lodging establishment. The bills would also require that the applicant provide proof that the underlying homeowner's insurance policy allows the structure to be used as a transient public lodging establishment and a signed affidavit from the chief executive of the local government where the ...

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Vacation Rentals (Monitor)

CS/HB 833 (Duggan) and CS/SB 714 (DiCeglie) Impact on Local Governments The bills maintain the current preemption on local governments from adopting zoning ordinances specific to short-term rentals, as well as regulating the duration of stays and the frequency in which the properties are rented. The bills expand this preemption to include local regulations on advertising platforms. For cities that adopted ordinances prior to June 1, 2011, the bills maintain the "grandfather" currently in place but clarify that those cities may amend their ordinances to be less restrictive or to comply with a local registration program. For cities that do not have "grandfathered" ordinances, the bills preempt cities from licensing short-term rentals; however, they authorize local governments to have a local registration program. Local governments who choose to adopt a local registration program may impose a fine for failure to register. The local government has 15 days after receiving an application for registration to either accept the application or issue a written notice specifying all deficiencies. Both parties may agree to extend the timeline. If a municipality does not accept or deny an application within that 15-day window, that application is deemed approved. As a condition of registration, the local registration programs may only require the owner or operator of a vacation rental to:

- Pay a fee of no more than \$50 for processing an individual registration application or \$100 for a collective application
- Renew their registration no more than once per year unless the property has a change in ownership
- Submit identifying information about the owner or the property manager and the short-term rental being registered
- Obtain a license as a transient public lodging establishment by the Department of Business and Professional Regulation (DBPR) within 60 days of local registration
- Obtain all required tax registration, receipts or certificates issued by the Department of Revenue, a county or a municipal government
- Maintain all registration information on a continuing basis so it is current
- Comply with parking and solid waste handling requirements; these requirements cannot be imposed solely on short-term rentals
- Designate and maintain a property designee who can respond to complaints and other immediate problems related to the property, including being available by phone
- Pay in full all municipal or county code liens against the property being registered.

Impact on Advertising Platforms and DBPR Advertising platforms must include in all listings the property's state license number and, if applicable, the local registration number. After July 1, 2024, the advertising platform will be required to check and verify the license number of all listings with DBPR. Additionally, by that date, DBPR will be required to maintain all short-term rental license information in an electronic format to ensure prompt compliance. Advertising platforms will be required to remove unlicensed listings within 15 days after notification by DBPR, as well as collect and remit all required taxes. Termination/Denial of License DBPR may revoke, refuse to issue or renew a short-term rental license or suspend the license for up to 30 days under several circumstances:

- The property owner violates the terms of any lease or applicable condominium, coop or homeowner's association restrictions
- The owner fails to provide proof of local registration if one is required
- The local registration is terminated by a local government for violating any of the registration requirements described above
- The property and property owner are subject to a final order or judgment directing termination of the property's short-term rental status
- DBPR may also suspend the license for up to 30 days when the short-term rental has been cited for two or more code enforcement violations during a 90-day period. (Taggart)

Vacation Rentals (Support)

SB 92 (Garcia) and HB 105 (Basabe) codify the ability of local governments to require vacation rental owners or operators to designate and maintain at all times the name and contact information of a responsible party who is able to respond to complaints and other immediate problems related to the property. (Taggart) ...

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Articles in this section: 3

TORT LIABILITY

Sovereign Immunity (Oppose)

CS/HB 401 (Beltran) and SB 604 (Gruters) increase the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities). The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. CS/HB 401 was amended to increase the caps for damages

against state and local government entities to \$2,500,000 per person and \$5,000,000 per incident. SB 604 (Gruters) would increase the caps to \$400,000 per person and \$600,000 per incident. (Cruz) ...

Item 2.

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Other Bills of Interest

HB 85 (Snyder) and SB 360 (Hutson) – Causes of Action Based on Improvements to Real Property ...

HB 85 (Snyder) and SB 360 (Hutson) – Causes of Action Based on Improvements to Real Property HB 315 (Andrade) and SB 738 (Brodeur) – Civil Remedies for Unlawful Employment Practices HB 843 (Cross) and SB 816 (Polsky) – Challenges to Development Orders HB 837 (Fabricio), SB 236 (Hutson) and HB 1165 (Duggan) – Civil Remedies HB 1205 (Andrade) and SB 1246 (Yarborough) – Advertisement for Legal Services

Articles in this section: 2

TRANSPORTATION

Vertiports (Monitor)

HB 349 (Bankson) and SB 1122 (Harrell) promote the development of a network of vertiports that will provide residents in Florida with equitable access to advanced air mobility operations for passenger and cargo services. For vertiports to operate in the state, the owner must comply with the Federal Aviation Administration's regulations and guidance relating to vertiport design and performance standards as well as submit a layout plan to the administrator of the Federal Aviation Administration. The bills specify that a local government may not exercise its zoning and land use authority to give an exclusive right to one ...

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Other Bills of Interest

SB 64 (Hooper) and HB 425 (Esposito) – Department of Transportation ...

SB 64 (Hooper) and HB 425 (Esposito) – Department of Transportation HB 155 (Holcomb) and SB 198 (DiCeglie) – Tampa Bay Area Regional Transit Authority

Articles in this section: 2

UTILITIES & NATURAL RESOURCES

Biosolids (Monitor)

CS/SB 880 (Brodeur) and CS/HB 1405 (Tuck) authorize the Department of Environmental Protection to provide grants for projects that convert wastewater residuals to Class A biosolids and Class AA biosolids. The bills also prohibit the Department from authorizing a land application site permit for Class B biosolids within the subwatershed of a waterbody designated as impaired for either nitrogen or phosphorus or within an adjoining

upstream subwatershed containing surface waters that flow to a waterbody designated as impaired for either nitrogen or phosphorus unless the applicant demonstrates the biosolids will not add to the nutrient load of the ...

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Boating Restricted Areas (Support)

HB 1103 (Tramont) and SB 1314 (Wright) authorize counties and municipalities to establish certain portions of the Florida Intracoastal Waterway slow speed, minimum wake boating-restricted areas within 500 feet of any private or public marina pumpout. (O'Hara) ...

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Comprehensive Waste Reduction and Recycling Plan (Support)

SB 506 (Stewart) and HB 1427 (Casello) require the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan by July 2024, based on recommendations from the Department's 2020 75% Recycling Goal Final Report. The bills also require the Department to convene a technical assistance group to help develop the plan. The plan must include the following: recycling goals based on sustainable materials management and waste diversion; a 30-year plan to implement strategies relating to recycling education and outreach; local government recycling assistance; and recycling materials market development. The bills require the Department to submit ...

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Construction Materials Mining Activities (Monitor)

HB 77 (Fabricio) and SB 186 (Avila) provide that beginning July 2023, the ground vibration limit for construction materials mining activities within one mile of residentially zoned areas may not exceed .15 inches per second. The bills authorize the Chief Financial Officer to direct the State Fire Marshal to modify the standards for the use of explosives in connection with construction materials mining activities within one mile of residentially zoned areas. (O'Hara) ...

HB 77 (Fabricio) and SB 186 (Avila) provide that beginning July 2023, the ground vibration limit for construction materials mining activities within one mile of residentially zoned areas may not exceed .15 inches per second. The bills authorize the Chief Financial Officer to direct the State Fire Marshal to modify the standards for the use of explosives in connection with construction materials mining activities within one mile of residentially zoned areas. (O'Hara)

Department of Agriculture and Consumer Services (Monitor)

SB 1150 (Ingoglia) and CS/HB 1307 (McClure) revise various provisions of law relating to the powers and duties of the Florida Department of Agriculture and Consumer Services. The bills amend the current law definition of “Category I liquefied petroleum gas dealer” to include persons engaged in the design of equipment for use of liquefied petroleum or natural gas. This definition has relevance to the current law preemption of local government prohibition of the types or fuel sources of energy production in Section 366.032, Florida Statutes, which includes a Category I liquefied petroleum gas dealer within the scope of ...

