



MUNICIPAL ADMINISTRATION

**Thursday, December 1, 2022
10:00 a.m. – 12:00 p.m. EDT**

**Palms Ballroom C
Embassy Suites Lake Buena Vista South
4955 Kyngs Heath Road
Kissimmee, FL 34746**

FLC Staff Contact: Tara Taggart



FLORIDA LEAGUE OF CITIES



Agenda



Municipal Administration Legislative Policy Committee
Thursday, December 1, 2022 ~ 10:00 a.m.— 12:00 p.m.
Embassy Suites Lake Buena Vista South
4955 Kyngs Heath Rd, Kissimmee, FL 34746

AGENDA

- I.** Introduction & Opening Remarks **Chair Bob Mayersohn**
Commissioner, City of Parkland
- II.** FLC Policy Committee Process for 2022-2023 **Tara Taggart, FLC Staff**
- III.** Vote on Recommended Priority **Chair Bob Mayersohn**
Commissioner, City of Parkland
- IV.** Consideration of Policy Position Statement..... **Chair Bob Mayersohn**
Commissioner, City of Parkland
- V.** Finalize Language of Recommended Priority(and Policy if applicable).. **Tara Taggart, FLC Staff**
- VI.** Additional Information..... **Chair Bob Mayersohn**
Commissioner, City of Parkland
 - A. Key Legislative Dates
 - B. Home Rule Hero Criteria
 - C. Key Contacts – Click [HERE](#) to sign-up
- VII.** Closing Remarks **Chair Bob Mayersohn**
Commissioner, City of Parkland
- VIII.** Adjournment



Committee Roster

CHAIR:

The Honorable Bob Mayersohn
Commissioner, City of Parkland

VICE CHAIR:

The Honorable NanDrycka King Albert
Councilwoman, City of Midway

MEMBERS:

Chevelle Addie
Village Clerk, Village of Wellington

Robert Anderson
Battalion Chief, City of Fort Walton Beach

The Honorable Kyle Battie
Vice Mayor, City of Sarasota

Michael Beedie
City Manager, City of Fort Walton Beach

April Beggerow
City Clerk, City of Plantation

The Honorable Pat Bentley
Councilmember, City of West Melbourne

The Honorable Matt Benton
Commissioner, City of Winter Springs

The Honorable Sandra Bradbury
Mayor, City of Pinellas Park

The Honorable Pat Brayton
Mayor, City of Brooksville

George Brown

Deputy City Manager, City of Boca Raton

The Honorable Shirley Brown
Commissioner, City of Alachua

Lakisha Burch
Town Clerk, Town of Loxahatchee Groves

Rosemarie Call
City Clerk, City of Clearwater

The Honorable Joy Carter
Commissioner, City of Coral Springs

The Honorable Ivan Chavez
Commissioner, City of West Miami

Savannah Cobb
Deputy Town Clerk, Town of Longboat Key

Michael Connor
Chief of Police, Indian River Police Department

Ed Cook
City Manager, City of Callaway

Keith Davis
President, Davis & Associates, P.A.

The Honorable Brad Doyle
Councilmember, Town of Hypoluxo

Dr. Brenda Fettrow
City Manager, City of Rockledge

The Honorable Robert Fite
Vice Mayor, City of Bowling Green

The Honorable Mark Franks
Mayor, Town of Shalimar

The Honorable Mac Fuller

Commissioner, City of Lake Alfred

Elizabeth Garcia-Beckford

City Clerk, City of North Lauderdale

Lee Garner

Town Manager, Town of Sneads

Ella Gilbert

Deputy City Attorney, City of Port St. Lucie

The Honorable Kimberly Glas-Castro

Vice Mayor, Town of Lake Park

The Honorable Sandy Golding

Councilwoman, City of Jacksonville Beach

Christian Gowan

City Clerk, City of Winter Springs

Angelia Guy

City Clerk, City of Dade City

Leslie Guyer

City Clerk, City of Gulf Breeze

The Honorable Janice Hart

Mayor, Town of Havana

Christopher Hawks

Intergovernmental Relations Coordinator, City of Largo

Sherry Henderson

Town Clerk, Town of Hillsboro Beach

The Honorable Janet Hernandez

Councilmember, Village of Indiantown

Rob Hernandez

City Manager, City of Cape Coral

David Hooker

Code Compliance Manager / Fire Inspector, Town of Ponce Inlet

The Honorable Denise Horland

Council President, City of Plantation

Traci Houchin

City Clerk, City of Sanford

The Honorable Anne Huffman

Mayor, City of Haines City

Adnan Javed

Development Manager, Mott MacDonald

The Honorable Sabrina Javellana

Commissioner, City of Hallandale Beach

The Honorable Shirley Johnson

Commissioner, City of Delray Beach

Vanessa Joseph

City Clerk, City of North Miami

Amber LaRowe

City Clerk, City of St. Pete Beach

The Honorable Sarah Malega

Commissioner, City of Lake Worth Beach

Lori McWilliams

Village Clerk, Village of Tequesta

The Honorable Mike Miller

Commissioner, City of Cocoa Beach

The Honorable Nancy Miller

Mayor, City of Daytona Beach Shores

The Honorable KaShamba Miller-Anderson

Councilperson, City of Riviera Beach

The Honorable Yvonne Minus

Councilmember, City of Melbourne

Marcia Monserrat

Chief of Legislative and External Affairs, City of Miami Beach

The Honorable Dominick Montanaro

Councilman, City of Satellite Beach

Cheryl Mooney

City Clerk, City of Temple Terrace

Alyson Morales

City Clerk, City of Parkland

Brian Moree

City Manager, City of Atlantis

Marcia Morin

Executive Assistant to the Council, City of Cooper City

The Honorable Clara Murvin

Commissioner, City of Pahokee

The Honorable Christopher Nunn

Councilmember, City of Sebastian

The Honorable Bernard Oder

Councilmember, City of Mary Esther

The Honorable Jim Olliver

Vice Mayor, City of Seminole

The Honorable Nicholas Pachota

Vice Mayor, City of Venice

Krystal Patterson

Director of Code Compliance, City of North Miami

The Honorable Tyler Payne

Mayor, City of Treasure Island

Richard Radcliffe

Executive Director, Palm Beach County League of Cities

The Honorable Mary Richardson

Vice Mayor, Town of Dundee

The Honorable Jamie Robinson

Commissioner, City of Largo

The Honorable Cal Rolfson

Councilmember, City of Mount Dora

The Honorable Greg Ross

FLC First Vice President, City of Cooper City

The Honorable Seth Salver

Vice Mayor, Village of Bal Harbour

The Honorable Arlene Schwartz

Commissioner, City of Margate

The Honorable Robert Shalhoub

Vice Mayor, Town of Lake Clarke Shores

Brian Sherman

Partner, Goren, Cherof, Doody, & Ezrol P.A.

The Honorable Iris Siple

Commissioner, City of Pembroke Pines

The Honorable Holly Smith

Mayor, City of Sanibel

The Honorable Suzy Sofer

Commissioner, City of Belleair Bluffs

Mike Staffopoulos

City Manager, City of Jacksonville Beach

The Honorable Susan Starkey

Councilmember, Town of Davie

The Honorable Sarah Stoeckel

Councilmember, City of Titusville

The Honorable Fabiola Stuyvesant

Commissioner, City of Sunny Isles Beach

Douglas Thomas

Executive Vice President - Recruitment and Leadership Development, Strategic Government Resources/Florida Business Watch

The Honorable Kenneth Thurston

Mayor, City of Lauderhill

Mary Lou Tighe

Executive Director, Broward League of Cities

The Honorable John Tornga

Commissioner, City of Dunedin

The Honorable Marlene Wagner

Vice Mayor, Town of Lake Hamilton

**The Honorable Teresa Watkins
Brown**

Councilwoman, City of Fort Myers

The Honorable Lori Wurtzel

Councilmember, City of Maitland

Stefen Wynn

City Manager, City of Neptune Beach



Policy Development Process

2022-2023 FLC Legislative Policy Process

The Florida League of Cities' (FLC) Charter and Bylaws specify that the League shall engage only on legislation that pertains directly to "municipal affairs." "Municipal affairs" means issues that directly pertain to the governmental, corporate and proprietary powers to conduct municipal government, perform municipal functions, render municipal services, and raise and expend revenues. Protecting Florida's cities from egregious far-reaching attacks on Home Rule powers will always be the top priority.

Each year, municipal officials from across the state volunteer to serve on the League's legislative policy committees. Appointments are a one-year commitment and involve developing the League's Legislative Action Agenda. The Action Agenda addresses priority issues of statewide interest that are most likely to affect daily municipal governance and local decision-making during the upcoming legislative session.

