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# Town of Palm Beach
# End of Session Report

## March 22, 2024

# 2024 End of Session Report

The Legislature has now completed its nine-week Session and passed a budget for Fiscal Year 2024-2025. During the 2024 Legislative Session, several of the proposed bills were similar to legislation in previous years, and many of those bills that would have impacted the operations of local government failed to pass. Bills that did make it through the legislative process include legislation pertaining to affordable housing, vacation rentals, building permits, and public works projects among other issues.

Below are some of the most relevant bills to the Town. In the interest of space this is only a brief summary so please let us know if you have any legislation that you would like more information regarding.

## Policy Decisions within the FY 2024-2025 Budget

**HB 5003 – Preemption of Leaf Blower Ordinances (Passed)**
From time to time, policy decisions are embedded in the state budget and/or within related implementing bills that enact budgetary decisions. This year, during the Budget Negotiating Conference, language was inserted without any prior notice, public comment, or member debate that preempts a county or municipal government from amending or adopting an ordinance that restricts or prohibits the operation of a leaf blower that uses an internal combustion engine or motor.

*HB 5003, Section 74 –*

In order to implement Specific Appropriation 1864 of the 2024-2025 General Appropriations Act, a county or municipal government may not amend or adopt an ordinance that restricts or prohibits the operation of a leaf blower that is powered by an internal combustion engine or motor. This section expires July 1, 2025.

HB 5003 passed the House by a 105-3 vote and passed the Senate by a unanimous 39-0 vote. I know the Town already has an Ordinance in place. I recommend you consult with the Town Attorney to determine how this language impacts your existing ordinance.

The bill will be sent to the Governor for his review and approval.

## Legislation of Note

**SB 1526 Local Regulation of Nonconforming and Unsafe Structures by Sen. Avila (R-Miami-Dade) / HB 1647 by Rep. Roach (R-Lee) (Passed)**

You might recall this bill from last Session. We opposed it throughout most of the 2023 Session until it was amended to exempt the Town. I'm happy to report that this year the House bill contained the exemption language from the start and the Senate bill added it in the 2nd Committee meeting. The bill passed in that form, with the exemption for the Town of Palm Beach, and has been approved by the Governor.

SB 1526 creates the definition of nonconforming structure to mean a structure that does not conform to the requirements for new construction issued by the National Flood Insurance Program, and the bill prohibits a local government from prohibiting, restricting or preventing the demolition

of any nonconforming structure located within one-half mile of the coastline which are also within zones V, VE, AO, or AE as identified on the Flood Insurance Rate Map issued by FEMA.

The bill also prohibits local governments from prohibiting, restricting, or preventing the demolition of any structure determined to be unsafe by a local building official or any structure ordered to be demolished by a local government that has proper jurisdiction. There is an exemption for structures individually listed in the National Register of Historic Places or is a single-family home.

SB 1526 requires a local government to review an application for demolition permit pursuant to this bill only administratively for compliance with Florida Building Code, Florida Fire Prevention Code, the Life Safety Code, and any other local regulation applicable to similarly situated parcels.

A local government must authorize replacement structures to be developed to the maximum height and overall building size authorized by local development regulations, and local governments may not require the replication of the demolished structure or require preservation of any element of the demolished structure.

The bill has two key exemptions for a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, and for a structure or building located on a barrier island in a municipality with a population of less than 10,000 where at least 6 city blocks are not located in flood zones V. VE, AO or AE. The later of which was included specifically for the Town of Palm Beach and was discussed publicly at several meetings.

The bill has already been sent and approved by the Governor.

**HB 157 Governing Body Meetings by Rep. Caruso (R-Broward) / SB 894 by Sen. Bradley (R-Duval) (Failed)**

We worked with Rep. Caruso and Sen. Bradley to file this legislation at the Town's request. HB 157 authorizes governing bodies of municipalities to convene meetings and conducting official business via teleconferencing or other technological means as long as such meeting meet all of the requirements for public notice, public access and public participation.

The bill limited the use of teleconferencing to twice per calendar year, and the meetings could not include formal action on ordinances or are quasi-judicial hearings.

*HB 157, Section 1 -*

(3)(a) The governing body of a municipality may convene meetings and conduct official business via teleconferencing or other technological means as long as such meetings meet all of the requirements for public notice, public access, and public participation. A governing body may not convene meetings via teleconferencing or other technological means more than two times per calendar year. Meetings that include formal action on ordinances or are quasi-judicial hearings may not be conducted via teleconferencing or other technological means.

SB 894 passed its first and second Senate committees of reference unanimously. Unfortunately, the House was opposed conceptually to all changes in how local governments conduct meetings. This bill was never heard in the House and similar changes were removed from other bills. As a result, the bills died.

Both Sponsors were contacted by many local governments supporting the bills and, if directed by the Town, I will work with both of them to file the Legislation again next Session.

**CS/HB 267 Residential Building Permits by Rep. Esposito (R-Lee) / SB 684 by Sen. DiCeglie (R-Pinellas) (Passed)**

For a second consecutive year, there was an effort to reduce the timeframes for building permits. HB 267 and its Senate companion SB 684 shorten notification timeframes for a local government to contact an applicant for residential building permits, but the bills underwent significant revisions since its introduction. In our review, the final version of HB 267 does the following, but we recommend having your appropriate staff review the bill if it is of interest.

HB 267 sets out the following timeframes for a local government to review, approve, approve with conditions, or deny a complete and sufficient permit application:

- Local governments have 5 business days (previously 10 calendar days) to provide written notice to an applicant after receipt of an application advising the applicant what information, if any, is needed to deem the application property completed and in compliance with the filing requirements published by the local government.
- Local governments have 30 business days (previously 120 days) to review a complete and sufficient application for the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Local governments have 60 business days (previously 120 days) to review a complete and sufficient application for the following building permits if the structure is more than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Local governments have 60 business days after receiving a complete and sufficient application for an applicant using local government plans reviewer to obtain building permits for signs or nonresidential buildings that are less than 25,000 square feet.
- Local governments have 60 business days after receiving a complete and sufficient application for an applicant using local government plans reviewer to obtain building permits for multifamily residential not exceeding 50 units, site-plan approvals and subdivision plats not requiring public hearing or public notice, and lot grading and site alteration.
- Local governments have 12 business days after receiving a complete and sufficient application for an applicant using a master building permit to obtain a site-specific building permit.
- Local governments have 10 business days after receiving a complete and sufficient application for an applicant for single-family dwellings utilizing the Community Development Block Grant-Disaster Recovery Program.

HB 267 provides that a local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant by email or U.S. Postal Service within the respective timeframes which specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

If the applicant submits revisions within the 10 business days after receiving the written notice, the local enforcement agency has 10 business days to approve or deny the building permit, and if

the local enforcement agency fails to issue or deny the building permit within the 10 business days after receiving the revisions, it must reduce the building permit fee by 20% (current law already allows for 10% fee reduction each business day after failing to meet deadline if no revisions are requested ) for each business day that it fails to meet the deadline.

The bill reduces the timeframe that a local government must issue a building permit to a private provider who seals the plans to 10 days after receipt instead of 20 days. Additionally, the bill prohibits local governments from requiring a waiver of permit approval timeframes as a condition to review an application for a building permit.

HB 267 prohibits a local building code enforcement agency from auditing the performance of building code inspection services by private providers operating within the local jurisdiction until the local building code enforcement agency has created a manual for standard operating audit procedures for the local building code enforcement agency's internal inspection and review staff. At a minimum, the standard operating procedures must include the purpose and scope of the audit, audit criteria, an explanation of audit processes and objectives, and detailed findings of areas of noncompliance. The manual must be publicly available online or the printed manual must be readily accessible in building department offices.

