

Councilwoman Offers State Legislative Summary At May Regular Council Meeting

Session ended in unconventional fashion with the House of Representatives announcing “sine die” on Tuesday, April 28th, at about 1:30 pm. That is unprecedented as the Session was slated to conclude on Friday, May 1st, at 11:59 pm. The genesis of the dispute between the Chambers was on Medicaid Expansion and funding for the Low Income Pool (LIP).

It appears that the Senate was caught off-guard and after the House concluded its work the Senate continued meeting on that Tuesday as well as the next day, Wednesday, April 29th. The only items that could pass were those which were in House messages and indeed of more than 1,500 bills filed only 231 made it to the Governor.

The Senate Democrats filed a motion with the Supreme Court of Florida attempting to propel the House back to work on constitutional grounds. The Supreme Court agreed that the actions of the House violated the Florida Constitution but refused to order them back in session since there were only hours left when they ruled on Friday, May 1st.

The legislature will call a Special Session on budget matters, as the only bill they are constitutionally mandated to pass is a state budget. The Senate proposed a June 1st through June 20th session, but that has not been agreed to by the House. The state, thus, is on a holding pattern.

Following are some bills that impact municipalities and that passed:

- **CS/CS/SB154 – Hazardous Walking Conditions**
The bill requires any governmental entity with jurisdiction over a road with a hazardous walking condition for public school students to correct the condition within a reasonable period of time or inform the school district as to why it will not be addressed.
- **CS/CS/HB21 – Sober Homes**
The bill creates a certification program for sober homes and sober home operators. The importance of this legislation is that operators can currently convert single family homes in residential neighborhoods into sober homes without any local regulations.
- **CS/HB7055 – Highway Safety**
A provision of this bill allows municipalities to operate golf carts on two lane county roads within the municipality.
- **CS/CS/CS/HB383 – Private Property Rights**
The bill creates a cause of action within the Bert Harris Act for “prohibited exaction.” And that is defined as a permitting condition imposed by a governmental entity on a property owner’s proposed use of real property that lacks an essential nexus to a legitimate public purpose and is not proportionate to the harm the governmental entity seeks to avoid. This legislation was

opposed by municipalities, but amendments to it narrowed the scope of damages and attorney fee provisions. The bill also includes favorable provisions to cities including limiting who has a cause of action under the Bert Harris Act, creating greater flexibility to settle Bert Harris lawsuits, and specifying that the act of a local government adopting FEMA floodplain maps is not accountable under Bert Harris.

Equally important are the policy issues that were defeated or substantially altered. In a session as vexing as this, the best way to judge the City's accomplishments is on what was defeated as well as on what was obtained.

- **Red Light Cameras**
There were several bills filed this year dealing with red light cameras. Ultimately, nothing was passed to change how cities operate their camera programs or dictate how they spend the revenues associated with these programs.
- **CS/CS/SB110 and HB7141 – Communications Services Tax**
These bills would have reduced the state CST rate by 3.6%. However, both bills included a “hold harmless” provision that would have protected local governments by modifying the revenue sharing distribution formulas to offset the negative recurring impact.
- **SB140 – Sales Tax on Commercial Leases**
The bill would have reduced the sales tax levied on commercial leases from 6 to 5 percent. The estimated negative impact on local governments was approximately \$31.5 million.
- **CS/CS/SB896 and CS/CS/CS/HB391 – Utility Relocation**
These bills would have prohibited local governments from requiring utilities to pay the costs of equipment relocation unless the utilities were in a “right of way,” as opposed to the current requirement for utility relocations occurring “upon, over, under, or along” a roadway. They would have required local governments, and not the utilities, to bear the cost of relocating a utility's equipment if such equipment was located within a utility easement, regardless of the private or public nature of the easement.
- **HB7039 – Transportation**
This bill incorporated an amendment by Rep. Jeanette Nunez that would have modified the membership of the local Metropolitan Planning Organization (MPO) and would have reduced the representation of cities which have population of under 50,000.

Finally, there were a number of bills and/or amendments that would have benefited local governments that fell as a consequence of the end-of-session gamesmanship or that simply did not have sufficient support

- **SB996/HB661 – Disposable Plastic Bags**
These bills would have authorized municipalities with a population of fewer than 100,000 to establish a pilot program to regulate or ban plastic bags.
- **CS/SB972 and CS/CS/HB695 – Value Adjustment Board**
These bills would have amended many components of the Value Adjustment Board process to expedite the review of challenges to property values. The House bill had

a provision that the members of the Value Adjustment Board would be named by the local legislative delegations.

- CS/SB1554 – Transportation

A provision of this bill would create a mechanism for the Florida Department of Transportation of fund and manage a “Greenway and Trails” system consisting of pedestrian and bicycle paths.

- Texting while Driving

There were several bills filed this year dealing with texting while driving. Ultimately, nothing was passed to modify current law.