

2019 Legislative Review

Florida Government Finance Officers Association

June 11, 2019

Laura Youmans

Legislative Counsel

Florida Association of Counties



Amber Hughes

Sr. Legislative Advocate

Florida League of Cities



The Budget

Record Budget Passes:

- **HB 2500** appropriates \$91.1 billion for fiscal year 2019-20
- \$34.0 billion from general revenue
- \$57.1 billion from trust funds.

FRS Employer Rates:

- HB 5007 sets FRS employer contribution rates for fiscal year 2019-20



2019 Session Statistics

- 3,491 total bills filed
- 2,506 House bills (including 1630 appropriations project bills)
- 985 Senate bills filed
- 197 bills passed (5.6% of total)
- 80 bills approved by Governor
- 2 vetoes (HB 771 and HB 1417)



Passed Legislation



Discretionary Sales Surtaxes

CS/CS/HB 5 (DiCeglie)

- Requires any referendum to levy a local option sales surtax to be held at a state general election.
- Puts additional requirements, including a performance audit, on surtaxes that are placed on the ballot by petition.
- Does not require the referenda to be approved by two-thirds of voters for passage.
- Language imposing additional requirements for the citizen initiative process for amending the state constitution was added on the final day of the regular Session.
- Portions of the bill have varying effective dates.



Community Redevelopment Agencies (CRAs)

CS/HB 9 (LaMarca)

- Addresses the accountability and transparency of CRAs by increasing audit, ethics training, reporting and accountability measures.
- Requires a simple majority vote of the governing body that created the CRA to extend the term of a CRA beyond September 30, 2039.
- A CRA must submit its annual budget to the county in which the CRA is located within 10 days after adoption of the budget.
- Effective July 1, 2019.



Impact Fees

CS/HB 207 (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.
- Amends the Impact Fees statute to codify the dual rational nexus test, the legal standard used by courts to determine whether an impact fee is appropriate.
- Exempts water & sewer connection fees the new provisions.
- Effective July 1, 2019.



Communications Services

CS/CS/CS/SB 1000 (Hutson)

- Makes significant changes to state law governing the use of public rights-of-way by communications services providers
- Prohibits local governments from imposing moratoria on permits for collocation small cell facilities
- Creates additional requirements for a local government's permit registration and application process for communications services providers
- Effective July 1, 2019.



Attorneys' Fees and Costs

CS/CS/CS/HB 829 (Sabatini)

- Requires a court to award attorneys' fees and damages to the prevailing party in an action challenging a local ordinance on the ground that it is expressly preempted
- Grants a 60-day period for a local government to take corrective action to avoid paying fees and costs upon receiving written notice that a proposed or adopted ordinance is preempted
- Does not apply to ordinances adopted pursuant to part II of Ch. 163, s. 553.73, or s. 633.202.
- Effective July 1, 2019.



Tax Package

CS/HB 7123 (Ways and Means)

- Includes a five-day back-to-school and a seven-day disaster preparedness sales tax holiday.
- Reduces tax on commercial leases from 5.7% to 5.5%
- Changes the timing of payments to local governments in fiscally constrained counties and Monroe County to offset property tax refunds granted to homeowners due to hurricanes in 2016 and 2017
- Requires school districts to share discretionary property tax levies with charter schools (future referenda only)
- Effective upon becoming law.



Firefighter Cancer Benefits

CS/CS/SB 426 (Flores)

- Entitles firefighters diagnosed with one of 21 specific cancers to receive a one-time \$25,000 lump sum payment; cancer treatment; reimbursement for out-of-pocket deductibles, copays, and coinsurance; disability retirement; and a death benefit to the firefighter's beneficiary.
- The bill also gives broad rulemaking authority to the Department of Financial Services to adopt rules to establish employer cancer prevention best practices.
- Effective July 1, 2019.



MSD Commission Recommendations

CS/CS/SB 7030 (Education)

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



Government Accountability

CS/SB 7014 (GOAC)

- Amends various statutes to enhance government accountability and auditing processes based on recommendations noted in recent reports by the Auditor General.
- Requires government entities to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse.
- Revises the membership of and restrictions on an auditor selection committee for cities, counties and other entities.
- Effective July 1, 2019.