Policy committee members also help League staff understand the real-world implications of proposed legislation, and they are asked to serve as advocates throughout the year. To get a broad spectrum of ideas and better understand the impact of League policy proposals on rural, suburban and urban cities of all sizes, it is ideal that each of Florida's cities be represented on one or more of the legislative policy committees.

The Florida Legislature convenes the 2023 Legislative Session on March 7. The League's legislative policy committee meetings commence in September 2022 and meet three times.

There are currently five standing *legislative policy committees*:

Finance, Taxation and Personnel Committee: This committee addresses municipal roles in general finance and tax issues, Home Rule revenues, infrastructure funding, insurance, local option revenues, pension issues, personnel and collective bargaining issues, revenue sharing, tax and budget reform, telecommunications and workers' compensation.

Land Use and Economic Development Committee: This committee addresses policies specific to municipal concerns with community redevelopment, economic development, growth management and land use planning issues, annexation, eminent domain, tort liability, property rights and ethics.

Municipal Administration Committee: This committee addresses municipal concerns with code enforcement, elections, emergency management, gaming, homeland security, public meetings, public property management, public records, public safety and procurement, as well as charter counties and special districts.

Transportation and Intergovernmental Relations Committee: This committee addresses municipal concerns relating to transportation and highway safety, as well as aviation, affordable housing (and homelessness), billboards, building codes, charter schools, rights-of-way and veterans affairs.

Utilities, Natural Resources and Public Works Committee: This committee addresses policies specific to municipal concerns with coastal management, energy, environmental and wetlands permitting, hazardous and toxic wastes, recycling, solid waste collection and disposal, stormwater, wastewater treatment and reuse, water management and water quality and quantity.

At the last meeting, each of the five policy committees adopts ONE legislative priority that will be submitted to the Legislative Committee. The Legislative Committee is composed of:

- ▶ Each legislative policy committee chair and the chairs of the other standing committees
- ▶ The President of each local and regional league
- ▶ The Presidents of several other municipal associations
- ▶ Chairs of the municipal trust boards
- ▶ Several at-large members appointed by the FLC President.

The policy priorities, as adopted by the Legislative Committee, are then recommended to the general membership for approval as the League's Legislative Action Agenda.

In addition, a legislative policy committee may, but is not required to, recommend ONE policy position related to other relevant legislative issues. The policy position must satisfy the same criteria above for legislative priorities. The recommended policy position will be considered by the Legislative Committee. If favorably considered by that committee, it will be considered by the general membership. If adopted by the general membership, the policy position may be published and communicated to legislators and others, as appropriate.

Due to Sunshine Law issues, only one elected official per city can be represented on a committee, but a city could have an elected and a non-elected city official on each of the five policy committees. Appointments are made by the League president based upon a city official's support and advocacy of the Legislative Action Agenda and participation at meetings, Legislative Action Days and other legislative-related activities.

2022 Legislative Policy Committee Meeting Dates

- ▶ September 16, 2022, 10:00 a.m. to 2:00 p.m. at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.
- ▶ October 7, 2022, 10:00 a.m. to 2:00 p.m. at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.
- ▶ December 1, 2022, during the FLC Legislative Conference at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.

If you are interested in serving or learning more, please contact Mary Edenfield at 850.701.3624 or medenfield@flcities.com.



Short Term Rentals



Short-Term Rentals

Draft Statement:

The Florida League of Cities SUPPORTS legislation that restores authority to local governments for the regulation of short-term rental properties as necessary for quality of life, public safety and a fair lodging marketplace. The Florida League of Cities SUPPORTS legislation clarifying that existing, grandfathered municipal short-term rental ordinances can be amended without penalty. The Florida League of Cities OPPOSES legislation that preempts municipal authority as it relates to the regulation of short-term rental properties.

Background:

- Cities were preempted from regulating short-term vacation rentals in 2011. Cities with an existing ordinance at that time were “grandfathered” and allowed to keep what was already in place.
- Cities without an ordinance lost the ability to regulate the location of these properties resulting in a proliferation of short-term rentals in areas that had traditionally been long-term residential neighborhoods.
- Currently available solutions for cities are inadequate and will not solve the problems that many communities are facing.
- The restoration of zoning authority will allow cities to implement smart, targeted solutions to problems caused by vacation rentals and will ensure the preservation of traditional residential communities and neighborhoods.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 512

INTRODUCER: Community Affairs Committee and Senator Burgess

SUBJECT: Vacation Rentals

DATE: February 3, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 512 revises the regulation of vacation rentals. A vacation rental is a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests. Vacation rentals are licensed by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR). Current law does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

The bill permits “grandfathered” local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. The bill does not affect vacation rental ordinances in jurisdictions located in an area of critical state concern.

Under the bill, a local government may require vacation rentals to be registered. The registration fee may not exceed \$50 for an individual or \$100 for a collective vacation rental registration. A local government may impose a fine for failure to register a vacation rental. The bill establishes limits for a local government registration program, including requiring a vacation rental owner to obtain any required tax registrations, pay all recorded municipal or county code liens, and designate a responsible person who is available 24/7 to respond to complaints. A local

government may adopt parking and garbage requirements so long as those standards are not imposed solely on vacation rentals. Additionally, the bill requires local governments to accept or deny a registration application within 15 days of receipt of an application. The bill authorizes the division to issue temporary licenses to permit the operation of the vacation rental while the license application is pending.

The bill permits a local government to terminate a local registration for violations of local registration requirements. The bill also authorizes the division to revoke or suspend state vacation rental licenses for violations of local registration requirements and violations of community association property restrictions.

The bill preempts the regulation of advertising platforms to the state. An advertising platform is a person who electronically advertises a vacation rental to rent for transient occupancy, maintains a marketplace, and a reservation or payment system.

The bill requires the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to include the property's vacation rental license number issued by the DBPR and the local registration number on the vacation rental's advertisement, and attest that, to the best of their knowledge, those numbers are current, valid, and accurate. The vacation rental property owner or operator must display this tax and licensure information inside the vacation rental property.

The bill requires an advertising platform to display the vacation rental license number and the local registration number of each property that advertises on its platform. The advertising platform must verify the validity of the vacation rental's license number before it publishes the advertisement and must perform ongoing checks every calendar quarter thereafter. To facilitate this verification, the division must maintain vacation rental license information in a readily accessible electronic format by July 1, 2023. The advertising platform must remove from public view any advertisement or listing that fails to display a valid vacation rental license number.

Advertising platforms are required by the bill to collect and remit any taxes imposed under chapters 125, 205, and 212, F.S., that result from payment for the rental of a vacation rental property on its platform. The bill allows platforms to exclude service fees from the taxable amount if the platforms do not own, operate, or manage the vacation rental. It allows the division to take enforcement action for noncompliance.

Additionally, the bill:

- Authorizes the division to fine an advertising platform an amount not to exceed \$1,000 for a violation of the provisions in the bill or rules of the division;
- Requires advertising platforms to adopt anti-discrimination policies and to inform users of the public lodging discrimination prohibition found in section 509.092, Florida Statutes;
- Provides that the advertising platform requirements in the bill do not create a private right of action against advertising platforms;
- Allows the Department of Revenue to adopt emergency rules for six months which may be renewed until permanent rules are adopted;
- Provides that its terms do not supersede any current or future declaration or covenant for condominium, cooperative, or homeowners' associations; and

- Requires a sexual offender or predator to register at the local sheriff's office no later than 5:00 p.m., 24 hours after establishing a temporary residence in a vacation rental.

The Revenue Estimating Conference determined that the provisions in the bill that require advertising platforms to collect and remit state and local sales taxes have no fiscal impact.

The bill takes effect upon becoming a law. However, the provisions relating to the regulation of advertising platforms take effect January 1, 2023.

