Committee on Community Affairs

CS/HB 105 — Publicly Funded Retirement Programs

by Government Operations Subcommittee and Rep. Eagle and others (CS/CS/SB 216 by Appropriations Committee; Community Affairs Committee; and Senator Bradley)

In 1939, the Legislature enacted ch. 175, F.S., which encouraged cities to establish firefighter retirement plans by providing cities with the incentive of access to premium tax revenues. An excise tax of 1.85 percent imposed on the gross premiums of property insurance covering property within boundaries of the municipality or district funds the Firefighters' Pension Trust Fund of each municipality or special fire control district. The insurers pay the tax to the Department of Revenue, and the net proceeds are transferred to the appropriate fund. For Fiscal Year 2014-2015, premium tax collections are estimated to be $804 million, and distributions to the Firefighters' Pension Trust Fund are predicted to be $179.5 million.

Participation in the trust fund is limited to incorporated municipalities and to special fire control districts. While a municipality that has entered into a 1 year or longer interlocal agreement to provide fire services to another incorporated municipality may receive its premium taxes, a municipality may not receive insurance premium taxes from a Municipal Services Taxing Unit (MSTU). The bill allows a municipality providing fire protection services to a MSTU through an interlocal agreement to receive insurance premium taxes collected within the MSTU boundary for the purpose of providing pension benefits to the municipality's firefighters.

If approved by the Governor, these provisions take effect July 1, 2015.
Vote: Senate 38-0; House 110-1

Committee on Community Affairs

CS/SB 200 — Public Records

by Governmental Oversight and Accountability Committee and Senator Latvala

The bill exempts email addresses of taxpayers held by tax collectors for certain purposes from the public records law. The bill provides for repeal of the exemption on October 2, 2020, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect 07/01/2015.
Vote: Senate 38-0; House 117-0

Committee on Community Affairs

CS/CS/HB 209 — Emergency Fire Rescue Services and Facilities Surtax

by Finance and Tax Committee; Local Government Affairs Subcommittee; and Rep. Artiles and others (CS/CS/SB 668 by Finance and Tax Committee; Community Affairs Committee; and Senator Latvala)

The bill amends provisions related to a county's adoption and distribution of an Emergency Fire Rescue Services and Facilities Surtax. Section 212.055, F.S., allows a county to pass an ordinance to levy a sales surtax of up to 1 percent for Emergency Fire Rescue Services and Facilities. The surtax may be used to fund fire prevention, extinguishing, enforcing fire protection codes, and providing emergency medical treatment. Although authorization for the Emergency Fire Rescue Services and Facilities Surtax was added in 2009, no county has levied the surtax.

To levy the surtax, the county must pass an ordinance, which becomes effective upon approval by a majority of the qualified electors in a referendum. The existence of an interlocal agreement that provides for distribution of proceeds is a prerequisite for holding a referendum to approve the ordinance. The bill removes the requirement that an interlocal agreement exists prior to the referendum, and allows all local government entities providing fire control and emergency rescue services within the county to share in the proceeds of the surtax. Under the bill, the distribution of revenues to local government entities would be proportionate to their average annual expenditures from ad valorem taxes and non-ad valorem assessments on fire control and emergency fire rescue services over the preceding 5 fiscal years.

Participating counties and local governments must reduce ad valorem taxes by the estimated amount of revenue provided by the surtax. The bill provides that, in the event that ad valorem taxes cannot be further reduced because the millage rate is already zero, the funds must be applied to reduce any non-ad valorem assessments. If a non-ad valorem reduction is also not possible, then the surplus tax collections are returned to the county, which must reduce county millage rates.

If approved by the Governor, these provisions take effect July 1, 2015.
Vote: Senate 40-0; House 115-0

Committee on Community Affairs

HB 213 — Property Appraisers

by Rep. Moraitis (SB 266 by Senator Ring)

Property appraisers are required to submit a proposed budget for the operation of the property appraiser's office to the Department of Revenue (DOR) by June 1 of each year. The property appraiser is required to submit the proposed budget to the board of county commissioners (board) at the same time. The DOR reviews the budget request and may amend the budgeted amount "as it deems necessary, in order that the budget be neither inadequate nor excessive."