SB 1150 (Ingoglia) and CS/HB 1307 (McClure) revise various provisions of law relating to the powers and duties of the Florida Department of Agriculture and Consumer Services. The bills amend the current law definition of “Category I liquefied petroleum gas dealer” to include persons engaged in the design of equipment for use of liquefied petroleum or natural gas. This definition has relevance to the current law preemption of local government prohibition of the types or fuel sources of energy production in Section 366.032, Florida Statutes, which includes a Category I liquefied petroleum gas dealer within the scope of the preemption. In addition, the bills amend the current law definition of “Category V LP gas installer to include persons engaged in the design of equipment for use of liquefied petroleum or natural gas. This definition, as well as the definition of “Category I liquefied petroleum gas dealer” are relevant to the current law restriction on local licensing and registration requirements for plumbing contractors in Section 489.105(3)(m), Florida Statutes. (O’Hara)

Department of Agriculture & Consumer Services (Monitor)

SB 1164 (Collins) and CS/HB 1279 (Alvarez) amend various provisions relating to the Department of Agriculture, including provisions concerning the regulation of aquaculture. The bills express an intent to eliminate duplication of regulatory inspections of aquaculture products and preempt the regulatory and permitting authority of all aquaculture products to the Department. (O’Hara) ...

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Energy Regulation (Oppose)

SB 1238 (Rodriguez) and HB 1217 (Melo) prohibit local governments from imposing certain requirements and prohibitions relating to energy-savings or energy-producing factors. The bills provide that, except for the purpose of compliance with building and fire safety laws, a local government may not require that a particular design or type of material be used in the construction of a building due to the design’s or the material’s energy saving or energy producing qualities. In addition, the bills prohibit a local government from prohibiting the use of a particular design or type of material in the construction of a ...

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Energy Transition Task Force (Monitor)

Item 2.

HB 293 (Hinson) and SB 680 (Davis) would create the Energy Transition Task Force within the Department of Agriculture and Consumer Services to provide recommendations for fostering a fair and equitable transition of the state's energy infrastructure to renewable energy technologies within minority, underserved, rural and low-income communities. It directs the Task Force to submit a report with its recommendations to the Governor and Legislature by September 2024. (O'Hara) ...

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Everglades Protection Area/Comprehensive Plan Amendments (Monitor)

HB 175 (Busatta Cabrera) and CS/CS/SB 192 (Avila) require comprehensive plans and plan amendments by a county defined in Section 125.011(1) or any municipality therein (i.e., Miami-Dade County and municipalities within the county), that apply to any land within, or within two miles of, the Everglades Protection Area (EPA) to follow the state-coordinated review process for state agency compliance review under Part II, Chapter 163, Florida Statutes, and requires the Department of Environmental Protection (DEP) to coordinate with the affected local governments on mitigation measures for plans or plan amendments that would impact Everglades restoration. The EPA consists ...

HB 175 (Busatta Cabrera) and CS/CS/SB 192 (Avila) require comprehensive plans and plan amendments by a county defined in Section 125.011(1) or any municipality therein (i.e., Miami-Dade County and municipalities within the county), that apply to any land within, or within two miles of, the Everglades Protection Area (EPA) to follow the state-coordinated review process for state agency compliance review under Part II, Chapter 163, Florida Statutes, and requires the Department of Environmental Protection (DEP) to coordinate with the affected local governments on mitigation measures for plans or plan amendments that would impact Everglades restoration. The EPA consists of the three state-designated Water Conservations Areas (WCA-1, WCA-2 and WCA-3) as well as Everglades National Park. If DEP determines that any portion of a proposed plan or proposed amendment will adversely impact the EPA or Everglades restoration objectives, the local government must modify the plan or plan amendment to mitigate such impacts before adoption of the plan or amendment, or that portion of the plan or amendment may not be adopted. Plan amendments that apply to any land within, or within two miles of, the EPA must be transmitted to DEP within 10 days of the second public hearing on the amendment. Finally, the bills require a county subject to the bill and any municipality within that county to transmit a copy of any small-scale plan amendment to the Department of Economic Opportunity within 10 days after adoption. (O'Hara)

Financing Improvements to Real Property (Monitor)

SB 810 (Gruters) and CS/CS/HB 1151 (Amesty) amend Section 163.08, Florida Statutes, relating to Property Assessed Clean Energy (PACE) programs and financing. The bills expand the purpose of the program to include resiliency-qualifying improvements to commercial or residential property. The bills define commercial property to include multifamily, commercial, industrial, agricultural, nonprofit, long-term care facilities or government-commercial property. Government-commercial property is defined as real property owned by a local government and leased to a nongovernmental lessee. The bills expand the types of improvements to commercial property that are eligible for PACE financing to include energy conservation and efficiency improvements ...

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financing to include energy conservation and efficiency improvements and resiliency improvements. The bills specify conditions for entering financing agreements with commercial properties and governmental-commercial properties. They clarify the changes made by the bill are prospective and do not affect or amend any existing non-ad valorem assessment or any existing interlocal agreement between local governments. (O'Hara) Item 2.

Floating Vessel Platforms and Floating Boat Lifts (Monitor)

CS/HB 847 (Stark) and SB 1082 (DiCeglie) amend Section 403.813, Florida Statutes, which currently authorizes exemptions from certain state and local permitting requirements for floating vessel platforms and floating boat lifts under specified circumstances. HB 847 provides that structures associated with a dock or structures wholly contained within a boat slip that do not exceed 500 square feet (or 200 feet in an Outstanding Florida Water) as specified in Section 403.813(1)(s)2., Florida Statutes, create a presumption of compliance with certain environmental impact requirements of the Florida Department of Environmental Protection. The bills provide that local governments may require ...

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Florida Shared-Use Nonmotorized Trail Network (Support)

CS/SB 106 (Brodeur) and CS/HB 915 (Botana) authorize the Department of Environmental Protection to establish a program to recognize local communities located along or in proximity to one or more long-distance nonmotorized recreational trails as "trail towns." The bills revise provisions relating to the Florida Greenways and Trails Program. The bills authorize the Greenways and Trails Council to recommend priorities for regionally significant trails for inclusion by the Florida Department of Transportation in the Florida Shared Use Nonmotorized Trail Network. The bills revise the responsibilities of the Division of Tourism Marketing to include promotion of the Florida Greenways ...

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Implementation of the Recommendations of the Blue-Green Algae Task Force (Monitor)

HB 423 (Cross) and CS/SB 1538 (Stewart) would require septic tank owners to have the system inspected every five years and direct the Department of Environmental Protection to implement the inspection program. The bills require basin management action plans to include estimated pollutant load reductions that meet or exceed the amount of load reductions needed to meet the total maximum daily load requirements under the plan. The bills 52

require the allocation of pollutant load reductions in a basin management action plan to consider projected increases in pollutant loading due to growth in population or agricultural activity and require ... Item 2.

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Land Acquisition Trust Fund – Florida Forever (Support)

HB 559 (Roth) and SB 928 (Stewart) extend the retirement date of bond issues to fund the Florida Forever Act. The bills revise distributions for various programs funded by the Land Acquisition Trust Fund. HB 559 specifies that the lesser of 40% or \$350 million shall be appropriated annually to the Florida Forever Trust Fund. SB 928 specifies that the lesser of 40% or \$300 million shall be appropriated annually to the Florida Forever Trust Fund. Both bills prohibit moneys distributed from the Trust Fund from being used for executive direction and support services by state agencies. (O'Hara) ...

