

**To:** Mayor Joy Adams  
Vice Mayor Sabrina Javellana  
Commissioner Mike Butler  
Commissioner Michele Lazarow  
Commissioner Anabelle Lima-Taub

**CC:** City Manager Greg Chavarria  
Assistant City Manager Jeremy Earle  
Assistant City Manager Keven Klopp

**From:** Stephanie Grutman Zauder, Mat Forrest

**Date:** May 14, 2019

**Re:** 2019 Session Report

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The 2019 Regular Session officially ended on Saturday, May 4 at 2:03p.m, a day later than expected. Here are some stats to give you a better perspective of the speed of Session, quantity of bills, and how much actually made it across the finish line.

## **2019 Legislative Stats:**

- 3,571 Bills and PCBs filed
- 2,997 Amendments filed
- 3,765 Votes Taken
- 40 Floor Sessions
- 197 Bills passed both chambers (5.4%)
- Number of bills vetoed by the Governor: 1
- Number of bills approved by the Governor: 45

That's the "big picture" and here are some of the issues most relevant to the City of Hallandale Beach. We are happy to provide you with additional information on any issues that matter to you and look forward to speaking with you at your meeting on May 22.

## **Appropriations**

The 2019 Session was a very competitive year for appropriation requests. There were roughly 1,630 appropriation requests filed totaling over \$3.6 billion. We filed 2 project requests on behalf of the City of Hallandale Beach: Hallandale Beach Restoration and Mitigation of Chaves

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Lake and the Austin Hepburn Senior Mini-Center. In the final budget bill SB 2500 line item 398 the Austin Hepburn Senior Mini Center was funded for \$82,080 as in past years. We requested an increase to \$276,584, but they were unwilling to increase the funding at this time. The Chaves Lake project was not funded.

The Senior Mini-Center was sponsored by Rep. Jenne and Sen. Farmer and is contained within SB 2500. Of course, we still have one final hurdle left to clear and that is the Governor's line item veto.

The budget has not been presented to the Governor yet, but we have already weighed in with his staff and advocated for its authorization. It could be days or weeks before the budget is finalized and we will continue to support the project and keep you posted on the outcome.

**From the funds in Specific Appropriation 398, the following projects are funded from nonrecurring general revenue funds:**

**Austin Hepburn Senior Mini Center - City of Hallandale Beach (Senate Form 1704) (HB 2459) ..... 82,080**

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### **Legislative Tracking Report:**

Below is a quick reference list of "notable" bills that passed and failed followed by brief summary. This is not intended to be a legal opinion and we highly recommend that you have your appropriate staff review any bill of interest to you that passed so that you can determine exactly how it will impact the City.

### **Quick Reference of Bills/Issues that Passed:**

- CRAs- HB 9
- Vegetable Gardens- SB 82
- Preemption of Plastic Straws/Environmental Regulation- HB 771 (VETOED)
- Permit Fees- SB 142
- Tax Implementation/Local Discretionary Sales Surtaxes- HB 5
- Growth Management- HB 7103
- Communications Services/5G- SB 1000
- Firefighter/Cancer Benefits- SB 426
- Sanctuary Cities- SB 168
- Government Accountability- SB 7014
- Sober Homes- SB 369/SB 900
- Impact Fees- HB 207
- Attorney Fees- HB 829
- Micromobility Devices/Scooters- HB 453
- Texting While Driving- HB 107

- School Safety/MSD Recommendations- SB 7030
- Tree Cutting- HB 1159
- Local Government Financial Reporting- HB 861
- Needle Exchange – SB 366

#### **Quick Reference of Bills/Issues that Failed:**

- Broad Preemption Bills- HB 3, HB 1299,
  - Preemption of Bans on the Retail Sale of Dogs- HB 1409
  - Vacation Rentals- HB 987/SB 824
  - Public Construction- SB 246, HB 101
  - Red Light Cameras- SB 306, HB 6003
  - Fertilizers- HB 157, SB 1716
  - Charter School Zoning Expansion- HB 7095
  - Bert Harris Act- HB 1383/SB 1720
  - Local Business Tax- SB 868/HB 1387
  - Repeal of Constitutional Revision Commission- HJR 249, SJR 362
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#### **Summaries of Bills/Issues that Passed:**

##### **CRA's (Passed)**

Legislation regarding Community Redevelopment Agencies (CRA's) has been a controversial issue for the past couple years. This Session one bill did pass which may impact cities but the version that eventually passed changed significantly from when it was filed in both Chambers and reports are its changes are not as dramatic as feared.