The bill reduces the number of times a local government may audit a private provider from 4 times per month to 4 times per year and prohibits a local government from requiring a waiver of permit approval timeframes as a condition to review an application for a building permit. Additionally, the amendment provides an exemption from permit fee reductions required of local governments for not adhering to the new timeframes if the delay was attributable to a force majeure or other extraordinary circumstances.

HB 267 provides completing an internship program for residential building inspectors as a pathway for licensure as a residential building inspector.

HB 267 directs the Florida Building Commission to modify the Florida Building Code to state that sealed drawings by a design professional are not required for the replacement of windows, doors, or garage doors in an existing one-family or two-family dwelling or townhouse if several conditions are met.

*CS/CS/CS/HB 267, Section 2 –*

(g) The commission shall modify the Florida Building Code to state that sealed drawings by a design professional are not required for the replacement of windows, doors, or garage doors in an existing one-family or two-family dwelling or townhouse if all of the following conditions are met:

1. The replacement windows, doors, or garage doors are installed in accordance with the manufacturer's instructions for the appropriate wind zone.
2. The replacement windows, doors, or garage doors meet the design pressure requirements in the most recent version of the Florida Building Code, Residential.
3. A copy of the manufacturer's instructions is submitted with the permit application in a printed or digital format.
4. The replacement windows, doors, or garage doors are the same size and are installed in the same opening as the existing windows, doors, or garage doors.

HB 267 creates thermal efficiency standards for unvented attics and unvented enclosed rafter assemblies.

*CS/CS/CS/HB 267, Section 7 –*

553.9065 Thermal efficiency standards for unvented attic and unvented enclosed rafter assemblies.—
(1) Unvented attic and unvented enclosed rafter assemblies that are insulated and air sealed with a minimum of R-20 air-impermeable insulation meet the requirements of sections R402 of the Florida Building Code, 8th Edition (2023), Energy Conservation, if all of the following apply:
(a) The building has a blower door test result of less than 3 ACH50.
(b) The building has a positive input ventilation system or a balanced or hybrid whole-house mechanical ventilation system.
(c) If the insulation is installed below the roof deck and the exposed portion of roof rafters is not already covered by the R-20 air-impermeable insulation, the exposed portion of the roof rafters is insulated by a minimum of R-3 air-impermeable insulation unless directly covered by a finished ceiling. Roof rafters are not required to be covered by a minimum of R-3 air-impermeable insulation if continuous insulation is installed above the roof deck.
(d) All indoor heating, cooling, and ventilation equipment and ductwork is inside the building thermal envelope.
(2) The commission shall review and consider this section and any technical changes thereto and report such findings to the Legislature by December 31, 2024.

HB 267 passed each of its House committees of reference with substantial revisions at each committee stop. Two notable changes from the original bill are the use of business days in the final version of the bill as opposed to calendar days in the original bill. Using business days instead of calendar days gives local governments additional time to process building permit applications. Another substantial change is the removal of language in the original bill pertaining to plats which is the subject of HB 665/SB 812 (summarized further below in this report).

HB 267 passed the House by an 83-29 vote and passed the Senate by a 36-0 vote. The bill now heads to the Governor for his signature.

**SB 280 Vacation Rentals by Sen. DiCeglie (R-Pinellas) / HB 1537 Vacation Rentals by Rep. Griffitts (R-Bay) (Passed)**

Another bill that has been filed for many years pertains to vacation rentals. Sen. DiCeglie also sponsored a vacation rentals bill during the 2023 Session which passed the Senate before dying in the House on the last day of Session. Both bills underwent significant revisions since their introduction. Most importantly to the Town, we continued to advocate that any bill maintains the existing "Grandfather Date" which preserves the Town of Palm Beach's existing ordinance. The bill grandfathers all local laws, ordinances, or regulations adopted on or before June 1, 2011.

For local governments that do NOT have an ordinance in place prior to 2011, SB 280 regulates the vacation rental industry across the state. The bill defines an advertising platform and requires

advertising platforms that receive payments from guests for the rental of a vacation rental located in Florida must collect and remit taxes.

*SB 280, Section 1 –*

1. An advertising platform that owns, operates, or manages a vacation rental or that is related within the meaning of s. 267(b), s. 707(b), or s. 1504 of the Internal Revenue Code of 1986, as amended, to a person who owns, operates, or manages the vacation rental shall collect and remit all taxes due under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental.

2. An advertising platform to which subparagraph 1. does not apply shall collect and remit all taxes due from the owner, operator, or manager under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental. Of the total amount paid by the lessee or rentee, the amount retained by the advertising platform for reservation or payment services is not taxable under this section or ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055.

The bill allows a local government to require the registration of a vacation rental with a local vacation rental registration program, to impose a fine for failure to register under the vacation rental program, and to charge a "reasonable fee" per unit for processing an individual registration application and "reasonable fee" per unit for processing a renewal. A local government may charge a reasonable fee to inspect a vacation rental after registration to verify compliance with the Florid Building Code and the Florida Fire Prevention Code.

Previous versions of both SB 280 and HB 1537 listed a maximum fee (between $150-$300) for registration and a maximum fee for renewal ($50). By allowing a local government to charge a "reasonable fee," local governments will have the ability to set the fee at a price of their choosing as long as the fee can be justified based on measurable expenses such as staff costs, time, equipment among others.

*SB 280, Section 3 –*

(a) A local government may charge a reasonable fee per unit for processing a registration application. A local law, ordinance, or regulation may require annual renewal of a registration and may charge a reasonable renewal fee per unit for processing of a registration renewal. However, if there is a change of ownership, the new owner may be required to submit a new application for registration. Subsequent to the registration of a vacation rental, a local government may charge a reasonable fee to inspect a vacation rental after registration for compliance with the Florida Building Code and the Florida Fire Prevention Code, described in ss. 553.80 and 633.206, 491 respectively.

As a condition of registration, a local law ordinance or regulation may only require the owner or operator of a vacation rental to:

- Submit identifying information about the owner or owner's agent.

- Provide proof of license with a unique identifier issued by the Division of Hotels and Restaurants.
- Obtain all required tax registrations, receipts, or certificates issued by a county, or a municipal government.
- Update required information as necessary to ensure it is current.
- Designate and maintain at all times a responsible party who is capable of responding to complaints including being available by telephone at a provided contact telephone number 24 hours a day, 7 days a week.
- State the maximum occupancy of the vacation rental which does not exceed either two persons per bedroom, plus an additional two persons in one common area; or more than two persons per bedroom if there is at least 50 square feet per person, plus an additional two persons in one common area, whichever is greater.
- Pay in full all recorded municipal or county code liens against the property.

The bill requires a local government within 15 business days to review an application for registration of a vacation rental for completeness and accept the registration of the vacation rental or issue a written notice of denial. If a local government fails to accept or deny a registration within this timeframe, the application is deemed accepted, and a local government cannot prohibit an applicant from reapplying if the applicant cures the identified deficiencies.

A local government is required to assign a unique registration number to the vacation rental unit and provide the registration number or other indicia of registration to the vacation rental operator in writing or electronically.

A local government may fine a vacation rental up to $500 (previously $300 in earlier versions) for failing to meet registration requirements and for operating a vacation rental without registering with the local government. Before a local government can issue a fine for a violation, the local government must provide a vacation rental operator with 15 days to cure the violation.

The bill also outlines how a local government may enforce local law, ordinances, and regulations when a vacation rental owner is found to have committed violations.

*SB 280, Section 3 –*

2. If a code violation related to the vacation rental is found to be a material violation of a local law, ordinance, or regulation as described in subparagraph 1., the code enforcement board or special magistrate must make a recommendation to the local government as to whether a vacation rental registration should be suspended.
3. The code enforcement board or special magistrate must recommend the suspension of the vacation rental registration if there are:
    a. One or more violations on 5 separate days during a 60-day period;
    b. One or more violations on 5 separate days during a 30-day period; or
    c. One or more violations after two prior suspensions of the vacation rental registration.
    4. If the code enforcement board or special magistrate recommends suspension of a vacation rental registration, a local government may suspend such registration for a period of:
        a. Up to 30 days for one or more violations on 5 separate days during a 60-day period;

b. Up to 60 days for one or more violations on 5 separate days during a 30-day period; or

c. Up to 90 days for one or more violations after two prior suspensions of a vacation rental registration.

