



2019 Legislative Update

ELULS 2019 Update

The Florida Bar Annual Meeting

June 28, 2019

*Janet Bowman, Senior Policy Advisor, The Nature Conservancy
Larry Sellers, Partner, Holland & Knight LLP*



Big Picture

- ▶ New Leadership
 - ▶ Senate President Bill Galvano
 - ▶ House Speaker Jose Oliva
 - ▶ Governor Ron DeSantis

- ▶ The Numbers
 - ▶ 3,571 Bills Filed
 - ▶ 194 Bills Passed



Environmental Bills Passed



SB 2500—Appropriations Act

- Total Budget of \$91.1 billion; up from \$88.7 million in 2018-2019.
- Environmental Budget includes \$686.8 million for Everglades and Water Quality Spending.
- \$360 million for Everglades Restoration including the Central Everglades Restoration Project (CERP) and the EAA Reservoir.
- \$50 million for Springs Protection and authority to spend the 2018 springs appropriation of an addition \$50 million.



SB 2500—Appropriations Act

- ▶ \$33 million for Florida Forever.
- ▶ \$50 million for Beach Restoration
- ▶ \$5.5 million for Florida Resilient Coastline Initiative
- ▶ The Governor signed the bill on June 21, 2019 and it takes effect upon becoming law.

CS/HB 325—Coastal Management

- ▶ The bill revises the criteria FDEP uses to determine funding priorities for beach restoration and inlet management.
- ▶ Requires that funding for specific projects on annual project lists approved by the Legislature must remain available for 18 months.
- ▶ Allows FDEP to pay from legislative appropriations up to 75 percent of the construction costs of an initial major inlet management project component for the purpose of mitigation erosion caused by inlet.

CS/HB 325—Coastal Management

- ▶ Effective July 1, 2020, modifies requirements for the preparation of a comprehensive long-term beach management plan that must include a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan.
- ▶ The Governor signed the bill on June 25, 2019, and is effective as July 1, 2019. Chapter No. [2019-122](#), L.O.F.

SB 1552—Florida Red Tide Mitigation & Technology Development Initiative

- Establishes the Florida Red Tide Mitigation and Technology Development Initiative as a partnership between the Fish and Wildlife Conservation Commission's Fish and Wildlife Research Institute and Mote Marine Laboratory.
- Appropriates \$3 million beginning in the 2019-2020 fiscal year and continuing through the 2024-2025 fiscal year to the Fish and Wildlife Conservation Commission for the purpose of implementing the bill.
- The Governor signed the bill on June 20, 2019 and it takes effect on July 1, 2019. Chapter [2019-114](#), L.O.F.



CS/CS/HB 95

C-51 Reservoir Project

- ▶ Authorizes the SFWMD to negotiate with the owners of the C-51 reservoir project site for the acquisition of any portion of the project not already committed to utilities for alternative water supply purposes.
- ▶ The operation of Phase I of the C-51 reservoir project must follow any operation or maintenance approved by the district.



CS/CS/HB 95


C-51 Reservoir Project

- ▶ Water received from Lake Okeechobee into the reservoir may be used to support consumptive permits only if the consumptive use complies with SFWMD rules.
- ▶ Allows Phase II of the C-51 project to be funded by legislative appropriation in addition to funding as a project component of CERP.
- ▶ The Governor signed the bill on June 7, 2019 and it takes effect on July 1, 2019. Chapter [2019-68](#), L.O.F.

A decorative graphic on the left side of the slide. It features a dark blue vertical bar on the far left. A black arrow points to the right from the top of this bar. Below the arrow, several thin, light blue lines curve downwards and to the right, creating a sense of movement or flow.


SR 1820—Moratorium on Drilling in the Gulf of Mexico

- The Senate supports an indefinite extension of the current restriction on oil and gas leasing in all areas east of the Military Mission Line and an indefinite extension of the current ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.



CS/CS/HB 771—Environmental Regulation VETOED

- Requires counties and municipalities to address the contamination of recyclable material in contracts for residential recycling collection and processing.
- Provides that a recovered materials processing facility is not required to process contaminated recyclable material except as provided for in its contract with a county or municipality.



CS/CS/HB 771—Environmental Regulation VETOED

- ▶ Expands the permit exception for the replacement or repair of existing docks or piers to allow the replacement dock or pier to be within 5 feet of the same location and no larger than the original structure.
- ▶ Preempts local government bans on single-use plastic straws until July 1, 2024.
- ▶ Vetoed by Governor on May 10, 2019.

