

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS



2019 State Legislative Program
Final Report

Legislative Priorities And The County's Position

1. Indian River Lagoon

Background: The 156-mile-long Indian River Lagoon (“Lagoon”) is one of the most biodiverse ecosystems in the nation and is a treasure for the State of Florida. The Lagoon provides an economic benefit by promoting tourism and creating recreational opportunities for residents. The Lagoon is also an important element in the protection of our environment, including endangered and protected plant and animal populations.

As guardian of 22 miles of the Lagoon, Indian River County (“County”) has been a pioneer for the development and deployment of new water quality technologies. Using a mixture of Optional Sales Tax, Utilities funds, and grant funding, the County has invested over \$29 million dollars on four infrastructure projects aimed at improving the health of the Lagoon. Collectively, the County’s projects have removed over 128,000 pounds of Total Nitrogen and over 29,000 pounds of Total Phosphorus from canals which lead to the Lagoon.

The County hopes to continue its partnership with the State of Florida on future ventures that will reduce the nutrient load in the Lagoon so future generations can enjoy this natural wonder.

Although no specific legislation concerning the Indian River Lagoon was passed by the Florida Legislature, the Florida Legislature did allocate \$682.6 million for water quality restoration. This includes \$500,000 for the Indian River County North Sebastian Septic to Sewer Phase II project and \$650,000 for the Indian River County North Relief Canal Aquatic Plant Project.

2. Higher-Speed Passenger Rail

Background: For at least a decade, higher-speed passenger rail has been discussed and proposed within the State of Florida. While Brightline (aka Virgin Trains) is the most recent passenger rail service being proposed, it is not the first and it certainly will not be the last. It is imperative that the State of Florida implement the statutory structure to hold railroads operating passenger rail service accountable for the highest degree of safety improvements.

Position: Indian River County BCC **OPPOSES** any state, federal or local funding for private passenger rail projects proposing to traverse through its jurisdiction including, but not limited to, Brightline (aka Virgin Trains); **SUPPORTS** legislative and executive branch advocacy efforts to regulate higher-speed passenger rail in order to protect the State of Florida's citizens, local governments, wildlife, waterways, and natural environment; and **OPPOSES** any effort to shift the cost burden of operating and maintaining passenger rail onto local governments or the State of Florida.

No Legislation was filed this session. Last year, the Office of Program Policy Analysis and Government Accountability (OPPAGA) released the Florida Passenger Rail System Study, dated October 31, 2019.

The Study identified the following key issues:

High rate of severe injuries and fatalities and high levels of trespassing incidents on railroad right of way due to rail services operating in dense urban areas

Gaps in regulations that are specific to higher-speed rail operations and a series of rail expansion projects

The need to clarify FDOT's mandate on oversight of passenger rail with respect to maintenance, safety, revitalization, and expansion

The lack of resources for local governments for planning rail projects

We are currently working with the Florida Department of Transportation regarding the issues pertaining to the safety of the highway-railroad crossings in Indian River County. Recently FDOT and County staff completed field inspections of the crossings and identified specific concerns. We will continue to work with FDOT and request that the agency address specific concerns about the proposed crossing designs as submitted by Virgin Trains.

3. Biosolids

Background: One of the by-products or residuals of the wastewater treatment process is called biosolids or the wet sludge that is left behind after initial processing, which is then collected for further treatment and processing. Today, Florida's central sewer wastewater treatment facilities produce approximately 340,000 dry tons of biosolids. Approximately 100,000 dry tons of biosolids qualify as Class B biosolids, which are treated sewage sludge meeting U.S. Environmental Protection Agency (EPA) guidelines for land application as fertilizer with restrictions, and are allowed to have detectable levels of pathogens. There is concern statewide that excess nutrients from land application of human waste biosolids reach surface waters as a result of rainfall runoff and continue to increase the occurrence of chronic harmful algal blooms.

Land application of Class B biosolids has been restricted in various areas throughout the State of Florida. Most recently, in 2013, land application of Class B biosolids was banned in the watersheds containing Lake Okechobee and St. Lucie and Caloosahatchee Rivers.

