Dear City Official:

I am pleased to provide you with the Florida League of Cities Legislative Summary of Key Votes for 2019. This summary includes House and Senate votes on key bills considered this session that were either a significant infringement on municipal Home Rule authority or an unfunded mandate. Some bills were only heard in committee, so the entire Legislature did not have the opportunity to vote on every bill. Additionally, some bills were amended to address the League's concerns either in committee or on the House or Senate floor. In these instances, the League did not count the legislator's votes on bills that no longer impacted cities adversely.

As you continue your grassroots advocacy efforts during the interim, we encourage you to use this tool to have meaningful discussions with your legislators and help educate them on the effect of the proposals tracked in this report. Several of these issues are likely to return in 2020. Further, I encourage you to stay engaged by spending time with your legislators while they are home in the district.

Please continue to use the Florida League of Cities as a resource should you have any questions or need additional information.

In the fight for Home Rule,

Michael Sittig
Executive Director
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Significant Preemptions or Unfunded Mandates During the 2019 Legislative Session

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- HB 3 Preemption of Local Regulations
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HB 9: COMMUNITY REDEVELOPMENT AGENCIES
ORIGINAL BILL – OPPOSED

HB 9, as originally filed, included several provisions to increase the accountability and transparency of CRAs. The original bill specified that after October 1, 2019, a new CRA could be created only by a countywide referendum in a primary or general election and required the approval of two-thirds of the electors’ votes to pass. The original bill outlined a process by which all CRAs would have been terminated by 2039 unless reauthorized by the body that created the CRA by a two-thirds vote.

Sponsor: LaMarca

HB 9: COMMUNITY REDEVELOPMENT AGENCIES
AMENDED BILL PASSED – NEUTRAL

HB 9:
• Addresses both the accountability and the transparency of Community Redevelopment Agencies (CRAs) by increasing audit, ethics training, reporting and accountability measures for CRAs.
• Requires a simple majority vote of the governing body that created the CRA to extend the term of a CRA beyond September 30, 2039.
• Does not prohibit the expenditures of TIF funds on: festivals, grants to promote tourism and grants to socially beneficial nonprofit entities.
• Does not include an 18 percent cap to administrative spending.
• Does not require that new CRAs be created by a countywide referendum in a primary or general election by the approval of two-thirds of the electors’ votes to pass; existing law relating to the creation of CRAs is retained.
• Requires that a CRA must submit its annual budget to the county in which the CRA is located within 10 days after adoption of the budget.

Sponsor: LaMarca

SB 1000: TELECOMMUNICATIONS SERVICES AND SMALL CELL DEPLOYMENT
BILL PASSED – OPPOSED

SB 1000 repeals important agreed to provisions of the 2017 Advanced Wireless Infrastructure Deployment Act and further strips cities of the ability to regulate the placement of communications equipment in public rights of way.

SB 1000:
• Requires the small cell “shot-clock” (time frame) to apply to all permit applications for all communications facilities in local government rights of way.
• Limits what local governments can require during the registration process and awards reasonable attorney fees to the party that prevails.

While the 2017 requirement that communications services providers comply with nondiscriminatory undergrounding ordinances was repealed, local governments retained some discretion over placement and aesthetics of new poles.

Sponsor: Hutson
HB 3: PREEMPTION OF LOCAL REGULATIONS
ORIGINAL BILL WITH MAJOR PREEMPTIONS, BILL DID NOT PASS – OPPOSED

HB 3, as originally filed, would have expressly preempted the regulation and licensing of occupations and professions to the state and would have prohibited the enforcement of any regulation of a business unless the regulation was expressly authorized by general law or adopted pursuant to the new requirements imposed by the bill. HB 3 would have also prohibited local governments from taking “new” actions affecting business after July 1, 2019, unless the local government had:

- Made public findings that the action was necessary to protect public health, safety and welfare; the action was performed in a manner that does not unnecessarily restrict entry into the business; and the action was performed in the least restrictive and cost-effective manner.
- Required the action sunset in two years.
- Passed the action by two-thirds vote of its membership except for zoning regulations, regulations that increase building costs by less than $750, nuisance ordinances and ordinances related to alcohol and tobacco.
- Published a “Statement of Estimated Regulatory Costs” 14 days prior to any vote on the action and determined the regulatory costs on business could not be reduced by adoption of a less costly alternative.