HB 9 by Rep. LaMarca (R, Lighthouse Point) & Sen. Lee (R, Brandon) does the following:

- Establishes new ethics and appointment procedures for CRA board members
- Provides new dates and procedures for the termination of a CRA.
- Requires procurement rules similar to the municipality

As passed, the bill does not change what uses a CRA may allocate funds for such as special events.

If approved by the Governor, this bill is effective on October 1, 2019.

##### **Vegetable Gardens (Passed)**

SB 82 by Sen. Bradley (R, Orange Park) and Rep. Fetterhoff (R, DeLand) and Rep. Sabatini (R, Clermont) eliminates the powers of municipal governments to govern what kinds of vegetables and gardens may be planted on a residential property. It's a short bill and it states:

604.71 Local regulation of vegetable gardens.—

1) The Legislature intends to encourage the development of sustainable cultivation of vegetables and fruits at all levels of production, including for personal consumption, as an important interest of the state.

2) Except as otherwise provided by law, a county, municipality, or other political subdivision of this state may not regulate vegetable gardens on residential properties. Any such local ordinance or regulation regulating vegetable gardens on residential properties is void and unenforceable.

(3) This section does not preclude the adoption of a local ordinance or regulation of a general nature that does not specifically regulate vegetable gardens, including, but not limited to, regulations and ordinances relating to water use during drought conditions, fertilizer use, or control of invasive species.

(4) As used in this section, the term “vegetable garden” means a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion.

If approved by the Governor, this will be effective July 1, 2019.

**Plastic Straw Preemption (Passed BUT VETOED!)**

Plastic straws were a heavily debated and passionate topic during the 2019 Session. There were several general bills filed on both sides of the issue. In the end language was passed that implements a 5-year moratorium on local government preemptions. **Fortunately, the Governor VETOED this bill, but if it had passed this is what it would have done. The Veto Letter is Attached.**

HB 771 relating to Environmental Regulation by Rep. Overdorf (R, Stuart) and Sen. Perry (R, Gainesville) was amended as it bounced back and forth in the final days and language was added to it which places a 5-year moratorium on plastic straw bans.

Section 3. Section 403.7034, Florida Statutes, is created 577 to read:

403.7034 Local regulation of single-use plastic straws; moratorium. —

(1) Before July 1, 2024, a county, a municipality, or another entity of local government may not adopt or enforce an ordinance or other local regulation relating to single-use plastic straws.

The moratorium on local regulation and enforcement under this section expires July 1, 2024.

(2) The Office of Program Policy Analysis and Government Accountability shall conduct a study of each ordinance or regulation adopted by the governing body of a county, municipality, or special district in Florida to restrict or prohibit the use of single-use plastic straws. The study's scope must include, but is not limited to, gathering information pertaining to the data and conclusions on which the county, municipality, or special district used in adopting such ordinance or regulation. The Office of Program Policy Analysis and Government Accountability shall submit a report of its findings to the President of the Senate and the Speaker of the House of Representatives no later than December 1, 2019.

### **Permit Fees (Passed)**

SB 142 by Sen. Perry (R, Gainesville) and HB 127 by Rep. Williamson (R, Pace) relating to Permit Fees are similar bills that address the posting and changing of permit fees in a local government. Similar bills were heard last year, and never passed. These newer bills are slightly less specific, removing language requiring the local government to post a link to permit and inspection fee schedules, and removing a subsection requiring costs related to fire inspections. The bill states:

(c) The governing body of a local government authorized under this section, s. 166.222, or s. 553.80 to issue fees shall post its permit and inspection fee schedules on its website.

