

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 103 — Transfer of Tax Liability

by Rep. Wood (SB 170 by Senator Altman)

This bill consolidates and revises statutes governing the transfer of tax liabilities when businesses or business assets are transferred to successor owners. In general, a person who buys a business (transferee) assumes the tax liabilities of the seller (transferor), unless an exception applies. This bill allows the transferee to take the business without assuming the transferor's liabilities under either of the following two circumstances:

- The transferee receives a certificate of compliance from the transferor showing that the transferor has not received notice of audit, has filed all required tax returns, has paid the tax due from those returns, and there are no insiders in common between the transferor and the transferee; or
- The Department of Revenue conducts an audit, at the request of the transferee or transferor, and finds that the transferor is not liable for any taxes.

The bill also repeals two tax-specific statutes relating to sales tax and communications services tax which are substantially similar to the provisions of the bill. As a result of the repeals, the misdemeanor penalty provisions for violations of these statutes are also eliminated.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-1; House 115-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 107 — Special Districts

by Economic Affairs Committee; Finance and Tax Committee; Community and Military Affairs Subcommittee; and Rep. Caldwell and others (CS/SB 192 by Budget Subcommittee on Finance and Tax; and Senator Bennett)

This bill creates a new procedure that allows two or more contiguous independent special districts with similar functions and governing bodies to voluntarily merge. The bill allows merger proceedings to be initiated either by joint resolution of the governing bodies of each district or by a petition signed by 40 percent or more of the qualified electors in each district. The independent special districts must adopt a merger plan that outlines the specific components for the proposed merger which shall be subject to a public hearing and a voter referendum.

The bill states that a voluntary merger under the new procedure preempts any special act to the contrary, but that the procedure does not apply to independent special districts whose governing bodies are elected by district landowners voting the acreage owned within the district.

This bill also provides that for voluntary dissolutions of independent special districts operating pursuant to a special act, the dissolution may be effectuated only by the Legislature. For all other dissolutions of independent special districts, a special act dissolving the district must be approved by a referendum. If the district meets the requirements for being considered “inactive,” no referendum is needed.

Statutory provisions addressing the merger of independent special fire control districts are repealed and the Department of Economic Opportunity is authorized to declare a special district inactive if the district’s governing body unanimously adopts a resolution declaring inactivity.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 35-0; House 118-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HJR 169 — Additional Homestead Tax Exemption for Seniors

by Finance and Tax Committee and Rep. Oliva and others (SJR 1740 by Senators Garcia and Diaz de la Portilla)

This joint resolution provides for a proposed constitutional amendment to be placed on the ballot at the November 2012 general election. The proposed amendment to Art. VII, s. 6, State Constitution, would authorize the Legislature, by general law and subject to conditions set forth in the general law, to allow counties and municipalities to grant an additional homestead tax exemption for certain low income seniors. The exemption would be equal to the assessed value of the property with a just value less than two hundred and fifty thousand dollars. To qualify, a person must have maintained permanent residence on the property for not less than twenty five years, must be at least sixty-five years of age and must have a household income less than \$20,000.

These provisions shall be submitted to the electors of this state for approval or rejection at the general election in November 2012 or at an earlier special election specifically authorized by law for that purpose.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 231 — Intergovernmental Cooperation

by Rep. Harrell and others (CS/SB 396 by Communications, Energy, and Public Utilities Committee; and Senators Oelrich, Gaetz and Lynn)

Currently, state agencies are authorized to conduct public meetings, hearings and workshops by means of “communicative technology.” No such authorization exists for local governmental entities, including separate legal entities created by local government interlocal agreements.

The bill authorizes a separate legal entity that administers or executes an interlocal agreement, with member public agencies located in at least 5 counties, of which at least three are non-contiguous, to conduct public meetings and workshops by means of communications media technology. It provides that participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual’s presence at such meeting or workshop.

The term “communications media technology” is defined as a conference telephone, a video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate. The bill requires the notice for any such meeting or workshop to state that the meeting or workshop will be conducted through the use of communications media technology, to specify how persons interested in attending may do so, and to provide a location where communications media technology facilities are available.