Regulations expressly authorized by general law would have been exempt from these new requirements. The Statements of Estimated Regulatory Costs required by the bill were required to contain a detailed analyses of a regulation’s anticipated impacts to business and consumers, including the anticipated costs, methods of financing, resources needed for implementation and enforcement, fees needed to cover anticipated costs, impacts to small business, impacts on business competitiveness (including the ability of affected persons to compete with persons doing business in other markets), impacts on economic growth and job creation, and transactional costs likely to be incurred by businesses required to comply.

HB 3 would have sunset existing regulations affecting business on July 2021. Such regulations would have been readopted only upon meeting the requirements of the bill.

Sponsor: Grant, M.
Co-Sponsors: Bush, Roth, Sabatini

HB 1383: PROPERTY RIGHTS
BILL DID NOT PASS – OPPOSED

HB 1383 would have amended the Bert J. Harris Act by requiring any settlement reached on a Bert Harris claim due to any new law, rule, regulation or ordinance by a governmental entity be automatically applied by the governmental entity to all similarly situated properties that are subject to the same rules or regulations. The bill would have allowed a property owner to waive a jury trial and request that a court determine the compensation to the property owner for the loss in value due to the burden to the property. The bill provided that if a property owner is not given proper notice, the property owner could bring a claim against a governmental entity. Additionally, HB 1383 provided that business losses could be included in a Bert Harris claim.

Sponsor: Grant, J.
Co-Sponsor: Sabatini

HB 829: ATTORNEY FEES AND COSTS
BILL PASSED – OPPOSED

HB 829 creates a new section of law providing for a mandatory award of attorney fees, costs and damages to the prevailing party in a civil action where the adoption or enforcement of a local government ordinance is alleged to have been expressly preempted by the state constitution or by state law. Fees may not be awarded if written notice is provided to the local government that a proposed or adopted ordinance may be expressly preempted and the local government withdraws the proposed ordinance within 30 days of receipt of the notice or, in the case of an adopted ordinance, notices the ordinance for repeal within 30 days of receipt of the notice and repeals the ordinance within 30 days thereafter. The bill is prospective in nature. In addition, it exempts ordinances adopted pursuant to Part II of Chapter 163, Section 553.73 or Section 633.202, Florida Statutes. Finally, the bill provides that a county or municipality may continue to enforce a regulation, moratorium or policy adopted before February 1, 2019, relating to the land application of Class B biosolids until it is repealed or until the effective date of rules adopted by the Florida Department of Environmental Protection, whichever occurs first. Effective July 1, 2019.

Sponsor: Sabatini
Co-Sponsor: Hill
Bill Summaries – Significant Preemptions or Unfunded Mandates
During the 2019 Legislative Session

HB 5: LOCAL TAX REFERENDA
BILL PASSED – OPPOSED
HB 5 limits the timing of when a county or school board may put a local discretionary surtax ballot initiative before the voters. The bill requires that a referendum to adopt or amend a local discretionary surtax be held only at a state general election. The bill requires a county, school district or petition sponsor to provide a copy of the ordinance or resolution to the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) at least 180 days before the referendum and OPPAGA to procure, within 30 days after receiving the ordinance or resolution, a certified public accountant to conduct the statutorily required performance audit. The bill also requires a petition sponsor of an initiative to adopt a charter county and regional Transportation System Surtax to comply with certain requirements within a specified time frame before the proposed referendum. The bill disqualifies referenda results for failure to comply with some of the new requirements.

The bill also revises current law requirements pertaining to the citizen initiative petition process for amending the state constitution. The bill imposes registration requirements on petition gatherers and imposes disqualification requirements on petitions that fail to meet specified requirements. The bill prohibits compensation to petition gatherers on a per-signature basis. In addition, the bill requires that the Financial Impact Statement for the initiative be included on the ballot. The Financial Impact Statement must include the economic impact on the state and local economies. Effective January 1, 2020, except as otherwise provided.