II. Present Situation:

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and nontransient public lodging establishments.¹ The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. (emphasis supplied)

A “nontransient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests for periods of at least 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month. (emphasis supplied)

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

¹ Section 509.013(4)(a), F.S.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or one calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than one calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;
5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895, F.S.;
6. Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public;
8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

A public lodging establishment is classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.²

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

...any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

² Section 509.242(1), F.S.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.³ The division may issue a vacation rental license for “a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively.”⁴ The division does not license or regulate the rental of individual rooms within a dwelling unit based on the roominghouse and boardinghouse exclusion from the definition of public lodging establishment in s. 509.013(4)(b)9., F.S.⁵

The 48,226 public lodging establishment licenses issued by the division are distributed as follows:⁶

- Hotels – 2,238 licenses;
- Motels – 2,446 licenses;
- Nontransient apartments – 18,117 licenses;
- Transient apartments – 873 licenses;
- Bed and Breakfast Inns – 259 licenses;
- Vacation rental condominiums – 10,224 licenses;
- Vacation rental dwellings – 19,306 licenses; and
- Vacation rental timeshare projects – 29 licenses.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and nontransient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.⁷ The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2020-2021, the division received 306 consumer complaints regarding vacation rentals. In response to the complaints, the division’s inspection confirmed a violation for 31 of the complaints.⁸

The division’s inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other

³ Fla. Admin. Code R. 61C-1.002(4)(a)1.

⁴ The division further classifies a vacation rental license as a single, group, or collective license. *See* Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.

⁵ *See* s. 509.242(1)(c), F.S., defining the term “vacation rental.”

⁶ Department of Business and Professional Regulation, Division of Hotels and Restaurants Annual Report for FY 2020-2021 at page 8, available at http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2020_21.pdf (last visited Jan. 3, 2022). The total number of licenses for each classification include single licenses and group and collective licenses that cover multiple condominium units, dwellings, and timeshare projects.

⁷ Section 509.032(2)(a), F.S.

⁸ *Supra* at note 6.

general safety and regulatory matters.⁹ The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,¹⁰ which relates to a public lodging establishment.¹¹

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.¹²

Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.¹³

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.¹⁴

Legislative History

In 2011, the Legislature preempted certain vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or

⁹ See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at:

<https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited Jan. 3, 2022).

¹⁰ Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

¹¹ Section 509.032(2)(d), F.S.

¹² See ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Jan. 3, 2022).

¹³ Section 509.032(7)(a), F.S.

¹⁴ See s. 163.3164(43), F.S., which provides that the state land planning agency is the Department of Economic Opportunity.

- Regulated vacation rentals based solely on their classification, use, or occupancy.¹⁵

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.¹⁶

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.¹⁷ Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use, or occupancy.”¹⁸

Attorney General Opinions

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.¹⁹ According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, established in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

The Attorney General also issued an opinion on November 13, 2014, to the City of Wilton Manors, concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals that fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.²⁰

In addition, the Attorney General issued an advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed zoning ordinance.²¹ The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a

¹⁵ Chapter 2011-119, Laws of Fla.

¹⁶ *Id.*

¹⁷ Chapter 2014-71, Laws of Fla. (codified in s. 509.032(7)(b), F.S.).

¹⁸ *Id.*

¹⁹ Florida Attorney General, *Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding Vacation Rental Operation-Local Ordinances*, Oct. 22, 2013, (on file with the Senate Committee on Regulated Industries).

²⁰ Op. Att’y Gen. Fla. 2014-09, *Vacation Rentals - Municipalities - Land Use* (November 13, 2014), available at <http://www.myfloridalegal.com/ago.nsf/printview/5DFB7F27FB483C4685257D900050D65E> (last visited Jan. 3, 2022).

²¹ Op. Att’y Gen. Fla. 2016-12, *Municipalities - Vacation Rentals – Preemption* - <http://www.myfloridalegal.com/ago.nsf/Opinions/1F9A7D9219CF89A3852587AB006DDC58> (last visited Jan. 3, 2022).

municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.²²

The Attorney General also opined that amending an ordinance that was enacted prior to June 1, 2011 will not invalidate the grandfather protection for the parts of the ordinance that are reenacted.²³ The new provisions would be preempted by state law if they revise an ordinance in a manner that would regulate the duration or frequency of rental of vacation rentals, even when the new regulation would be considered “less restrictive” than the prior local law.

Public Lodging Non-Discrimination Law

Section 509.092, F.S., prohibits an operator of a public lodging establishment from denying service or offering lesser quality accommodations to a person based upon his or her race, creed, color, sex, pregnancy, physical disability, or national origin. An aggrieved person may file a complaint pursuant to s. 760.11, F.S., of the Florida Civil Rights Act. Such complaints are mediated, investigated, and determined by the Florida Commission on Human Relations.²⁴

Florida’s Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of one or more specified sex offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.²⁵ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. Generally, the sexual predator or offender must register with the sheriff 48 hours after being released from prison or otherwise establishing residence in Florida. The laws span several different chapters and numerous statutes²⁶ and are implemented through the combined efforts of the Florida Department of Law Enforcement (FDLE), all Florida sheriffs, the Florida Department of Corrections (FDC), the Department of Juvenile Justice (DJJ), the Department of Highway Safety and Motor Vehicles, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;²⁷
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.²⁸

²² *Id.*

²³ Op. Att’y Gen. Fla. 2019-07, *Vacation rentals, municipalities, grandfather provisions* (August 16, 2019) available at <http://www.myfloridalegal.com/ago.nsf/Opinions/933B3706FADB00CA85258458006F4CFA> (last visited Jan. 3, 2022).

²⁴ See Florida Commission on Human Relations, *Public Accommodations*, <https://fchr.myflorida.com/public-accommodations> (last visited Jan 3, 2022).

²⁵ Sections 775.21 and 943.0435, F.S.

²⁶ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

²⁷ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

²⁸ Sections 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification requirements in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.²⁹

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.³⁰ Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the FDC's control or custody, under the FDC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, and travel.

A sexual predator or offender must register at the sheriff's office in the county where he or she establishes or maintains a residence within 48 hours after establishing or maintaining a residence.³¹

The FDLE, through its agency website, provides a searchable database that includes some of this information.³² Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

²⁹ Sections 943.0435(1)(h), 985.4815(1)(h), 944.606(1)(f), and 944.607(1)(f), F.S., address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

³⁰ All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register under s. 943.0435(1)(h)1.d., F.S., for certain offenses must reregister four times per year (in the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). *See* ss. 775.21(8)(a), 943.0435(14)(b), 944.607(13)(a), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (in the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

³¹ Sections 775.21(6)(e)1.a. and 943.0435(2)(a)1., F.S., providing registration requirements for sexual predators and offenders, respectively.

³² The FDLE is the central repository for registration information, and also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. *See* <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on Jan. 3, 2022).

Residence Definitions

Section 775.21, F.S., defines the terms “permanent residence,” “temporary residence,” and “transient residence” for the purpose of reporting residence information. Section 943.0435, F.S., also uses these definitions.³³

“Permanent residence” means a place where the person abides, lodges, or resides for three or more consecutive days.³⁴

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of three or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.³⁵

“Transient residence” means a county where a person lives, remains, or is located for a period of three or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.³⁶

III. Effect of Proposed Changes:**Preemptions**

The bill amends s. 509.032(7), F.S., to preempt the regulation of advertising platforms to the state. The bill also amends s. 509.032(7), F.S., to preempt the licensing of vacation rentals to the state.

The bill permits any “grandfathered” local law, ordinance, or regulation adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. Additionally, a local government that had such a grandfathered regulation on June 1, 2011, may pass a new, less restrictive ordinance.

Definition of “Advertising Platform”

The bill creates s. 509.013(17), F.S., to define the term “advertising platform.” Under the bill, an advertising platform:

- Provides an online application, software, website, or system through which a vacation rental located in this state is advertised or held out to the public as available to rent for transient occupancy;
- Provides or maintains a marketplace for the renting by transient occupancy of a vacation rental; and

³³ Sections 775.21(2)(k), (n), and (o) and 943.0435(1)(f), F.S.

³⁴ Section 775.21(2)(k), F.S.

³⁵ Section 775.21(2)(n), F.S.

³⁶ Section 775.21(2)(o), F.S.

- Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the person collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction.

Local Registration of Vacation Rentals

Under the bill, a local government may require vacation rentals to be registered. The registration fee may not exceed \$50 for processing an individual registration application, or \$100 for processing a collective registration application. A local government may impose a fine for failure to register a vacation rental.

The bill establishes limits for a local government registration program. A local registration program may only require an owner or operator of a vacation rental to:

- Register no more than once per year; however, a new owner may be required to submit a new application for registration;
- Submit identifying information;
- Obtain any required tax registrations,
- Obtain a vacation rental license from the division within 60 days of after local registration;
- Obtain all required tax registrations, receipts, or certificate issued by the Department of Revenue, a county, or a municipal government;
- Update required information on a continuing bases to be current;
- Comply with parking standards and solid waste handling and containment requirements so long as such standards are not imposed solely on vacation rentals;
- Designate a responsible person who is available at all times to respond to complaints by telephone; and
- Pay all recorded municipal or county code liens.