By July 15, the DOR must notify both the property appraiser and the board of its tentative budget determination. The property appraiser and board have until August 15 to submit additional information to the DOR if they choose to do so. The DOR issues its final budget determination by August 15.

The property appraiser or the board may appeal the DOR's approved final budget to the Governor and Cabinet sitting as the Administration Commission. The appeal must be filed no later than 15 days after the conclusion of the public hearing held pursuant to s. 200.065(2)(d), F.S., (final adoption of the county millage rate and budget). The Administration Commission has discretion as to whether to accept the appeal or not. Upon completion of this process, the resulting budget request as approved by the DOR and as amended by the commission becomes the operating budget of the property appraiser for the ensuing fiscal year beginning October 1.

The bill provides that a board of county commissioners must fund the property appraiser's budget according to the amount determined by the DOR in its final budget determination, and must fund the DOR-approved budget during the pendency of an appeal to the Administration Commission.

If approved by the Governor, these provisions take effect July 1, 2015.
Vote: Senate 40-0; House 110-0

Committee on Community Affairs

HB 225 — All-American Flag Act

by Reps. B. Cortes, Campbell, and others (SB 590 by Senators Altman, Bradley, and Hays)

The bill requires all United States and state flags purchased on or after January 1, 2016, by the state, a county, or a municipality for public use to be made in the United States entirely from domestically grown, produced and manufactured materials.

If approved by the Governor, these provisions take effect July 1, 2015.
Vote: Senate 38-1; House 110-2

Committee on Community Affairs

HB 257 — Freight Logistics Zones

by Rep. Ray and others (SB 956 by Senator Simpson)

In 2012, the Legislature emphasized the importance of freight mobility to the state's economic growth by directing the Florida Department of Transportation to develop a Freight Mobility and Trade Plan, establish the Intermodal Logistics Center Infrastructure Program, and allow a planned facility to be designated as part of the Strategic Intermodal System upon the request of the facility. The Florida Department of Transportation continues to implement a freight planning process that maximizes the use of the existing government and privately-owned transportation resources.

The bill authorizes a county or counties to designate a geographic area or areas within its jurisdictions as a freight logistic zone. The bill defines a "freight logistics zone" as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center and requires that the designation be accompanied by a strategic plan.

Projects within a freight logistics zone may be eligible for priority in state funding and incentive programs. Eligibility for priority status will be based on an evaluation of the project.

If approved by the Governor, these provisions take effect July 1, 2015.
Vote: Senate 39-0; House 118-0

Committee on Community Affairs

CS/CS/SB 278 — Downtown Development Districts

by Appropriations Committee; Finance and Tax Committee; and Senator Diaz de la Portilla

Downtown Development Authorities (DDAs) are special districts whose main function is to coordinate and assist in the implementation and revitalization of a specific downtown area of a city. Fourteen DDAs are currently active in Florida, most of which were created by special act. In 1967, using the authority in ch 65-1090, L.O.F., the City of Miami created its DDA and authorized up to .5 mill ad valorem tax on all real and personal property in the downtown district.

The bill authorizes a municipality with a population of more than 400,000 within a county defined in s. 125.011(1), F.S., to levy an ad valorem tax on all real and personal property in a downtown development district of up to .475 mill. The .475 mill is included within the municipality's regular ad valorem taxes and special assessments. In total, the municipality's millage may not exceed the 10 mills allowed under the State Constitution for municipal purposes.

If approved by the Governor, these provisions take effect 07/01/2015.
Vote: Senate 38-2; House 114-4

Committee on Community Affairs

CS/HB 489 — Value Adjustment Board Proceedings

by Local and Federal Affairs Committee and Rep. Sullivan (CS/SB 260 by Finance and Tax Committee and Senator Bradley)

Each county in Florida has a value adjustment board (VAB) that reviews tax assessments made by a property appraiser. A property owner initiates the VAB's review by paying a filing fee, up to $15, and filing a petition with the clerk of the VAB on an approved petition form. Although many VAB clerks make the petition form available to the public, only the property appraiser is required to do so. The petitioner can elect on the petition form to receive a property record card, which is the property appraiser's record of assessment information for the property.