5. A local government may not suspend a vacation rental registration for violations of a local law, ordinance, or regulation which are not directly related to the vacation rental premises.

Additionally, a local government may revoke or refuse to renew a vacation rental registration if an owner's vacation rental registration has been suspended three times, if after a 60-day grace period – a county or municipal lien remains unsatisfied, or if a court order directs the termination of the premises as a vacation rental.

By July 1, 2025, the Division of Hotels and Restaurants (DHR) shall create and maintain a vacation rental information system that is readily accessible and facilitate prompt compliance, allow local government users to notify DHR of a termination, suspension, or a failure to renew a vacation rental and to verify the status of a vacation rental license.

DHR has the authority to revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a license of a vacation rental for operating a vacation rental that violates a court order or property restriction; or for having a local registration suspended.

The bill grandfathers all local laws, ordinances, or regulations adopted on or before June 1, 2011, and also exempts any county law, ordinance or regulation initially adopted on or before January 1, 2016, that established county registration requirements for rental of vacation rentals and any amendment thereto adopted before January 1, 2024. Such county law, ordinance or regulation may not be amended or altered unless to be less restrictive or adopts this bill's registration requirements.

SB 280 passed each of its Senate committees of reference and passed the Senate by a 27-13 vote. SB 280 then passed the House with amendments by a 61-50 vote and passed the Senate one last time by a 23-16 vote.

The bill now goes to the Governor for his signature.

**SB 328 Development by Sen. Catalayud (R-Miami-Dade) / HB 1239 by Rep. Lopez (R-Miami-Dade) (Passed)**

Following last year's effort to boost affordable housing with the Live Local Act, SB 328 and its House Companion HB 1239 update several provisions of the Live Local Act. **The provisions below are only for development projects that meet the requirements for affordable housing under the Live Local Act.**

Both bills underwent significant revisions since their introduction. In our review, the final version of SB 328 does the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bill prohibits a county or municipality from restricting "floor area ratio" lower than 150% of what is currently allowed under the jurisdiction's current land development regulations. The bill also revises provisions pertaining to height restrictions to prohibit a local government from restricting the height of a proposed development below the highest currently allowed height for a commercial or residential building within 1 mile of the proposed development, and the bill also allows for local government to restrict the building height of a proposed development to 150% of the tallest building adjacent to the property or 3 stories whichever is higher.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed height for the property provided in the county's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

The bill gives local governments the authority to not approve a proposed development if that development is located within a quarter mile of a military installation and clarifies that airport-impacted areas are exempt from this legislation.

The bill requires a local government to reduce parking requirements by 20% if the development is located within one-half mile of a major transportation hub that is accessible from the proposed development by "safe, pedestrian-friendly" means such as crosswalks, sidewalks, and bike paths or if there is available parking within 600 feet of the development.

SB 328 requires local governments to eliminate parking requirements for a proposed mixed-use residential development authorized under the Live Local Act within an area recognized as a TOD (this language is from SB 386 by Sen. Osgood).

Local governments must authorize an affordable housing multifamily development in a Transit-Oriented Development (TOD) only if the development is mixed-use residential and complies with other local requirements applicable to a TOD except for heigh, density, parking, and floor area ratio.

SB 328 requires that any development authorized under this Act must be treated as a conforming use even after the development's affordability period notwithstanding the county's comprehensive plan, future land use designation or zoning. And if at any point during the development's affordability period, the development violates the affordability requirement, the development must be allowed a "reasonable time" to cure such violation, but if the violation is not cured within a "reasonable time," the development must be treated as a nonconforming use.

The bill adds a new condition for affordable housing developments to meet in order to be eligible for tax exemption status. The new condition is that the development is a newly constructed multifamily project in an area of critical state concern that contains more than 10 units dedicated to housing natural persons or families that meet the income limitations provided in Florida Statutes.

SB 328 requires property appraisers to exempt 75% of the assessed value of the units in a multifamily project that meet the requirements of this Act and are used to house natural persons or families whose household income is greater than 80% but not more than 120% of the median gross income for households within a metropolitan statistical area.

The bill provides that property appraisers shall review Live Local development applications and determine whether applicants meet all the requirements and are entitled to an exemption. A property appraiser may request and review additional information necessary to make such a determination. Additionally, SB 328 requires property appraisers to include proportionate share of

the residential common areas, including the land, and fairly attributable to such a unit when determining the value of unit for the purpose of an exemption.

*CS/CS/SB 328, Section 5 –*

(7) When determining the value of a unit for purposes of applying an exemption pursuant to this section, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.

Lastly, the bill allocates $100 million in non-recurring funds to the State Housing Trust Fund for use by the Florida Housing Corporation to implement the Florida Hometown Hero Program.

SB 328 passed unanimously through each of its Senate committees of reference and on the Senate Floor by a 40-0 vote. SB 328 then passed the House by a 112-1 vote. The bill now goes to the Governor for his signature.

**HB 609 Local Business Taxes by Rep. Botana (R-Lee) / SB 1144 Local Business Taxes by Sen. DiCeglie (R-Pinellas) (Failed)**

HB 609 aimed to eliminate local business taxes. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. The bill in its original form repealed the ability for local governments to levy a local business tax. The effective date for this act if it became law, was July 1, 2024.

The bill was revised and no longer eliminated local business taxes, but instead capped the revenue a local government could receive from a local business tax program to total revenue received for the fiscal year ending September 30, 2024. In addition, HB 609 provided that an ordinance enacted prior to July 1, 2024, could not increase, or otherwise modify the tax rate structure other than repealing the tax rate structure. The amended bill also exempted fiscally constrained counties and municipalities from fiscally constrained counties.

HB 609 passed all of its House committees of reference along party lines but was not heard on the House Floor. SB 1144 was never heard in the Senate, and both bills died at the end of session.

**HB 47 Municipal Water & Sewer Utility Rates by Rep. Robinson (D-Miami-Dade) / SB 104 Sen. Jones (D-Miami-Dade) (Failed)**

HB 47 and a similar bill SB 104 required a municipality that operates a water or sewer utility outside its municipal boundaries to charge consumers outside its boundaries the same rate, fees, and charges if the consumers are located in the municipality where the facility is located. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest.

*HB 47, Section 1 –*

(2) Any municipality within this state that operates a water or sewer utility providing service to customers in another recipient municipality using a facility or water or sewer plant located in the recipient municipality shall charge consumers in the recipient municipality the same rates, fees, and charges as it charges the consumers within its own municipal boundaries.

HB 47 passed all of its House committees of reference overwhelmingly. The bill was ready for the House Floor but was not heard again.

SB 104 passed its first two Senate committees of reference unanimously but was not heard in the Senate again. As a result, both bills died at the end of Session.

**HB 1277 Municipal Water or Sewer Utility Rates, Fees, and Charges by Rep. Busatta Cabrera (R-Miami-Dade) (Failed)**

HB 1277 is a bill that had been filed during previous legislative sessions. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 1277 capped the surcharge municipalities that operates an electric, natural gas or wastewater utility may apply to consumers outside of their jurisdiction to 25% and limited the portion of municipal utility revenues that may be used to fund or finance a municipality's non-utility related government functions.