Additionally, the bill requires local governments to accept or deny a registration application within 15 days of receipt of an application. The vacation rental owner or operator may agree to an extension of this time period. Such notice may be provided by mail or electronically.

If a local government denies an application, the notice of denial may be sent by United States mail or electronically. The notice must state with particularity the factual reasons for the denial and the applicable portions of an ordinance, rule, statute, or other legal authority for the denial. A local government cannot deny a registration application if the applicant cures the identified deficiency.

Upon the acceptance of a registration application, the local government must assign a unique registration number to the vacation rental or other indicia of registration and provide such registration number or other indicia of registration to the owner or operator of the vacation rental in writing or electronically.

The bill authorizes a local government to terminate a registration or to refuse to renew a registration when:

- The operation of the subject premises violates a local law, ordinance, or regulation;

- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

Additionally, a local government may withdraw its acceptance of a registration on the basis of an unsatisfied recorded municipal or county code lien.

Regulation of Vacation Rentals by the Division

The bill amends s. 509.241(2), relating to the license application process for vacation rentals, to require application for a vacation rental license to include the local registration number, if applicable. Additionally, the bill authorizes the division to issue temporary licenses to permit the operation of the vacation rental while the license application is pending.

The bill also amends s. 509.241(3), F.S., to require the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to display the vacation rental license number and local registration number, if applicable.

The bill amends s. 509.261, F.S., to authorize the division to revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a vacation rental license when:

- The operation of the subject premises violates the terms of an applicable lease or property restriction, including any property restriction adopted pursuant to chs. 718, 719, or 720, F.S.,³⁷
- The owner or operator fails to provide proof of registration, if required by local law, ordinance, or regulation;
- The registration of the vacation rental is terminated by a local government as provided in s. 509.032(7)(b)5;
- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

Under the bill, the division may suspend for a period of not more than 30 days a vacation rental license when the owner or operator has been found by the code enforcement board to have committed two or more code violations related to the vacation during a period of 90 days. The division shall issue a written warning or notice and provide an opportunity to cure a violation before commencing any legal proceeding.

Requirements for Advertising Platforms

Effective January 1, 2023, the bill creates s. 509.243, F.S., to provide requirements, including tax collection and remittance requirements for an advertising platform.

Advertising and Reporting Requirements

Under the bill, an advertising platform must:

- Require that a person who places an advertisement for the rental of a vacation rental to:

³⁷ Chapters 718, 719, or 720, F.S., relate to the regulation and governance of condominium, cooperative, and homeowners' associations, respectively.

- Include the vacation rental license number and the local registration number, if applicable; and
- Attest to the best of their knowledge that the license number and the local registration number, if applicable, for the vacation rental property are current, valid, and accurately stated in the advertisement.
- Effective July 1, 2023, display the vacation rental license number in all advertisements after it has first verified the vacation rental property's license number with the DBPR, and then re-verify the license number on a quarterly basis.
- Remove from public view an advertisement or listing from its online application, software, website, or system within 15 business days after being notified by the division in writing that the subject advertisement or listing for the rental of a vacation rental located in this state fails to display a valid license number issued by the division.
- Adopt an anti-discrimination plan and inform its users of the public lodging discrimination prohibition found in s. 509.092, F.S.

By July 1, 2023, the division must maintain vacation rental license information in a readily accessible electronic format sufficient to facilitate prompt compliance.

The bill provides processes for the division to issue a cease and desist order for any person who violates ch. 509, F.S. The bill authorizes the division to seek an injunction or a writ of mandamus to enforce a cease and desist order. If the Department of Business and Professional Regulation (DBPR) is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, F.S., it is entitled to collect its attorney fees and costs, together with any cost of collection.

The bill authorizes the division to fine an advertising platform an amount not to exceed \$1,000 for a violation of the provisions in the bill or rules of the division.

The bill provides that the advertising platform requirements in the bill do not create a private right of action against advertising platforms.

Tax Collection and Reporting Requirements

The bill creates s. 509.243(4), F.S., to require advertising platforms to collect and remit taxes due under ss. 125.0104,³⁸ 125.0108,³⁹ 205.044,⁴⁰ 212.03,⁴¹ 212.0305,⁴² and 212.055, F.S.,⁴³ resulting from the reservation of a vacation rental property and payment therefor through an advertising platform.

The bill also amends s. 212.03(3), F.S., to include the tax collection and remittance requirements for advertising platforms within ch. 212, F.S., and to:

³⁸ Section 125.0104, F.S., relates to the local option tourist development tax.

³⁹ Section 125.0108, F.S., relates to the tourist impact tax in areas within a county designated as an area of critical state concern.

⁴⁰ Section 205.044, F.S., relates to the merchant business tax measured by gross receipts.

⁴¹ Section 212.03, F.S., relates to the transient rentals tax.

⁴² Section 212.0305, F.S., relates to convention development taxes.

⁴³ Section 212.055, F.S., relates to discretionary sales taxes.

- Provide that the taxes an advertising platform must collect and remit are based on the total rental amount charged by the owner or operator for use of the vacation rental.
- Exclude service fees from the calculation of taxes remitted by an advertising platform to the Department of Revenue (DOR), unless the advertising platform owns, is related to, operates, or manages the vacation rental.
- Require the DOR and other jurisdictions to allow advertising platforms to register, collect, and remit such taxes.

The bill also amends s. 509.013, F.S., to define the term “merchant business taxes” as the tax imposed under s. 205.044, F.S. The bill includes the merchant business tax numbers as one of the tax account number vacation rental owners or operators must include in their advertisement on an advertising platform and as one of the taxes advertising platforms must collect and remit.

The bill authorizes the DOR to adopt emergency rules, which are effective for six months and may be renewed until permanent rules are adopted. This emergency rulemaking authority expires on January 1, 2023.

Sexual Predators and Offenders Registration

The bill amends s. 775.21, F.S., to redefine the term “temporary residence” in the context of sexual predator or offender registration requirements, to mean lodging in a vacation rental for 24 hours or more. Under current law, a sexual offender or predator must register at the local sheriff’s office no later than 5:00 p.m., 48 hours after establishing a temporary residence in a vacation rental.

Community Associations

The bill provides that the application of vacation rental provisions created by the bill do not supersede any current or future declaration or declaration of condominium, cooperative documents, or declaration of covenants or declaration for a homeowners’ association.

Effective Date

The bill takes effect upon becoming a law. However, the provisions of s. 509.243, F.S., relating to advertising platforms, take effect January 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, Section 19 of the Florida Constitution requires a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”

Article VII, Section 19 of the Florida Constitution also requires that a tax or fee raised by the Legislature must be approved by two-thirds of the membership of each house of the Legislature.

The bill does not impose or authorize a state tax or fee. The bill provides that a local government may not require a registration fee of more than \$100. Under the bill, a local government is not required to charge a registration fee.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference determined that the provisions in the bill that require advertising platforms to collect and remit state and local sales taxes have no fiscal impact.⁴⁴

B. Private Sector Impact:

Indeterminate. Vacation rental owners may incur local registration costs of up to \$100 if the local government in which the vacation rental is located adopts an ordinance, law, or regulation consistent with the provisions of this bill.

C. Government Sector Impact:

The DBPR estimates a cost of \$497,671 (\$435,974 recurring) to the Hotel and Restaurant Trust Fund and a need of six full-time positions (FTEs).⁴⁵

According to the Florida Department of Law Enforcement (FDLE), amending the definition of “temporary residence” to include a vacation rental where a person lodges for

⁴⁴ Revenue Impact Results, Revenue Estimating Conference, November 5, 2021.

⁴⁵ Department of Business and Professional Regulation, *2022 Agency Legislative Bill Analysis for SB 512*, at 6 (Oct. 15, 2021) (on file with the Senate Committee on Regulated Industries).

24 hours or more will lead to a “substantial increase” in the number of sexual predators and offenders required to complete a registration.⁴⁶ The increase of registrations could potentially impact the workload associated with the Florida Sexual Offender and Predator Registry and require programmatic changes to FDLE’s technology systems. The FDLE anticipates the need for four additional FTEs and additional costs related to updating to the programing for the registry for a total cost of \$693,730 and \$319,750 recurring to implement provisions of the bill.⁴⁷

Local governments may see an increase in revenue from the local registration fee of up to \$100.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill amends s. 775.21, F.S., to require a sexual offender or predator to register at the local sheriff’s office no later than 5:00 p.m., 24 hours after establishing a temporary residence in a vacation rental. Under current law, a sexual offender or predator must register at the local sheriff’s office no later than 5:00 p.m., 48 hours after establishing a temporary residence in a vacation rental.