The bill alters the process for petitioning the VAB by specifically:

- Requiring the clerk of the VAB to have available and distribute petition forms;
- Allowing an owner of multiple, similar items of tangible personal property to file a single, joint petition protesting the assessment of such property; and
- Requiring the property appraiser to include the property record card during the evidence exchange process even though the clerk of the VAB may have already provided it.

The bill may reduce filing burdens and fees for taxpayers that petition a VAB.

If approved by the Governor, these provisions take effect July 1, 2015.
Vote: Senate 39-0; House 117-0

Committee on Community Affairs

CS/CS/SB 766 — Surveillance by a Drone

by Appropriations Committee; Judiciary Committee; and Senator Hukill

The bill prohibits a person, state agency, or political subdivision from using a drone to record an image of privately owned real property or people on private property with the intent to conduct surveillance on the individual or property and without written consent to do so. A current exception for certain law enforcement agency activity is expanded to include activities by property appraisers, utilities, aerial mappers, cargo delivery systems, and any other person or entity engaged in a business licensed by the state, subject to certain conditions. The bill authorizes an aggrieved party to initiate a civil action and obtain compensatory and punitive damages and injunctive relief for a violation of the law.

If approved by the Governor, these provisions take effect 07/01/2015.
Vote: Senate 37-2; House 117-0

Committee on Community Affairs

CS/CS/SB 778 — Local Government Construction Preferences

by Governmental Oversight and Accountability Committee; Community Affairs Committee; and Senator Hays

The bill prohibits any local laws that give preference to a local contractor in circumstances involving a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds. The bill requires a state college, county, municipality, school district, or other political subdivision to disclose in the solicitation document that a local preference is not in effect for that project if the prohibitions contained within the bill apply.

If approved by the Governor, these provisions take effect 07/01/2015.
Vote: Senate 28-9; House 95-22

Committee on Community Affairs

CS/HB 1151 — Residential Master Building Permit Programs

by Business and Professions Subcommittee and Rep. Ingoglia (CS/SB 1486 by Community Affairs Committee and Senator Brandes)

The Legislature has specified that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare. It is unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a permit from the appropriate enforcing agency or authority delegated to issue permits upon the payment of fees. Typically, the appropriate enforcing agency is the local building department in the county or municipality in which the property is located. The builder is required to obtain a site-specific building permit for each individual site-specific building intended to be constructed, even if the builder expects to build multiple identical structures on a repetitive basis. A builder is required to provide building plans and specifications at the time of application for a site-specific building permit, along with a structural inspection plan and additional supporting documents sufficient for the building code administrator or inspector to determine whether the building will be built according to the code.

The bill provides for the creation of local residential master building permit programs to assist builders who construct certain dwellings and townhomes on a repetitive basis. The bill directs each local government to create a residential master building permit program within 6 months of a written request made by a licensed contractor to a local building code administrator. Under the program, a builder obtains a master building permit by submitting certain documents, such as a general construction plan, to the local building department. Within 120 days after receiving a complete application, the local building department must review the general construction plan to determine compliance with the building code and approve or deny the master building permit application. If the local building department approves the general building plan, and all documents provided with the master building permit application are verified, the builder receives a master building permit and permit number. After approving a master building permit application, the bill provides that the local building department may only require the builder to submit the limited documents for a site-specific building permit for a single-family or two-family dwelling. The governing bodies of local governments set fees according to s. 553.80(7), F.S.

If approved by the Governor, these provisions take effect July 1, 2015.
Vote: Senate 38-0; House 116-0

Committee on Community Affairs

CS/CS/SB 1216 — Community Development

by Fiscal Policy Committee; Community Affairs Committee; and Senator Simpson

The bill is an omnibus growth management bill primarily related to five subjects: mitigation of sinkhole damages; elimination of one regional planning council (RPC) and statutory duties of RPCs that are already completed, duplicative or unnecessary; requirement that certain new projects go through the State Coordinated Review Process rather than the development of regional impact (DRI) process; clarification of the sector plan law; and creation of a pilot project for Pasco County.

The bill expands the definition of the term "blighted area" to enable community redevelopment agencies to enter into voluntary contracts to mitigate property damage caused by sinkholes.

The bill designates 10 RPCs and their borders and deletes several of the RPCs' statutory duties and requirements because they are already completed, unnecessary or duplicative. The Withlacoochee Regional Planning Council is dissolved and the five counties currently within the boundaries of that council are incorporated into three existing councils.