At the 2016 UF Water Symposium, St. Johns River Water Management District's staff reported that there are significant increases in phosphorus and incidences of harmful, potentially toxic algal outbreaks in Blue Cypress Lake, one Florida's most pristine lakes, a Class I waterbody. In 2018, cyanobacteria (commonly referred to as blue-green algae) was confirmed in Blue Cypress Lake, which is the headwaters of the St. Johns River and is located in the Upper Basin watershed. Cyanobacteria was also reported in the Lower Basin in Duval County, and in the Okeechobee watershed which in turn has impacted the St. Lucie watershed and the Caloosahatchee watershed.

Position: Indian River County BCC **SUPPORTS** policies that restrict or ban the land application of Class B biosolids within the following watersheds that impact the St. Johns River: the Upper Basin, the Middle Basin, and the Lower Basin; and **SUPPORTS** establishing a pilot project program for funding new state of the art wastewater technologies to improve recovery and afford more efficient use of human wastewater biosolids.

None of the bills dealing with Biosolids on a comprehensive basis passed.

HB 829 Attorney Fees and Cost - deals primarily with attorneys fees with regard to local ordinances. Overall the bill presents problems for local governments. However, an amendment was added that protects a County's ability to continue and extend a local biosolids moratorium.

HB 829 (Attorney Fees and Cost) by Rep. Sabatini requires courts to award attorneys' fees and damages to the prevailing party in an action to challenge the adoption or enforcement of a local ordinance on the grounds that it is expressly preempted by the State Constitution or state law. Fees and costs may not be awarded if the governing body receives written notice that the ordinance is alleged to be preempted and if the local government withdraws an ordinance from consideration or, in the case of an adopted ordinance, notifies an intent to repeal the ordinance within 30 days of the date and repeals the ordinance within 30 days thereafter. The bill does not apply to ordinances adopted pursuant to part II of chapter 163, s. 553.73 (Florida Building Code), and s. 633.202 (Fire Prevention Code), or cases commenced prior to July 1, 2019.

Section 2. A municipality or county may continue to enforce or extend an ordinance, regulation, resolution, rule, moratorium, or policy adopted before February 1, 2019, relating to the land application of Class B biosolids until the ordinance, regulation, resolution, rule, moratorium, or policy is repealed by the municipality or county or until the effective date of the rules adopted by the Department of Environmental Protection, whichever occurs first.

4. Recycling

Background: The Energy, Climate Change and Economic Security Act of 2008 (“Act”) established a statewide weight-based recycling goal of 75% by 2020. The Act directed the Florida Department of Environmental Protection (DEP) to establish a reporting protocol and directed counties to report annually. The Legislature also established interim recycling goals: 40% by 2012, 50% by 2014, 60% by 2016 and 70% by 2018. The legislation also provided that large counties (counties over 100,000 in population) not achieving the recycling goals could be directed to develop a plan to expand recycling programs.

Recently, DEP issued a 2018 report where it acknowledged that while the recycling goal is “aspirational” the current approach needs significant changes or else Florida’s recycling rate will likely fall short of the 2020 goal of 75%. This is because there have been many challenges that inhibit the State of Florida from being able to obtain and sustain the 75% recycling goal including, but not limited to, collection methods, shifts in recycling markets, and new and lighter weight packaging. It is important to note that there has actually been a decrease in Florida’s recycling rate from 56% in 2016 to 52% in 2017. In addition to the declining recycling rate, there is a significant new challenge that concerns a decline in the global demand for recycled materials. In January of 2018, China restricted its receipt of recycling materials. The referenced restrictions make it no longer financially viable to send recyclable goods to China from the United States.

Industry stake holders and scientists are currently discussing ideas for a new program that could lead to improving Florida’s recycling efforts at the state and local level. One of the top suggestions is to shift the focus from weight to energy-efficiency.

Position: Indian River County BCC **SUPPORTS** the modification of the State of Florida’s existing 2020 75% recycling goal in Section 403.7032, Florida Statutes, to reflect a statewide goal that is based on energy efficiency rather than weight; **OPPOSES** any fines or consequences associated with contamination or not meeting the recycling goal; and **OPPOSES** policies that would require local governments to address the contamination of recyclable material in contracts with residential recycling collectors if the collectors are not processing the recovered materials on behalf of the local government.

HB 771, which requires counties and municipalities to address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material, passed. The requirements will apply to each contract between a municipality or county and a residential recycling collector or recovered materials processing facility executed or renewed after October 1, 2019.