The bills also require a local government, before making any adjustments to a fee schedule, to conduct and post a report that includes:

1. Direct and indirect costs incurred by the local government to implement the Florida Building Code, including costs related to:
  - a. The review of building plans
  - b. Building inspections
  - c. Building reinspections
  - d. Building permit processing
  - e. Building code enforcement
2. Number of building permits requested
3. Number of building permits issued
4. Number of building inspections and reinspections conducted
5. Number of personnel employed by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.

6. Salary and related employee benefit costs incurred by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.
7. Revenue derived from fees pursuant to paragraph (a)
8. Revenue derived from fines pursuant to paragraph (a)
9. When applicable, investment earnings derived from the local government's investment of revenue derived from fees and fines pursuant to s.112 533.80(7)
10. Balances carried forward by the local government pursuant to s. 553.80(7)
11. Balances refunded by the local government pursuant to s. 553.80(7)

If approved by the Governor, the bill is effective July 1, 2019

### **Tax Implementation (Passed)**

Legislation relating to referendums on local discretionary sales surtaxes have been around for a few years and this year it finally passed. HB5 relating to Ballot Measures by Brandes (R, St. Petersburg) and DiCeglie (R, Largo) requires a referenda to authorize discretionary sales surtax be held on a General Election Date.

If approved by the Governor, it's effective immediately.

### **Growth Management (Passed)**

As usual, there were several growth management bills filed this Session. Most didn't pass but one did that many feel will have a significant impact on local Governments.

HB 7103 by Rep. Fischer (R, Jacksonville) and Sen. Lee, (R, Brandon) is a 43-page bill that covers several areas and I'm sure your staff are already aware of its contents. This is one of those bills that a paragraph or two are not enough to summarize it completely so please have your staff look at the complete bill. In short, the bill does the following:

- Prohibits local governments from imposing certain requirements relating to affordable housing
- Provides minimum requirements for adopting impact fees
- Requires local government to credit against collection of impact fees contributions related to public education facilities;
- Requires local government to increase impact or mobility fee credits previously awarded
- Specifies the use of a summary procedure in development order cases
- Revises timeframe an owner or contractor must notify building officials of use of a private provider
- Revises the timeframe for approval or denial of permit applications;

- Authorizes a contractor to petition the court to enforce building code inspection service laws
- Limits the number of times a building official may audit a private provider.

If approved by the Governor, this bill is effective Date: July 1, 2019

### **Communication Services (aka 5G) (Passed)**

This legislation was billed as the next step in the implementation of “5G” by the internet, cable, and telecommunication industries and it builds on legislation that passed a couple years ago.

According to the Senate Staff analysis, SB 1000 by Sen. Hutson (R, Palm Coast) and Rep. Fischer (R, Jacksonville) makes the following changes:

- Creating a civil cause of action for any person aggrieved by a violation of the right-of-way statute.
- Prohibiting a local government from instituting, “either expressly or de facto, a moratorium or other mechanism that would prohibit or delay” permits for collocation of small wireless facilities or related poles.
- Deleting the authority for a local government to require performance bonds and security funds. Instead, the bill allows them to require a construction bond limited to no more than 18 months after the construction is completed.
- Requiring a local government to accept a letter of credit or similar instrument issued by any financial institution authorized to do business within the U.S.
- Allowing a provider of communications services to add a local government to any existing bond, insurance policy, or other financial instrument, and requiring the local government to accept such coverage.
- Providing that a wireless provider shall comply with objective and reasonable requirements if the local government has required all public utility lines in the right-of-way to be placed underground, with certain exceptions.
- Prohibiting a local government from requiring a permit applicant to provide inventories, maps, or locations of communication facilities in the rights-of-way, unless it is necessary to avoid interference with existing facilities.
- Allowing a local government to require, annually, a notarized statement from a pass-through provider identifying information on the provider’s pass-through facilities.
- Providing additional requirements pertaining to a local government’s permit registration and application process for communications services providers’ use of public rights-of-way.