Sponsor: DiCeglie
Co-Sponsors: Beltran, Bush, Hill, La Rosa

HB 1299: GOVERNMENTAL POWERS
BILL DID NOT PASS – OPPOSED
HB 1299 included a wide variety of issues, most of which would have adversely impacted municipalities. A municipality would have been prohibited from purchasing any real property within another municipality’s jurisdictional boundaries without the other municipality’s consent. Additionally, the bill would have prohibited a governmental entity from attempting to annex an area within another municipality’s jurisdiction without the other municipality’s consent. The bill would have prohibited levying taxes on cigarettes, cigars and nicotine products by municipalities after July 1, 2019. Additionally, local governments would have been prohibited from regulating single-use plastic straws and over-the-counter proprietary drugs and cosmetics, such as sunscreen. The bill would have preempted alternate generated power sources for motor fuel dispensing facilities to the Florida Division of Emergency Management. The bill established that the minimum age for the sale of tobacco products and nicotine products would be preempted to the state.

Sponsor: Roach
Co-Sponsor: Perez

HB 1159: PRIVATE PROPERTY RIGHTS
BILL PASSED – OPPOSED
HB 1159 imposes restrictions on enforcement of local government tree ordinances and imposes notice requirements on county property appraisers. HB 1159 provides that a local government may not enforce its tree requirements against a residential property owner for the trimming or removal of a tree if the owner obtains documentation from a certified arborist or a licensed landscape architect that the tree presents a danger to persons or property. The bill specifically prohibits a local government from requiring a property owner to replant a tree that was removed under such circumstances. The bill requires each county property appraiser’s office to post on its website a “property owner bill of rights” to identify certain existing rights afforded to property owners, including the following: the right to acquire, possess and protect property; the right to use and enjoy property; the right to exclude others from property; the right to dispose of property; the right to due process; the right to just compensation when property is taken for public purpose; and the right to relief when a government action “unfairly affects” property. The bill specifies the required contents for the bill of rights and specifies the bill of rights does not create a civil cause of action. Effective January 1, 2019.

Sponsor: La Rosa
Co-Sponsor: Sabatini
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| PART 1 | HOUSE | Alexander (D-8) | Aloupis (R-115) | Altman (R-52) | Andrade (R-2) | Antone (D-46) | Ausley (D-9) | Avila (R-111) | Bell (R-56) | Beltran (R-57) | Brannan (R-10) | Brown (D-45) | Buchanan (R-74) | Burton (R-74) | Byrd (D-119) | Caruso (R-89) | Casello (D-90) | Clemons (R-21) | Cummings (R-18) |
| **HB 987 Short-Term Rentals** Gov. Ops. & Technology Appropriations Subcommittee (FLC Opposed) |  | Y / | Y | Y |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **HB 987 Short-Term Rentals** Commerce Committee (FLC Opposed) |  |  | Y | Y | Y |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **HB 987 Short-Term Rentals** Business and Professions Subcommittee (FLC Opposed) |  |  |  |  |  |  |  |  |  |  | N |  |  |  |  |  |  |  |  |
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| **HB 9 Community Redevelopment Agencies** House Floor Vote April 17 (FLC Opposed) |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| PART 1 | HOUSE | Good (D-72) | Gottlieb (D-98) | Grall (R-54) | Grant, J. (R-64) | Grant, M. (R-75) | Gregory (R-73) | Grieco (D-113) | Hage (R-33) | Hart (D-61) | Hill (R-1) | Hattersley (D-59) | Hogan Johnson (D-84) | Ingoglia (R-35) | Jacobs (D-96) | Jaquett (D-99) | Jenne (D-101) | Jones (D-108) | Joseph (D-109) | Killebrew (R-41) | La Rosa (R-42) |
| HB 987 **Short-Term Rentals** Gov. Ops. & Technology Appropriations Subcommittee (FLC Opposed) | | | | | | | | | | | | | | | | | | | | | | | | | | | | Y |
| HB 987 **Short-Term Rentals** Commerce Committee (FLC Opposed) | | | | | | | | | | | | | | | | | | | | | | | | | | | | Y N N Y |
| HB 987 **Short-Term Rentals** Business and Professions Subcommittee (FLC Opposed) | | | | | | | | | | | | | | | | | | | | | | | | | | | | N Y |
| SB 1000 **Telecommunications/Small Cell** House Floor Vote May 1 (FLC Opposed) | N | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | N |
| SB 1000 **Telecommunications/Small Cell** Senate Floor Vote April 26 (FLC Opposed) | N | N | Y | Y | Y | Y | N | Y | N | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | Y |
| HB 9 **Community Redevelopment Agencies** House Floor Vote April 17 (FLC Opposed) | N | N | Y | Y | Y | Y | N | N | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | Y |
| HB 9 **Community Redevelopment Agencies** Final House Floor Vote May 2 (FLC Neutral) | N | N | Y | Y | Y | Y | Y | N | Y | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | Y |
| HB 9 **Community Redevelopment Agencies** Final Senate Floor Vote May 1 (FLC Neutral) | N | N | Y | Y | Y | Y | N | Y | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | Y |
| HB 1383 **Private Property Rights/Bert Harris** Civil Justice Subcommittee (FLC Opposed) | | | | | | | | | | | | | | | | | | | | | | | | | | | | Y N Y |
| HB 1383 **Private Property Rights/Bert Harris** Commerce Committee (FLC Opposed) | | | | | | | | | | | | | | | | | | | | | | | | | | | | Y N Y |