5. Foreign Trade Zone

Background: A foreign-trade zone (FTZ) in the United States is a geographical area, in (or adjacent to) a United States Port of Entry where commercial merchandise, both domestic and foreign, receives the same Customs treatment it would if it were outside the commerce of the United States. Merchandise of every description may be held in the Zone without being subject to Customs duties and other taxes. This tariff and tax relief is designed to lower the costs of U.S.-based operations engaged in international trade and thereby create and retain the employment and capital investment opportunities that result from those operations. These special geographic areas - Foreign-Trade Zones - are established "in or adjacent to" U.S. Ports of Entry and are under the supervision of the U.S. Customs and Border Protection under the United States Homeland Security Council.

For a number of years Indian River County has been interested in being included in a foreign trade zone. The benefits include (a) a reduction of duties for manufacturers if they use foreign components in their finished products, (b) a duty exemption on imported goods that are later re-exported, (c) a delayed payment of duties for goods until they enter the U.S. Market, (d) an elimination of duties on waste, scrap and rejected or defective parts, and (e) a possible reduction in merchandise processing fees (U.S. Customs Processing fees).

Currently, the Treasure Coast Foreign Trade Zone No. 218 is designated as a Traditional Site Framework or general purpose zone, which is a warehouse, industrial park or port that has been designated as an FTZ. Multiple companies can use general purpose zones simultaneously for the purpose of storing merchandise, equipment, parts and other goods. These sites include, Treasure Coast International Airport and Industrial Park, Crossroads Commerce Park, Kings Highway Industrial Park, and the St. Lucie West Commerce Park.

Recently, the US Department of Commerce has developed another zone purpose known as the Alternative Site Framework (ASF). The ASF allows grantees to establish additional sites geared towards specific companies either as a "Subzone" or a "Usage-Driven" site. These sites enable grantees to locate zone designation where companies' needs actually arise. By bringing zone designation to firms, Subzones/Usage-Driven sites help grantees respond to growth opportunities in the local economy and diminish the need to try to anticipate where future activity may occur. A Subzone (or Usage-Driven site) under the ASF can be added, removed, or modified using a quick and simple minor action rather than the longer and more complex reorganization/expansion or Subzone application process that is required under the Traditional Site Framework.

Position: Indian River County BCC **SUPPORTS** the expansion of the Treasure Coast Foreign Trade Zone #218 to include the geographic area of St. Lucie, Martin and Indian River Counties.

County Staff continues to work with St. Lucie County to expand the existing Foreign Trade Zone No. 218 to include portions of Indian River County. St. Lucie County is working through this process with the Department of Commerce.

6. Beach Restoration and Renourishment

Background: The Florida Department of Environmental Protection has a Beach Management Funding Assistance Program to protect and restore the state's beaches. Erosion leaves miles of beaches, public infrastructure and upland development vulnerable to the next storm event as well as impacting tourism. Currently, beach renourishment is funded via documentary stamps along with countless other programs. This leaves beach renourishment projects fighting every year for a very small piece of a large pie.

Indian River County, like its sister counties to the north and to the south on Florida's east coast, has a natural nearshore hardbottom resource. This resource is classified as an essential fish habitat. It provides foraging and breeding grounds for juvenile fish. Indian River County's beach management plan is specifically customized to maximize the fill while minimizing the impact to the nearshore hardbottom resource.

Position: Indian River County BCC **SUPPORTS** the creation of a newly dedicated and reoccurring statutory funding source for beach restoration and renourishment projects; and **OPPOSES** policies that would change or modify the criteria used by the Florida Department of Environmental Protection to rank eligible beach renourishment projects that would negatively impact communities interested in protecting nearshore hardbottom resources.

SB 325, which revises the criteria used by FDEP to prioritize coastal restoration projects based upon need and importance, passed. The bill adds additional detail to the criteria FDEP considers when ranking beach management and erosion control projects. Specifically, the bill directs FDEP to implement a four-tiered scoring system to rank annual project funding priorities by July 1, 2020. The bill also updates FDEP'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. In past years, this legislation also included \$50 million in recurring funding for the beach program; however, this section was removed, and the bill now only includes policy changes. The appropriation for beach renourishment projects does include funding for the County's Sector 5 project for approximately \$1.9 million

7. Texting While Driving

Background: As of January 2017, texting while driving violations are enforced as primary offenses in 41 states. Florida is one of four states where texting while driving is a secondary offense when an operator of a motor vehicle has been detained for a suspected violation of another law.

