



Legislative Wrap-Up

2019 Legislative Session

THE PUBLIC POLICY TEAM

at the FLORIDA ASSOCIATION OF COUNTIES



Susan Harbin-Alford
Deputy Director

*Growth, Agriculture,
Transportation, Environment*



Laura Youmans
Legislative Counsel

*Finance, Tax, &
Administration*



Tonnelle S. Graham
Associate Director

Health & Safety

2019 SESSION STATISTICS

- 3,491 total bills filed
 - 2,506 House bills (including 1630 appropriations project bills)
 - 985 Senate bills filed
- 197 bills passed both the House and Senate (5.6% of the total bills filed)
- Complete Session Statistics:
<http://www.leg.state.fl.us/data/session/2019/citator/Daily/stats.pdf>

2019 HOUSE AND SENATE PRIORITIES

- House Speaker Oliva: HB 21 (Hospital Licensure)
 - Eliminates the existing certificate of need (CON) program, administered by AHCA, which requires certain health care facilities like hospitals and nursing homes to obtain authorization from the state before building new facilities or expanding services
 - Passed Senate 23-17; Passed House 77-33
- Senate President Galvano: SB 7068 (Transportation)
 - Creates the Multi-use Corridors of Regional Economic Significance Program within FDOT; goal is construction and/or expansion of three major toll roads through mainly rural areas
 - Projected cost: \$45 million in FY 2019-20; \$90 million in FY 2020-21; increasing to a recurring \$140 million in FY 2022-23 and beyond
 - Passed Senate 37-1; Passed House 76-36

PREEMPTIONS FILED

(Not even an exhaustive list!)

PASSED

- Tree trimming and removal
- Timing of impact fee collection
- Plastic straw bans
- CS in public rights-of-way
- Transportation project standards

FAILED

- Local business regulations and occupational licensing requirements
- Increased approval threshold for local discretionary sales surtaxes
- Vacation Rentals
- Over-the-counter proprietary drugs and cosmetics (Sunscreen)
- Tobacco and nicotine product marking regulations
- Establishing legal smoking age
- Towing
- Affordable housing requirements for developers
- Municipal annexation and purchase of property
- Regulation of motorized scooters
- Removal of monuments and memorials

FINANCE, TAX & ADMINISTRATION

HB 3: Preemption of Local Regulations **(FAILED)**

- HB 3 ultimately **failed** after passing the House but not being taken up by the Senate; the Senate companion (SB 1748) was never considered in any Senate committee.
- Very broad preemption as originally filed – would have preempted the regulation and licensing of occupations and professions to the state
- Amended in its final House committee to remove the general business preemption language and to instead only preempt local government licensing requirements not expressly authorized by law (still very broad)



FINANCE, TAX & ADMINISTRATION

HB 5 – Discretionary Sales Surtaxes **(PASSED)**

- HB 5 **passed** being amended with the more favorable Senate language (SB 336), requiring a discretionary sales tax referendum to take place only during a general election.
- As originally filed, HB 5 would have required a 2/3 approval threshold for such referenda.
- Language imposing additional requirements for the citizen initiative process for amending the state constitution was added on the final day of the regular Session.



FINANCE, TAX & ADMINISTRATION

HB 7123 – Tax Package (**PASSED**)

- Includes 2 sales tax holidays; a 3-day back to school holiday; and a 7-day disaster preparedness holiday
- Reduces tax on commercial leases from 5.7% to 5.35%
- Changes the timing of payments to local governments in fiscally constrained counties and Monroe County to offset property tax refunds granted to homeowners due to hurricanes in 2016 and 2017
- Requires school districts to share discretionary property tax levies with charter schools (future referenda only)



FINANCE, TAX & ADMINISTRATION

HB 829 – Attorneys’ Fees and Costs (**PASSED**)

- Requires a court to award attorneys’ fees and damages to the prevailing party in an action challenging a local ordinance on the ground that it is expressly preempted
- Grants a 60-day period for a local government to take corrective action to avoid paying fees and costs upon receiving written notice that a proposed or adopted ordinance is preempted
- Does not apply to ordinances adopted pursuant to part II of Ch. 163 (land development regulations), s. 553.73 (Florida Building Code), or s. 633.202 (Fire Prevention Code).