CS/HB 521-Wetland Mitigation

- ▶ In 2012 the Legislature prohibited a government entity from creating or providing for mitigation for a project other than its own, with certain exceptions.
- ▶ The bill authorizes the local government to allow permittee-responsible mitigation consisting of the restoration or enhancement of lands purchased and owned by a local government for conservation purposes if state and federal mitigation credits are not available.
- ▶ The Governor signed the bill on June 18, 2019 and it takes effect on July 1, 2019. Chapter 2019-110, L.O.F.



Growth Management/Land Use Legislation Passed

CS/CS/HB 7103—Community Development & Housing

- Requires that inclusionary housing ordinances enacted by local government must provide incentives to fully offset all costs to the development of its affordable housing contribution—e.g., density bonuses.
- Requires local governments to review development order applications for completeness within 30 days, providing the applicants with 30 days to address deficiencies and approving or denying the application within 120 days (for complete applications) or 180 (for applications that require final action through a quasi-judicial hearing).




CS/CS/HB 7103—Community Development & Housing

- The processing timelines do not apply in an area of critical state concern.
- Prohibits a local government from charging fees (other than a reasonable administrative fee) for building inspections if the fee owner or contractor hires a private provider.
- Reduces the number of business days from 30 to 20, after receipt of a permit application and affidavit from a private inspector for a local building official to issue a permit.




CS/CS/HB 7103—Community Development & Housing

- Creates provisions for vesting densities contained in development orders. When a new municipality adopts a comprehensive plan after January 1, 2019, all land development regulations adopted to implement the plan must incorporate each development order existing before the plan's effective date and must vest the density and intensity approved by the development order.




CS/CS/HB 7103—Community Development & Housing

- Mobility fee funding systems for transportation concurrency must comply with the criteria that apply to impact fees set forth in s. 163.31801, F.S.



CS/CS/HB 7103—Summary Proceedings and Attorney's Fees

- ▶ In proceedings to enforce the consistency of development orders with local government comprehensive plans, either party is entitled to the summary procedure of s. 51.011, F.S.
- ▶ Upon a showing by clear and convincing evidence that summary proceeding is not appropriate, the court may determine that the summary procedure does not apply.




CS/CS/HB 7103—Summary Proceedings and Attorney's Fees

- The prevailing party in a consistency challenge to a development order is entitled to recover attorney's fees and costs in challenging or defending the order, including reasonable appellate attorney fees and costs.



CS/CS/HB 7103—Workforce Housing

- States the need for a state strategy to provide affordable workforce housing in areas of critical state concern.
- Creates a definition of “essential services personnel” for the purpose of workforce housing.



CS/CS/HB 7103—Limits Extension of Permits to “Natural” Emergencies

- ▶ Revises s. 252.363, F.S., to provide that only the declaration of a state of emergency by the Governor for a “natural” emergency tolls and extends the time remaining on certain development orders, building permits, environmental resource permits and buildout dates of DRIs.



CS/CS/HB 7103—Impact Fee Provisions

- Prohibits the collection of impact fees by local governments prior to the date of issuance of the building permit for the property subject to the fee.
- Codifies provisions of dual rational nexus test—impact fee must be proportional to the need for additional capital facilities and the increased impact generated by new residential or commercial construction; the expenditure of funds collected and benefits accruing to the new construction.

CS/CS/HB 7103—Impact Fee Provisions

- Revenues generated from impact fees cannot be used to pay existing debt for previously approved projects.
- Local government must credit against the collection of an impact fee, contributions of lands or construction that must be credited on a dollar for dollar basis at fair market value and the government has the burden of proving that the imposition of the fee meets statutory requirements.

CS/CS/HB 7103—Impact Fee Provisions

- ▶ A local government may provide an exception or waiver for affordable housing.
- ▶ Impact fee provisions do not apply to water and sewer connection fees.
- ▶ The Governor signed the bill on June 26, 2019 and is effective upon becoming law. Chapter [2019-165](#) L.O.F.

CS/HB 207—Impact Fees

- ▶ Prohibits a local government from requiring the payment of an impact fee before the date of issuance of the building permit for the property that is subject to the fee.
- ▶ Codifies the dual rational nexus test—The impact fee must be reasonably connected to, or have a rational nexus with the need for additional capital facilities and the increased impact generated by the new residential or commercial construction and the expenditures of the revenues generated and the benefits to new development.
- ▶ Signed by the Governor on June 18, 2019 and is effective July 1, 2019. Chapter [2019-106](#), L.O.F.