The bill revises the definition of “electric utility” found in s. 361.11(2), F.S., to include those municipalities, authorities, commissions, special districts, or other public bodies that own, maintain, or operate an electrical generation, transmission, or distribution system within the state on June 25, 2008. The bill provides the legislative intent that electric utilities included in the revision to the definition of the term “electric utility” may exercise the powers and authority granted by s. 163.01(3)(f), F.S. The bill also provides that the revision is enacted in furtherance of and is consistent with the application of the Joint Power Act.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-1; House 115-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HB 357 — Homestead Exemptions for Seniors

by Finance and Tax Committee and Rep. Oliva and others (CS/SB 1738 by Judiciary Committee and Senator Garcia)

This bill provides that the board of county commissioners or the governing body of a municipality may adopt an ordinance to allow an additional homestead exemption for certain low income seniors. The exemption would be equal to the assessed value of the property with a just value less than two hundred and fifty thousand dollars. A person qualifies for the potential additional homestead exemption if she or he has maintained permanent residence on the property for at least 25 years; has attained the age of 65; and has a household income that does not exceed \$20,000. The provisions of this bill require passage of an amendment to the Florida Constitution prior to implementation.

These provisions become effective upon approval of House Joint Resolution 169, or a similar joint resolution having substantially the same specific intent and purpose, at general election in November 2012 or earlier special election specifically authorized by law for that purpose.

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 368 — Financial Emergencies

by Senator Gaetz

This bill allows governmental entities in a state of financial emergency to consult with other governmental bodies regarding the consolidation of administrative and support services. Plans created to end a financial emergency must include provisions implementing any consolidation, sourcing, or discontinuance of administrative direction or support services. In addition, this bill provides that governing board members who fail to resolve a financial emergency may be suspended from office by executive order.

The bill also incorporates two provisions recommended in the Auditor General's Local Government Financial Reporting System Performance Audit. The first provision requires auditors to consider a deficit fund balance or deficit net assets balance in determining whether deteriorating financial conditions exist that are required to be discussed with a governing body. The second provision stipulates a 45-day time frame within which local government entities must respond to requests for information by the Governor or the Commissioner of Education and establishes consequences for the failure to respond.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 81-35

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HB 377 — Miami-Dade County Lake Belt Mitigation Plan

by Agriculture and Natural Resources Subcommittee; and Rep. Nunez and others (CS/CS/SB 182 by Budget Subcommittee on General Government Appropriations; Community Affairs Committee; and Senators Garcia, Margolis, Braynon, Diaz de la Portilla, and Flores)

Limestone operations in the Miami-Dade County Lake Belt are guided by the Lake Belt Mitigation Plan. Under the plan provided in current law, the Lake Belt limestone companies pay a special mitigation fee of 45 cents for each ton of limerock and sand sold. The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Miami-Dade County Lake Belt Mitigation Plan Implementation Committee and adopted under s. 373.4149, F.S. The fee is collected by the Department of Revenue and transferred to the South Florida Water Management District's Lake Belt Mitigation Trust Fund.

The Lake Belt limestone companies also pay a water treatment plant upgrade fee of 15 cents per ton, to be used to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County. The fee is collected by the Department of Revenue and transferred to a trust fund established by Miami-Dade County.

The bill expands the authorized uses of the proceeds of the water treatment plant upgrade fee by allowing the proceeds of the fee to be used to pay for seepage mitigation projects, including groundwater and surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee.

Beginning July 1, 2012, the proceeds of the water treatment plant upgrade fee will be deposited into the Lake Belt Mitigation Trust Fund to pay for seepage mitigation projects. The money will be transferred until:

- \$20 million is placed in the trust fund, or
- Pathogen sampling demonstrates that the water in any quarry lake in the vicinity of the Northwest Wellfield would be classified as being in Bin 2 or higher.