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Land and Water Management (Oppose)

HB 1197 (Maggard) and SB 1240 (Burgess) prohibit counties and municipalities from adopting laws, regulations, rules or policies relating to water quality, water quantity, pollution control, pollutant discharge prevention or removal or wetlands, and preempt such regulation to the state. The prohibition does not apply to an interagency or interlocal agreement between the Department of Environmental Protection and any agency or local government and does not apply to any local government conducting programs relating to or materially affecting the water resources of the state. In addition, the prohibition does not apply to the authority of a county or ...

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Management and Storage of Surface Waters (Monitor)

HB 371 (Killebrew) and SB 910 (Burton) provide an exemption from surface water management and storage regulations for implementing certain projects for environmental habitat creation, restoration and enhancement activities, and water quality improvements on agricultural lands and government-owned lands. The bills rem

current law requirements for the Department of Environmental Protection and water management districts notified of such projects. (O'Hara) ...

Item 2.

HB 371 (Killebrew) and SB 910 (Burton) provide an exemption from surface water management and storage regulations for implementing certain projects for environmental habitat creation, restoration and enhancement activities, and water quality improvements on agricultural lands and government-owned lands. The bills remove current law requirements for the Department of Environmental Protection and water management districts to be notified of such projects. (O'Hara)

Mitigation Credits (Monitor)

HB 1167 (Duggan) and SB 1702 (DiCeglie) authorize the Department of Environmental Protection (DEP) and the water management districts if mitigation credits are not available in sufficient quantities to be sold or used to offset imminent adverse impacts within a mitigation service area, to release mitigation credits to a mitigation bank before the bank meets the mitigation success criteria specified in its permit if the bank has been successfully constructed and there is a high degree of confidence that the required ecological performance standards will be met. If mitigation credits are not available in a basin, the bills ...

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Municipal Electric Utilities (Oppose)

SB 1380 (Martin) provides that any municipal electric utility serving any electric retail customer located outside of the municipality's corporate boundaries is a "public utility" subject to regulation by the Public Service Commission (PSC) for a minimum of five years. The bill directs the PSC to develop rules for such regulation. (O'Hara) ...

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Municipal Utilities (Oppose)

CS/HB 1331 (Busatta Cabrera) substantially amends provisions of law relating to municipal water and electric utility extraterritorial surcharges, extraterritorial service and transfers of enterprise funds. The bill authorizes a municipal utility to transfer a portion of its earnings to the municipality for general government purposes. The revenues transferred to fund general government purposes may not exceed a rate equal to the amount derived by applying the average of the midpoints of the rates of return on equity approved by the PSC for investor-owned utilities in the state. The amount of the transfer must be further reduced based on ...

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midpoints of the rates of return on equity approved by the PSC for investor-owned utilities in the state. The amount of the transfer must be further reduced based on the percentage of extraterritorial customers served by the utility. The bill eliminates the automatic 25% surcharge that may be added to the rates and fees charged to extraterritorial customers. (O'Hara)

Item 2.

Municipal Water and Sewer Utility Rates (Monitor)

HB 361 (Robinson, F.) and SB 1712 (Jones) require a municipality that operates a water or sewer utility providing services to customers in another recipient municipality using a facility or plant located in the recipient municipality to charge customers in the recipient municipality the same rates, fees and charges it imposes on customers within its own municipal boundaries. (O'Hara) ...

HB 361 (Robinson, F.) and SB 1712 (Jones) require a municipality that operates a water or sewer utility providing services to customers in another recipient municipality using a facility or plant located in the recipient municipality to charge customers in the recipient municipality the same rates, fees and charges it imposes on customers within its own municipal boundaries. (O'Hara)

Onsite Sewage Treatment and Disposal System Inspections (Support)

HB 1425 (Caruso) requires onsite sewage treatment and disposal systems to be inspected at least once every five years and directs the Department of Environmental Protection to administer the inspection program with a phased-in implementation plan that prioritizes areas within a basin management action plan. The inspection is to be paid by the system owner, and an owner would be required to take remedial measures if an inspection identifies a system failure. (O'Hara) ...

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Organic Material Products (Monitor)

SB 1472 (Bradley) and CS/HB 1361 (Truenow) amend the Florida Right to Farm Act. The definition of "farm" is amended to include the production of organic material, and the definition of "farm operation" is amended to include the collection, storage, processing and distribution of organic material products. Organic material is defined as vegetative matter resulting from landscaping maintenance or land clearing operations, including clean wood and materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps and associated rocks and solids. (O'Hara) ...

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Pollutant Load Reduction/Environmental Protection (Monitor)

CS/HB 1379 (Steele) and CS/SB 1632 (Brodeur) impose new requirements and restrictions on local governments relating to pollutant load reduction, local government comprehensive plans, basin management action plans, onsite sewage treatment and disposal systems, mandatory connection to central sewer systems, septic system and wastewater treatment facility remediation plans and advanced waste treatment systems. ...

CS/HB 1379 (Steele) and CS/SB 1632 (Brodeur) impose new requirements and restrictions on local governments relating to pollutant load reduction, local government comprehensive plans, basin management action plans, onsite sewage treatment and disposal systems, mandatory connection to central sewer systems, septic system and wastewater treatment facility remediation plans and advanced waste treatment systems. Comprehensive Plans and Capital Improvements Schedule Both bills require the comprehensive plan's schedule of capital improvements to include a list of projects necessary to achieve the pollutant load reductions attributable to the local government pursuant to a basin management action plan. For groups of 50 or more parcels with a density greater than one septic system per acre, a local government's comprehensive plan must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and identify the name of the intended wastewater facility could receive sanitary sewer flows after connection and a timeline for connection. Indian River Lagoon Protection Program The bills establish this program within the Department of Environmental Protection, which consists of the various basin management action plans around the Indian River Lagoon. The Department water management districts, local governments and other stakeholders are directed to identify and prioritize strategies necessary to meet water quality standards. Beginning January 2024, the bills prohibit the installation of new septic systems for areas within the Program where central sewer is available. If central sewer is not available, only advanced nutrient-reducing onsite systems or distributed wastewater systems will be permitted. By July 2030, the bills require any existing septic system within the areas subject to the Program to connect to central sewer if available or upgrade to an advanced onsite system. Outstanding Florida Springs HB 1379 requires a septic system remediation plan to be developed if septic systems are identified as contributors of nonpoint source nitrogen pollution, regardless of the percentage of contribution. Both bills prohibit the installation of septic systems where connection to central sewer is available. For lots of less than 1 acre where central sewer is not available, the bills require the use of advanced treatment onsite systems. Basin Management Action Plans The bills specify additional required contents for basin management action plans, including a requirement that any entity with a specific pollutant load reduction requirement established in a plan identify the projects or strategies the entity will undertake to meet the plan's current five-year milestone. Each project identified must include an estimated amount of nutrient reduction that is expected. The bills prohibit the installation of new septic systems within areas subject to a basin management action plan or reasonable assurance plan where connection to central sewer is available. In addition, the bills require the installation of advanced onsite septic systems on lots of 1 acre or less located within such areas if central sewer is not available. Wastewater Grant Program The bills rename the Wastewater Grant Program in Section 403.0673, Florida Statutes, to the "Water Quality Improvement Grant Program" and expand the types of projects that reduce the amount of nutrients entering waters that are not attaining nutrient or nutrient-related standards, have an established TMDL, are located within a BMAP area or are within an alternative restoration plan area, or a rural area of opportunity. Expanded project types include: wastewater facility repair, projects to upgrade, construct or expand stormwater treatment facilities, wastewater reuse and collection systems, projects included in a septic system or wastewater facility remediation plan and projects listed in a city or county capital improvements element. The bills specify that funding priority must be given to projects most likely to achieve the maximum pollutant reduction. Advanced Waste Treatment For facilities that discharge to specified waters and are required by current law to upgrade to advanced waste treatment by a specified date, the bill authorizes the Department of Environmental Protection to require even more stringent treatment standards of these facilities if necessary to achieve the total maximum daily load or applicable water quality criteria. In addition, beginning January 2033, waters that are not attaining nutrient standards or that are subject to a nutrient basin management action plan or reasonable assurance plan are subject to the requirement to upgrade to advanced wastewater treatment facilities. Finally, the bills provide that sewage disposal facilities may not dispose of any wastes in the following waters without providing advanced waste treatment within a 10-year period: a waterbody that does not attain nutrient standards after July 2023; a water body that is subject to a nutrient related basin management action plan after July 2023; or a waterbody that is subject to an adopted reasonable assurance plan after July 2023. (O'Hara)