CS/SB 7068—Multi-Use Corridors

- Creates the Multi-use Corridors of Regional Economic Significance Program within the Florida Department of Transportation to advance the construction of regional transportation corridors that are intended to accommodate multiple modes of transportation and multiple types of infrastructure.
- Identifies three corridors for the construction of toll roads:



CS/SB 7068—Multi-Use Corridors

- a. Southwest-Central Florida Connector, extending from Collier County to Polk County.
- b. Suncoast Connector, extending from Citrus County to Jefferson County.
- c. Northern Connector, extending from the northern terminus of the Florida Turnpike northwest to the Suncoast Parkway.



SUNCOAST PARKWAY EXTENSION

FLORIDA TURNPIKE EXTENSION

POLK-COLLIER CORRIDOR



CS/SB 7068—Multi-Use Corridors

- For each of the three toll road corridors, FDOT shall convene a corridor task force composed of listed stakeholders by August 1, 2019.
- Each task force shall hold a public meeting in each local government in which a project within an identified corridor is being considered.
- Each task force shall evaluate the need for, and economic and environmental impacts, hurricane evacuation impacts and land use impacts of the respective corridor and submit a final report to the Governor, Senate President and Speaker of the House by October 1, 2020.



CS/SB 7068—Multiuse Corridors

- ▶ Not later than December 31, 2023, a local government that has an interchange planned for its jurisdiction shall review the task force report and the local government comprehensive plan to determine whether the area in and around the interchange contains appropriate land uses and natural resource protections.
- ▶ To the greatest extent practical, corridor alignments are to avoid conservation lands acquired under the Florida Preservation 2000 Act and the Florida Forever Program.



CS/SB 7068—Multiuse Corridors

- Construction of the corridors is intended to begin no later than December 31, 2022 and the corridors open to traffic no later than December 31, 2030.
- Portions of motor vehicle license taxes currently deposited in the general revenue fund are diverted to the State Transportation Trust Fund to be used for corridor project funding.

CS/SB 7068—Multiuse Corridors

- ▶ 2019-2020--\$45 million is diverted to the State Transportation Trust Fund;
- ▶ 2020-2021--\$90 million is redirected to the State Transportation Trust Fund
- ▶ 2021-2022 and thereafter, \$132.5 million is redirected to the State Transportation Trust Fund.
- ▶ The Governor signed the bill on May 17, 2019 and it takes effect on July 1, 2019. Chapter [2019-43](#), L. O. F.



HB 6017—Small-Scale Comprehensive Plan Amendments

- Removes the cumulative acreage cap of 120 total acres on small scale amendments to local comprehensive plans.
- Does not change the 10-acre cap on each small scale amendment.
- The Governor approved the bill on June 26, 2019, and became effective on July 1, 2019. Chapter [2019-157](#), L.O.F.



CS/HB 1159—Private Property Rights/Trees on Private Property

- Prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning or removal of a tree on residential property if the property owner has obtained documentation from a certified arborist or a Florida licensed landscape architect that the tree presents a danger to persons or property.
- A local government may not require the property owner to replace a tree removed pursuant to the bill.



CS/HB 1159—Private Property Rights/Trees on Private Property

- Requires each property appraiser office to post on its website a Property Owner Bill of Rights, the language of which is listed in the bill.
- The Governor approved the bill on June 26, 2019, and became effective July 1, 2019. Chapter [2019-155](#), L.O.F.



CS/CS/CS/SB 1000—Communication Services

- ▶ The bill makes extensive changes to the law governing the use of public rights-of-way by providers of communication services.
- ▶ Among other things, the bill prohibits a local government from imposing permit fees for the use of public rights-of-way by communication services providers if it had not levied permit fees as of January 1, 2019.

A decorative graphic on the left side of the slide. It features a dark grey arrow pointing to the right at the top. Below the arrow, several thin, curved lines in shades of blue and grey sweep across the page, creating a dynamic, abstract background element.

CS/CS/CS/SB 1000—Communication Services

- Creates a civil cause of action for any person aggrieved by a violation of the right-of-way statute. The court may grant temporary or permanent injunction and may award attorney fees to the prevailing party.
- Prohibits a local government from instituting a moratorium or other mechanism that would prohibit or delay permits for collocation of small wireless facilities or related poles.



CS/CS/CS/SB 1000—Communication Services

- ▶ Deletes the authority for a local government to require performance bonds and security funds and allows it to instead require a construction bond limited to no more than 18 months after the construction is completed.
- ▶ The Governor approved the bill on June 25, 2019, and took effect on July 1, 2019. Chapter [2019-131](#), L.O.F.