The FDLE has expressed “significant concerns”⁴⁸ with this provision in the bill. The FDLE notes that sexual offender and predator registration is a civil and regulatory process, not punishment. Its purpose is to protect the public by providing information and serving as an investigative tool for law enforcement. If the impact on sexual predator and offender registration is viewed as punishment or intended to prevent or limit the ability of sexual offenders and predators to travel freely within the state, the FDLE advises that these concerns may lead to significant litigation, in an area of law that has been closely examined and vetted through the courts and upheld as constitutional. Such litigation may jeopardize constitutionality, and therefore the viability, of Florida sexual offender and predator registration laws.⁴⁹

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 159.27, 212.03, 212.08, 316.1955, 404.056, 477.0135, 509.013, 509.032, 509.241, 509.261, 509.221, 553.5041, 559.955, 705.17, 705.185, 717.1355, 775.21, and 877.24.

⁴⁶ Florida Department of Law Enforcement, *2022 Agency Legislative Bill Analysis for SB 512*, at 3 (Nov. 15, 2021) (on file with the Senate Committee on Regulated Industries).

⁴⁷ *Id.*

⁴⁸ *Id.* at 5.

⁴⁹ *Id.*

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on February 2, 2022:

The CS:

- Permits local governments who had a grandfathered vacation rental ordinance on June 1, 2011, to adopt another grandfathered ordinance after that date, if the new ordinance is less restrictive than the original grandfathered ordinance.
- Permits local governments to charge a fee of no more than \$50 for an individual vacation rental registration or \$100 for a collective vacation rental registration.
- Clarifies that local governments may send registration application notices, including acceptance or denial notices, by U.S. Mail or electronically.
- Clarifies that the state may suspend a vacation rental license for a period of no more than 30 days if owner or operator has been found by the local code enforcement board to have two or more code violations.

B. Amendments:

None.



Financial Disclosures



Financial Disclosure

Draft Statement:

Option A

The Florida League of Cities seeks to protect existing financial disclosure requirements for municipal officials.

Option B

The Florida League of Cities OPPOSES legislation that places additional financial disclosure requirements on elected municipal officials and managers currently employed or in office. Florida's cities fully support transparency; however, this new requirement can be a deterrent for many when deciding to run for local elected office or begin employment as a City Manager. This new requirement was not in place when many entered municipal service and should not be implemented mid-term.

Option C

The Florida League of Cities SUPPORTS maintaining the current CE Form-1 financial disclosure requirement for municipal elected officials and managers currently in office. The existing financial disclosure requirement provides the appropriate level of transparency and accountability for the position being held.

Option D

The Florida League of Cities SUPPORTS maintaining the current CE Form-1 financial disclosure requirement for local officers. The current financial disclosure requirement provides the appropriate level of transparency and accountability for the office being held/sought. Changes to current law, which would require local officers to file Form-6 financial disclosure, will serve as a deterrent for many when deciding to enter municipal service and lead to the departure of good public servants already serving Florida's cities.

Background:

- Current law requires many elected officials and constitutional officers to file a full and public disclosure (Form-6) of their financial interests. This includes statewide elected officials, legislators, state attorneys, public defenders, constitutional officers, county commissioners, school board members and superintendents, as well as certain judges and specified state board members.
- Current law requires local elected officers to file a less detailed statement of financial interest (Form-1). This requirement was created specifically for local elected officials

and has been in place for almost four decades. Many local elected officials serve in a part-time, volunteer capacity compared to higher offices.

- This additional requirement can serve as a deterrent for many when deciding to run for office or begin employment as a city manager. This could also lead to the departure of good public servants currently serving in Florida's municipalities.
- Legislation filed during the 2022 legislative session, SB 510 (Brodeur) and HB 301 (Roach) would have required all mayors, elected members of a municipal council, as well as city and county managers to file the full financial disclosure, Form-6 beginning January 1, 2024

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"A Public Office is a Public Trust"

MEMORANDUM

TO: All Interested Persons

FROM: Kerrie Stillman, Executive Director

SUBJECT: Legislative Recommendations for 2023

DATE: September 14, 2022

For 2023, the Commission on Ethics makes the following recommendations regarding legislative changes to the Code of Ethics for Public Officers and Employees (Code of Ethics).

Conflicts of Interest

Section 112.313(7)(a), Florida Statutes, prohibits a public officer or employee from having a contractual relationship with a company doing business with the official's own agency. So City Councilman A cannot contract with Business B, if Business B is doing business with his City. But if Councilman A creates "A, Inc.," that corporation can do business with Business B without violating the law, even if "A, Inc.," is solely owned by Councilman A. The Commission has seen this as thwarting the underlying goal of the law, which is to prevent officials from having relationships with companies doing business with their agencies.

Voting Conflicts Law

Under current law, Section 112.3143, Florida Statutes, state and local *elected* officials can participate in the discussion of a measure in which they have a conflict without revealing the existence of that conflict until the vote is actually taken. This means the official can make every effort to persuade his or her colleagues without telling them (and the public) about the conflict.

Appointed officials, in contrast, must declare their conflict before participating in the discussion of the measure. Elected officials should have to adhere to the same standard.

In addition, state officers only have to abstain if the measure helps or hurts them personally. Unlike local officials, they do not have to abstain when the measure benefits their employer, relative, etc.

The Commission has expressed that the voting conflict standard should be the same for everyone, whether the official is appointed or elected and whether the official is a state or local official; and that the exemption from using the Commission's conflict disclosure form applicable only to Legislators be eliminated.

Enhanced Financial Disclosure for Local Elected Officials

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population or revenue of the municipality.

Dismissal of Complaints Alleging de minimis Financial Disclosure Violations

Section 112.324(11), Florida Statutes, currently allows the Commission to dismiss complaints alleging de minimis violations attributable to inadvertent or unintentional error, except for financial disclosure complaints. The Commission believes the statute should be amended to allow for dismissal of financial disclosure complaints, too.

Dismissal of Lobbying Firm Audit matters

Section 112.324(12), Florida Statutes, which allows the Commission to dismiss complaints when it finds that the public interest would not be served by proceeding further on the complaint, currently is not available for dismissal of lobbying firm audit matters under Section 112.3215, Florida Statutes, even when circumstances justify such a dismissal. The Commission recommends amending Section 112.324(12) to allow for dismissal of audit matters.

Increase of Civil Penalties

Currently, Section 112.317, Florida Statutes, provides for a maximum fine of \$10,000 for a violation of the ethics laws. This amount has not been increased since 1994. Due to inflation and seriousness of ethics offenses, the Commission believes the maximum fine amount should be increased.

Whistle Blower-like Protection for Ethics Complainants

The Commission believes that the threat of adverse employment or personnel actions in retaliation for a person's filing of an ethics complaint discourages the filing of valid complaints. Thus, the Commission seeks the enactment of protections or remedies, akin to those in the "Whistle-blower's Act," Sections 112.3187-112.31895, Florida Statutes, for the benefit of ethics complainants.

Ethics Training

Pursuant to the provisions of Section 112.3142(2)(e), Florida Statutes, a constitutional officer or elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which their term of office began. In 2019, the law was amended to require commissioners of community redevelopment agencies to complete 4 hours of ethics training. However, they were not included in the new office or new term of office exemption language contained in Section 112.3142(2)(e), Florida Statutes. As a result, CRA board members are required to take four hours of training regardless of when they take office, even if their start date is near the very end of the year. The Commission believes CRA board members should be added to the exemption language appearing in Section 112.3142(2)(e), Florida Statutes.

Representing Clients Before One's Own Board

The Commission has opinions as early as 1977 and even since 2020 interpreting Section 112.313(7), Florida Statutes, to say, in essence, that if a person serves on a board, he cannot represent clients before that board, and neither can other members of his professional firm. This interpretation is similar to the Rules of Professional Conduct of the Florida Bar, which impute the conflict of one lawyer to all lawyers in the firm. The Commission views this as an important public protection, and opposes any relaxation of this standard.

Gifts, Expenditures, or Compensation from Lobbyists

The Commission opposed HB 1435 and SB 1490 in the 2020 session. These bills, which did not pass, would have allowed donations from lobbyists or their principals, *unlimited in amount*, to certain public employees and appointed public officials if the donations were used toward costs associated with serious injury, disease, or illness of the employee, appointed officer, or his or her child. Such a vast exemption to the gift and expenditure laws, aimed at public officials when they are most vulnerable to undue influence from special interests, would seriously undermine effective restrictions and prohibitions which have protected the public trust for many years. The Commission continues to oppose an unlimited exemption to the gift and expenditure laws.