Preemption of Recyclable and Polystyrene Materials (Support)

SB 498 (Stewart) removes the state preemption of local government laws relating to auxiliary containers, wrappings or disposable plastic bags and removes the state preemption of local government laws relating to the use or sale of polystyrene products. (O'Hara) ...

SB 498 (Stewart) removes the state preemption of local government laws relating to auxiliary containers, wrappings or disposable plastic bags and removes the state preemption of local government laws relating to the use or sale of polystyrene products. (O'Hara)

Preemption of Tree Pruning, Trimming and Removal (Support)

SB 886 (Stewart) repeals a state law preemption of local government regulation of tree pruning, trimming or removal on residential property. (O'Hara). ... Item 2.

SB 886 (Stewart) repeals a state law preemption of local government regulation of tree pruning, trimming or removal on residential property. (O'Hara).

Preemption Over Utility Service Restrictions (Oppose)

CS/HB 1281 (Buchanan) and SB 1256 (Collins) prohibit a local government from enacting or enforcing an ordinance, resolution, rule, code or policy, or from taking any action that restricts or prohibits or has the effect of restricting or prohibiting the use of any major appliances, including stoves and gas grills. CS/HB 1281 was amended to exempt local government actions and regulations necessary to implement the Florida Building Code and the Florida Fire Prevention Code. (O'Hara) ...

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Public Financing of Potentially At-Risk Structures and Infrastructure (Monitor)

CS/HB 111 (Hunschofsky) and SB 1170 (Calatayud) revise current law provisions that require certain public-financed projects and infrastructure to undergo a Sea Level Impact Projection Study prior to construction. The bills expand the types of projects and infrastructure subject to the requirement by including "potentially at-risk" projects within an area that is "at-risk due to sea-level rise." The bills define "at-risk due to sea-level rise" and "potentially at-risk structure or infrastructure." The bills also add a requirement that a public-financed constructor provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk ...

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Ratification of Rules of the Department of Environmental Protection (Monitor)

CS/SB 7002 (Environment and Natural Resources Committee) and HB 7027 (Water Quality, Supply & Treatment Subcommittee) ratify rules relating to the standards for on-site sewage treatment and disposal systems and for domestic wastewater facility planning for facilities expansion, collection/transmission systems and an operation and maintenance manual. State law requires legislative ratification of agency rules exceeding a specified fiscal regulatory impact threshold. (O'Hara) ...

CS/SB 7002 (Environment and Natural Resources Committee) and HB 7027 (Water Quality, Supply & Treatment Subcommittee) ratify rules relating to the standards for on-site sewage treatment and disposal systems and for domestic wastewater facility planning for facilities expansion, collection/transmission systems and an operation and maintenance manual. State law requires legislative ratification of agency rules exceeding a specified fiscal regulatory impact threshold. (O'Hara)

Recycling of Covered Electronic Devices (Monitor)

HB 691 (Basabe) and CS/SB 1030 (Trumbull) establish the statewide Covered Electronic Device Recovery Program within the Department of Environmental Protection. A covered electronic device means a computer, portable computer, computer monitor or television. The term does not include devices that are part of a car, an appliance or other equipment, and it does not include phones. The bills specify requirements for a statewide plan for the recycling of covered electronic devices and require counties to submit a plan for the disposal of covered electronic devices by January 2025. In addition, the bills require the owners or operators ...

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Resilience Districts (Oppose)

HB 1147 (Buchanan) and SB 1200 (Grall) create the Resilience District Act of 2023 by amending Chapter 190, Florida Statutes, relating to Community Development Districts. The bills establish the exclusive and uniform method for the establishment of a special district to address infrastructure through a petition from taxpayers who own real property within the district ("infrastructure resilience district"). The bills also establish the exclusive and uniform method for the establishment of a special district by petition from residents and taxpayers who are unit owners of condominiums or an associated group of condominiums within the district's proposed boundaries ("condominium ...

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without working with the petitioner to find an agreeable alternative, the local government will be responsible for implementing the project, paying all costs and commencing the project within 180 days. If the proposed district overlaps the boundaries of more than one local government, the affected local governments must enter an interlocal agreement. For condominium unit owner-initiated petitions, the bills specify that counties must develop processes to receive and process petitions by December 2023. The bills specify the required contents for petitions for the establishment of a resilience district by condominiums and the duties and responsibilities of county governments upon receiving a petition. The bills establish Section 190.1052, Florida Statutes, for the purpose of specifying requirements for district boundaries and property to be included in a proposed district. If a proposed district is identical to or shares more than 90% of the geography of any existing special taxing district that primarily serves a similar function, the bills specify the existing district must be dissolved and reconstituted as a resilience district and all assets transferred to the resilience district. The bills create Section 190.1054 to specify accepted uses of infrastructure resilience districts, which may include the following: projects that mitigate flood risk and sea-level rise; infrastructure to improve access to property during floods or storm events; septic to sewer conversion; redevelopment of nonresilient housing stock; and debt service. Acceptable uses of a condominium resilience district include fully funding condominium reserves and executing mandates of the Florida Building Code, Fire Prevention Code or local building codes. The bills create Section 190.1056, Florida Statutes, for the purpose of addressing management and service fees of infrastructure resilience districts and condominium resilience districts, including limitations on management fees paid to local governments and private providers. The bills specify board membership and eligibility for infrastructure resilience districts and condominium resilience districts. The bills create Section 190.111, Florida Statutes, for the purpose of describing the powers and duties of the district boards. Among these powers include the power to borrow money and issue bonds, levy special assessments, collect fees and charges, contract for professional consulting services, and cooperate and contract with other governmental agencies. The bills provide for the reduction, expansion or termination of districts. They provide a local government must take ownership of all infrastructure built by an infrastructure resilience district upon completion of the project, with the district continuing to service the debt. (O'Hara)

Regulation of Single-Use Plastics (Support)

SB 336 (Rodriguez) and HB 363 (Mooney) require the Department of Environmental Protection to submit updated reports analyzing the need for regulation of auxiliary containers, wrappings or disposable plastic bags to the Legislature. The bills also authorize specified coastal communities to establish pilot programs to regulate single-use plastic products. (O'Hara) ...

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Resiliency Energy Environment Florida Programs (Monitor)

HB 669 (Fine) and CS/SB 950 (Rodriguez) amend current law relating to Property Assessed Clean Energy programs (PACE), whereby local governments, alone or in partnership with a program administrator, may finance qualifying improvements on residential property relating to energy conservation and efficiency or renewable energy. The bills expand the types of projects that are eligible for PACE financing, including septic tank upgrades, repair of lateral sewer lines, septic-to-sewer connections and remediation of certain environmental contaminants. The bills add nonresidential real property, which includes multifamily residential property composed of five or more dwelling units, to PACE program eligibility. The ...