CS/SB 82—Vegetable Gardens

- Preempts local governments from regulating vegetable gardens on residential property.
- Defines a vegetable garden.
- Alert readers will note that this measure was prompted by the ruling in *Ricketts and Carroll v. Village of Miami Shores*.
- The Governor approved the bill on June 25, 2019, the act became effective on July 1, 2019. Chapter [2019-120](#), L.O.F.

CS/CS/CS/HB 829—Attorney's Fees & Costs


- ▶ Provides that if a civil action is filed on or after July 1, 2019, against a local government to challenge the adoption or enforcement of an ordinance on the grounds the subject is preempted by the State Constitution or state law, the court shall award reasonable attorney's fees, costs and damages to the prevailing party.
- ▶ Attorneys fees and costs may not be awarded if the local government receives written notice that the ordinance is expressly preempted and the local government withdraws the proposed ordinance within 30 days or issues a notice of intent to repeal an adopted notice within 30 days of receipt of the notice and repeals the ordinance within 30 days thereafter.

CS/CS/CS/HB 829—Attorney's Fees & Costs

- The bill does not apply to ordinances relating to comprehensive planning and growth management, the Florida Building Code, and the Florida Fire Code.
- Local governments may continue to enforce ordinances adopted before February 1, 2019 relating to application of Class B biosolids until the effective date of rules adopted by FDEP or repeal of the local government ordinance or rule, whichever occurs first.
- The Governor approved the bill on June 26, 2019, the act took effect on July 1, 2019. Chapter [2019-151](#), L.O.F.