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1 A bill to be entitled
2 An act relating to financial disclosures; amending s.
3 99.061, F.S.; revising qualification requirements for
4 certain candidates; amending s. 112.3144, F.S.;
5 revising the date by which full and public disclosure
6 of financial interests must be filed electronically;
7 requiring the Commission on Ethics to accept only
8 disclosures in paper form through a specified date;
9 requiring the commission to post a specified notice on
10 its website for a certain timeframe; requiring the
11 commission to accept federal income tax returns,
12 financial statements, and other forms or attachments
13 showing sources of income for a specified purpose;
14 deleting the prohibition on including a federal income
15 tax return or a copy thereof for certain filings;
16 revising the date by which paper forms will no longer
17 be provided; revising the date by which certain
18 notices must be delivered electronically; revising the
19 date by which the commission must provide verification
20 of receiving a disclosure, upon the request of the
21 filer; revising the date by which a written
22 declaration satisfies the condition that the
23 disclosure be sworn; requiring specified local
24 officers to file a full and public disclosure of
25 financial interests; requiring members of the
26 Commission on Ethics and the Florida Elections
27 Commission to file a full and public disclosure of
28 financial interests; amending s. 112.31445, F.S.;
29 requiring the commission to publish a specified notice

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30 regarding electronic filing to filers; requiring the
31 commission to post a specified notice regarding paper
32 forms for a certain timeframe; providing an additional
33 specification for the electronic filing of full and
34 public disclosures; amending s. 112.31446, F.S.;
35 revising minimum requirements for the electronic
36 filing system; amending s. 112.3145, F.S.; requiring
37 certain local officers to file their statements of
38 financial interests with a specified supervisor of
39 elections until a specified date; requiring the
40 electronic filing of certain documents after a
41 specified date; requiring the commission to accept
42 only statements of financial interests, final
43 statements of financial interests, and any amendments
44 thereto, or any other forms submitted in paper form
45 until a specified date; requiring the commission to
46 post a specified notice on its website for a certain
47 timeframe; removing the future prohibition on
48 including a federal income tax return or a copy
49 thereof in a filing; revising the date by which paper
50 forms will no longer be provided; requiring certain
51 delinquency notices to be sent by certified mail until
52 a specified date; prohibiting certain delinquency
53 notices from being sent by certified mail after a
54 specified date; conforming a provision to changes made
55 by the act; amending s. 112.324, F.S.; authorizing the
56 commission to dismiss financial disclosure complaints
57 alleging de minimis violations; authorizing the
58 commission to dismiss specified proceedings at any

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stage of disposition if a certain condition is met;
authorizing the commission to adopt emergency rules
for a specified purpose, subject to specified
conditions; providing for expiration of the emergency
rulemaking authority; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective January 1, 2023, subsection (5) and
paragraph (a) of subsection (7) of section 99.061, Florida
Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to
federal, state, county, or district office.—

(5) At the time of qualifying for office, each candidate
for a constitutional office and each candidate for other
elective office subject to an annual filing requirement under s.
112.3144 shall file a full and public disclosure of financial
interests pursuant to s. 8, Art. II of the State Constitution,
which must be verified under oath or affirmation pursuant to s.
92.525(1)(a), and a candidate for any other office, including
local elective office, shall file a statement of financial
interests pursuant to s. 112.3145. A candidate subject to an
annual filing requirement under s. 112.3144 may submit a
verification or receipt of electronic filing pursuant to s.
112.3144(4). A candidate subject to an annual filing requirement
under s. 112.3145 may file a verification or receipt of
electronic filing pursuant to s. 112.3145(2)(c) unless the
candidate is required to file a full and public disclosure of
financial interests pursuant to s. 8, Art. II of the State

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88 Constitution or this subsection.

89 (7) (a) In order for a candidate to be qualified, the
90 following items must be received by the filing officer by the
91 end of the qualifying period:

92 1. A properly executed check drawn upon the candidate's
93 campaign account payable to the person or entity as prescribed
94 by the filing officer in an amount not less than the fee
95 required by s. 99.092, unless the candidate obtained the
96 required number of signatures on petitions pursuant to s.
97 99.095. The filing fee for a special district candidate is not
98 required to be drawn upon the candidate's campaign account. If a
99 candidate's check is returned by the bank for any reason, the
100 filing officer must ~~shall~~ immediately notify the candidate, and
101 the candidate has ~~shall have~~ until the end of qualifying to pay
102 the fee with a cashier's check purchased from funds of the
103 campaign account. Failure to pay the fee as provided in this
104 subparagraph disqualifies ~~shall disqualify~~ the candidate.

105 2. The candidate's oath required by s. 99.021, which must
106 contain the name of the candidate as it is to appear on the
107 ballot; the office sought, including the district or group
108 number if applicable; and the signature of the candidate, which
109 must be verified under oath or affirmation pursuant to s.
110 92.525(1) (a).

111 3. If the office sought is partisan, the written statement
112 of political party affiliation required by s. 99.021(1) (b); or
113 if the candidate is running without party affiliation for a
114 partisan office, the written statement required by s.
115 99.021(1) (c).

116 4. The completed form for the appointment of campaign

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117 treasurer and designation of campaign depository, as required by
118 s. 106.021.

119 5. The full and public disclosure or statement of financial
120 interests required by subsection (5). A public officer who has
121 filed the full and public disclosure or statement of financial
122 interests with the Commission on Ethics or the supervisor of
123 elections before ~~prior to~~ qualifying for office may file a copy
124 of that disclosure at the time of qualifying or a verification
125 or receipt of electronic filing as provided in subsection (5).

126 Section 2. Paragraph (a) of subsection (1), subsection (2),
127 paragraph (c) of subsection (6), paragraphs (a) and (c) of
128 subsection (7), and subsection (8) of section 112.3144, Florida
129 Statutes, are amended to read:

130 112.3144 Full and public disclosure of financial
131 interests.—

132 (1)(a) An officer ~~who is~~ required by s. 8, Art. II of the
133 State Constitution to file a full and public disclosure of his
134 or her financial interests for any calendar or fiscal year, or
135 any other person required by law to file a disclosure under this
136 section, shall file that disclosure with the Florida Commission
137 on Ethics. Additionally, an officer ~~who is~~ required to file a
138 full and public disclosure of his or her financial interests
139 under this part and to complete annual ethics training pursuant
140 to s. 112.3142 must certify on his or her full and public
141 disclosure of financial interests that he or she has completed
142 the required training.

143 (2) Beginning January 1, 2023 ~~2022~~, all disclosures filed
144 with the commission must be filed electronically through an
145 electronic filing system that is created and maintained by the

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146 commission as provided in s. 112.31446. Through December 31,
147 2022, the commission may accept only disclosures filed in paper
148 form. The commission shall post a notice on its website
149 informing filers that paper forms must be used for filing
150 through December 31, 2022. The commission may not remove the
151 notice until January 1, 2023.

152 (6)

153 (c) Each separate source and amount of income which exceeds
154 \$1,000 must be identified. For the purposes of reporting income,
155 the commission shall accept federal income tax returns,
156 financial statements, and other forms or attachments showing
157 sources of income ~~Beginning January 1, 2022, a federal income~~
158 ~~tax return may not be used for purposes of reporting income, and~~
159 ~~the commission may not accept a federal income tax return or a~~
160 ~~copy thereof.~~

161 (7)(a) Beginning January 1, 2022, a filer may not include
162 in a filing to the commission ~~a federal income tax return or a~~
163 ~~copy thereof;~~ a social security number; a bank, mortgage, or
164 brokerage account number; a debit, charge, or credit card
165 number; a personal identification number; or a taxpayer
166 identification number. If a filer includes such information in
167 his or her filing, the information may be made available as part
168 of the official records of the commission available for public
169 inspection and copying unless redaction is requested by the
170 filer. The commission is not liable for the release of social
171 security numbers or bank account, debit, charge, or credit card
172 numbers included in a filing to the commission if the filer has
173 not requested redaction of such information.

174 (c) The commission must conspicuously post a notice, in

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175 substantially the following form, in the instructions for the
176 electronic filing system specifying that:

177 1. Any filer submitting information through the electronic
178 filing system may not include ~~a federal income tax return or a~~
179 ~~copy thereof~~; a social security number; a bank, mortgage, or
180 brokerage account number; a debit, charge, or credit card
181 number; a personal identification number; or a taxpayer
182 identification number in any filing unless required by law.

183 2. Information submitted through the electronic filing
184 system may be open to public inspection and copying.