Death Benefits for Survivors of First Responders

CS/HB 7098 (GOAC)

- Implements Amendment 7 which was approved by the voters in November 2018.
- Requires the payment of death benefits to the survivors of certain first responders, Florida National Guard members and members of the U.S. Armed Forces.
- Increases death benefits for those who are accidentally killed or receive accidental bodily injury that results in the loss of the individual's life or meet additional requirements.
- Effective July 1, 2019.



Vaping

CS/SB 7012 (Innovation, Industry, & Technology)

- Amends current preemption in s. 386.209, F.S.
- Implements grant of authority to local governments in Constitutional Amendment 9 from 2018, authorizing local governments to adopt more restrictive local ordinances on the use of vaping devices.
- Effective July 1, 2019.



Courts

CS/CS/HB 337 (Leek)

- Incrementally increases the jurisdictional threshold from \$15,000 to \$30,000 on January 1, 2020 then to \$50,000 on January 1, 2022.
- County court case with amount in controversy exceeding \$15,000 is appealed to the district court of appeal.
- Low-cost county court mediation is reserved for those cases valued at less than \$15,000.
- Filing fee structure adjusted to maintain fiscal neutrality.
- Effective July 1, 2019.



Property Development

CS/CS/HB 7103 (Fischer)

- 2019's major growth management package
- Allows for local inclusionary housing ordinances but requires counties to fully offset the costs to the developer (through incentives, density bonuses, etc.)
- Sets shot clock for decisions on development orders/permits; can be extended by both parties
- Expands scope of work for private providers and prohibits county from charging inspection fees when private provider is used; can charge reasonable administrative fee
- Addresses impact fee credits (applies prospectively)
- Effective July 1, 2019.



Financial Disclosure

CS/HB 7021 (PIE Committee)

- Requires Florida Commission on Ethics to procure and test an electronic financial disclosure filing system by January 1, 2022.
- Form 6 filers will be required to file electronically beginning in 2022 and Form 1 filers by 2023.
- Removes ability for Form 6 filers to submit copy of federal income tax returns as proof of income
- Removes ability of Form 1 filers to report required information using a comparative threshold based on a percentage value.
- Requires COE to collect filer email addresses and requires local governments to provide email addresses to COE by Feb 1.
- Effective upon becoming law.



Criminal Justice

CS/HB 7125 (Renner)

- Raises Florida's retail theft "threshold" from \$300 to \$750
- Repeals and reduces driver license suspensions and revocations for non-driving related reasons and revises specified offenses for driving while license suspended or revoked
- Repeals mandatory direct file for juvenile offenders and revises youthful offender sentencing eligibility
- Increases penalties for introducing a cell phone and other contraband into a state correctional institution
- Effective October 1, 2019.



Texting While Driving

CS/HB 107 (Toledo)

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



E-911 Systems

CS/HB 441 (DuBose)

- Requires the Technology Program (Office) within the DMS to develop a plan by February 1, 2020, to upgrade 911 Public Safety Answering Points (PSAPs) within the state to allow the transfer of an emergency call from one local, multijurisdictional or regional E911 system to another.
- Transfer capability should include voice, text message, image, video, caller identification information, location information and additional standards-based 911 call information.
- Effective July 1, 2019.



Permit Fees

CS/HB 127 (Williamson)

- Requires local governments to publish permit and inspection fee schedules and reports on their websites.
- Requires the building permit and inspection report to include direct and indirect costs incurred by the local government to implement the Florida Building Code.
- Effective July 1, 2019.



Environmental Regulation

CS/HB 771 (Overdorf)

- Addresses residential recycling, environmental permits, and single-use plastic straws.
- Requires local govt. recycling contracts (entered or renewed on or after Oct 1, 2019) to address “contamination” in residential recycling
- Clarifies existing law about projects exempt from state environmental permits
- Imposes a 5-year moratorium on local govt. regulation of single-use plastic straws and directs OPPAGA to study local regulations on plastic straws and issue report by December 2019
- Effective July 1, 2019.



Failed Legislation



Preemption of Local Regulations

CS/CS/CS/HB 3 (Grant, M.) & SB 1748 (Perry)

- HB 3 ultimately failed after passing the House but not being taken up by the Senate; the Senate companion (SB 1748) was not considered in any Senate committee.
- Very broad preemption as originally filed – would have preempted the regulation and licensing of occupations and professions to the state.
- Amended in its final House committee to remove the general business preemption and to instead preempt local government licensing requirements not expressly authorized by law.