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market value, requiring a determination that a property owner meets certain creditworthiness requirements, and a property owners to cancel a financing agreement within three days of execution. (O'Hara)

Item 2.

Safe Waterways Act (Monitor)

HB 177 (Gossett-Seldman) and SB 172 (Berman) require the Department of Health to adopt and enforce certain rules and issue health advisories for beach waters and public bathing places if the results of bacteriological water sampling at the site fail to meet health standards. The bills also expand the current law preemption of the issuance of health advisories related to bacteriological sampling of beach waters to include public bathing places. The bills specify that beach waters and public bathing places must close if closure is necessary to protect health and safety and must remain closed until the water ...

HB 177 (Gossett-Seldman) and SB 172 (Berman) require the Department of Health to adopt and enforce certain rules and issue health advisories for beach waters and public bathing places if the results of bacteriological water sampling at the site fail to meet health standards. The bills also expand the current law preemption of the issuance of health advisories related to bacteriological sampling of beach waters to include public bathing places. The bills specify that beach waters and public bathing places must close if closure is necessary to protect health and safety and must remain closed until the water quality is restored in accordance with the Department's standards. The bills require the Department to adopt by rule specifications for signage that must be used when it issues a health advisory against swimming in affected beach waters or public bathing places due to elevated levels of specified bacteria and require such signage to be placed at beach access points and access points to public bathing places until the health advisory is removed. The bills specify that municipalities and counties are responsible for posting and maintaining the signage around beaches and public bathing places they own. Finally, the bills require the Department to develop an interagency database for reporting fecal indicator bacteria data and specify that fecal indicator bacteria relating to sampled beach waters and public bathing places must be published in the database within five business days after receipt of the data. (O'Hara)

Saltwater Intrusion Vulnerability Assessments (Support)

SB 734 (Polsky) and HB 1079 (Cross) authorize the Department of Environmental Protection to provide grants to coastal counties for saltwater intrusion vulnerability assessments that analyze the effects of saltwater intrusion on a county's water supply, water utility infrastructure, wellfield protection and freshwater supply management. The bills require the Department to update its comprehensive statewide flood vulnerability and sea level rise data set to include information received from the county saltwater intrusion vulnerability assessments. The bills direct the Department to provide 50% cost-share funding to counties, up to \$250,000, for each grant, and exempt counties with a population ...

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Sanitary Sewer Lateral Inspection Programs (Monitor)

HB 661 (Truenow) and SB 1420 (Rodriguez) authorize counties and municipalities to access sanitary sewer laterals within their jurisdiction to investigate, repair or replace the lateral. A sanitary sewer lateral is a privately owned pipeline connecting a property to the main sewer line. The bills require municipalities and counties to notify private property owners within a specified timeframe if the government intends to access the owner's sanitary sewer lateral and an anticipated timeframe for the work. The bills specify that local governments who establish sanitary sewer lateral programs are legally and financially responsible for all work that is ...

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Solid Waste Management (Oppose)

SB 798 (Ingoglia) and CS/HB 975 (Holcomb) provide that a city or county may not prohibit or "unreasonably restrain" a private entity from providing recycling or solid waste services to commercial, industrial or multifamily residential properties. In addition, the bills authorize a local government to require such private entities to obtain a permit, license or non-exclusive franchise but specify the local government's fee may not exceed the local government's administrative cost and that the fee must be commensurate with fees for other industries. The bills prohibit the use of exclusive franchise agreements and restrict a local government from ...

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State Renewable Energy Goals (Monitor)

SB 970 (Berman) and HB 957 (Eskamani) amend multiple provisions of law relating to renewable energy. The bills prohibit the drilling, exploration for or the production of oil, gas or other petroleum products on the lands and waters of the state. The bills provide that by 2050, 100% of the electricity used in the state will be generated from 100% renewable energy and that by 2051, the state will have net zero carbon emissions. The bills direct the Office of Energy within the Department of Agriculture and Consumer Services to coordinate with state, regional and local entities to ...

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Wastewater Grant Program (Support)

CS/SB 458 (Rodriguez) and HB 827 (Basabe) authorize the Department of Environmental Protection to provide wastewater grant program grants to projects directed at or focused on a water body that is included in the Department's verified list of impaired waters. (O'Hara) ...

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Water and Wastewater Facility Operators (Support)

Item 2.

CS/CS/HB 23 (Bell) and CS/CS/SB 162 (Collins) state that water and wastewater facility operators are essential first responders. The bills require the Department of Environmental Protection to issue a license by reciprocity to any applicant who: (1) is a water treatment plant operator, water distribution system operator or domestic wastewater treatment plant operator and who holds an active and valid license from another state, the federal government or tribal government, for which the licensure requirements are comparable to or exceed Florida's licensure requirements; (2) has passed a licensure examination comparable to the Department's licensure examination, subject to approval ...

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Other Bills of Interest

SB 100 (Garcia) and HB 561 (Mooney, Jr.) – Mangrove Replanting & Restoration ...

SB 100 (Garcia) and HB 561 (Mooney, Jr.) – Mangrove Replanting & Restoration HB 55 (Garcia) and SB 108 (Rodriguez) – Trees and Other Vegetation within Rights-of-Way SB 54 (Rodriguez) and HB 135 (Mooney) – Land Acquisition Trust Fund (Keys) HB 125 (McClain) and SB 194 (Hooper) – Utility System Rate Base Values HB 207 (Edmonds) and SB 592 (Powell) – Notice of Contaminated Water Systems HB 325 (Valdes), SB 484 (Bradley), HB 759 (Baker) and SB 1720 (Rouson) – Flood Disclosures for Property Sales SB 716 (Stewart) and HB 1291 (Antone) – Flood Zone Disclosures for Dwelling Units HB 527 (Skidmore) and SB 1484 (Pizzo) – Office of the Blue Economy HB 407 (Shoaf) and SB 702 (Simon) – Apalachicola Bay Area of Critical State Concern SB 320 (Harrell) and HB 547 (Sirois) – Land Acquisition Trust Fund (Indian River Lagoon) HB 557 (Bell) and SB 602 (Burton) – Land Acquisition Trust Fund (Heartland Headwaters) HB 713 (McFarland) and SB 742 (Grall) – Administrative Procedures and Permitting Process Review HB 739 (Cassel) and SB 1336 (Polsky) – Disposal of Food Waste Material SB 724 (Boyd) and HB 1181 (Robinson) – Seagrass Restoration Technology Development Initiatives HB 821 (Yeager) and SB 1162 (DiCeglie) – Renewable Energy Cost Recovery SB 930 (Stewart) – Excise Tax on Water Extracted for Commercial or Industrial Use SB 1134 (Gruters) and HB 1505 (Grant) – Outstanding Florida Springs (Warm Mineral Springs) HB 1149 (Massullo) – Carbon Sequestration HB 1187 (Beltran) and SB 1216 (Ingoglia) – Campaign Finance SB 1206 (Thompson) and HB 1469 (Joseph) – Elections HB 1195 (Cross) and SB 1268 (Rouson) – Urban Agriculture Pilot Projects SB 1368 (Wright) and HB 1367 (Altman) – Unlawful Dumping (water control districts) SB 1248 (Ingoglia) – Political Parties
Articles in this section: 40

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Office of the Town Attorney

VIA: Francine Ramaglia, Town Manager

DATE: April 18, 2023

SUBJECT: Discussion on Regulation of Agricultural Related Uses

Background:

As Town Council is considering amendments to its Comprehensive Plan regarding future land use categories, it is important to understand regulation of agricultural uses and uses that may be related to agriculture. This presentation is intended to provide a general overview of agricultural regulation and other related activities the Town can regulate.