Once either of these qualifications is triggered, the proceeds would again be transferred to a trust fund established by Miami-Dade County for the purpose of upgrading a water treatment plant that treats water coming from the Northwest Wellfield.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 116-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HB 387 — Electronic Filing of Construction Plans

by Economic Affairs Committee; and Rep. Ahern and others (CS/CS/SB 600 by Regulated Industries Committee; Community Affairs Committee; and Senator Bennett)

This bill authorizes building code administrators or building officials to accept electronically transmitted construction plans and related documents for permit approval purposes.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/CS/HB 503 — Environmental Regulation

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Rulemaking and Regulation Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Patronis and others (CS/CS/CS/SB 716 by Budget Subcommittee on General Government Appropriations; Environmental Preservation and Conservation Committee; Community Affairs Committee; and Senators Bennett and Evers)

The bill:

- Prohibits a county or a municipality from conditioning the processing for a development permit on an applicant obtaining a permit or approval from any other state or federal agency;
- Authorizes the DEP to issue a coastal construction permit before an applicant receives an incidental take authorization;
- Expands eligibility for those entities entitled to reduced or waived permit processing fees;
- Expands the use of Internet-based self-certification services and general permits;
- Exempts previously authorized underground injection wells from ch. 373, part III, F.S., except for Class V, Group 1 wells;
- Reduces the time for agency action or proposed action on a permit from 90 to 60 days;
- Provides for an expanded state programmatic general permit;
- Raises the qualifying low-scored site initiative priority ranking score from 10 to 29, and exempts certain expenditures from counting against the program;
- Revises qualifications for fiscal assistance for innocent victim petroleum storage system restoration;
- Provides expedited permitting for intermodal logistic centers (inland ports);
- Authorizes zones of discharges existing installations, with certain limitations;
- Revises requirements for permit revocation;
- Revises the definition for “financially disadvantaged small community”;
- Revises the definition of industrial sludge;
- Specifies recycling credits available for counties that operate waste-to-energy facilities;
- Revises provisions related to solid waste disposal and management;
- Provides for a general permit for small surface water management systems;
- Expands the definition for “transient noncommunity water systems” to include religious institutions;
- Clarifies creation of regional permit action teams for certain businesses;
- Allows for sale of unblended fuels for specified applications, and specifies that alternative fuels other than ethanol may be used as blending fuels for blending gasoline; and
- Prohibits the collection of permit renewal fees for those permits that were automatically extended by Chapter 2011-139, ss. 73 and 79, L.O.F.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 112-0

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THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 521 — State Preemption of the Regulation of Hoisting Equipment
by Community and Military Affairs Subcommittee; Business and Consumer Affairs
Subcommittee; and Rep. Artiles (CS/SB 992 by Community Affairs Committee and Senators
Bennett and Dean)

This bill preempts to the state any local laws, ordinances or regulations pertaining to hoisting equipment that is not already preempted by the Occupational Safety and Health Administration. The act does not apply to the regulation of elevators under ch. 399, F.S., or to airspace height restrictions under ch. 333, F.S.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 570 — Public Records/Donor Identity/Publicly Owned Performing Arts Center

by Senator Ring

This bill creates a public records exemption for information that identifies a donor or a prospective donor to a publicly owned performing arts center should the donor wish to remain anonymous. The exemption is subject to legislative review and repeal under the provisions of the Open Government Sunset Review Act. The bill contains a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 692 — Local Government

by Community Affairs Committee and Senator Bennett

This bill amends the Formation of Municipalities Act in ch. 165, F.S., to require an earlier submission of a proposed municipality incorporation feasibility study. The bill also provides a procedure for the municipal conversion of an independent special district upon an elector-initiated and approved referendum. The petition for referendum requires 40 percent of qualified electors and may be commenced if the district meets all of the following criteria:

- was created by special act;
- is designated as a ch. 298, F.S., improvement district or a stewardship district;
- has an elected governing board;
- provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities; and
- no portion of the district is located within a municipality.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 104-13

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 704 — Building Construction and Inspection

by Budget Subcommittee on General Government Appropriations; Community Affairs Committee; and Senator Bennett

This bill amends a number of provisions related to building construction and inspection in Florida. The bill:

- modifies how local government code enforcement boards serve notices on property owners;
- requires public bodies to open sealed bids for construction and repairs to public buildings at a public meeting;
- revises permitting measures, establishes title transfer procedures, and provides for the applicability of rules governing on-site sewage treatment and disposal systems;
- authorizes building and fire code administrators to accept electronically transmitted construction plans and related documents for permit approval purposes;
- includes fire safety inspectors among those eligible to take the building code inspector or plans examiner certification exam and shortens the time length of a provisional certificate for newly employed or promoted inspectors or examiners;
- includes landscape architecture in the mold assessment exemption;
- clarifies that a landscape design practitioner may submit planting plans independent of, or as a component of, construction documents;
- creates an owner-as-contractor licensure exemption for persons engaged in solar panel projects through the U.S. Department of Energy's Sunshot Initiative; provisions to facilitate the electronic submission of permitting applications for these solar projects are created;
- expands the meaning of 'demolish' as it is used to define licensed contractors;
- modifies plumbing contractor scope of services to include drain cleaning and clearing, and installation or repair of rainwater catchment systems;
- expands the roofing contractor licensure scope of work to include skylights;
- expands air conditioning and mechanical contractor licensure to include the testing and evaluation of ventilation systems and duct work;
- clarifies the responsibilities of certified contractors and registered contractors, specifically clarifying that contractors can perform and supervise all work which falls within the scope of their license, whether that work is performed by a subcontractor or a business entity hired by and supervised by the licensed contractor;
- eliminates the division II glass and glazing contractor license;
- establishes the remedial nature and retroactive application of contracts related to the sale of manufactured or factory-built buildings;
- specifies that certain Florida Building Code permit fee surcharges be allocated to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program; beginning in fiscal year 2013-2014, funds allocated to the Compliance and Mitigation Program shall be \$925,000;
- exempts specified hunting structures from the Florida Building Code;

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- when denying a building permit, requires local enforcing agencies and local building code administrators and inspectors to provide denied applicants with the specific building codes or sections that were out-of-compliance;
- extends an expiration provision from the 2010 Florida Building Code to the 2013 Florida Building Code related to exposed mechanical equipment or appliances fastened to a roof or installed on the ground;
- directs the Florida Building Commission to adopt a rule outlining an alternative method of screen enclosure design and establishes a workgroup to assist the commission in developing a rule for implementing the design.

If approved by the Governor, except as otherwise expressly provided in this act and except for section 20, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 800 — County Boundary Lines

by Budget Subcommittee on Finance and Tax and Senator Negrón

This bill moves a 129-acre area from the jurisdiction of St. Lucie County to Martin County subject to the approval of the affected voters in a referendum. It requires the governing bodies of the counties to enter into an interlocal agreement for transferring services, personnel and public infrastructure and provides for a gradual shift of tax and assessment revenues from the area being incorporated into Martin County to St. Lucie County.

If approved by the Governor, these provisions take effect July 1, 2013, upon its approval by a majority vote of certain qualified voters in conjunction with next election in St. Lucie County, except for section 5 which shall take effect upon becoming a law.

Vote: Senate 40-0; House 113-2

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 801 — Emergency 911 Service

by Finance and Tax Committee; Community and Military Affairs Subcommittee; and Rep. Steube and others (CS/CS/SB 1042 by Communications, Energy, and Public Utilities; Community Affairs Committee; and Senator Bennett)

This bill amends provisions of the Emergency Communications Number E911 Act in ch. 365, F.S., to:

- allow a 911 public safety telecommunicator to contact owners of automated external defibrillators to facilitate a coronary emergency call;
- modify membership numbers and composition of the E911 Board;
- clarify the application of the E911 fee to a customer using digital transmission link and service;
- clarify the indemnification and liability provisions related to provision of 911 or E911 service with respect to non-voice communications; and
- reflect the recent dissolution of the Florida Telecommunications Industry Association.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 937 — Legal Notices

by Economic Affairs Committee; State Affairs Committee; and Rep. Workman and others (CS/CS/SB 292 by Judiciary Committee; Community Affairs Committee; and Senator Bennett)

Current law provides requirements for publishing legal notices and official advertisements. Publications must be in a newspaper that is printed and published at least once a week and that contains at least 25 percent of its words in the English language. In addition, the newspaper must qualify or be entered to qualify as periodicals matter at the post office in the county where published, and be generally available to the public for the purpose of publication of official or other notices.

The bill creates a new section of law requiring a legal notice to be placed on a newspaper's website on the same day the notice appears in the newspaper, at no additional charge. Effective July 1, 2013, a newspaper that publishes legal notices must provide a free link to access legal notices on its website; optimize online visibility; dominantly present the notices on the website; provide a search function for the notices; upon request, provide free e-mail notification of the notices; and place the notice on the Florida Press Association website established for such notices, www.floridapublicnotices.com.