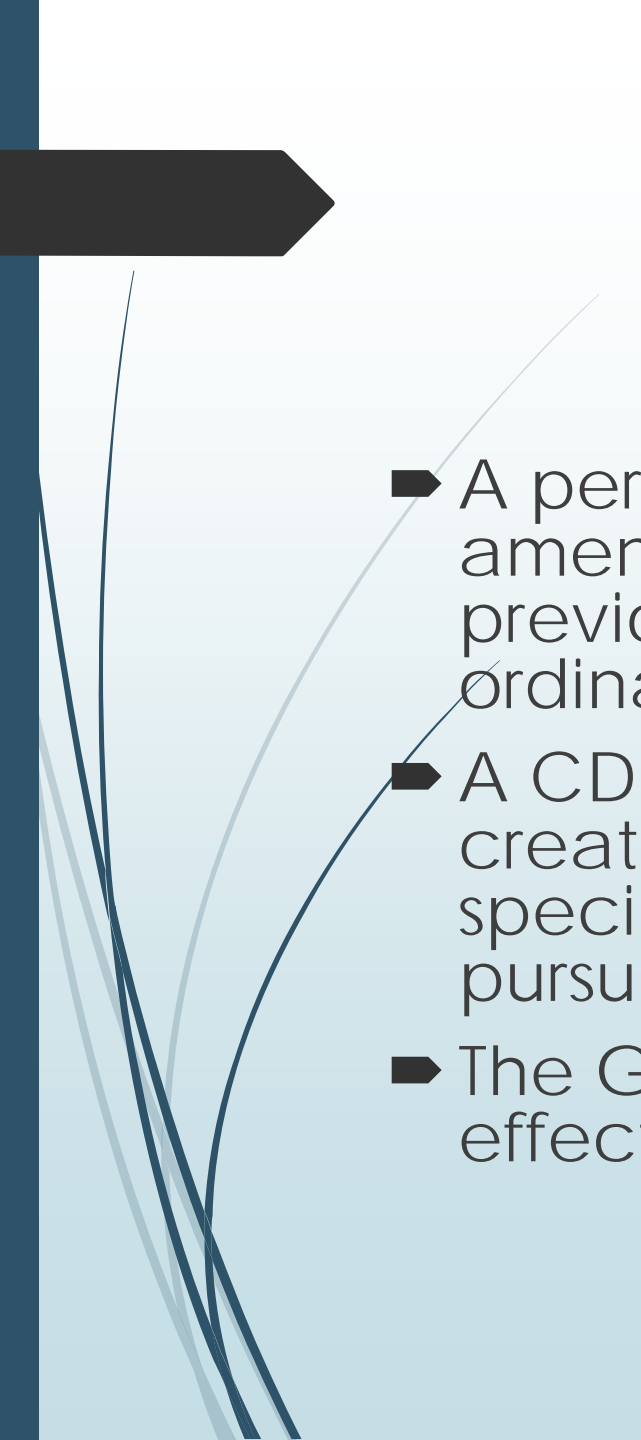
CS/HB 127—Permit Fees

- Requires counties and municipalities to post building permit and inspection fees and building permit and inspection utilization reports on their respective websites.
- Requires local governments to create building permit and inspection utilization report by December 31, 2020 that includes information from the most recent financial audit on the costs of administering building permit and inspection functions and costs of enforcing the Florida Building Code. After December 31, 2020, the report must be updated before the local government makes any adjustments to permit fee and inspection fee schedules.
- The Governor approved the bill on June 26, 2019, and took effect July 1, 2019. Chapter [2019-121](#), L.O.F.



CS/CS/HB 437—Community Development Districts

- ▶ Allows a petition to create a new community development district of less than 2,500 acres to identify contiguous lands which the petitioner anticipates adding to the boundaries of the CDD within 10 years of the effective date of the ordinance establishing the district.
- ▶ Notice must be given to owners of parcels to be identified for future inclusion, including notice of the filing of the petition to establish the district, and a parcel may not be included within the district without the written consent of the owner.



CS/CS/HB 437—Community Development Districts

- ▶ A person may petition the county or municipality to amend the boundaries of the CDD to include a previously identified parcel that was identified in the ordinance for future inclusion.
- ▶ A CDD may merge with another type of special district created by special act pursuant to the terms of the special act or the process for creating a new CDD pursuant to s. 190.005, F.S.
- ▶ The Governor signed the bill on June 25, 2019 and is effective upon becoming law. Chapter [2019-164](#), L.O.F.



CS/HB 9—Community Redevelopment Agencies

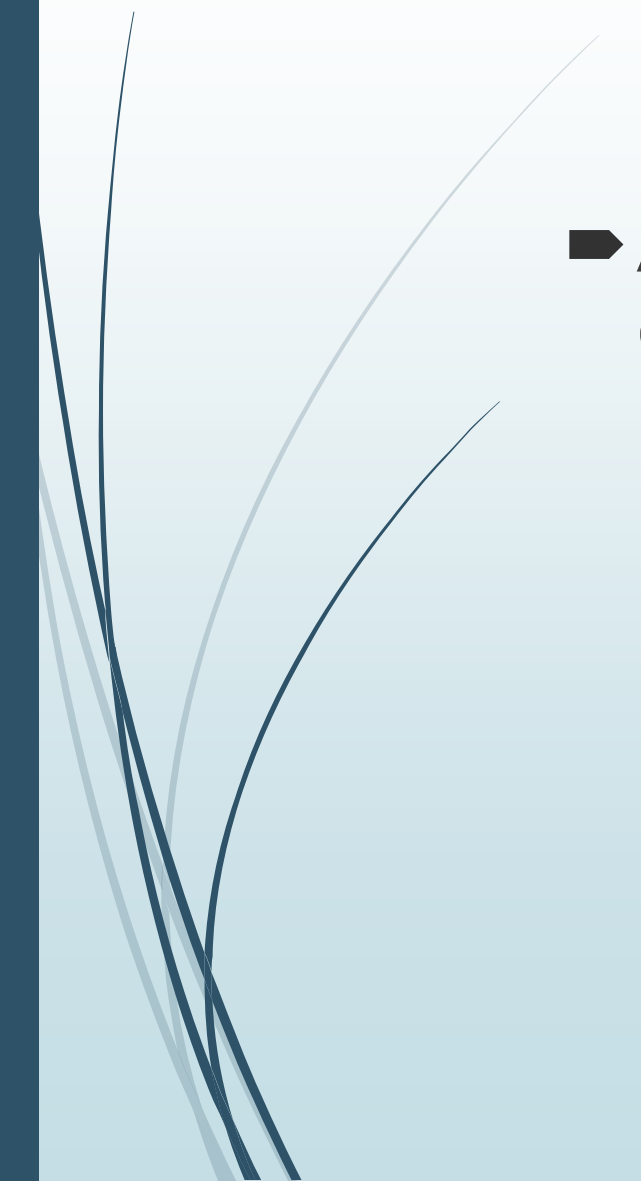
- ▶ The bill is intended to increase accountability and transparency of CRAs, including by requiring annual ethics training, the use of procurement and purchasing processes of the municipality or county that created the CRA, enhanced reporting requirements, and audit provisions.
- ▶ The Governor signed the bill on June 26, 2019, the bill takes effect October 1, 2019. Chapter [2019-163](#) L.O.F.