*HB 1277, Section 1 -*

(2)(a) A municipality that owns and operates an electric, natural gas, water, or wastewater utility may fund or finance general government functions using a portion of the revenues generated from rates, fees, and charges for the provision of such utility service. The portion of utility revenues that may be used during a fiscal year to fund or finance general government functions, after payment of all utility expenses, may not exceed:

1. For revenues generated from electric utility operations, a transfer rate equal to the amount derived by applying the average of the midpoints of the rates of return on equity approved by the Public Service Commission for each investor-owned electric utility in the state to the municipal electric utility's revenues.

2. For revenues generated from natural gas utility operations, a transfer rate equal to the amount derived by applying the average of the midpoints of the rates of return on equity approved by the Public Service Commission for each investor-owned natural gas utility in the state to the municipal natural gas utility's revenues.

3. For revenues generated from water or wastewater operations, a transfer rate equal to the amount derived by applying the rate of return on equity established by the Public Service Commission under s. 367.081(4)(f) to the revenues of the municipal water or wastewater utility.

(b) Except as provided in paragraph (c), the transfer rate applied to municipal utility revenues under subparagraphs (a)1.

3. shall be reduced as follows:

1. If more than 15 percent of a municipal utility's retail customers, as measured by total meters served, are located outside the municipal boundaries, the transfer rate applied to utility revenues shall be reduced by 150 basis points.

2. If more than 30 percent of a municipal utility's retail customers, as measured by total meters served,

are located outside the municipal boundaries, the transfer rate applied to utility revenues shall be reduced by 300 basis points.

3. If more than 45 percent of a municipal utility's retail customers, as measured by total meters served, are located outside the municipal boundaries, the transfer rate applied to utility revenues shall be reduced by 450 basis points.

(c) The reductions specified in paragraph (b) do not apply to a municipal utility service if the utility service 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, as measured by total meters served, that receive service from the utility.

The bill also included a provision that requires a municipality operating a water or sewer utility that provides that service to consumers within the boundaries of a separate municipality through the use of a water treatment plan or sewer treatment plant located within the boundaries of a separate municipality may charge consumers in the separate municipality no more than the rates, fees, and charges imposed on consumers inside its own municipal boundaries.

In committee, the bill was amended to require a public meeting to solicit public input before a new, extended, renewed, or materially amended agreement for the provision of municipal utility services to customers located in another municipality or unincorporated area.

The amendment also required annual customer meetings to be held in service areas located in another jurisdiction and required that those meetings be held in conjunction with public meetings for the governing bodies where the service is provided. In addition, the amendment limited municipalities from using more than 10% of gross revenues generated from utility services rendered to customers in another jurisdiction towards general government functions and requires the annual reporting of data relating to the provision of municipal utility service to customers located in another jurisdiction.

The bill required that a municipality that offers utility services must be represented by an executive-level leadership employee at the annual customer meeting. The bill also required that excess utility revenues over the 10% cap must be reinvested back into the municipal utility or returned to customers living outside their jurisdiction.

The bill passed all of its House committees of reference overwhelmingly, and while it was ready to be heard on the House Floor, HB 1277 was not heard again. As a result, the bill died at the end of Session.

**SB 472 Sovereign Immunity by Sen. Brodeur (R-Seminole) / HB 569 by Rep. McFarland (R-Sarasota) (Failed)**

For another session, Sovereign Immunity continued to be an issue of discussion. SB 472 and its comparable House Bill HB 569 amended statutory limits on liability for tort claims against the state, its agencies & subdivisions.

In our review, the bills did the following, but we recommend having your appropriate staff review the bill if it was of interest. The bills raised the tort limits set in 2010 from a $200,000 individual limit and a $300,000 limit per occurrence to a $400,000 personal limit and a $600,000 per occurrence.

*SB 472, Section 1 -*

Neither the state nor its agencies or subdivisions are ~~shall be~~ liable to pay a claim or a judgment by any one person which exceeds the sum of $400,000 ~~$200,000~~ or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of $600,000 ~~$300,000~~. However, a judgment or judgments may be claimed and rendered in excess of these amounts ~~and may be settled~~ and paid pursuant to this act up to $400,000 or $600,000 ~~$200,000 or $300,000~~, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, and ~~but~~ may be paid in part or in whole only by further act of the Legislature.

The bills also allow for the Department of Financial Services to adjust the limitation of liability to reflect changes in the Consumer Price Index for the Southeast as calculated by the United States Department of Labor.

*SB 472, Section 1 -*

(f) Beginning July 1, 2025, and every July 1 thereafter, the Department of Financial Services shall adjust the limitations of liability in this subsection to reflect changes in the Consumer Price Index for the Southeast or a successor index as calculated by the United States Department of Labor.

The bills are a continuation of the effort in previous years to raise or eliminate a local government's cap on the amount that can be awarded to an individual by a court in a civil action. Even though these bills eventually failed they were moving in both Chambers with almost unanimous votes for most of the Session and died because the Chambers did not agree on how to raise the cap.

This is likely not the last time we will see this issue filed so here is a "play by play" on how the bills changed.

The Senate bill passed its first committee of reference by a 5-1 vote, and the bill was amended to enact the Consumer Price Index rate adjustment as of July 1, 2029, and every 5 years thereafter. The bill also allowed for a pollical subdivision (but not the state or an agency) to agree to settle a claim in excess of the sovereign immunity cap without further action from the state.

In the Senate's second Committee, SB 472 was once again amended to limit a CPI-based rate adjustment to a maximum increase of 3% every five years, and the amendment provided that the determination of liability limits is based on the limitations that are in effect at the time of the incident rather than the date of final judgement. SB 472 passed the Appropriations Committee unanimously by a 15-0 vote.

In its final committee, the Senate Rules Committee unanimously passed it by a 19-0 vote. In this committee the bill was amended to reduce the tort limits to $300,000 per individual and $500,000 per incident (previously the bill had limits of $400,000 per individual and $600,000 per incident).

The House passed its first committee of reference (House Civil Justice Subcommittee) by a 17-1 vote, and its second committee of reference (House Appropriations Committee) unanimously with a 27-0 vote. The bill was amended to keep the current 25% cap on attorney fees, and the bill eliminated the provision requiring a CPI-based rate calculation to determine liability caps.

If passed and approved by the Governor, the bill would have been effective October 1, 2024.

**SB 184 Impeding, Threatening, or Harassing First Responders by Sen. Avila (R-Miami-Dade) / HB 75 by Rep. Rizo (R-Miami-Dade) (Passed)**

SB 184 and its House Companion HB 75 establish a buffer zone (originally 14 feet) between first responders and the public when first responders are performing their duties. In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bills establish criminal penalties (first-degree misdemeanor) for an individual that "interrupt, disrupt, hinder, impede, or interfere" with a first responder's ability to perform their duty after being warned.

*SB 184, Section 1 –*

843.31 Approaching a first responder after a warning with intent to impede, threaten, or harass.—
(1) As used in this section, the term:
(a) "First responder" includes a law enforcement officer as defined in s. 943.10(1), a correctional probation officer as defined in s. 943.10(3), a firefighter as defined in s. 784.07, and an emergency medical care provider as defined in s. 784.07.
(b) "Harass" means to engage in a course of conduct directed at a first responder which causes substantial emotional distress in that first responder.
(2)(a) It is unlawful for a person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, to violate such warning and approach or remain within 14 feet of the first responder with the intent to:
1. Interrupt, disrupt, hinder, impede, or interfere with the first responder's ability to perform such duty;
2. Threaten the first responder with physical harm; or
3. Harass the first responder by interfering with the first responder performing such duty.
(b) A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

SB 184 passed all of its Senate committees overwhelmingly and passed the Senate by a unanimous 39-0 vote.

HB 75 passed its first committee of reference (House Criminal Justice) by a 17-1 vote and its second committee of reference (House Judiciary) by a 17-4 vote.