The bill also:

- Authorizes electronic proof of publication affidavits;
- Limits the rate that may be charged for certain government notices required to be published more than once;
- Requires certain local governmental maps that appear in newspaper advertisements to be noticed online;
- Deletes the requirement that a legal notice be published in Leon County for agency licensee actions, bond validation actions, market offerings for state owned oil or gas leases, and certain administrative complaints;
- Requires that notice to certain professional licensees be posted on a newspaper website and provided to certain broadcast network affiliates;
- Amending requirements relating to the publication of certain notices relating to the sale of bonds by the Division of Bond Finance within the State Board of Administration;
- Deletes requirements relating to newspaper publication of certain notices relating to Department of Agriculture and Consumer Services marketing orders and provides for Internet publication and for information to certain broadcast network affiliates; and
- Allows the Department of Financial Services to require notification of insurer insolvency by e-mail or telephone, instead of by newspaper.

If approved by the Governor, these provisions take effect July 1, 2012, except as otherwise expressly provided. The act applies to legal notices published on or after that date.

Vote: Senate 23-13; House 113-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 979 — Developments of Regional Impact

by Economic Affairs Committee; Community and Military Affairs Subcommittee; and Rep. Diaz (CS/CS/SB 1180 by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Community Affairs Committee; and Senator Bennett)

The bill makes a number of changes to the Development of Regional Impact (DRI) program. A DRI is any development that has a substantial effect upon the health, safety, or welfare of citizens of more than one county.

Specifically, this bill requires that comprehensive plan amendments proposing certain developments follow the state coordinated review process. The bill limits the scope of certain recommendations and comments by reviewing agencies regarding proposed developments. Also, it revises certain review criteria for reports and recommendations on the regional impact of proposed developments. The bill requires regional planning agency reports to contain recommendations consistent with the standards of state permitting agencies and water management districts. Additionally, the bill provides that specified changes to a development order are not substantial deviations and provides an exemption from development-of-regional-impact review for proposed developments that meet specified criteria and are located in certain jurisdictions. The bill revises conditions under which a local government is required to rescind a development-of-regional-impact development order.

The bill creates a section of law which provides for application and approval of an amendment to the local comprehensive plan by the owner of land that meets certain criteria as an agricultural enclave.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 36-3; House 87-31

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HJR 1003 — Tangible Personal Property Tax Exemptions

by Economic Affairs Committee and Rep. Eisnaugle (CS/SJR 1064 by Budget Subcommittee on Finance and Tax and Senators Detert and Gardiner)

This joint resolution provides for a proposed constitutional amendment to be placed on the ballot at the November 2012 general election. The proposed amendment to Art. VII, s. 3, State Constitution, would grant an additional exemption for tangible personal property when property is assessed at more than \$25,000, but less than \$50,000. In addition, the proposed amendment would allow the Legislature to provide by general law that counties and municipalities may grant additional exemptions for tangible personal property by adopting an ordinance.

If adopted by the voters at the 2012 General Election, this resolution will take effect January 1, 2013.

Vote: Senate 40-0; House 112-2

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HB 1013 — Residential Construction Warranties

by Civil Justice Subcommittee and Rep. Artiles (CS/CS/SB 1196 by Judiciary Committee; Community Affairs Committee; and Senator Bennett)

The bill provides that a purchaser of a new home or a homeowners' association does not have a cause of action for damages based on an implied warranty of fitness and merchantability or habitability, relating to an offsite improvement for a new home. Under the bill, an "offsite improvement" includes a street, driveway, road, sidewalk, drainage, utilities, or any other improvement or structure that does not immediately and directly support the fitness and merchantability or habitability of the home itself.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 36-4; House 106-10

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HB 1227 — Certification of 911 Public Safety Telecommunicators

by Judiciary Committee; and Rep. Drake and others (CS/SB 514 by Community Affairs Committee; and Senators Dean and Oelrich)

This bill authorizes a sworn state-certified law enforcement officer to perform as a 911 public safety telecommunicator on an occasional or limited basis. The officer must pass the 911 public safety telecommunicator certification examination prior to performing these duties. An officer who fails the examination must complete a Department of Health approved training program before retaking the examination.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 1724 — Mosquito Control Districts

by Senator Alexander

Statutory eminent domain procedures are outlined in ch. 73, F.S. This bill repeals s. 388.191, F.S., which grants the board of commissioners of a mosquito control district the power of eminent domain to condemn any land or easements necessary for the purposes of mosquito control. Section 388.181, F.S., provides that mosquito control districts are fully authorized to do and perform all things necessary to carry out the intent and purposes of this law. This statutory language would include the authority to exercise eminent domain power pursuant to ch. 73, F.S.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 4003 — Growth Policy

by Rep. Diaz (SB 188 by Senator Flores)