The bill removes the requirement that certain new projects go through the DRI process. The bill shifts review of these projects to the State Coordinated Review Process for comprehensive plan amendments. Currently, comprehensive plan amendments subject to the State Coordinated Review Process involve large scale development plans or plan amendments in areas of critical state concern.

The State Coordinated Review Process requires a proposed comprehensive plan amendment to receive three local public hearings, followed by review by state and regional entities. The first local public hearing is held by the local city or county planning commission. Then the full city or county commission must hold a public hearing regarding the proposed amendment. If approved by the local government, the amendment is sent to several statutorily identified reviewing state and regional agencies, including the Department of Economic Opportunity (DEO), the Department of Transportation, the Department of Environmental Protection, the appropriate RPC, and the appropriate water management district, among others.

The required state and regional entities provide comments within their respective areas of expertise on important state resources or facilities that will be adversely impacted if the amendment is adopted. RPCs are required by law to comment on extrajurisdictional impacts caused by the plan amendment that would be inconsistent with the comprehensive plan of any affected local government within the region, as well as adverse effects on regional resources and facilities. The DEO comments on those important state resources and facilities that fall outside the jurisdiction of the other commenting state agencies; however, it is also empowered to provide comments on "countervailing planning policies and objectives that should be balanced against adverse impacts on important state resources and functions." These comments assist the local government in deciding whether or not to adopt the amendment.

Whenever an adverse impact on important state resources or facilities is identified, the state agencies must also identify measures that will eliminate, reduce, or mitigate the identified adverse impacts. Within 60 days after receipt of a complete amendment, the DEO issues an Objections, Recommendations and Comments Report (often referred to as an "ORC Report") to the local government, and the department may also comment on whether a plan or plan amendment is "in compliance."

The permitting local government must then hold a second public hearing within 180 days after receipt of the DEO's ORC Report. Within 30 days after the local government adoption of the amendment, an affected person may file a petition with the Department of Administrative Hearings challenging the amendment on the ground that it is not "in compliance" with the requirements of state law.

The bill clarifies that the planning standards of the sector planning statute supersede generally applicable planning standards found elsewhere in ch. 163, F.S. The bill provides more flexibility in the designation of conservation easements related to sector plans but still requires they be designated prior to the beginning of construction. The bill requires certain state agencies to review whether a detailed specific area plan would be consistent with the comprehensive plan and the long-term master plan. It authorizes a water management district to issue a longer than normal consumptive use permit for certain projects. The associated water allocation may be phased in over the duration of the permit to correspond to actual needs. The bill clarifies that a local government may require more data and analysis in support of an application to develop a sector plan than the minimum requirements provided for in this law.

The bill names Pasco County as a pilot community for connected-city corridor plan amendments, which is a locally-controlled comprehensive plan amendment process designed to facilitate the development of technologically advanced areas. The bill requires community development districts of 7,000 acres or less and within a connected-city corridor to be adopted by a county ordinance. The bill directs the Office of Program Policy Analysis and Government Accountability to submit a report on the pilot project to the Governor and Legislature in 10 years.

The bill also exempts local governments that use less than 1 percent of a large public water utility's total permitted allocation from a requirement to update their comprehensive plans in response to an updated regional water supply plan. Finally, the bill allows the Monroe County Land Authority to contribute tourist impact tax revenues to the City of Key West or the Key West Housing Authority at the request of the City Commission for the construction, redevelopment or preservation of affordable housing.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 83-31

Committee on Community Affairs

HB 7011 — OGSR/Public Transit Providers

by Government Operations Subcommittee and Rep. Fant (CS/SB 7000 by Governmental Oversight and Accountability Committee and Community Affairs Committee)

Current law provides a public records exemption for certain information held by a public transit provider. Specifically, personal identifying information held by a public transit provider for the purpose of facilitating the prepayment of transit fares or the acquisition of a prepaid transit fare card is exempt from public record requirements.

The bill reenacts the public record exemption and transfers the public record exemption to the Florida Public Transit Act.

If approved by the Governor, these provisions take effect 10/01/2015.
Vote: Senate 35-0; House 118-0