Agricultural uses include but are not limited to: horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products and farm production. §193.461(5), Fla.Stat. Notably, boarding and training of horses constitutes a “bona fide agricultural purpose” within the meaning of section 193.461, Florida Statutes. *Markam v. Pompano Park Racing*, 843 So.2d 922 (Fla. 4th DCA 2003).

Uses that are not typical agriculture, but may be related to agriculture, include uses classified as “agritourism” and uses that revolve around livestock wastes.

In Florida, agriculture is generally regulated or overseen by the Florida Department of Environmental Protection (FDEP) and the Florida Department of Agriculture and Consumer Services (FDACS). The state has made a concerted legislative effort to give exclusive agriculture oversight to FDEP, SFWMD and FDACS. This exclusive oversight is called “preemption”.

Preemption is where the overarching government entity has enacted legislation on a subject matter. Where that occurs, that legislation shall be controlling over the smaller or more localized government legislation and the localized government is precluded from enacting and sometimes

enforcing its own laws on the same subject.

Right to Farm:

The Right to Farm Act is the law that is usually thought of as being a shield to agricultural regulation. The Act is found in §823.14, Fla. Stat. Regarding local government regulation, the Act provides the following limitation:

It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a local government, and the adopted best management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance.

§823.14(6), Fla. Stat.

In order for the Right to Farm Act to apply, the use must be a “bona fide farm.” The County Property Appraiser’s Office is tasked with determining whether the operations on a property qualify as “bona fide” and assigns an agricultural classification to the property accordingly. The Town relies on the agricultural classifications assigned by the Palm Beach County Property Appraiser for properties within the Town. The Right to Farm Act does not exempt property owners from complying with floodplain management requirements and building permit requirements for residential structures and conversion of structures for residential uses. The Town does regulate such activities on agriculturally classified lands.

Agritourism:

Except as otherwise provided for in this section, and notwithstanding any other law, a local government may not adopt or enforce a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. This subsection does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in chapter 252.

§570.85, Fla. Stat.

Agritourism activity” means any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.

§570.86(1), Fla. Stat. (emphasis added).

As the legislation regarding agritourism is relatively new, the Town does not currently have any adopted regulations relating to agritourism. Town Council recently gave staff direction to add language into the Town’s Comprehensive Plan in support of agritourism. The Town may also consider adding language into its Unified Land Development Code defining agritourism and setting forth certain regulations consistent with Chapter 570, Fla. Stat.

Livestock Waste:

Rule 62-709.201, Florida Administrative Code, provides the following definitions:

(2) “Animal byproducts” means source-separated organic solid waste that is animal in origin, such as meat, fat, dairy, or eggs, and is generated by commercial, institutional, agricultural, or industrial operations. This term includes waste generated by prison facilities, grocery stores, manufacturing or packaging plants, butcher shops, restaurants and abattoirs. This term also includes packaging that has come into contact with animal byproducts. These wastes will be viewed as putrescible waste in this chapter.

(13) “Manure” means a solid waste composed of excreta of animals, and residual materials that have been used for bedding, sanitary or feeding purposes for such animals. For purposes of this chapter, manure does not include such material generated and managed by normal farming operations, but does include “paunch manure,” which is the undigested stomach content of cattle.

Town Ordinance 2017-03 requires livestock waste haulers obtain permits prior to engaging in any hauling of Livestock Waste. Ordinance 2017-03 defines livestock waste as

Wastes composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. For purposes of this ordinance, livestock waste that has been properly composted shall not be considered livestock waste.

Town Ordinance 2012-03 prohibits a property owner from allowing depositing of manure and horse bedding onto real property within the Town except when the manure or horse bedding is used for bona fide agricultural purposes (as defined in §193.461, Fla. Stat.).

§163.211, Fla. Stat., enacted in 2021, preempts the licensing of occupations to the State and includes that any current regulations expire as of July 1, 2023. Licensing, as defined in this section, includes a registration or license that is required for the person to perform the occupation in addition to any associated fee. This language effectively voids the Town’s regulations requiring livestock waste haulers register with the Town. The Village of Wellington adopted BMPs related to livestock waste last year. The Town may consider adopting land development code provisions related to the production, storage, use, and other activities, including BMPs, of livestock waste on properties within the Town.

Summary:

These regulations indicate that:

Residential housing can be regulated even if the housing is for a legitimate agritourism event.

Offsite impacts, such as parking, vehicle stacking, noise, odor and light emissions, occurring as a result of an agritourism event can be regulated.

Livestock waste intended for disposal can be regulated by the Town if the waste is unmanipulated manure.

The 2023 Legislative session has not concluded. Additional Legislative preemptions prohibiting municipal regulations may still be passed.

Recommendations:

Discuss possible regulation of agricultural related uses and provide staff direction.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 4

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine L. Ramaglia, Town Manager
DATE: April 18, 2023
SUBJECT: Discuss and give staff direction related to committees, standing or ad hoc

Background:

At the April 4, 2023, Town Council discussed the draft Ordinance No. 2023-01 regarding composition and appointments of Town Advisory Boards. Attached you will find the previous draft for composition and appointment.

Recommendations:

Town Council discuss and give direction to staff.

Loxahatchee Groves Committee(s) Structure & Details

(Ver. Notes 04-07-2022)

Item 4.

(6) Charter Review Committee (CRC)

(source: LG Charter)

- (a) At its first regular meeting in March 2012, and every 10th year thereafter, the town council may appoint a charter review committee consisting of 15 individuals who are not members of the town council to serve in an advisory capacity to the town council.
- (b) Each council member shall recommend and nominate three individuals to serve on the committee as regular members, which appointments shall be approved by a majority vote of the town council. Individuals appointed to the charter review committee shall be citizens of the town.
- (c) The charter review committee shall appoint its own chair and vice chair and adopt its own rules and procedures.
- (d) The town clerk and the town attorney shall advise the town council in advance of the date when such appointments may be made.
- (e) If appointed, the charter review committee shall commence its proceedings within 30 days after the committee is appointed by the town council. The committee shall review the charter and provide input to the town council to modernize and improve the charter. The public shall be given an opportunity to speak and participate at charter review committee meetings in accordance with the rules of the charter review committee.
- (f) All recommendations by the charter review committee shall be forwarded to the town council in ordinance form for consideration no later than the 1st day of March of the year following the appointment of the charter review committee, and in sufficient time for any recommendations to be considered by the town council as provided herein.
- (g) The town council shall consider the recommendations of the charter review committee at the regular meeting in November and the regular meeting in December of the year following appointment of the charter review committee.

Roadway Equestrian Trails and Greenway Advisory Committee (RETAG or RETGAC)

(source: LG Code/ULDC; Resolutions 2015-04; 2016-28; 2020-07)

- (12) Review and report by the **Roadway Equestrian Trails and Greenway Advisory Committee** (RETAG). Prior to review of a PUD by the Town Council, the RETAG shall review the PUD application regarding the need for and location of greenways, including equestrian trails, within the proposed PUD and provide a report to the Town Council through the adoption of a motion reflected in the minutes of the meeting. The applicant shall provide a written response to any issues discussed.
 - (C 2 f) Documentation of review by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG) regarding the need for and location of greenways, including equestrian trails, within the PUD, including a written response to RETAG comments and recommendations.
- (Resolution 2019-41)

Section 2. Section 2 of Resolution 2015-04 is amended as follows (underlines are additions and strikethroughs are deletions):

Loxahatchee Groves Committee(s) Structure & Details

(Ver. Notes 04-07-2022)

I. Creation of the "Roadway, Equestrian Trails and Greenway Advisory Committee." There is created the Roadway, Equestrian Trails and Greenway Advisory Committee to act as an advisory board to the Town Council, as follows:

(A) Qualifications. Each member of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be a resident of the Town.