OTHER BILLS OF INTEREST PASSED



SB 2500—Bar Dues and CLE

- ▶ Authorizes agencies to pay Bar dues and CLE for Government Lawyers.
- 

CS/CS/SB 1020—State Hemp Program

- ▶ Authorizes the DACS to create a state industrial hemp program to administer and oversee the cultivation of hemp.
- ▶ Authorizes the distribution and retail sale of hemp extract, and defines it as a substance or compound intended for ingestion that is derived from hemp, and does not have a THC concentration exceeding 0.3 percent on a dry weight basis.
- ▶ Provides labeling requirements.
- ▶ The Governor signed the bill on June 25, 2019, these provisions took effect July 1, 2019. Chapter [2019-132](#), L.O.F.



HB 5—Ballot Initiatives

- Provides that ballot initiatives that propose a discretionary sales surtax must appear on the general election ballot; including the charter county and regional transportation surtax, the county public hospital surtax and the emergency fire rescue services and facilities surtax.
- If proposal to adopt a discretionary surtax is by initiative, the petition sponsor must file a copy of the final resolution with the Office of Program Policy Analysis and Government Accountability for the procurement of a performance audit, and the supervisor of elections must verify signatures.
- Failure of an initiative sponsor to comply with requirements render any referendum held to be void.

A dark blue arrow points to the right at the top left. Below it, several thin, curved lines in shades of blue and grey sweep across the left side of the slide.

HB 5—Ballot Initiatives

- Creates a new requirement that signature gatherers who collect signatures for compensation must be registered with the Secretary of State.
- All petitions collected by a paid petition circulator must sign an affidavit verifying that petition signed in their presence.
- A sponsor of an initiative is liable for certain fines if petitions are not promptly delivered within 30 days to the supervisor of elections.

A decorative graphic on the left side of the slide. It features a dark blue vertical bar on the far left. A black arrow points to the right from the top of this bar. Below the arrow, several thin, light blue lines curve downwards and to the right, creating a sense of movement and depth.

HB 5-Ballot Initiatives

- The Financial Impact Estimating analysis of proposed constitutional amendments is amended to include an evaluation of the estimated impact of a ballot measure on the state and local economy and the overall impact to the state budget. The time period for preparing the analysis is increased to 75-days and that deadline is tolled when the Legislature is in session.
- The word limit of the financial impact statement is increased to 150 words from 75.
- The ballot must include statement indicating estimated effect in bold font.



HB 5—Ballot Initiatives

- The compensation of a petition circulator based on the number of petition forms collected is a first degree misdemeanor.
- A person who fails to register with the Secretary of State as a petition circulator commits a second degree misdemeanor.
- The provisions of the act apply to all amendments to the State Constitution by initiative that are proposed for the 2020 election ballot except for petition forms gathered before the effective date of the act.
- Signed by Governor on June 7, 2019. Bill takes effect upon becoming a law with exception of Section 1 of the bill which takes effect on January 1, 2020. Chapter [2019-54](#), L.O.F.



Environmental Bills That Failed



SB 314—Advanced Well Stimulation Treatment

- ▶ Defines “High-pressure well stimulation” and “matrix acidification.”
- ▶ Prohibits “high-pressure well stimulation” and “matrix acidification” in Florida.
- ▶ Requires the DEP to conduct a study on high-pressure well stimulation and matrix acidification that must be submitted to the Governor, President of the Senate and Speaker of the House by June 30, 2021.

A decorative graphic on the left side of the slide. It features a dark grey arrow pointing to the right at the top. Below the arrow, several thin, curved lines in shades of blue and grey sweep downwards and to the right, creating a dynamic, abstract background element.


SB 146/HB 239— Advanced Well Stimulation

- Defines “Advanced well stimulation treatment” to mean all stages of a well intervention performed by injecting fluids into a rock formation.
- Prohibits advanced well stimulation in Florida.



HB 7029/SB 7064—Fracking

- ▶ These two committee bills proposed to ban a more limited definition of fracking that would have continued to allow matrix acidizing processes.



CS/CS/SB 1278

CS/CS/HB 405—Biosolids

- Would have prohibited by July 1, 2020, the land application of biosolids on any site where the biosolids application zone interacts with the seasonal high water table.
- Would have required FDEP to initiate rulemaking by August 1, 2019 for the application of biosolids not subject to the prohibition.