Specifically, Florida law bans driving while sending or reading data on a wireless cell phone for the purpose of non-voice interpersonal communication. The ban does not apply to a stationary motor vehicle or to a motor vehicle operator who is using it for official duties as an operator of an authorized emergency vehicle, law enforcement or fire service professional, or an emergency medical services professional. It also does not apply to those who are using the wireless communication device for navigation purposes.

Position: Indian River County BCC **SUPPORTS** policies that would make texting while driving a primary offense.

HB 107 concerning texting while driving passed. The bill changes current enforcement of the ban on texting while driving from a secondary offense to a primary offense. The bill also creates a new section of statute titled “school and work zones; prohibition on the use of a wireless communications device in a handheld manner.” It authorizes enforcement of a 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 punishable as a moving violation.

The main provisions will take effect July 1, 2019, with the school and work zone restrictions taking effect October 1, 2019.

8. Short Term Vacation Rentals

Background: Section 509.013, Florida Statutes, defines a transient public lodging establishment (aka short-term vacation rental) as a property that is rented more than three times a year for less than 30 days at a time. Local governments were preempted from regulating vacation rentals in 2011. This legislation included a provision that “grandfathered” any ordinance regulating vacation rentals prior to June 1, 2011. The language was amended in 2014 to allow local governments to regulate short-term rentals through life safety and building codes, as well as other codes specific to vacation rentals. However, local governments are still prohibited from regulating the duration and frequency of these rentals.

In 2015, Indian River County formed a committee which included a vacation rental owner and a real estate agent to discuss short-term vacation rentals and the impact they have on our community. Based upon the committee’s recommendations, the Board of County Commissioners approved an ordinance that requires short-term vacation rentals to register with the County, show proof of registration with the DBPR and pass a simple inspection performed by a code enforcement officer to verify that the vacation rental has working smoke alarms (carbon monoxide detector also if they have gas appliances), a charged fire extinguisher and an emergency light if the power goes out. The vacation rental is inspected to make sure it has the basic “good neighbor” information such as days of the week for trash collection and recycling, parking restrictions and owner/agent contact information. Parking is restricted to the existing garages and driveways, just as with an ordinary residence. Enforcement, including noise complaints, is carried out through the County’s code enforcement process, just like complaints from an ordinary residence.

Last year, a bill was introduced at the Florida Legislature which would have preempted all local ordinances as they relate to short-term vacation rentals. While the bill was unsuccessful, it will likely be reintroduced in the 2019 legislative session.

Position: Indian River County BCC **OPPOSES** policies that would preempt a local government’s ability to have local ordinances related to vacation rentals.

Proposed Legislation preempting local government’s ordinances related to vacation rentals failed.

9. State Housing Initiatives Partnership (SHIP) Funds and Affordable Housing

Background: The Florida Housing Finance Corporation (FHFC) is a public corporation that is housed within the Department of Economic Opportunity. The goal of the FHFC is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes. To do this, the FHFC uses federal and state resources to finance the development of affordable homes and assist first-time homebuyers through various programs. Some of the key programs that are administered by the FHFC include the State Housing Initiatives Partnership (SHIP) Program, which receives approximately two-thirds of the funding; the State Apartment Incentive Loan (SAIL) Program, which receives about 20 percent of the funding, and other programs, including the Predevelopment Loan Program (PLP), the Homeownership Assistance Program (HAP), the Affordable Housing Guarantee Program, and the Catalyst Training and Technical Assistance Program.

The FHFC receives funding for its affordable housing programs from documentary stamp tax revenues pursuant to the William E. Sadowski Act (“Act”). The Act calls for funds to be generated from: (a) additional revenues from a 10-cent increase in the documentary stamp tax rate imposed on real estate transfers; and (b) a re-allocation of ten cents of the existing documentary stamp tax revenues from general revenue to the affordable housing trust funds beginning in FY 1995-96. The funds are then distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund.

In years past, the Florida Legislature has transferred the unused funds in the State Housing Trust Fund and the Local Government Housing Trust Fund to the General Revenue Fund pursuant to Section 215.32(2)(b) 4.a., Florida Statutes. This has significantly impacted local governments and their ability to assist their constituents by providing the above-referenced programs as they were designed.