(B) Duties. The Roadway, Equestrian Trails and Greenway Advisory Committee's duties are to review only those matters directed to it by the Town Council through the Town Manager, or by the Town Manager, which matters may include, but are not limited to:

1. Reviewing and analyzing projects relating to roadways, multi-purpose and equestrian trails, greenways, parks, and related water issues, road crossings, signage, and related issues as may be assigned to it by the Town Council from time to time;

2. Making recommendations to the Town Council on the enhancement, improvement and development of roadways, multi-purpose and equestrian trails, greenways, parks and related water issues within the Town; and,

3. Any other matter relating to roadways, multi-purpose and equestrian trails, greenways, parks and related water issues the Town Council may determine should be reviewed by the Committee.

(C) The Committee shall be comprised of five (5) voting members, to be appointed by individual Town Council Members.

(D) The Town Council shall appoint one member of the Town Council to serve as a non-voting liaison to the Roadway, Equestrian Trails and Greenway Advisory Committee. The Town Council liaison shall serve as a conduit to provide information between the Town Council and the Roadway, Equestrian Trails and Greenway Advisory Committee.

(E) The voting members shall serve at the pleasure of the Town Council. The terms of the voting members shall run concurrently with the term of the Council Member who nominated the voting member to the Committee.

(F) An attendance requirement shall be imposed on all members of the Roadway, Equestrian Trails and Greenway Advisory Committee. Unless excuse of absence is granted by the Roadway, Equestrian Trails and Greenway Advisory Committee, a member of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be removed by the Town Council if he/she has missed three (3) consecutive meetings of the Committee within a twelve (12) month period.

Committee members, and/or companies or employers in which the members have a direct financial interest, shall not do business with the Town, in accordance with Florida Statutes 112.313, and pertinent opinions of the Florida Commission on Ethics. If any member of the Committee finds that his/her personal interests are involved in any matter coming before the Town Council, he/she shall disqualify himself/herself from all participation in the matter.

(G) If a regular member of the Roadway, Equestrian Trails and Greenway Advisory Committee resigns or is removed from his or her position, the nominating¹ Council Member shall appoint the replacement.

II. Advisory Only. The actions, decisions, and recommendations of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be advisory only.

Loxahatchee Groves Committee(s) Structure & Details

(Ver. Notes 04-07-2022)

Finance and Audit Advisory Committee (FAAC)

(source: Ordinances/Resolutions 2020-01; 2020-09; 2009-008; 2018-17)

WHEREAS, it is the desire of the Town Council of the Town of Loxahatchee Groves, Florida to further amend Resolution No. 2018-17 to allow for modification of the composition of the Committee, term of appointment and determination of absences, to be in the best interests of the residents of the Town.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

Section 1. That the foregoing “WHEREAS” clauses are confirmed and ratified as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council hereby modifies the Town’s Finance Advisory and Audit Committee Resolution as follows:

I. Creation of Finance Advisory and Audit Committee. There is created a Finance Advisory and Audit Committee to act as an advisory board to the Town Council, as follows:

(A) Qualifications. Each member of the Finance Advisory and Audit Committee shall be a resident of the Town, except the Town Council may appoint one member, including alternates, who is a non-resident landowner. Whenever possible, emphasis should be upon persons who have experience in the financial services industry.

(B) Duties. The duties of the Finance Advisory and Audit Committee are as follows:

(1) To conduct a review and analyses of projects assigned by the Town Council, or Town Manager, and make recommendations to the Town Council;

(2) To review financial activities of the Town; and

(3) To act as the Audit Committee in order to provide for auditor selection functions consistent with Section 218.391, Florida Statutes, upon motion of the Town Council.

(C) The Committee shall be comprised of five (5) voting members and two (2) alternates, to be appointed by individual Town Council Members.

(D) The Town Council may appoint one member of the Town Council to serve as a non-voting liaison to the Finance Advisory and Audit Committee.

(E) The voting members and alternates shall serve at the pleasure of the Town Council for a term of one (1) year, expiring on the first Tuesday of May of the following year.

(F) An attendance requirement shall be imposed on all members of the Finance Advisory and Audit Committee. Unless excuse of absence is granted by the Finance Advisory and Audit Committee a member of the Finance Advisory and Audit Committee may be removed by the Town Council if he/she has missed two (2) consecutive meetings of the Committee where both absences have been unexcused as determined by the Committee.

(G) Committee members, and/or companies or employers, in which the members have a direct financial interest, shall not do business with the Town, in accordance with Florida Statutes 112.313, and pertinent opinions of the Florida Commission on Ethics. If any member of the Committee finds that his/her personal interests are involved in any matter coming before the Town Council, he/she shall disqualify himself/herself from all participation in the matter.

Loxahatchee Groves Committee(s) Structure & Details

(Ver. Notes 04-07-2022)

(H) If a regular member or alternate of the Finance Advisory and Audit Committee resigns or is removed from his or her position, the appointing Council Member shall appoint the replacement for approval by Town Council.

(I) Modification or changes to the Finance Advisory and Audit Committee duties and responsibilities must be approved by a super majority of the Town Council.

II. Advisory Only.

The actions, decisions, and recommendations of the Finance Advisory and Audit Committee shall be advisory only.

Unified Land Development Code Committee (ULDCC)

(source: Ordinances/Resolution 2016-28; 2020-07)

Section 2. The Town Council hereby modifies the Town's "Unified Land Development Code Review Committee" Resolution as follows:

I. Establishment of the "Unified Land Development Code Review Committee." There is established the Unified Land Development Code Review Committee to act as an advisory board to the Town Council, as follows:

(A) Membership. The Committee shall be comprised of five (5) voting members and two (2) alternates, to be appointed by individual Town Council Members through adoption of a resolution. The members shall serve a term of one year, expiring on the first Tuesday of May of the following year.

(B) Qualifications. Each member of the Unified Land Development Code Review Committee shall be a resident of the Town, except the Town Council may appoint one member, including alternates, who is a non-resident landowner.

(C) Duty. The Unified Land Development Code Review Committee's duty is to review and provide recommendations on sections of the Town's currently adopted Unified Land Development Code, and pertinent sections of the Town's Comprehensive Plan, as directed by the Town Council, or the Town Manager.

(D) An attendance requirement shall be imposed on all members of the Unified Land Development Code Review Committee. A member of the Unified Land Development Code Review Committee may be removed by the Town Council if he/she has missed two (2) consecutive meetings of the Committee, where both absences have been unexcused as determined by the Committee.

(E) Committee members, and/or companies or employers in which the members have a direct financial interest, shall not do business with the Town, in accordance with Florida Statutes 112.313, and pertinent opinions of the Florida Commission on Ethics. If any member of the Committee finds that his/her personal interests are involved in any matter coming before the Town Council, he/she shall disqualify himself/herself from all participation in the matter.

(F) If a regular member of the Unified Land Development Code Review Committee resigns or is removed from his or her position, the nominating Council Member shall appoint the replacement.

II. Advisory Only. The actions, decisions, and recommendations of the Unified Land Development Code Review Committee shall be advisory only.

Loxahatchee Groves Committee(s) Structure & Details

(Ver. Notes 04-07-2022)

Planning and Zoning Board (PZB) also acting as Land Planning Agency (LPA)

(source: Town Code; Resolution 2020-10)

ARTICLE II. - PLANNING AND ZONING BOARD

Sec. 34-25. - Composition and term of office.

(a) The planning and zoning board shall be composed of five members, and two alternate members placed in office in accordance with the following procedure:

(1) Each member of the town council shall nominate a qualified citizen for appointment to the planning and zoning board by the town council, to serve one-year terms.