HB 1395/SB 1758—Waterways Act

- The bill would have required FDEP, in coordination with DOH, to develop a report to be submitted to the Legislature by a specified date on the impacts of transferring the onsite sewage program of DOH to FDEP.
- Requires agricultural operators to sign letters of intent to implement the applicable best management practices within 90 days of adoption of a total maximum daily load if a basin management action plan (BMAP) has not yet been adopted for the impaired waterbody.

A decorative graphic on the left side of the slide. It features a dark grey arrow pointing to the right at the top. Below the arrow, several thin, light blue lines curve downwards and to the left, creating a sense of movement or flow.

HB 141/SB 216—Water Quality Improvements

- Among other things, would expand sewage spill notification procedures to require wastewater treatment facilities that have an unlawful spill to notify their customers within 24 hours of the spill.



HB 141/SB 216—Water Quality Improvements

- Would establish an additional civil penalty for sewage spills of \$1 for each gallon of sewage spilled and a requirement that the wastewater facility spend \$2 per gallon spilled on facility upgrades to remediate the problems giving rise to the spill.



HB 85/SB 214—Septic Tanks

- Would have required DOH to identify all septic tanks in the state by January 1, 2021.
- Beginning July 1, 2022, owners of septic tanks must have systems inspected every 5 years.
- DOH directed to implement program and adopt rules that includes a county-by-county implementation plan with first priority given to septic tanks in spring protection areas, minimum standards for a functioning system, requirements for pump-out and repair and enforcement procedures.



HB 105/SB 286—Domestic Wastewater Collection System Assessment & Maintenance

- Would have established the Blue Star Collection System Assessment & Maintenance Program within DEP as a voluntary incentive program directed at reducing sanitary sewer overflows from public and private utilities.
- Would have required DEP to adopt by rule certification standards that focus on condition of collection systems and pump stations.



HB 105/SB 286—Domestic Wastewater Collection System Assessment & Maintenance

- ▶ Would have allowed DEP to reduce penalties for a sanitary sewer overflow based on utility's status as Blue Star certified, and/or reduce a penalty based on the utility's investment in assessment and management activities to identify and correct problems.
- ▶ Passed in 2018 as part of bill that was vetoed.


A decorative graphic on the left side of the slide. It features a dark blue vertical bar on the far left. A black arrow points to the right from the top of this bar. Several thin, light blue lines curve upwards and to the right from the bottom of the bar, overlapping the main content area.

SB 282/HB 63—Property Assessed Clean Environment

- Would allow PACE financing mechanism to be used by homeowners to finance the installation of advanced onsite sewage treatment or connections to central sewage systems.
- Defines sewage treatment improvements as a qualifying improvement.

HB 157—Fertilizers

- ▶ Would have required each county and municipal government to adopt and enforce the most recent version of the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.
- ▶ Would have required local governments within an estuary runoff area to identify setbacks from waterbodies and prohibit fertilizer application on residential lawns within those setbacks.
- ▶ Would have allowed local governments to establish more stringent standards, upon demonstration of need and consideration of relevant scientific information.



SB 88/HB 6033—Preemption of Recyclable and Polystyrene Materials

- Would remove the preemption of local government rules and ordinances that restrict the use of disposable plastic bags set forth in s. 403.7033, F.S.
- Would remove the preemption of local government regulation over the sale of polystyrene products set forth in s. 500.90, F.S.
- Current law authorizes local governments to restrict the use of polystyrene on public property.

A decorative graphic on the left side of the slide. It features a dark grey arrow pointing to the right at the top. Below the arrow, several thin, curved lines in shades of blue and grey sweep upwards and to the right, creating a sense of movement and design.

SB 588/SB 1299—Preemption of Local Regulations

- ▶ Among other things, would have preempted local regulation dealing with:
 - ▶ OTC Drugs and cosmetics (sunscreen).
 - ▶ Alternate generated power.

A decorative graphic on the left side of the slide. It features a dark blue vertical bar on the far left. A black arrow points to the right from the top of this bar. Below the arrow, several thin, curved lines in shades of blue and grey sweep upwards and to the right across the page.

SB 222—Renewable Energy

- ▶ Would exempt from the definition of a public utility, property owners that generate and sell energy, produced by a renewable energy source device of up to 2.5 megawatts, to users located on their property.




Growth Management/Land Use Bills That Failed

A decorative graphic on the left side of the slide. It features a dark blue vertical bar on the far left. A black arrow points to the right from the top of this bar. Several thin, light blue lines curve upwards and to the right from the bottom of the bar, overlapping the main text area.

SB 428/HB 1091—Private Property Rights in Comprehensive Plans

- ▶ These measures would require local governments to address protection of property rights in their comprehensive plans, and they would require the plan to include a property rights element.