This bill repeals s. 163.2523, F.S., and thus eliminates the Urban Infill and Redevelopment Assistance Grant Program. The program was created as part of the 1999 “Growth Policy Act” to help local governments revitalize distressed urban areas. The Legislature appropriated \$2.5 million in fiscal year 2000-2001 to the program but has not appropriated funds in subsequent years. This bill does not affect a local government’s ability to designate an urban infill and redevelopment area and to offer local incentives within the area in order to target economic development and job creation. This bill also does not affect the economic incentives available to local governments with an adopted urban infill and redevelopment plan such as the power to finance redevelopment plans through revenue bonds and employ tax increment financing. This bill corrects several statutory references.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 35-2; House 85-32

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 4027 — Community-Based Development Organizations

by Rep. Rouson and others (SB 562 by Senator Lynn)

In 2000, the Legislature established the Community-Based Development Organization Assistance Act for the purpose of providing community-based development organizations with administrative and operating funds to retain project staff to plan, implement, and manage job-generating and community revitalization developments in distressed neighborhoods. The program has not been funded or implemented since it was created by the Legislature in 2000.

This bill eliminates the Community-Based Development Organization Assistance Act.

This bill repeals the following sections of the Florida Statutes: 163.455, 163.456, 163.457, 163.458, 163.459, 163.460, 163.461, and 163.462.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-1; House 105-9

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HB 7081 — Growth Management

by Economic Affairs Committee; Community and Military Affairs Subcommittee; and Rep. Workman (CS/CS/CS/SB 842 by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Commerce and Tourism Committee; Community Affairs Committee; and Senator Bennett)

This bill makes a number of modifications and clarifications to ch. 2011-139, L.O.F., the Community Planning Act (act). Modifications include fixing cross-references, updating outdated language, and removing provisions throughout the statutes that the act made obsolete such as references to the twice-a-year limitation on adopting plan amendments that no longer exists and references to the evaluation and appraisal report that no longer is required.

This bill authorizes a regional planning council to provide consulting services to a private developer or landowner for a project, if not serving in a review capacity in the future, except that statutorily mandated services may be provided by the regional planning council regardless of its review role.

This bill also addresses the following items:

- Grandfathering of local government charter provisions in effect on June 1, 2011, relating to a local initiative or referendum process for the approval of development orders and comprehensive plan or map amendments;
- Requiring comments by military installations to be considered by local governments in a manner consistent with s. 163.3184, F.S.;
- Removing criteria that exempts certain municipalities from being signatories to the school interlocal agreement as a prerequisite to implementing school concurrency, because school concurrency is now optional, and restoring criteria to exempt certain municipalities from being a party to the school interlocal agreement;
- Extending the time for the state land planning agency and the Administration Commission to issue recommended and final orders, since the current time requirement is unworkable, and providing a time requirement for the state land planning agency to issue a notice of intent for a plan amendment adopted pursuant to a compliance agreement;
- Deleting a required annual report by the Department of Economic Opportunity related to the optional sector plan pilot program; and
- Requiring that population projections for municipalities and unincorporated areas of a county must be reflective of their proportional share of the total county population and total county population growth. Effectively this requires a minimum amount of land use be set aside in municipality's comprehensive plan proportional to its share of the county's population growth.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-2; House 101-13

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 7125 — Exemptions from Local Business Taxes

by Economic Affairs Committee and Rep. K. Roberson and others (CS/SB 770 by Budget Subcommittee on Finance and Tax and Senator Hays)

This bill specifies that an individual licensed and operating as a broker associate or sales associate is not required to apply for an exemption from a local business tax or take certain actions relating to a local business tax. The bill prohibits a local governing authority from holding such exempt individual liable for the failure of a principal or employer to comply with certain obligations related to a local business tax. The bill also prohibits a local governing authority from requiring a principal or employer to provide personal or contact information for such exempt individuals in order to obtain a local business tax receipt.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 33-7; House 105-9