In the committee the bill was amended to add a provision that peaceful photographing does not constitute harassment and peaceful audio or video recording, photographing or observing a first responder does not constitute harassment. Additionally, the amendment removed the prohibition against physically preventing a first responder from performing their lawful duties and clarified that a threat to a first responder as defined in the bill means a threat of physical harm.

On the House Floor, SB 184 was substituted for HB 75, and SB 184 was amended and passed by the House by an 85-27 vote. SB 184 was amended to reflect the language of HB 75 with an additional change to the length of the buffer zone between first responders and members of the public from 14 feet to 25 feet, and the amendment changed the level of criminal offense from a first-degree misdemeanor to a second-degree misdemeanor.

SB 184 was sent back to the Senate for a final vote, and the bill passed by a 39-1 vote. The bill now goes to the Governor for his signature.

**HB 465 Postsecondary Education Students by Rep. Temple (R-Sumter) / SB 470 by Sen. Ingoglia (R-Hernando) (Failed)**

HB 465 and its Senate Companion SB 470 required post-secondary educational institutions to report students promoting foreign terrorist organizations to the U.S. Department of Homeland Security. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest.

*SB 184, Section 1 –*

(3) A public postsecondary educational institution must report through the Student and Exchange Visitor Program of the United States Department of Homeland Security, pursuant to 8 C.F.R. s. 214.3(g)(2)(ii), information relating to the current status of a student who is attending the institution on an F-1 student visa if that student promotes any foreign terrorist organization. For the purposes of this section, the term "foreign terrorist organization" has the same meaning as in s. 1009.01(4).

The bills defined the term “Foreign terrorist organization” to mean organizations designed by the U.S. Department of State as a foreign organization that engages in or has the capability and intent to engage in terrorist activity.

The bills would have assessed students who promoted a foreign terrorist organization during any term of their enrollment the out-of-state fees during that term and any subsequent terms of enrollment.

The bills also would have prohibited students who promoted a foreign terrorist organization from receiving scholarships, grants, and other student aid.

*SB 184, Section 6 –*

1009.8963 Prohibition on awarding of scholarships, grants, and other aid.—A student who promotes a foreign terrorist organization during any term of his or her enrollment may not be awarded any institutional or state grants, financial aid, scholarships, or

tuition assistance under this chapter during that term and any subsequent term of enrollment.

HB 465 passed its first committee of reference (House Postsecondary Education & Workforce Subcommittee) by an 11-4 vote, but the bill was not heard again in the House. SB 470 was never heard in the Senate, and both bills died at the end of session.

**HB 479 Alternative Mobility Systems by Rep. Robinson, W. (R- Manatee) / SB 688 by Sen. Martin (R-Lee) (Passed)**

Bills that underwent multiple revisions this year, HB 479 and its Senate Companion SB 688 seek to keep mobility fees in the jurisdiction impacted by a development or redevelopment. In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bills allow for local governments to create an alternative mobility transportation plan that promotes compact, mixed-use, and interconnected development served by a multimodal transportation system in an area that is deemed urban in character.

Rep. Robinson filed similar legislation the last two years, and the bill was heard twice during the 2022 Legislative Session before dying the House Commerce Committee.

This year, the original bills state, only a local government issuing the building permit may charge for transportation impacts within its jurisdiction. Additionally, the bills prohibit local government from charging a new development or redevelopment for the same transportation impacts.

*HB 479, Section 2 -*

(j) Only the local government issuing the building permit may charge for transportation impacts within its jurisdiction. Such local government must collect and account for any extrajurisdictional impacts pursuant to s. 163.3177(6)(h), regardless of whether it implements a transportation concurrency system or an alternative system. A local government may not charge new development or redevelopment for the same transportation impacts.

HB 479 passed unanimously through its first two committees in the House and passed its third committee of reference (House Commerce Committee) by an 18-3 vote.

SB 688 passed its first committee of reference (Senate Community Affairs) unanimously by an 8-0 vote and passed its second committee (Senate Transportation) by a 4-1 vote.

SB 688 passed its final committee of reference (Senate Rules) by a unanimous 19-0 vote. In this committee the bill was amended substantially to require a county and municipality charging overlapping transportation-related impact fees to execute an interlocal agreement that at a minimum, ensures that any new development or redevelopment is not charged twice for the same transportation capacity impacts, establishes a plan based methodology for determining a permissible fee charged to a new development or redevelopment, requires the local government issuing the building permit to collect the fees unless otherwise agreed to, and provides a method for proportionate distribution of revenue collected by the transportation capacity impact fees.

*CS/SB 688 – Section 1*

(j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.
2. The interlocal agreement must, at a minimum:
a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts.
b. Establish a plan-based methodology for determining the legally permissible fee to be charged to a new development or redevelopment.
c. Require the county or municipality issuing the building permit to collect the fee, unless agreed to otherwise.
d. Provide a method for the proportionate distribution of the revenue collected by the county or municipality to address the transportation capacity impacts of a new development or redevelopment, or provide a method of assigning responsibility for the mitigation of the transportation capacity impacts belonging to the county and the municipality.

If by October 1, 2025, an interlocal agreement between a county and municipality is not in place, the fee charged to a new development or redevelopment will be based on the transportation capacity impacts apportioned to the county and municipality as identified in the developer's traffic impact study or the mobility plan adopted by the county or municipality. Additionally, if there is no interlocal agreement, the developer will receive a 10% reduction in the total fee calculated, the county or municipality issuing the building permit must collected the fee charged and distribute the proceeds of such fee to the county and municipality withing 6 days after the developer's payment.

The amendment adds that home rule charter counties and a county and municipality that has entered into or updated an existing interlocal agreement as of October 1, 2024, are exempted from the above changes. But if the existing interlocal agreement is terminated, the affected county and municipality would be subject to the new provisions.

Further, the amendment specifies that the impact fee study is based on data generated within 4 years after adoption of a revised impact fee. The new impact fee study must be adopted by the local government within 12 months after the initiation of the new impact fee study if the local government increases the impact fee.

HB 479 was amended on the House Floor to reflect the changes made to SB 688 in the Senate Rules Committee. HB 479 passed unanimously by a 115-0 vote and was sent over to the Senate for a final vote. HB 479 passed the Senate by a 39-1 vote, and the bill now heads to the Governor for his signature.

**HB 503 Limitation on Local Fees for Virtual Offices by Rep. Fabricio (R-Miami-Dade) / SB 578 by Sen. Ingoglia (R-Hernando) (Failed)**

HB 503 and SB 578 was another effort by the Legislature to reduce fees for local businesses. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. The bill prohibited a county, municipality, or local government from imposing levying or collecting fees relating to the use of a virtual office.

A virtual office was defined in the bill as an office that provides communications services, such as telephone or facsimile services, and address services without providing dedicated office space.

HB 503 passed its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) unanimously by a 14-0 vote and passed its second committee of reference (House Ways & Means) unanimously by a 21-0 vote. HB 503 again passed unanimously through its final committee of reference (House State Affairs) by a 20-0 vote. The bill was ready for the House Floor, but it was never heard again.

SB 578 had three committees of reference in the Senate and was never heard in the Senate. Both bills died at the end of Session.

**HB 12211195 Expedited Approval of Residential Building Permits by Rep. McClain (R-Marion) / SB 812 by Sen. Ingoglia (R-Hernando) (Passed)**

HB 665 aims to expedite the building permitting process across the state. In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest.

In its original form, HB 665 requires a county with 75,000 residents or more and a municipality with 30,000 residents by August 15, 2024, to create a program to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with Florida Building Code before a final plat is recorded with the clerk of circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes that the governing body must issue for the residential subdivision or planned community, not to exceed 50% of the residential subdivision or planned community. The bill does not restrict a local government from issuing building permits that exceed 50% of the residential subdivision or planned community.

If a local government already had a program in place before July 1, 2023, to expedite the building permit process, the local government need only update their program to approve an applicants' written application to issue up to 50% of the building permits for the residential subdivision or planned community.