It also restricts municipal regulation of communications service providers and implementation of permit fees. Specifically,

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(c) A municipality or county that elected to impose permit fees on or before January 1, 2019, on providers of communications services pursuant to former paragraphs (c) or (j) of this subsection, Florida Statutes 2018, may continue to impose such fees. However, a municipality or county that did not impose permit fees as of January 1, 2019, may not impose such fees.

If approved by the Governor, this bill is effective July 1, 2019.

### **Firefighter Bill (Passed)**

Legislation relating to cancer coverage for firefighters has been around for several years. This year, as a result of heavy advocacy by firefighters at the Capitol and related media attention, it finally passed.

SB 426 by Sen. Flores (R, Miami) & Rep. Willhite (D, Wellington) and many other co-Sponsors in both the House & Senate, passed unanimously in both chambers and was signed by the Governor on May 2. The bill provides compensation and benefits for firefighters who have been diagnosed with cancer and death benefits to a firefighter's beneficiary for firefighters who have passed away from cancer. Please review the legislation to know exactly how it might impact you.

This bill was approved by the Governor on 5/3/19 and takes effect July 1, 2019.

### **Sanctuary Cities (Passed)**

SB 168 by Sen. Gruters requires state and local government and law enforcement agencies to support and cooperate with federal immigration enforcement. The final legislation DOES NOT include provisions that allowed for suspensions, removals, or large fines for government employees and elected officials who permit sanctuary-city policies. The bills require the courts to enjoin any unlawful sanctuary policies.

If approved by the Governor, this bill is effective July 1, 2019.

### **Government Accountability (Passed)**

SB 7104 provides for government accountability and auditing processes recommended by the Auditor General reports. It requires agencies to establish and maintain internal controls to prevent fraud, waste, and abuse and requires entities to publish information on their websites.

We recommend looking at the legislation to see how it impacts current procedures in your city.

If approved by the Governor, this bill is effective July 1, 2019.

### **Sober Homes (Passed)**



HB 369 by Rep. Caruso. This bill implements the recommendations of the Sober Home Taskforce. It revises the definition of recovery residences to include day or night community housing and requires these facilities to obtain certifications from DCF. It tightens the patient brokering statute and provides for the certification of peer specialists to provide support services.

If approved by the Governor, this bill is effective July 1, 2019.

#### **Impact Fees (Passed)**

HB 207 by Rep. Donalds. This bill prevents impact fees from being collected prior to issuing a property's building permit and codifies the "dual rational nexus test" for impact fee assessments. The bill also provides specifics for how impact fees may be used.

We recommend looking at the legislation to see how it impacts current procedures in your city.

If approved by the Governor, this bill is effective July 1, 2019.

#### **Attorney Fees (Passed)**

HB 829 by Rep. Sabatini. This bill provides for the award of attorney fees, costs, and damages to the prevailing party in civil actions challenging local ordinances as preempted by the State Constitution or state law. It allows municipalities and counties to continue to enforce the policies until specific actions are taken.

If approved by the Governor, this bill is effective July 1, 2019.

#### **Micromobility Devices and Motorized Scooters (Passed)**

HB 453 by Rep. Toledo. This bill allows municipalities to regulate scooters locally without any preemption from the state. It allows for users that do not have a valid drivers license and authorizes scooters to be parked on sidewalks. It provides scooter users with all of the rights and responsibilities of bike riders.

If approved by the Governor, this bill is effective July 1, 2019.

#### **Texting While Driving (Passed)**

HB 107 by Rep. Toledo makes texting while driving a primary offense. It provides a grace period for law enforcement to give warnings, provides for a statewide education campaign, and requires law enforcement agencies to track and report violator race and ethnicity to DHSMV.

If approved by the Governor, this bill is effective July 1, 2019.