HB 1383/SB 1720—Private Property Rights/Bert Harris

- ▶ Would require that when a residential property owner reaches a settlement of a Bert Harris claim with a local government, or receives a judgment declaring an inordinate burden, a rebuttable presumption is created that similarly situated property owners are entitled to the same relief.
- ▶ Would create a process for the similarly situated property owners to submit an appraisal and claim for relief.



HB 1019/SB 1694—Takings Claims Within Areas of Critical State Concern

- Provides that state and local governments located in an area of critical concern shall equally pay any award of compensation, costs and attorney fees associated with takings actions or other property-related actions.
- Identifies the criteria for invoking the requirement for the apportionment of fees and costs.

A decorative graphic on the left side of the slide. It features a dark blue vertical bar on the far left. A black arrow points to the right from the top of this bar. Below the arrow, several thin, light blue lines curve downwards and to the right, creating a sense of movement or flow.

SB 824/HB 987—Vacation Rentals/Preemption

- Once again, bills were filed to preempt the regulation and control of vacation rentals to the state.
- Other bills would provide for state regulation of vacation rentals as well as hosting platforms. These include SB 812/SB 814/SB 1196.



SB 78/HB 169—Public Financing of Construction Projects / Sea Level Impact

- Would prohibit state-financed contractors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study and having such study published and approved by DEP.
- Would require DEP to develop by rule standards for such studies and publish the same on its website.
- Senate Bill reported favorably by first two committees.



OTHER BILLS THAT DIED

SB 1670/HB 7063—Administrative Procedures JAPC Recommendations

- The Joint Administrative Procedures Committee developed a number of recommendations for changes to the APA to:
 - Increase transparency in rulemaking,
 - Provide a mechanism to ensure that agencies reduce unnecessary rules, and
 - Ensure that rulemaking costs are considered for every rule.
- Provides that if JAPC objects to a proposed rule, it may not take effect until ratified by the Legislature.



HB 407/SB 602—Public Records

- ▶ Would prohibit an agency that receives a request to inspect or copy a record from responding to such request by filing a civil action against the individual or entity making the request.
- ▶ HB 407 passed the House. SB 602 passed the first of three committees of reference.



HB 759/761 and SB 1414/1416—Trade Secrets

- ▶ These bills were designed to create a uniform trade secret exemption to the Public Records Act and to eliminate what is now a patchwork of sometimes inconsistent trade secret exemptions (including some in Chapter 403), as well as legislative intent language in Section 815.045, which the courts have construed to be a trade secret exemption to the Public Records Act.
- ▶ HB 759/SB 1414 would eliminate the existing trade secret exemptions and HB 761/SB 1416 would create the new uniform trade secret exemption.



HB 759/761 and SB 1414/1416—Trade Secrets

- ▶ HB 761/SB 1414 would create a new public records exemption for trade secrets as defined in the Uniform Trade Secrets Act.
- ▶ The uniform definition is more narrow than the definition found in some other statutes in key respects.
- ▶ The House bills passed the House; the Senate bills passed the first of three committees of reference.
- ▶ Look for similar legislation to be filed again next year.



HB 53/SB 74—Constitution Revision Commission/Single Subject Requirement

- The Commission was criticized for combining (“bundling”) multiple issues into a single proposal. (Think vaping and oil drilling.)
- These measures propose an amendment to the Florida Constitution to limit each revision or amendment to a single subject.

A decorative graphic on the left side of the slide. It features a dark grey arrow pointing to the right at the top. Below the arrow, several thin, curved lines in shades of blue and grey sweep downwards and to the right, creating a sense of movement and design.

SB 362/HB 249—Constitution Revision Commission/Repeal

- ▶ And then there are those who would simply abolish the CRC altogether.
- ▶ These measures propose an amendment to the Florida Constitution to repeal the provisions relating to the Commission.

A decorative graphic on the left side of the slide. It features a dark grey arrow pointing to the right at the top. Below the arrow, several thin, curved lines in shades of blue and grey sweep downwards and to the right, creating a sense of movement and design.

HB 57/SB 232—Constitution Revision Commission/Percentage Required

- ▶ These bills propose an amendment to the Florida Constitution to increase from 60 to 66 and $\frac{2}{3}$ the percentage of electors required to approve an amendment or revisions to the Florida Constitution.



2020 Regular Session

- Interim Committee Meetings begin September 16, 2019.
 - Regular Session begins January 14, 2020.
- 