By December 31, 2028, the local government's expedited processed must contain an application for an applicant to identity the percentage, up to 75% of planned homes that the local government must issue for the residential subdivision or planned community.

In addition, the bill requires a local government to set up a two-step application process that includes the adoption of a preliminary plat and a final plat to expedite the issuance of building permit, and it requires a local government to maximize its administrative processes to expedite the review and approval of applications, plats, and plans. The master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is later. After a new building code is adopted, the applicant may apply for a new master building permit, which upon approval, is valid for 3 consecutive years.

The bill allows for an applicant to use a private provider to review a preliminary plat and building permit for each residential building or structure and allows local governments to work with its agencies to issue an address and a temporary parcel identification number for local lines and lot sizes based on the metes and bounds of the plat contained in the application.

HB 665 requires a local government to issue a certain number or percentage of building permits in their application in accordance with the Florida Building Code provided that the residential buildings or structures are unoccupied, and all of the following conditions are met:

*HB 665, Section 1 -*

(a) The governing body has approved a preliminary plat for each residential building or structure.
(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, water, and wastewater utilities.
(c) The applicant holds a valid performance bond for up to 130 percent of the necessary utilities, roads, and stormwater improvements that have not been completed upon submission of the application under this section. For purposes of master planned communities, as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.

The bill requires an applicant to indemnify and hold harmless the local government and its agents and employees from damages accruing and directly related to the issuance of a building permit for a residential building or structure located in the residential subdivision or planned community before the approval and recording of the final plat by the governing body. This includes damage resulting from fire, flood, construction defects, and bodily injury.

HB 665 passed its first committee of reference (House Regulatory Reform & Economic Development Subcommittee) by a 11-2 vote, and the bill was amended in the committee to make a series of changes. The amendment clarifies that the applicant must commence construction and continue to develop the property in good faith in order to obtain vested rights. The amendment also requires a local government to obtain written consent of the applicant before making substantial changes to the preliminary plat.

The amendment changes the dates by which a local government must allow us to obtain a certain number of permits. The deadline for local governments to allow an applicant to obtain 50% of permits is moved from August 1, 2024, to October 1, 2024, and the deadline for local governments to allow an applicant to obtain 75% of permits is moved one year earlier from December 1, 2028, to December 1, 2027.

The amendment exempts Monroe County from the requirement for local government to issue certain percentages of permits for a preliminary plat, and states that the master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is earlier – not later as was initially written.

HB 665 passed its second committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 10-5 vote and passed its third committee of reference (House Commerce Committee) by a 12-5 vote.

In the Commerce Committee the bill was further amended to define the term “qualified contractor” and requires local governments to establish a registry of at least 3 qualified contractors that the local government may use to supplement staff resources to expedite the review of applications.

SB 812 passed its first committee of reference (Senate Community Affairs) unanimously by an 8-0 vote, and was amended to mirror HB 665. In its second committee (Senate Regulated Industries)

the bill once again passed unanimously by a 6-0 vote. The bill was amended to provide that an application or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested so long as the request does not exceed 50% of the planned homes in the residential subdivision or planned community or the number of building permits.

SB 812 passed its last committee of reference (Senate Rules) by a unanimous 17-0 vote. In the committee, the bill was amended to require local governments to establish a registry of at least 3 qualified contractors that the local government may use to supplement staff resources to expedite the review of applications.

SB 812 was amended on the Senate Floor to update the eligibility criteria once again for local municipalities to be a municipality with a population over 10,000 residents or municipalities with 25 or more acres of contiguous land that the local government has designated in a local government comprehensive plan and future land use map as agricultural or to be dedicated for residential purposes.

With the amendment, SB 812 passed unanimously off the Senate floor by a 40-0 vote and was sent to the House.

SB 812 was substituted for HB 665, and SB 812 passed the House by an 89-25 vote. SB 812 now goes to the Governor for his signature.

**HB 1221 Land Use and Development Regulations by Rep. McClain (R- Marion) / SB 1184 by Sen. Ingoglia (R-Hernando) (Failed)**

In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 1221 required local government to grant a rezoning to the owner of a parcel of land defined as an agricultural enclave regardless of the future land use map designation of the parcel and any conflicting comprehensive plan goals, objectives or policies if the owner's rezoning request includes land uses, densities and intensities of use that are consistent with the approved uses, densities and intensities of use of the industrial, commercial, or residential areas that surround the parcel.

In the bill, a local government was prohibited from requiring a comprehensive plan amendment related to the application and could not enact or enforce land development regulations for agricultural enclaves that were more burdensome than for other types of applications for uses with comparable site conditions. A local government was prohibited from denying an application if it proposes only single family residential use at a density that did not exceed the average density allowed by future land use designations on those adjacent parcels that allow a density of at least one dwelling unit per acre, and a local government was required to schedule the application for hearing at the next regularly schooled hearing after the application was filed and following proper public notice.

The bill prohibited optional elements of a comprehensive plan from restricting the density or intensity established in the future land use element and provided that a future land use element must discourage the proliferation of urban sprawl by planning for future development as provided in this bill.

The bill required an adopted comprehensive plan to establish minimum lot sizes within single-family, two-family, and single-family townhouse zoning districts to accommodate the maximum density authorized in the comprehensive plan and to provide standards for infill residential development. A local government was required to administratively approve an application for infill

development without needing to amend the comprehensive plan, rezone, provide a variance when the infill development has the same or less gross density as the existing development and is generally consistent with the development standards including lot size and setbacks of the existing development. A development order issued for development pursuant to this bill would have been deemed consistent with all applicable local government comprehensive plans and land development regulations.

HB 1221 passed its first committee of reference (House Federal Affairs & Special Districts Subcommittee) by a 12-5 vote, and in this committee, the bill was amended to remove the provisions related to agricultural enclaves. The amendment also required local governments to not deem the expansion of a self-storage facility that is adjacent to and abutting an existing self-storage facility that is owned in managed by the same person or entity as a new self-storage facility for minimum distance requirements imposed by local ordinances. The amendment also added a severability clause allowing all other parts of this bill to be enacted in the event a portion of the bill was ruled invalid by a court.

HB 1221 passed its second and final committee of reference (House Commerce Committee) by an 11-4 vote. In this committee the bill was amended to add a provision allowing a final order or decision made regarding a historically significant property by a historic preservation board or commission established by a municipal charter or ordinance to be appealed to the board of county commissioners of the county in which the municipality is located. The board of county commissioners would have been required to hold a public hearing on the appeal within 30 days after receipt of notice of the appeal, and the board of county commissioners after the public hearing could approve or reject the final order or decision. The board of county commissioners' decision would have been final.

Another amendment prohibited a local government from mandating a particular professionally accepted methodology or reject a professionally accepted methodology utilized in support of a comprehensive plan amendment.

HB 1221 was not heard again after passing its two committees of reference, and its Senate Companion SB 1184 was not heard in any committee in the Senate. Both bills died at the end of session.

**SB 742 Public Works Projects by Sen. Grall (R-St. Lucie) / HB 705 by Rep. Shoaf (R-Gulf) (Passed)**

SB 742 and its House Companion HB 705 revise the definition of the term "public works project". In our review, the bills do the following, but we recommend having your appropriate staff review the bills if they are of interest.

Presently, the definition of "public works project" means an activity paid for with state-appropriated funds. This legislation adds local funding to the definition.

Currently, the bidding process for projects that receive solely state funding cannot prevent certified, license, or registered contractors, subcontractors, or material suppliers or carries from participating due to geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid.

By changing the definition, public works projects that include both state and local funding would be prohibited from barring certified, license, or registered contractors, subcontractors, or material suppliers or carries from participating due to geographic location. The definition change would also prohibit a local government from requiring a contractor to provide specified pay and benefits.