185 3. Any filer has a right to request that the commission
186 redact from his or her filing any social security number, bank
187 account number, or debit, charge, or credit card number
188 contained in the filing. Such request must be made in writing
189 and delivered to the commission. The request must specify the
190 information to be redacted and the specific section or sections
191 of the disclosure in which it was included.

192 (8) Forms or fields of information for compliance with the
193 full and public disclosure requirements of s. 8, Art. II of the
194 State Constitution shall be prescribed by the commission. The
195 commission shall allow a filer to include attachments or other
196 supporting documentation when filing a disclosure. The

197 commission shall give notice of disclosure deadlines and
198 delinquencies and distribute forms in the following manner:

199 (a) Not later than May 1 of each year, the commission shall
200 prepare a current list of the names, e-mail addresses, and
201 physical addresses of and the offices held by every person
202 required to file full and public disclosure annually by s. 8,
203 Art. II of the State Constitution, or other state law. Each unit

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of government shall assist the commission in compiling the list by providing to the commission not later than February 1 of each year the name, e-mail address, physical address, and name of the office held by such person within the respective unit of government as of December 31 of the preceding year.

(b) Not later than June 1 of each year, the commission shall distribute a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the list. Beginning January 1, 2023 ~~2022~~, ~~no~~ paper forms will not be provided. The notice required under this paragraph and instructions for electronic submission of the form and any accompanying attachments must be delivered by e-mail.

(c) Not later than August 1 of each year, the commission shall determine which persons on the list have failed to file full and public disclosure and shall send delinquency notices to such persons. Each notice must state that a grace period is in effect until September 1 of the current year. Beginning January 1, 2023 ~~2022~~, the notice required under this paragraph must be delivered by e-mail and must be redelivered on a weekly basis by e-mail as long as a person remains delinquent.

(d) Disclosures must be received by the commission not later than 5 p.m. of the due date. However, any disclosure that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a

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233 timely manner. Beginning January 1, 2023 ~~2022~~, upon request of
234 the filer, the commission must provide verification to the filer
235 that the commission has received the filed disclosure.

236 (e) Beginning January 1, 2023 ~~2022~~, a written declaration,
237 as provided for under s. 92.525(2), accompanied by an electronic
238 signature satisfies the requirement that the disclosure be
239 sworn.

240 (f) Any person who is required to file full and public
241 disclosure of financial interests and whose name is on the
242 commission's list, and to whom notice has been sent, but who
243 fails to timely file is assessed a fine of \$25 per day for each
244 day late up to a maximum of \$1,500; however this \$1,500
245 limitation on automatic fines does not limit the civil penalty
246 that may be imposed if the statement is filed more than 60 days
247 after the deadline and a complaint is filed, as provided in s.
248 112.324. The commission must provide by rule the grounds for
249 waiving the fine and the procedures by which each person whose
250 name is on the list and who is determined to have not filed in a
251 timely manner will be notified of assessed fines and may appeal.
252 The rule must provide for and make specific the following:

253 1. The amount of the fine due is based upon the earliest of
254 the following:

- 255 a. When a statement is actually received by the office.
- 256 b. When the statement is postmarked.
- 257 c. When the certificate of mailing is dated.
- 258 d. When the receipt from an established courier company is
259 dated.

260 2. Upon receipt of the disclosure statement or upon accrual
261 of the maximum penalty, whichever occurs first, the commission

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shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless an appeal is made to the commission pursuant to subparagraph 3. The moneys shall be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be in writing and received by the commission within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission. For purposes of this subparagraph, "unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address.

(g) Any person subject to the annual filing of full and public disclosure under s. 8, Art. II of the State Constitution, or other state law, whose name is not on the commission's list of persons required to file full and public disclosure is not subject to the fines or penalties provided in this part for failure to file full and public disclosure in any year in which the omission occurred, but nevertheless is required to file the

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disclosure statement.

(h) The notification requirements and fines of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission. The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (10).

(i) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such fine to a collection agent as provided in s. 17.20.

Section 3. Effective January 1, 2023, paragraphs (d) and (e) are added to subsection (1) of section 112.3144, Florida Statutes, to read:

112.3144 Full and public disclosure of financial interests.—

(1)

(d) The following local officers must comply with the financial disclosure requirements of s. 8, Art. II of the State

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320 Constitution and this section:

321 1. Mayors.

322 2. City commissioners.

323 3. Elected members of a city council; town council; village
324 council; or other governing body of a city, town, or village.

325 4. City, county, town, or village managers.

326 (e) Each member of the commission and the Florida Elections
327 Commission must comply with the financial disclosure
328 requirements of s. 8, Art. II of the State Constitution and this
329 section.

330 Section 4. Subsections (4), (5), and (6) are added to
331 section 112.31445, Florida Statutes, to read:

332 112.31445 Electronic filing system; full and public
333 disclosure of financial interests.—

334 (4) The commission shall publish a notice on the electronic
335 filing system instructing filers to redact a social security
336 number; a bank, mortgage, or brokerage account number; a debit,
337 charge, or credit card number; a personal identification number;
338 or a taxpayer identification number in their filings.

339 (5) The commission shall post a notice on the main webpage
340 of the electronic filing system informing filers that the
341 electronic filing system will not accept any electronic filings
342 until January 1, 2023, and that paper forms must be used through
343 December 31, 2022, in accordance with s. 112.3144(2). The
344 commission may not remove the notice until January 1, 2023.

345 (6) The electronic filing system must allow a filer to
346 include attachments or other supporting documentation when
347 submitting a disclosure through the system.

348 Section 5. Subsection (2) of section 112.31446, Florida

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Statutes, is amended to read:

112.31446 Electronic filing system for financial disclosure.—

(2) By January 1, 2022, the commission shall procure and test an electronic filing system. Upon the electronic filing system's implementation ~~At a minimum~~, the electronic filing system must meet the following minimum requirements:

(a) Provide access through the Internet for the completion and submission of disclosures of financial interests, statements of financial interests, or any other form that is required under s. 112.3144 or s. 112.3145.

(b) Make filings available in a searchable format that is accessible by an individual using standard Internet-browsing software.

(c) Issue a verification or receipt that the commission has received the submitted disclosure or statement.

(d) Provide security that prevents unauthorized access to the electronic filing system's functions or data.

(e) Provide a method for an attorney or a certified public accountant licensed in this state to complete the disclosure or statement and certify that he or she prepared the disclosure or statement in accordance with s. 112.3144 or s. 112.3145 and the instructions for completing the disclosure or statement, and that, upon his or her reasonable knowledge and belief, the information on the disclosure or statement is true and correct.

(f) Allow a filer to include attachments or other supporting documentation when submitting a disclosure or a statement through the system.

Section 6. Paragraphs (d) and (e) of subsection (2),

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paragraphs (a) and (c) of subsection (4), and paragraphs (b) and (c) of subsection (8) of section 112.3145, Florida Statutes, are amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(2)

(d) State officers and specified state employees shall file their statements of financial interests with the commission.

Through December 31, 2023, local officers shall file their statements of financial interests with the supervisor of elections of the county in which they permanently reside.

Through December 31, 2023, local officers who do not permanently reside in any county in this ~~the~~ state shall file their statements of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters. Persons seeking to qualify as candidates for local public office shall file their statements of financial interests with the officer before whom they qualify.

(e) Beginning January 1, 2024 ~~2023~~, a statement of financial interests and a final statement of financial interests, and any amendments thereto, or any other form required by this section, except any statement of a candidate who is not subject to an annual filing requirement, all ~~statements filed with the commission~~ must be filed electronically through an electronic filing system ~~that is~~ created and maintained by the commission as provided in s. 112.31446. Through December 31, 2023, the commission may only accept from filers who file with the commission a statement of financial interests, a final statement of financial interests,

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407 and any amendments thereto, or any other form required by this
408 section submitted in paper form. The commission shall post a
409 notice on its website informing filers who file with the
410 commission that paper forms must be used for filing through
411 December 31, 2023. The commission may not remove the notice
412 until January 1, 2024.

413 (4) (a) Beginning January 1, 2023, a filer may not include
414 in a filing to the commission ~~a federal income tax return or a~~
415 ~~copy of thereof;~~ a social security number; a bank, mortgage, or
416 brokerage account number; a debit, charge, or credit card
417 number; a personal identification number; or a taxpayer
418 identification number. If a filer includes such information in
419 his or her filing, the information may be made available as part
420 of the official records of the commission available for public
421 inspection and copying unless redaction is requested by the
422 filer. The commission is not liable for the release of social
423 security numbers, bank account numbers, or debit, charge, or
424 credit card numbers included in a filing to the commission if
425 the filer has not requested redaction of the information.