#### **School Safety/MSD Commission Recommendations (Passed)**

SB 7030 by Sen. Diaz was a broad school safety bill implementing some of the legislative recommendations of the MSD Commission. The bill authorizes school districts to use FEFP

funding for certain school safety expenses and provides more powers to the Commissioner of Education to enforce certain school safety requirements. However, the most controversial provisions of the bill relate to the “Guardian” program that passed during the 2018 Legislative Session. While the program is still voluntary the changes expand the program to allow for teachers, private security guards and additional school personnel who are certified by the local sheriff to carry guns on school campuses and in classrooms. The final bill passed the Senate 22-17 and the House 65 to 47 primarily along party lines. Some superintendents including Broward County’s Robert Runcie have said publicly that they will not allow teachers to be armed.

The bill was signed by the Governor on May 8, 2019 and takes effect immediately.

### **Tree Cutting (Passed)**

Prohibits local governments from requiring permits, fees, or other notices for certain tree maintenance activities and blocks local governments from prohibiting tree maintenance activities by electric utilities in right of ways.

If approved by the Governor, this bill is effective July 1, 2019.

### **Local Government Financial Reporting (Passed)**

HB 861 Requires cities and counties to post their annual budgets and tentative budgets on their websites and requires budget officers to file annual reports to the office of economic and demographic research.

We recommend looking at the legislation to see how it impacts current procedures in your city.

If approved by the Governor, this bill is effective upon becoming law but some components do not take effect until Oct 15, 2019

### **Needle Exchange (Passed)**

SB 366 by Sen. Braynon and HB 1714 by Rep Jones authorizes county commissions to approve sterile needle and syringe exchange programs to eliminate the spread of infectious disease.

If approved by the Governor, this bill is effective July 1, 2019.

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## **Summaries of Bills/Issues that Failed:**

### **Broad Preemption Bills (Died)**

There was no shortage of bills filed this Session dealing with some sort of local government preemption. Some were single subject, such as plastic straws, but there were a couple that were more broad, omnibus bills that preempted several areas. While some narrowly focused preemptions did pass, We are happy to say none of the omnibus bills made it across the finish line.

HB3 by M. Grant (R, Port Charlotte) generated a lot of heated debate regarding the powers given to municipalities, often comparing restriction of municipality power to restriction of state powers. This bill originally prohibited local governments from imposing any regulations on businesses or business entities after July 1, 2019. By the end though it was narrowed down to just preempt business licensing to the state. It passed the House in this form but didn't move in the Senate.

HB 1299 relating to Government Powers by Rep. Roach, (R, North Fort Myer) was a broad bill that included preemptions for local governments to levy taxes on nicotine products, market nicotine products, regulate single use straws, sunscreen, generators, and to approve a district school board impact fee. It moved well in the House, mostly along party line votes, and passed the House by a vote of 71 to 40. It was never heard in the Senate.

### **Preemption of Bans on the Retail Sale of Dogs (Died)**

HB 1409 Filed by Rep. Avila would have created a regulatory structure for commercial dog breeders in Florida. The bill was filed with the sole purpose of providing a vehicle for language to preempt local government from banning the retail sale of dogs. This language would have voided ordinances in over 60 municipalities including the ban in Hallandale Beach and forced cities to allow for the sale of Puppy Mill Puppies. When this bill failed to be heard, a large group of lobbyists funded by Petland and their franchisees attempted to amend over 10 different bills with the language. They attempted to add this language to animal welfare bills, growth management bills, the budget, tax packages and many more. We are very proud to say that we were the lead firm on this issue and killed most of these amendments before they were even filed. In the last hours of session a final attempt was made to amend the language on to the tax package. The amendment was withdrawn and never heard. We expect to hear this issue again next year as it is a priority of the Speaker of the House.

### **Vacation Rentals (Died)**

The Vacation Rental debate continued this Session but in the end nothing changed. While six vacation rental related bills were filed, only two gained traction and from that only the House bill was ever heard in Committee. SB824 by Diaz (R, Hialeah Gardens) and HB987 by J. Grant (R, Tampa) were nearly identical bills and swung the pendulum towards the Vacation Rental industry and away from local government regulation. After much debate in each committee the House bill did make it to the Floor but was never heard. The Senate bill was placed on an agenda twice but never heard in committee, which is usually a good sign that the votes weren't there to pass. We expect to see this issue again in the 2020 Session.