The bill does not apply to a political subdivision that contracts for a public works project for which the sole source of funding is from that political subdivision.

SB 742 passed its first committee of reference (Senate Community Affairs) by a 6-2 vote. At the committee meeting, the bill was amended to include an exception for the provision of goods, services, or work incidental to the public works project such as security services, janitorial services, landscaping services, maintenance services, and transportation services.

SB 742 passed its second committee of reference (Senate Governmental Oversight and Accountability), by a 4-2 vote, and passed its last committee of reference (Senate Rules) by a 11-5 vote.

HB 705 passed its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 10-5 vote. In its first committee stop, the bill was amended to remove the exception from the bill if a local government was the sole source of funding.

HB 705 passed its second committee of reference (House State Affairs) by a 14-6 vote. HB 705 was amended on the House Floor to match SB 742 by including an exception for the provision of goods, services, or work incidental to the public works project such as security services, janitorial services, landscaping services, maintenance services, and transportation services. HB 705 passed the House by an 80-32 vote and was sent to the Senate.

The Senate substituted HB 705 for SB 742, and HB 705 passed the Senate by a 28-12 vote. The bill will now go to the Governor to await his signature.

**SB 734 Government Accountability by Sen. Ingoglia (R-Hernando) / HB 735 by Rep. Andrade (R-Escambia) (Failed)**

SB 734 and its identical House companion HB 735 was an all-encompassing bill that updated ethics policies statewide. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bill prohibited the contract renewal of a county administrator, county attorney, city chief executive officer, city attorney, school district superintendent, and school board attorney within 8 months of a general election unless the governing body's vote for renewal is unanimous.

The legislation prohibited a public officer, an employee of an agency, a local government attorney, or a candidate for nomination or election from soliciting or accepting anything of value from a foreign country of concern.

The bill also required lobbyists to register before any local government or agency in the state and requires local governments to institute an electronic and publicly searchable lobbyist registration system whereby lobbyists and their principals are listed. Local governments would have been allowed to use the legislative branch or executive branch lobbying forms in lieu of creating their own.

Lobbyists would have been required to update their registration upon termination of representation of a principal and must file their registration by 11:59 p.m. the day that representation began. Local governments would have also been required to investigate sworn complaints or alleged violations of the lobbyist registration system, and if unable to do so, the Florida Commission on Ethics would assume responsibility for such investigations.

The bill did not preempt a local government's lobbyist registration ordinance established before July 1, 2024, but would have superseded if there are conflicts between the local ordinance and this act.

The bill also allowed local governments to use teleconferencing technology for a public meeting if there were two members of the governing body physically present.

SB 734 passed its first committee of reference (Senate Community affairs) by a unanimous 7-0 vote. In the committee, the bill was amended to remove requirements for local governments to use the executive branch electronic system for lobbyist registrations and allow for local governments to use a system already in place. In addition, the amendment removed a provision that allowed a member of a local governing board to be deemed "present" at official meetings by virtual means.

In its second committee of reference (Senate Ethics and Elections Committee), SB 734 was once again passed unanimously (8-0 vote) and was amended to create a public searchable local lobbyist registration system administered by the Florida Commission on Ethics. The amendment also removed provisions allowing local governments to charge a fee related to the administration of a local lobbyist registration system and would have preempted all already established local ordinances and charter provisions pertaining to a local lobbyist registration system.

SB 734 had one committee of reference remaining and was not heard again in the Senate.

HB 735 passed its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 14-0 vote and passed the House State Affairs Committee by a 14-3 vote.

The bill was amended in this committee to exempt mayors and elected members of a municipality governing body from filing a Form 6 disclosure if the municipality had a population of less than 500 persons. The amended bill also required the Commission on Ethics to administer a system of registration of lobbyists for local governments and required the Commission to investigate violations of lobbyist registration requirements. The amended bill required governing bodies of municipalities to place proposed charter amendments on the ballot of the next general election held in the county, the next municipal election or a special election called for that purpose, whichever is earliest.

HB 735 was amended on the House Floor to remove the Form 6 exemption for mayors and elected members of a municipality governing body whose population was less than 500 people. Following the amendment, both bills were not heard again and died at the end of session.

**HB 791 Development Permit and Orders by Rep. Esposito (R-Lee) / SB 1150 by Sen. Perry (R-Alachua) (Failed)**

HB 791 was another effort to reduce wait times for building permit applicants. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bill required counties and municipalities to specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exemption or variance. The bill also required counites or municipalities to confirm receipt of an application within 5 business days of submission.

For applications that did not require quasi-judicial hearings, counties and municipalities were required to approve, approve with conditions, or deny an application within 120 days after an application was deemed complete. For applications that required a quasi-judicial hearing,

approval, approval with conditions or a denial would have been required within 180 days after an application is deemed complete.

The bill provided penalties for counties and municipalities for not meeting the deadlines for notification and decision. A county or municipality was required to issue a refund of 10% of an application fee if the local government failed to issue written notification of completeness or deficiency within 30 days after receiving an application.

A refund of 20% of the application fee was required for failure to issue written notification of completion or application deficiency within 10 days after receiving the requested additional information from an applicant.

A refund of 50% of an application fee if a local government failed to approve, approve with conditions or deny an application within 30 days following the 120- or 180-day timeframe for a decision on an application.

A 100% refund was required if a local government failed to approve, approve with conditions, or deny an application 31 days or more after the conclusion of the 120- or 180-day timeframe.

HB 791 passed unanimously by a 14-0 vote through its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee), and passed its second committee of reference unanimously 15-0. The bill passed House State Affairs unanimously by an 18-0 vote. Though the bill was ready for the House Floor, the bill was not heard again.

SB 1150 passed its first committee of reference by a 7-1 vote and was not heard again in the Senate.

Both bills died at the end of session.

**SB 1628 Local Government Actions by Sen. Collins (R-Hillsborough) / HB 1547 Local Government Actions by Rep. McClure (R-Hillsborough) (Passed)**

In an expansion of the previous year's Local Ordinances bill, SB 1628 and its House companion HB 1547 narrow the exemption from the requirement for local government to produce a business impact estimate prior to passing an ordinance. In our review, the bills did the following, but we recommend having your appropriate staff review the bills if they are of interest.

Current state law provides exemptions for ordinances relating to growth policy, and the bill narrows the exemption to specifically development orders and development permits.

*SB 1628, Section 1 -*

(3)
(c) This subsection does not apply to:
1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances relating to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal,

state, local, or private grant, or other financial assistance accepted by a county government;
5. Emergency ordinances;
6. Ordinances relating to procurement; or
7. Ordinances enacted to implement the following:
    a. ~~Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning,~~ Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243 ~~and development permits;~~

The bill also creates a structure for an "affected entity" defined as a private, for-profit business in several identified sectors (farming, energy and fuel production and transmission, and supply chain points of connection) to submit an impact review to the Florida Department of Agriculture and Consumer Services, the Florida Department of Transportation, or the Florida Public Service Commission, for the agency to review local government actions that are alleged to negatively impact those defined sectors.

The affected entity must submit a request within 15 days of the local government action and is required to share a copy of the request to the local government in question within one business day of submission to the state agency for review. The state agency has 45 days to conduct the review of the local government during which the local government may not enforce the action in question. If the state agency determines that a local government failed to minimize or eliminate impacts of the local government action, the department may recommend changes and the local government must discuss a response to the state agency review at their next its next regularly scheduled meeting. The recommendation from the state agency is not an order to a local government to make changes to the local government action in question.

Local government actions exempted from review include responses to an emergency, procurement, building code, fire prevention code, establishing or terminating Community Development Districts, compliance with federal or state law, financial obligations or issuance and refinancing of debt, budgetary actions.

In its first committee stop (Senate Community Affairs) the bill was amended to eliminate the local government action review process in its entirety and passed its first committee of reference by a 5-3 vote.