426 (c) The commission must conspicuously post a notice, in
427 substantially the following form, in the instructions for the
428 electronic filing system specifying that:

429 1. Any filer submitting information through the electronic
430 filing system may not include ~~a federal income tax return or a~~
431 ~~copy thereof;~~ a social security number; a bank, mortgage, or
432 brokerage account number; a debit, charge, or credit card
433 number; a personal identification number; or a taxpayer
434 identification number in any filing unless required by law.

435 2. Information submitted through the electronic filing

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436 system may be open to public inspection and copying.

437 3. Any filer has a right to request that the commission
438 redact from his or her filing any social security number, bank
439 account number, or debit, charge, or credit card number
440 contained in the filing. Such request must be made in writing
441 and delivered to the commission. The request must specify the
442 information to be redacted and the specific section or sections
443 of the disclosure in which it was included.

444 (8) Forms for compliance with the disclosure requirements
445 of this section and a current list of persons subject to
446 disclosure shall be created by the commission and provided to
447 each supervisor of elections. The commission and each supervisor
448 of elections shall give notice of disclosure deadlines and
449 delinquencies and distribute forms in the following manner:

450 (b) Not later than June 1 of each year, the commission and
451 each supervisor of elections, as appropriate, shall distribute a
452 copy of the form prescribed for compliance with subsection (3)
453 and a notice of all applicable disclosure forms and filing
454 deadlines to each person required to file a statement of
455 financial interests. Beginning January 1, 2024 ~~2023~~, ~~no~~ paper
456 forms will not be provided. The notice required under this
457 paragraph and instructions for electronic submission must be
458 delivered by e-mail.

459 (c) Not later than August 1 of each year, the commission
460 and each supervisor of elections shall determine which persons
461 required to file a statement of financial interests in their
462 respective offices have failed to do so and shall send
463 delinquency notices to these persons. Through December 31, 2023,
464 delinquency notices must be sent by certified mail, return

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465 receipt requested. Each notice must state that a grace period is
466 in effect until September 1 of the current year; that no
467 investigative or disciplinary action based upon the delinquency
468 will be taken by the agency head or commission if the statement
469 is filed by September 1 of the current year; that, if the
470 statement is not filed by September 1 of the current year, a
471 fine of \$25 for each day late will be imposed, up to a maximum
472 penalty of \$1,500; for notices distributed by a supervisor of
473 elections, that he or she is required by law to notify the
474 commission of the delinquency; and that, if upon the filing of a
475 sworn complaint the commission finds that the person has failed
476 to timely file the statement within 60 days after September 1 of
477 the current year, such person will also be subject to the
478 penalties provided in s. 112.317. Beginning January 1, 2024
479 2023, notice required under this paragraph:

480 1. May not be sent by certified mail.

481 2. Must be delivered by e-mail and must be redelivered on a
482 weekly basis by e-mail as long as the person remains delinquent.

483 Section 7. Effective January 1, 2023, paragraph (b) of
484 subsection (2) of section 112.3145, Florida Statutes, is amended
485 to read:

486 112.3145 Disclosure of financial interests and clients
487 represented before agencies.—

488 (2)

489 (b) Each state or local officer, except as otherwise
490 specified in s. 112.3144(1), and each specified state employee
491 shall file a statement of financial interests no later than July
492 1 of each year. Each state officer, local officer, and specified
493 state employee shall file a final statement of financial

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interests within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period. Each state or local officer who is appointed and each specified state employee who is employed shall file a statement of financial interests within 30 days after ~~from~~ the date of appointment or, in the case of a specified state employee, after ~~from~~ the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file before ~~prior to~~ confirmation hearings or within 30 days after ~~from~~ the date of appointment, whichever comes first.

Section 8. Paragraph (a) of subsection (11) and subsection (12) of section 112.324, Florida Statutes, are amended to read:

112.324 Procedures on complaints of violations and referrals; public records and meeting exemptions.—

(11)(a) Notwithstanding subsections (1)-(8), the commission may dismiss any complaint or referral at any stage of disposition if it determines that the violation that is alleged or has occurred is a de minimis violation attributable to inadvertent or unintentional error. In determining whether a violation was de minimis, the commission shall consider whether the interests of the public were protected despite the violation. ~~This subsection does not apply to complaints or referrals pursuant to ss. 112.3144 and 112.3145.~~

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523 (12) Notwithstanding the provisions of subsections (1)-(8),
524 the commission may, at its discretion, dismiss any complaint or
525 referral or proceeding under s. 112.3215 at any stage of
526 disposition should it determine that the public interest would
527 not be served by proceeding further, in which case the
528 commission shall issue a public report stating with
529 particularity its reasons for the dismissal.

530 Section 9. (1) The Commission on Ethics is authorized, and
531 all conditions are deemed met, to adopt emergency rules pursuant
532 to s. 120.54(4), Florida Statutes, for adopting the form for the
533 full and public disclosure of financial interests, and any
534 related filing instructions and procedures, to implement the
535 amendments made by this act.

536 (2) Notwithstanding any other law, emergency rules adopted
537 pursuant to subsection (1) are effective for 6 months after
538 adoption and may be renewed during the pendency of permanent
539 rules addressing the subject of the emergency rules.

540 (3) This section expires January 1, 2023.

541 Section 10. Except as otherwise expressly provided in this
542 act, this act shall take effect upon becoming a law.



Key Dates



Key Legislative Dates

December 2022

12-16 Interim Legislative Committee Meetings

January 2023

3-6 Interim Legislative Committee Meetings

17-20 Interim Legislative Committee Meetings

23-27 Interim Legislative Committee Meetings

February 2023

6-10 Interim Legislative Committee Meetings

7-8 Fast Fly-In – Washington, D.C.
(Contact Person: Allison Payne, apayne@flcities.com)

13-17 Interim Legislative Committee Meetings

16 FLC Pre-Legislative Session Webinar
(Contact Person: Mary Edenfield, medenfield@flcities.com)

20-24 Interim Legislative Committee Meetings

March 2023

7 Regular Legislative Session Convenes

26-28 NLC Congressional City Conference, Washington, D.C.

April 2023

4-5 FLC Legislative Action Days, Tallahassee, FL

May 2023

5 Last Day of Regular Legislative Session

18 FLC Post-Legislative Session Webinar
(Contact Person: Mary Edenfield, medenfield@flcities.com)



Home Rule Hero Criteria

Do you want to become a **HOME RULE HERO?**

AS THE ADAGE GOES, "ALL POLITICS IS LOCAL." Successful advocacy starts at home, not in Tallahassee. No one – not even a professional lobbyist – can tell your community's story better than you. Your involvement helps the League's legislative team turn the abstract into concrete. It is essential to help legislators understand how their decisions may impact their communities back home.

The League appreciates the individual advocacy efforts undertaken by municipal officials throughout the state. Each year, there are some League members who make an extraordinary effort; people who stand out for their high level of participation and effectiveness. The Home Rule Hero Award was created to acknowledge and thank them for their efforts. Hundreds of municipal officials have been recognized as "Home Rule Heroes" since the award's inception in 2009, and we thank you!

Home Rule Hero Award recipients are selected by the League's legislative team following each legislative session.

For the award, the most important criteria are timely responses and actions to FLC's Legislative Alerts, and notifying FLC staff of communications with your legislators.

Other exceptional efforts are:

- Attending the Florida League of Cities' Legislative Action Days in Tallahassee and Legislative Conference.
- Testifying before a House or Senate committee on an FLC priority issue, when a call to action has been sent out.
- Participating in FLC's Monday Morning "Call-ins" during session and on FLC's pre-and post-legislative session webinars.
- Participating in FLC's Legislator "Key Contact" program.
- Meeting legislators in their districts or in Tallahassee.
- Responding to FLC requests for information and data about how proposed legislation will specifically impact your city (telling your city's "story").
- Speaking at local legislative delegation meetings to discuss FLC municipal issues.
- Setting up opportunities for legislators and their staff to attend a city council meeting or special event; tour a park, project or facility; and attend a local league meeting.
- Serving on a FLC legislative policy committee.
- Participating in a Federal Action Strike Team fly-in to Washington, D.C.
- During an election year, providing opportunities for candidates for legislative offices to learn about your city and its issues, and introducing candidates to key city stakeholders or those in your professional network.

For more information on these activities and ways to step up your advocacy game, please contact Allison Payne at apayne@flcities.com.





Notes



Notes

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.