FINANCE, TAX & ADMINISTRATION

SB 1000 – Communications Services **(PASSED)**

- Makes significant changes to state law governing the use of public rights-of-way by communications services providers
- Prohibits local governments from imposing moratoria on permits for collocation small cell facilities
- Creates additional requirements for a local government's permit registration and application process for communications services providers



FINANCE, TAX, & ADMINISTRATION

OTHER BILLS OF INTEREST

- HB 127: Permit Fees – **PASSED**
- HB 7071: Workforce Education – **PASSED**
- HB 861/SB 1616 Local Government Financial Reporting – **PASSED**
- HB 7054: Taxation Transparency – **FAILED**
- SB 596/HB 671: Regional Rural Development Grants– **FAILED**

GROWTH, AG, ENVIRONMENT, & TRANSPORTATION (GATE)

HB 7103 – Property Development **(PASSED)**

- 2019's major growth management package
- Allows for local inclusionary housing ordinances but requires counties to fully offset the costs to the developer (through incentives, density bonuses, etc.)
- Sets shot clock for decisions on development orders/permits; can be extended by both parties
- Expands scope of work for private providers and prohibits county from charging inspection fees when private provider is used; can charge reasonable administrative fee
- Addresses impact fee credits (applies prospectively)



GATE

HB 207: Impact Fees *(PASSED)*

- Provides that local governments may not require the payment of impact fees prior to the issuance of a building permit for the property subject to the fee.
- Amends the Impact Fees statute to codify the dual rational nexus test, the legal standard used by courts to determine whether an impact fee is appropriate.
- Exempts water & sewer connection fees the new provisions.



GATE

SB 824/HB 987: Vacation Rentals **(FAILED)**

- Would have preempted regulation of short-term rentals to the state, including inspection, licensing, and occupancy limits
- Would have required local ordinances to apply uniformly to all residential properties, regardless of property use
- Would have removed grandfather clause
- Passed by a narrow margin (13-11) in final House committee; not considered by any Senate committee



GATE

HB 325: Coastal Management *(PASSED)*

- Revises the criteria DEP considers when ranking beach management and erosion control projects
- Directs DEP to implement a four-tiered scoring system to rank annual project funding priorities by July 1, 2020
- Updates DEP's Comprehensive Long-Term Beach Management Plan development process, requiring a strategic beach management plan, critically eroded beaches report, and a three-year work plan



GATE

HB 1159: Private Property Rights **(PASSED)**

- Provides that a local government may not require an application, approval, permit, fee, or mitigation for the tree trimming or removal on residential property if the property owners obtains documentation from an arborist or landscape architect that the tree is a danger to persons or property
- Prohibits replanting requirements
- Requires “property owner bill of rights” to be posted on county property appraiser websites



GATE

HB 771: Environmental Regulation (**PASSED**)

- Requires counties and cities to address the contamination of recyclable material in contracts entered into for the collection, transport and processing of residential recycling materials
- Imposes a five-year moratorium on local regulations of single-use plastic straws
- Directs OPPAGA to conduct study on local plastic straw regulations and bans



GATE

Substantive Water Quality Legislation **(FAILED)**

- Both chambers proposed bills covering various water quality related issues; however, ultimately nothing made it to the Governor's desk
- Major topics covered: septic tank program oversight; wastewater treatment; biosolids; BMAP requirements; sewage spill notifications
- Significant funding for water quality improvement efforts included in final budget (~\$680 million)



GATE

OTHER BILLS OF INTEREST

- HB 453: Micromobility Devices & Motorized Scooters – **PASSED**
- HB 311: Autonomous Vehicles – **PASSED**
- SB 246: Retainage – **FAILED**
- HB 1383/SB 1720: Property Rights/Bert Harris – **FAILED**
- HB 291/SB 429: Private Property Comp Plan Element – **FAILED**

HEALTH & SAFETY

HB 107: Texting While Driving – **PASSED**

- Changes current enforcement of the ban on texting while driving from a secondary offense to a primary offense
- Authorizes enforcement of the ban on the use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or active work zone area as a primary offense



HEALTH & SAFETY

HB 441: E-911 Systems – **PASSED**

- Requires each county to develop a plan to implement countywide text-to-911 service and, by January 1, 2022, to enact a system that allows for text-to-911 service.



HEALTH & SAFETY

HB 7030: MSD Commission Recommendations – **PASSED**

- Requires a sheriff to establish a guardian program if the local school board votes by majority to implement the program, or contract with another sheriff's office that has established a program, to provide training to school district or charter school employees
- Contains a provision that would allow trained public school teachers to carry firearms in schools



HEALTH & SAFETY

HB 7125: Criminal Justice – **PASSED**

- Raises Florida’s theft “threshold” from \$300 to \$750
- Repeals and reduces driver license suspensions and revocations for non-driving related reasons and revises specified offenses for driving while license suspended or revoked
- Repeals mandatory direct file for juvenile offenders and revises youthful offender sentencing eligibility
- Increases penalties for introducing a cell phone and other contraband into a state correctional institution (FAC Legislative Program Issue – proposed by Orange County)



HEALTH & SAFETY

OTHER BILLS OF INTEREST

- SB 366: Needle Exchange Program – **PASSED**
- HB 49: Incarcerated Women – **PASSED**
- HB 411: Nonemergency Medical Transportation Services – **PASSED**
- SB 426: Firefighters – **PASSED**
- HB 639: Courthouse Security – **FAILED**

Questions?



Thank You.

sharbin@fl-counties.com

lyoumans@fl-counties.com

tgraham@fl-counties.com