Position: Indian River County BCC **SUPPORTS** allocating the full amount of dedicated documentary tax revenues for state and local affordable housing programs; **SUPPORTS** investing in affordable housing to create jobs in home repair, hardening homes, retrofitting and constructing affordable rental units, and lowering the energy costs to make housing more affordable; and **SUPPORTS** exempting the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and General Revenue Fund, etc.

No legislation requiring the full dedication of doc stamps was passed. The total allocation for this year is \$200.6 Million, which was an increase from last fiscal year (last FY was \$123.6 Million). However, \$115 Million has been designated for communities impacted by Hurricane Michael last year. Please note, if fully funded with no sweep the total amount would have been \$331 Million.

Ranked Appropriations

Beach Renourishment– Sector 5

Indian River County BCC respectfully requests that you **SUPPORT** an appropriation of \$1,934,151 in matching funds for a beach restoration project to Indian River County’s Sector 5 beach. Sector 5 is within the City of Vero Beach and is a 3.1 mile section of shoreline. The Sector 5 project area sustained damage from Hurricane Matthew (2016) and Hurricane Irma (2017) and is in need of a large scale beach and dune nourishment project to maintain protection to upland properties and infrastructure. Approximately 200,000 cubic yards of sand are required to restore the project area. Anticipated Construction November 2019 – April 2020.

- \$71,500 in matching funds for a feasibility
- \$91,901 in matching funds for design of the beach project,
- \$1,537,500 in matching funds for the construction of the beach project, and
- \$233,250 in matching funds for the monitoring of the beach project.

The FDEP and Florida Legislature provided funding for this project in the proposed budget.

1. North Sebastian Septic to Sewer Phase II

Indian River County BCC respectfully requests you **SUPPORT** an appropriation of \$2,400,000 in matching funds to construct the North Sebastian Septic to Sewer Phase II project. Indian River County has more than 30,000 septic tanks. According to the United States Department of Agriculture’s Soil Conservation Service, most of Indian River County’s sandy soil is not conducive for the use of septic tank systems. This limitation, combined with the high water table, creates a high potential for groundwater contamination. This is especially true in areas where development preceded septic tank regulation. In many cases, septic systems do not have the required separation of 2 feet depth between the drain field and the groundwater. Indian River County has made it a priority to protect the Indian River Lagoon and to take steps to convert properties off of septic systems and onto public sewer.

The project proposes to connect 185 parcels to the public sewer system. The project also proposes to connect 187 parcels to public water. This will not only help the environment and increase the value of the underlying property, but it will stimulate economic growth by promoting new business to develop and allow existing business to expand.

Funding for this project totaling \$500,000 has been included in the proposed budget.

2. North Relief Canal Aquatic Plants Project

Indian River County BCC respectfully requests you **SUPPORT** an appropriation of \$2,000,000 in matching funds to construct the North Relief Canal Project.

The requested funds will be used to construct a passive remediation system using aquatic plants to remove nitrogen and phosphates from the North Relief Canal which leads directly to the Indian River Lagoon. Passive remediation systems are by far the most cost effective systems to reduce nitrogen and phosphorus from a water body. They reduce nitrogen and phosphorus at a lower cost per pound compared to any other system.

Funding for this project totaling \$650,000 has been included in the proposed budget.

3. Jones' Pier Conservation Area

Indian River County BCC respectfully requests that you **SUPPORT** an appropriation of \$120,000 in matching funds for a restoration project at the Jones' Pier Conservation Area (JPCA). Specifically, the County is proposing to implement a management plan for the site that restores ecological value, while at the same time utilizes the existing buildings on the property for public access and display of educational and historical exhibits. To this end, the County has developed a Master Plan for the site that includes elements such as: (1) the design of public access facilities including buildings, restrooms, trails and parking; (2) the restoration of wetlands and native uplands on-site; (3) the development of an outdoor classroom for use by local schools and other organizations; (4) the conservation and habitat enhancement of an existing Florida gopher tortoise population; (5) the establishment of community gardens to promote environmentally sensitive & sustainable practices; (6) the establishment of native planting corridors along the trails, and (7) the possible development of a native plant nursery (where feasible).

Although not funded by the Florida Legislature, FDEP awarded \$50,000 to create a salt marsh and enhance habitats at the Jones Pier Conservation Area.