Local Business Tax

SB 868 (Hutson) & HB 1387 (Donalds)

- Would have amended the statutes that authorize municipalities to levy the local business tax.
- SB 868 caps the local business tax at \$25 per taxpayer per year and does not allow a municipality to levy the local business tax if the ordinance or resolution was not adopted prior to January 1, 2019.
- HB 1387 allows municipalities that adopted a resolution or ordinance prior to January 1, 2019, to continue to levy the tax. For all other municipalities, HB 1387 caps the local business tax at \$25 per taxpayer per year.
- The bills never received a committee hearing.



State Shared Revenues

SB 594 (Hutson)

- Created procedures and penalties for local governments taking actions alleged to impact commerce and to violate state law.
- Authorized member of legislature to request Atty General to investigate.
- If AG found violation likely occurred, AG could initiate circuit court action
- If court found violation, court could direct Department of Revenue to withhold state-shared revenues from the local government until local government came into compliance.
- SB 594 was never considered in committee.



Sales Tax for E-Commerce (Wayfair)

CS/SB 1112 (Gruters)

- Would have required retailers with no physical presence in Florida to collect Florida's sales tax on sales of taxable items delivered to purchasers in Florida if they make a substantial number of sales into Florida.
- Included additional sales tax reductions, exemptions and tax credit programs.
- The bill died in committee.



Red Light Cameras

SB 622 (Brandes) & HB 6003 (Sabatini)

- Would have preempted cities, counties and the Florida Department of Highway Safety and Motor Vehicles from installing, maintaining, or utilizing red light cameras effective July 1, 2022.
- The bills died in committee.



CS/CS/HB 1235 (Fine) & SB 1676 (Baxley)

Public Notice

- Would have allowed a city to publish legally required advertisements and notices on a publicly accessible website if it is determined that online publication would result in a cost savings for the government.
- CS/CS/HB 1235 was passed by the House.
- SB 1676 died in committee.



Taxation Transparency

CS/CS/HB 7053 (Ways & Means) & SB 7104 (Finance & Tax)

- Renamed select state government levies as taxes and would have required local governments to rename select local government levies as taxes.
- The bills required, on a prospective basis, any new or proposed impositions or rate increases for the following by counties, municipalities or special districts to be titled as and represented to the public as “taxes.”
- The bills specified they do not affect, amend or alter a county or municipality’s Home Rule authority under the state constitution or other provisions of law to impose the affected local government levies.



Retainage

CS/CS/SB 246 (Hooper) & CS/CS/HB 101 (Andrade)

- Would have reduced by half the amount of retainage a local government could withhold from a general contractor for public construction projects.
- CS/CS/HB 101 would have allowed municipalities to retain up to 5 percent across the entire project.



Local Government Fiscal Transparency



CS/CS/HB 15 (Burton) & SB 1350 (Hutson)

- Amended multiple provisions related to local government financial transparency.
- The bills expanded public notice and public hearing requirements for local option tax increases and new long-term tax-supported debt.
- The bills imposed requirements on property appraisers and local governments relating to TRIM notices.
- Required local governments to conduct a debt affordability analysis prior to approving the issuance of new long-term tax-supported debt.
- The bills revise the local government reporting requirements for economic development incentives.



Local Government Public Construction Works

CS/SB 806 (Perry) & CS/HB 167 (Andrade)

- Required the governing board to consider the estimated costs of the project using generally accepted cost-accounting principles.
- This included all costs associated with performing and completing the work, (i.e. employee compensation and benefits and other determining factors).
- Required local governments that perform a public building construction project using its own services to disclose the actual costs of the project after completion to the auditor general.



Additional Resources & Information

Associations

Florida Association of Counties (www.fl-counties.com)

Florida League of Cities (www.flcities.com)

Florida School Boards Association
(www.fsba.com)

State and Legislative

My Florida (www.myflorida.com)

Online Sunshine (www.leg.state.fl.us)

Office of Economic & Demographic Research
(<http://edr.state.fl.us>)

News & Events

Sayfie Review (www.sayfiereview.com)

The News Service of Florida
(<http://www.newsserviceflorida.com>)

Florida Channel (<http://wfsu.org/tfc>)



Questions & Contact Information

Laura Youmans

Legislative Counsel

Florida Association of Counties

LYoumans@fl-counties.com

850.922.4300

Amber Hughes

Sr. Legislative Advocate

Florida League of Cities, Inc.

AHughes@flcities.com

850.222.9684