During its last committee stop in the Senate (Senate Fiscal Policy) the bill passed unanimously by a 16-0 vote. The bill was amended to add comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the local government as exemptions from the requirement that local governments provide local business impact statements.

SB 1628 was heard on the Senate Floor where it was amended to include a provision requiring bond referendum must take place at a general election if the bond issue amount is greater than $500 million. Following the amendment the bill passed the Senate by a 30-1 vote and was sent to the House.

HB 1547 passed its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 11-5 vote and passed its second committee of reference (House State Affairs Committee) by a 16-5 vote.

On the House Floor SB 1628 was substituted for HB 1547, and SB 1628 passed the House by an 84-30 vote. The bill now awaits the Governor's signature.

**HB 1195 Millage Rates by Rep. Garrison (R-Duval) / SB 1322 by Sen. Ingoglia (R-Hernando) (Failed)**

In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 1195 required a 2/3 vote of the membership of a governing body (municipality, county, or independent district) in order to pass any millage rate increase unless the jurisdiction has a higher threshold already in place.

The bill passed its first committee of reference (House Ways & Means Committee) by a 15-7 vote, and passed its second committee (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 10-4 vote. The bill passed its third committee of reference (House State Affairs Committee) by a 13-4 vote.

On the House Floor, an amendment to HB 1195 provided the Department of Revenue emergency rulemaking authority to implement this act. Additionally, the enacting date was pushed from July 1, 2024, to July 1, 2026. The bill passed the House by an 85-21 vote.

SB 1322 passed its first committee of reference (Senate Community Affairs) by a 5-3 vote and passed its second committee of reference (Senate Finance and Tax) by a 4-2 vote.

SB 1322 was not heard again in the Senate, and at the end of session, both SB 1322 and HB 1195 died.

**HB 1365 Unauthorized Public Camping and Public Sleeping by Rep. Garrison (R-Duval) SB 1530 by Sen. Martin (R-Lee) / (Passed)**

In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 1365 prohibits local government from authorizing or permitting public sleeping or public camping on public property, at public buildings, or on public rights-of-way within a local government's jurisdiction with a lawfully issued temporary permit. The bill does allow local governments the discretion to designate certain government property for public sleeping or public camping subject to conditions measured by the Department of Children and Families (DCF).

Conditions listed in the bill include minimum sanitation levels which includes access to clean and operable restrooms and running water, security present on site at all times, access to behavioral health services including substance abuse and mental health treatment resources, and a prohibition of drugs and alcohol within the designated area.

The designated area may not be in a location where it adversely and materially affects the value or security of existing residential and commercial properties, and a person or business may bring a civil action against any local government to enjoin a violation of the this bill and may recover reasonable expenses incurred in any successful civil action brough pursuant to this bill, including court costs, reasonable attorney fees, investigative costs, witness fees and deposition costs.

SB 1530 passed its first committee of reference (Senate Community Affairs) by a 4-3 vote on, and the bill passed its second committee of reference (Senate Judiciary) by an 8-1 vote.

In Senate Judiciary the bill was amended to restrict to 1 continuous year the duration of the camp in one location, and the amendment requires local government within 30 days of designating an area to provide notice to DCF, post minimum standards and procedures to the local government website and be publicly accessible as long as the property remains designated for this purpose. The amendment requires DCF to inspect the property within 90 days and 180 days of its designation and to issue a report to the local government which includes recommendations to assist the local government to maintain the minimum standards and procedures. The local government is required to post any inspection report to its publicly accessible website within 5 building days of receiving the report.

The amendment exempts local governments within the fiscally restrained counties from the establishment of minimum requirements if the governing body of that jurisdiction finds that compliance with such requirements would result in financial hardship. Other changes include requiring an affected resident or business order to submit an affidavit concerning their petition when applying for an injunction, and the amendment allows for local officers to declare a state of emergency as an exemption to adherence to the bill.

SB 1530 passed its last committee of reference (Senate Fiscal Policy by a 12-5 vote) and was amended to clarify that public camping and sleeping does not include recreational camping or sleeping in a motor vehicle that is registered, insured, and located in a place where it may lawfully be. The amendment permits a county to designate a property owned by the county that is located within the boundaries of a municipality only if the county's governing body approves the designation and the municipality's governing body concurs (previously the bill allowed the county to unilaterally approve a location without municipal approval).

The bill as amended provides that a county's designation is not in effect until the Department of Children and Families (DCF) certifies the designation, and the county must submit a request to the Secretary of DCF that includes documentation that there are not sufficient open beds in homeless shelters in the county for the homeless population of the county, documentation that the designated property is not contiguous to property designated for residential use by the county or municipality in the local government comprehensive plan and future land use map, documentation that the designated property would not adversely and materially affect the property value or safety and security of other existing residential or commercial property in the local government and would not negatively affect the safety of children, and that the county has developed a plan to satisfy the requirements of a designated area. DCF has 45 days to certify a complete submission and the designation is certified on the 45$^{th}$ day if DCF does not act.

The amendment allows DCF to inspect a designated property at any time, and the Department can recommend closure if the requirements are no longer satisfied. The amendment adds that the Attorney General may bring a civil action in any court of competent jurisdiction related to a property designated for public sleeping. The bill as amended provides that the Governor has the authority to suspend the provisions relating to designated areas for public sleeping during a state of emergency (in an earlier version of the bill, the provisions were suspended automatically during a state of emergency).

HB 1365 passed all of its three House committees of reference overwhelmingly, and HB 1365 was amended on the House Floor to push the enacting date for the civil litigation provision from October 1, 2024, to January 1, 2025, and the rest of the bill is enacted on October 1, 2024. With the amendment, HB 1365 passed the House by an 82-26 vote and was sent to the Senate.

The Senate substituted HB 1365 for SB 1530 and passed HB 1365 by a 27-12 vote. The bill was sent to the Governor, and he has until March 27, 2024, to act on the bill.

**HB 7017 Annual Adjustment to Homestead Exemption Value by Rep. Buchanan (R-Sarasota) and the House Ways & Means Committee (Passed)**

In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 7017 is a proposed constitutional amendment by the House Ways & Means Committee and its Vice-Chair Rep. Buchanan which requires the $25,000 of assessed value which is exempt from all ad valorem taxes, except school district taxes, to be adjusted annually for positive inflation growth.

The bill passed the Ways & Means Committee by a 16-8 vote, and in its second committee (House State Affairs) the bill passed by a 13-6 vote. In its second committee of reference the bill was amended to clarify that inflation-related changes to the tax exemption must only be adjusted when the inflation growth is positive.

The bill passed off of the House Floor by an 86-29 vote and was referred to the Senate Appropriations Committee for review.

HB 7017 passed (by a 9-5 vote) in the Senate Appropriations Committee, and the bill passed the Senate by a 25-15 vote.

The constitutional amendment now needs at least 60% of the vote in the November 2024 General Election to be ratified, and the changes would go into effect on January 1, 2025.

## What's Next?

The 2025 Regular Session dates are "late" so it is actually 14 months before the next Regular Session will conclude. It will convene on Tuesday, March 4, 2025, and conclude on May 2, 2025.

The next Session will be the start of new leadership teams in both the House and Senate, new committee chairs, and several new members after the November 2024 elections. Pre-Session Committee weeks have not been announced, and probably won't be until after the November election. However, they will likely take place in December 2024, and January to March 2025.

Even though these Leadership teams will change, we anticipate there will be more legislation related to local governments filed next Session.

We will need to begin discussing legislative priorities for 2025 this spring so that we can include them in conversations with legislators we meet with this summer and fall. Further, if any of our goals require a bill to be filed, we'll need to draft that language this spring and identify potential sponsors this summer so bills can be filed in December.

In short, the 2024 Session is over. Advocacy for the 2025 Session starts today.

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