Summary Information Regarding Significant Legislation

Legislation Passed

Taxation

The 2019 tax package, [HB 7123 \(Taxation\)](#), includes two sales tax holidays; a three-day back-to-school holiday; and a seven-day disaster preparedness holiday. The bill also includes a reduction of the tax on commercial leases from 5.7% to 5.35%. It also 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. A controversial provision requiring school districts to share discretionary operating property tax levies with charter schools was initially removed by the Senate, but subsequently added back in to apply only to future referenda.

Communications Services

[SB 1000 \(Communication Services\)](#) by Sen. Hutson makes significant changes to s. 337.401, governing the use of public rights-of-way by providers of communications services. The bill prohibits a local government from instituting express or de facto moratoria on permits for collocation of small wireless facilities and provides additional requirements on the local government's permit registration and application process for communications services providers. It changes the types of and nature of bonds, security instruments, and insurance that may be required by local governments. The bill provides that a provider must comply with objective and reasonable undergrounding requirements under certain circumstances

Permit Fees

[HB 127 \(Permit Fees\)](#) by Rep. Williamson requires governing bodies and counties and municipalities to post permit and inspection fees scheduled and building permit inspection utilization reports on websites by December 31, 2020 and to update the report before adjusting fee schedules in the future.

Tree Trimming & Private Property Rights

[HB 1159 \(Private Property Rights\)](#) by Rep. La Rosa provides that a local government may not require an application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owners obtains documentation from a certified arborist or licensed landscape architect that the tree is a danger to persons or property. The bill prohibits a local government from requiring replanting of trees removed or trimmed per the section and specifies that it does not apply to local governments with delegated mangrove protection authority. Additionally, the bill requires each county property appraiser to post on its website a "property owner bill of rights," the contents of which are provided in the bills itself.

HB 1159 and its Senate companion, [SB 1400 \(Private Property Rights\)](#) by Sen. Albritton, went through several iterations over the course of the session, but ultimately the bills were narrowed in scope to minimize the impact on local tree protection ordinances and regulations

Environmental Regulation & Residential Recycling

[HB 771 \(Environmental Regulation\)](#) by Rep. Overdorf 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. Such contracts must define "contaminated recyclable material" in a manner that is appropriate for the local community, accounting for available markets and other relevant factors, and include terms and conditions to define and reduce levels of contamination. Additionally, the bill provides that a recyclable materials collector or facility is not required to collect, transport or process "contaminated recyclable material," as defined in the applicable contract. In the final House committee stop, a section was added imposing a five-year moratorium on local regulations of single-use plastic straws. On the House floor, an OPPAGA study was added in conjunction with the moratorium. Two Senators attempted to strip the moratorium and make the prohibition prospective only, but those efforts failed.

Summary Information Regarding Significant Legislation

Legislation Passed

Red Tide

[SB 1552](#) by Sen. Gruters establishes the Florida Red Tide Mitigation and Technology Development Initiative as a partnership between the Fish and Wildlife Conservation Commission's Fish and Wildlife Research Institute and the Mote Marine Laboratory. The goal of the initiative is developing technologies and other approaches to mitigate the impacts of red tide.

Property Development

[HB 7103 \(Property Development\)](#) by the House Commerce Committee and Rep. Fischer, in its final iteration, makes various changes to growth management law, including sections on inclusionary housing ordinances, development approvals, impact fees, and private providers. The bill passed by a 26-13 vote in the Senate and 66-42 vote in the House. Specifically, the bill:

Allows counties and cities to adopt and enforce inclusionary zoning ordinances but requires them to provide incentives to fully offset the costs to the developer of its affordable housing contribution. Incentives include, but are not limited to, density or intensity bonuses or reduced/waived fees. Originally, the bill would have prohibited inclusionary housing policies.

Requires a county or city, upon receiving an application for approval of a development order or permit, to review the application for completeness within 30 days. An applicant will have an additional 30 days to address deficiencies in the application, if identified by the county or city. A city or county then has 120 days to approve, approve with conditions, or deny the application. For applications requiring final action through a quasi-judicial or public hearing, the county or city would have 180 days to approve, approve with conditions, or deny. The parties may agree to extend the time frame requirements in this subsection.

Revises the statute on tolling and extension of permits and other authorizations to provide that time is extended only during declared states of emergency for natural (i.e. weather-related) emergencies.

Expands the scope of work for private providers who review site plans and inspect buildings and provides that local governments may not charge fees for inspections if a private provider is used; however, the local government may charge a reasonable administrative fee.