(2) Two alternative members, designated as Alternate No. 1 and Alternate No. 2, shall be appointed by the town council each year to serve one-year terms. Alternate members may participate in all matters that come before the board at meetings at which they attend. However, alternate members may only vote as members of the board, in their designated order, whenever any regular member of the board is absent.

(b) Members of the planning and zoning board shall be appointed from the residents of the town who shall be knowledgeable concerning the functions of municipal government, planning and zoning matters and municipal development, as well as, from professions associated with development, including, without limitation, architects, planners, attorneys, engineers, and contractors. Board members shall hold no other town office or position.

(c) Three members of the planning and zoning board who are in attendance shall constitute a quorum for purposes of convening a meeting and transacting the business at hand.

(d) Vacancies on the planning and zoning board shall be filled by appointment by the town council for the unexpired term of the membership vacated. Nomination for such appointment shall be made by the council member who nominated the vacating board member; except that if an alternate member should vacate his position, any member of the town council may nominate a qualified citizen for appointment to such position, which must be approved by the town council.

(e) The town council shall have the authority to remove any member of the planning and zoning board from his office for cause whenever, after due notice of hearing at a regular or special meeting of the town council, a majority of the council votes for such removal. Causes for removal shall include absence from five consecutive board meetings without valid excuse as determined by the town council.

(f) Compensation. The members of the planning board shall serve without compensation, but shall be reimbursed for any expenses authorized by the town council, which may be incurred in the performance of their duties.

(g) Organizational meeting. The initial organizational meeting of the board shall occur at the first meeting of the board following the appointment of board members by the town council. Thereafter, the board meeting in April of each year shall be designated an organizational meeting for the purpose of electing a chairman and vice-chair, who shall be elected for terms of one year by the board from its membership.

(Ord. No. 2011-011, § 2, 7-19-2011; Ord. No. 2012-02, § 2, 2-7-2012; Ord. No. 2015-02, § 2, 5-5-2015)

Sec. 34-26. - Business meetings and procedures.

Loxahatchee Groves Committee(s) Structure & Details

(Ver. Notes 04-07-2022)

- (a) The conduct of planning and zoning board business and holding of hearings shall be governed by Robert's Rules of Order and such other rules of procedure as the town council may determine to be necessary.
- (b) The board shall meet once each month for the transaction of its business, provided that a meeting may be cancelled by the town manager when no business is pending. Special meetings may be called by the town manager when, in the opinion of the town manager, there are conditions of such urgency as to justify special meeting, provided that at least 48 hours' notice shall be given each member prior to the time set for such special meeting and that any statutory or town code notice timeframes are met. The board may schedule additional meetings as it deems necessary to conduct its business, training and other related matters.
- (c) There shall be an official agenda for each regular meeting of the planning and zoning board which shall determine the matters of business to be considered at each meeting and the order in which such items shall be presented. Preparation of the agenda shall be the responsibility of the town manager.
- (d) Decisions of the board shall be determined by motions duly made and seconded and carried by a majority vote of the members present. Minutes shall be kept of all meetings and proceedings and shall include and state the vote of each member on each question. The motion shall state the reason upon which it is made, such reason being based upon the prescribed guides and standards of good planning and zoning principles. Copies of the agenda, together with copies of documents and papers relative thereto, shall be made available for review by board members in the town hall as far in advance of the meeting as time for preparation will permit.

(Ord. No. 2011-011, § 2, 7-19-2011)

Sec. 34-27. - Administrative assistance.

- (a) The town manager shall provide such staff and clerical assistance as the planning and zoning board may require for the reasonable performance of its duties, including a recording secretary. The town's planner shall advise and assist the board in all of its presentations, hearings, and deliberations on matters pertinent and relative thereto.
- (b) The board, through its chairman, may call upon any department, agency, or officer of the town for information or advice in the promotion of its work.
- (c) The town attorney shall provide legal representation to the board at the request of the town manager.

(Ord. No. 2011-011, § 2, 7-19-2011)

Sec. 34-28. - Powers and duties.

- (a) The planning and zoning board shall hear and make recommendations to the town council as to findings of fact on applications for:
- (1) Rezoning applicants.
 - (2) Zoning ordinance amendments.
 - (3) Site plans.
 - (4) Conditional uses.
 - (5) Special exceptions permitted within each zoning district.
 - (6) Variances.

Loxahatchee Groves Committee(s) Structure & Details

(Ver. Notes 04-07-2022)

- (7) Administrative appeals.
- (8) Special permits and nonconforming uses.
- (9) Any other planning or zoning related matter referred to it by the town council.
- (b) After hearing any of the above applications, the board may recommend appropriate conditions, restrictions, limitations and safeguards it deems necessary, consistent with applicable law.
- (c) The board shall perform such other duties and special assignments as may be directed by the town council.

(Ord. No. 2011-011, § 2, 7-19-2011)

Sec. 34-29. - Planning and zoning board advisory only.

The actions, decisions and recommendations of the planning and zoning board shall not be final or binding on the town council but shall be advisory only.

(Ord. No. 2011-011, § 2, 7-19-2011)

DRAFT



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves

FROM: Larry Peters, Public Works Director

VIA: Francine L. Ramaglia, Town Manager

DATE: April 18, 2023

SUBJECT: Update on Paving Project

Background:

At the April 18, 2023, Town Council Special Meeting, Town Council asked staff that at the next meeting of the Town Council could Town Council be given an update on the paving project.

Recommendations:

Town Council and Town Staff discuss.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 6

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: April 18, 2023

SUBJECT: Council Priorities Scheduled for Discussion

Background:

Below is a proposed schedule for discussions and action as noted for upcoming agenda workshops and regular council meetings in April through September:

April 18	<ul style="list-style-type: none"> -Solid waste -Livestock waste -Agritourism -Right to farm -Lobbyist Update
May 2	<ul style="list-style-type: none"> -District 6 Commissioner Presentation & Discussion -HR Manual -Travel Policy -PTO Changes -Committees re-appointments -Council representatives (FLC, TPA, etc.) & Council/Volunteer At-Large Volunteers (ITID, BCC, SFWMD, etc.) -Volunteer program policy -Scholarship fund donation policy -Civic Plus -Additional Road Work contract amendment (repairs) -Towing & other piggybacks -Big Dog Ranch site plan amendment
May 16	<ul style="list-style-type: none"> -Amendments to Article 87 (land clearing) -Tree mitigation receiver sites -Sign code amendments
June 4	<ul style="list-style-type: none"> -TRIM rates (jeff has resos in email) -1st Reading Article 87 -1st Reading Sign Code -1st Reading Committees -Community Partnerships (LGLA/Interfaith) -Publix turn on B Road -ITID Mutual Aid Agreement for Emergencies

	Quarterly reports-code, bldg., PBSO, Fire, IT, Planning, PW, Finance, Atty
June 20	-Unrecorded plats -Nonconformities -ROW and easement corrections -RVs and other similar housing (joint workshop w/Committee)
August 1	1 st Reading RVs 2 nd Reading Article 87 2 nd Reading Sign Code 2 nd Reading Committees 1 st Reading unauthorized projections/signs (PBSO)
August 15	-Assessments: -Methodology -Village of Royal Palm drainage assessment -Culvert replacement assessment -Mobility fees and impact fees – possibilities and limitations -Cost sharing policy -Capital funding & borrowing -BTRs (consider committee assignment)
September 6	-1 st Budget Hearing -Assessment Resolutions -2 nd Reading RVs
September 19	-2 nd Budget Hearing -Fine reduction code amendments -Noise code amendments – remove dB measurements -Nuisance abatement amendments -Citation program for code enforcement

Recommendation:

Review, discuss and direct Staff.