### **Public Construction (Died)**

Currently, local governments may withhold a certain percentage of compensation known as "retainage" from the general contractor to ensure the project is completed satisfactorily. SB 246 by Senator Hooper (R, Palm Harbor) and HB 101 by Representative Andrade (R, Pensacola)

and co-sponsored by Representatives McClure (R, Plant City) and Sabatini (R, Clermont) sought to reduce the percentage a local government may withhold from progress payments.

The House bill passed by a vote of 104 to 10. The Senate bill, despite unanimously passing it's first 2 committees, failed to be heard in its final committee.

### **Red Light Camera Repeal (Died)**

Legislation to repeal red light cameras was filed in both Chambers again this year and, much like previous years, moved in the House but not the Senate.

SB 306 by Sen. Brandes (R, St. Petersburg) and HB 6003 by Rep. Sabatini (R, Clermont) preempted the Florida Department of Highway Safety and Motor Vehicles, counties and municipalities from installing and maintaining red light cameras effective July 1, 2022.

The Senate bill was withdrawn, and the House bill passed two of three committees before never being heard again.

### **Fertilizers (Died)**

With such a big emphasis on the environment this session, HB 157 by Rep. Thompson (D, Orlando) and co-sponsored by Rep. Eskamani (D, Orlando) and Rep. Mercado (D, Orlando) has been introduced in an effort to curb algal blooms resulting indirectly from nutrient runoff. The bill requires county & municipal governments to adopt & enforce Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, especially emphasizes the use of slow-release fertilizers. Neither the House bill nor its Senate companion, SB1716 by Sen. Bracy have been heard in any committees yet.

### **Charter School Zoning Expansion (Died)**

HB 7095 was related to School Choice but it contained the following language that would have expanded locations where charter schools could have expanded without local zoning control.

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service organization, museum, performing arts, theatre, cinema, church, house of worship, temple, Florida College System institution, college, and university facilities may provide space or land to charter schools within their facilities, land on which facilities are located, or adjacent properties under their preexisting zoning and land use

designations without obtaining a special exception, rezoning, or a land use change.

### **Bert Harris/Private Property Rights (Died)**

HB 1383 by Rep. Grant and SB 1720 by Sen. Lee amended the Bert Harris Act to require government to treat similarly situated residential properties alike when one property owner is given a settlement offer that includes variances or modifications. This bill would have limited local government's ability to resolve these claims. The House bill also included a provision to allow business losses to be included in any Harris Claim. The bill passed all of its committees in the House but was never heard on the House Floor or in any committee in the Senate.

### **Local Business Tax (Died)**

SB 868 by Sen. Hutson and HB 1387 by Rep. Donalds provided for caps on the maximum local business tax. The bill was never heard in the House or Senate.

### **Repeal of the Constitutional Revision Commission (Died)**

HJR 249 by Rep. Drake and SJR 362 by Sen. Brandes would have placed an amendment to the constitution on the 2020 election ballot asking voters to repeal the Constitutional Revision Commission. The Resolution passed the full House and Senate in different formats and died in messages.

### **What's Next?**

The 2020 Regular Session dates are "early" and convene on Tuesday, January 14, 2020 and conclude on March 13, 2020. We are roughly 250 days before the official start of the 2020 Session with the pre-Session Committee weeks starting in September:

September 16-20, 2019

October 14-18, 2019

October 21-25, 2019

November 4-8, 2019

November 12-15, 2019

December 9-13, 2019

It should also be noted, that unlike the start of the 2019 Session, when the legislators return to Tallahassee this Fall, their offices, their Committees, and their roles are unlikely to change. So not only will it start soon, but you can bet legislation will also move quicker than it did for this Session.

We look forward to working closely with you and the entire staff over the summer on your legislative goals for 2020!

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