Impact Fees

[HB 207 \(Impact Fees\)](#) by Rep. Donalds 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. The bill also 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.

Specifically, the test requires impact fees to have: 1) a reasonable connection between the need for new development or construction and the population growth generated by the project; and, 2) a reasonable connection between the local government's expenditure of impact fee collections and the benefits accruing to the new development. The bill does specifically exempt water and sewer connection fees from the new provisions.

Summary Information Regarding Significant Legislation

Legislation Passed

911 Services

[HB 441 \(E911 Systems\)](#) by Rep. Dubose 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. The Marjory Stoneman Douglas High School Public Safety Commission reviewed the 911 and first responder dispatch communications related to the shootings that occurred at the school on February 14, 2018. Among other things, the Commission recommended that counties be required to develop and implement communications systems that allow direct radio communication between public-safety access points (PSAP) and first responders outside the PSAP's normal service area to provide for more efficient dispatch of first responders.

Currently, 35 counties in Florida provide fully active and operational text-to-911 service. By the end of this calendar year, an additional 27 counties are expected to implement text-to-911 service. The remaining 5 counties have indicated an estimated completion date for text-to-911 service by the end of 2021.

Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission

With a close party line vote (Senate: 22/17 House: 65/47) the Florida Legislature passed [SB 7030 \(Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission\)](#), which contains a provision that would allow public school teachers to carry firearms in schools. - No Funding Changes

Nonemergency Medical Transportation Services

[HB 411 \(Nonemergency Medical Transportation Services\)](#) by Rep. Perez allows a transportation network company (TNC) to provide non-emergency transportation services (NEMT) to Medicaid patients if: the transportation network company is under contract with a Medicaid managed care plan; the transportation network company is under contract with a transportation broker that is under contract with a Medicaid managed care plan or the Agency for Health Care Administration; it receives referrals from a transportation broker contracted with a Medicaid managed care plan or the Agency for Health Care Administration.

The federal government sets the minimum mandatory populations to be included in every state Medicaid program. The federal government also sets the minimum mandatory benefits to be covered in every state Medicaid program. These benefits include Medicaid transportation services. Non-emergency medical transportation (NEMT) includes transportation services offered to health care consumers who face barriers getting to their medical appointments. Depending on the recipient's individual needs, NEMT services can range from taxis, city buses to air ambulances equipped for advanced life support.

Firefighters

[SB 426 \(Firefighters\)](#) by Sen. Flores allows firefighters who are diagnosed with certain cancers eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter is entitled to cancer treatment and a one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer. To be entitled to such benefits, the firefighter must:

Be employed full-time as a firefighter

Be employed by the state, university, city, county, port authority, special district, or fire control district

Have been employed by his or her employer for at least five continuous years

Not have used tobacco products for at least the preceding five year

Have not been employed in any other position in the preceding five years which is proven to create a higher risk for cancer

In addition, the employer must provide coverage within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for any out-of-pocket deductible, co-payment, or coinsurance costs incurred due to the treatment of cancer.

Summary Information Regarding Significant Legislation

Legislation Passed

Local Tax Referenda: HB 5 Discretionary Sales Surtaxes After passing out of the House and being taken up to the Senate, [HB 5 \(Discretionary Sales Surtaxes\)](#) was amended with language reflecting the Senate proposal, SB 336 (Local Tax Referenda) by Sen. Brandes, which requires a referendum to adopt or amend a local government discretionary sales tax to be held only during a general election. Additionally, a county will be required to furnish a copy of the ordinance or resolution to the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) at least 180 days before the referendum. OPPAGA is then directed, within 30 days of receiving the ordinance or resolution, to procure a certified public accountant to conduct a performance audit.

As originally filed, HB 5 would have required a two-thirds approval threshold for such referenda, to which FAC was opposed. This language was stripped by the Senate. On the final day of the regular Session, the substance of a separate bill that imposes additional requirements for the citizen initiative process for amending the state constitution was also added to HB 5.

Summary Information Regarding Significant Legislation

Legislation Failed

[HB 15 \(Local Government Fiscal Transparency\)](#) by Rep. Burton would require significant additional notice requirements for consideration of tax increases and issuance of tax-supported debt. It requires local government to maintain a 5-year voting record of every vote on an action that would result in a tax increase or new debt; requires additional notices must be provided on the web. The bill would require additional public hearings: a preliminary public hearing must be held 14 days prior to the public hearing to vote on a tax increase or issuance of new debt and the public hearing to take the action must be noticed by a quarter page ad in a newspaper of general circulation with a newly created notice inconsistent with the existing notice requirements for ordinances. It creates a “debt affordability ratio” that must be calculated and included in notices. This bill passed the House on April 11. Companion bill, [SB 1350 \(Local Government Fiscal Transparency\)](#), was not heard in any Senate committee.

[HB 7053 \(Taxation Transparency\)](#) by the House Ways & Means Committee was heard in its final committee on Thursday, April 4, but was never heard on the House floor or in Senate Committee. The bill would re-designate several state and local revenue sources, requiring the names of those source to be changed from “fee” to “tax.” The bill would require the following local revenue source re-designations:

Special assessments or non-as valorem assessments would be retitled “special benefit tax”;

Impact fees and mobility fees would be retitled “development impact tax”;

Franchise fees would be retitled “franchise tax”;

Charges to pay the cost of regulation must be titled “in a manner reasonably consistent with the type of regulation and change in question.”

The bill was amended to more explicitly state that it does not affect a county’s power under the constitution to impose non-tax levies and expresses the Legislature’s intent that such levies only be “titled and represented to the public as taxes.” It was also amended to clarify that the bill is not intended to affect existing case law and to require notices under s. 197.3635 to notice proposed or adopted “non-ad valorem assessments and special benefit taxes.”

[HB 3 \(Preemption of Local Professional and Occupations Regulations and Licensing\)](#) The bill included a broad preemption of any local government licensing requirements that are not expressly authorized by law and most special licenses.

Vacation Rentals

SB 824 (Private Property Rights of Homeowners) by Sen. Diaz and [HB 987 \(Public Lodging Establishments\)](#) by Rep. J. Grant would have preempted regulation (inspection, licensing, occupancy limits) of short-term rentals to the state and would have required local ordinances to apply uniformly to all residential properties. Additionally, the bills would have removed the grandfather clause allowing for more stringent regulations in grandfathered local government.

Water Quality

Major water quality legislation did not pass this year, although both chambers proposed various legislation relating to septic tanks, wastewater treatment, biosolids, basin management action plan (BMAP) requirements, and sewage spill notification requirements. While there was movement on a consolidated water quality package late in session, ultimately nothing substantive made it across the finish line, although the final budget does include funding for various water quality improvement measures. FAC expects many of these issues to return next Session.

SUMMARY GENERAL APPROPRIATIONS ACT (GAA) 2019-2020

The Florida Legislature passed the General Appropriations Act (GAA) for State Fiscal Year 2019-2020 on May 4th, after extending the Legislative Session for one day to allow for completion of the required 72-hour “cooling off” period. The “State Budget” as it is known, and associated conforming and implementing legislation, are all subject to approval by the Governor, who can veto either the entire budget, entire bills, or individual spending items. The Legislature can override the Governor’s vetoes with a two-thirds vote each in the Senate and the House of Representatives.

Budget Comparison by Section (In Millions)	*GAA	Final Pre-Veto	\$ Difference	% Difference
	SFY 2019	SFY 2020	SFY 19 vs. SFY 20	SFY 19 vs. SFY 20
Section 1. Education	2,128,846,515	2,086,600,000	(42,246,515)	(1.98%)
Section 2. Education	23,129,651,213	23,959,000,000	829,348,787	3.59%
Section 3. Health and Human Services	37,140,846,008	37,667,500,000	526,653,992	1.42%
Section 4. Criminal Justice and Corrections	4,669,736,640	4,870,100,000	200,363,360	4.29%
Section 5. Natural Res. / Environment / Growth / Transportation	14,838,086,425	14,758,000,000	(80,086,425)	(0.54%)
Section 6. General Government	6,281,093,964	7,210,300,000	929,206,036	14.79%
Section 7. Judicial Branch	539,273,587	555,000,000	15,726,413	2.92%
Total Budget	88,727,534,353	91,106,500,000	2,378,965,647	2.68%
<i>* Adjusted for Vetoes and Supplementals</i>				

The Legislature’s proposed budget for State Fiscal Year 2019-2020 totals approximately \$91.1 billion, and represents a \$2.3 billion increase over the current year budget. The chart below summarizes a comparison of the current year 2018-19 State Budget and the proposed State Budget for 2019-2020 which will begin on July 1, 2019.