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### PART 2

| HB 1383 Private Property Rights/Bert Harris | Judiciary Committee (FLC Opposed) |
| HB 829 Attorneys Fees and Costs | Final House Floor Vote May 2 (FLC Opposed) |
| HB 829 Attorneys Fees and Costs | Senate Floor Vote May 1 (FLC Opposed) |
| HB 3 Preemption of Local Regulations | Business & Professions Subcommittee (FLC Opposed) |
| HB 3 Preemption of Local Regulations | State Affairs Committee (FLC Opposed) |
| HB 5 Local Tax Referenda | Final House Floor Vote May 3 (FLC Opposed) |
| HB 5 Local Tax Referenda | Final Senate Floor Vote May 3 (FLC Opposed) |
| HB 1299 Governmental Powers/Preemption Bill | House Floor Vote April 29 (FLC Opposed) |
| HB 1159 Private Property Rights/Tree Bill | House Floor Vote April 25 (FLC Opposed) |
| HB 1159 Private Property Rights/Tree Bill | Senate Floor Vote April 26 (FLC Opposed) |

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### HOUSE

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| HB 1159 **Private Property Rights/Tree Bill** | House Floor Vote April 25 (FLC Opposed) | N Y Y Y N N Y Y Y Y N Y Y Y N Y N Y |
| HB 1159 **Private Property Rights/Tree Bill** | Senate Floor Vote April 26 (FLC Opposed) | |

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| HB 1383 Private Property Rights/Bert Harris | Judiciary Committee (FLC Opposed) | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| HB 829 Attorneys Fees and Costs | Final House Floor Vote May 2 (FLC Opposed) | N | Y | Y | Y | N | N | Y | Y | Y | Y | Y | N | N |
| HB 829 Attorneys Fees and Costs | Senate Floor Vote May 1 (FLC Opposed) | Y | N | Y | N | Y | N | N | Y | Y | Y | Y | N | N |
| HB 3 Preemption of Local Regulations | Business & Professions Subcommittee (FLC Opposed) | / | Y | Y | Y |
| HB 3 Preemption of Local Regulations | State Affairs Committee (FLC Opposed) | Y | Y | N |
| HB 5 Local Tax Referenda | Final House Floor Vote May 3 (FLC Opposed) | N | N | N | Y | Y | Y | N | N | Y | N | N | Y | N | N |
| HB 5 Local Tax Referenda | Final Senate Floor Vote May 3 (FLC Opposed) | N | N | N | Y | Y | Y | N | N | Y | N | N | Y | N | N |
| HB 1299 Governmental Powers/Preemption Bill | House Floor Vote April 29 (FLC Opposed) | Y | N | N | Y | Y | N | N | Y | N | Y | N | Y | Y | Y | N | N |
| HB 1159 Private Property Rights/Tree Bill | House Floor Vote April 25 (FLC Opposed) | Y | N | N | Y | Y | N | N | Y | N | Y | N | Y | Y | Y | N | N |
| HB 1159 Private Property Rights/Tree Bill | Senate Floor Vote April 26 (FLC Opposed) | Y | N | N | Y | Y | N | N | Y | N | Y | N | Y | Y | Y | N | N |

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<td>Final House Floor Vote May 2 (FLC Opposed)</td>
<td>N Y Y Y N Y Y Y N N Y Y N Y Y Y</td>
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<td>HB 829</td>
<td>Attorneys Fees and Costs</td>
<td>Senate Floor Vote May 1 (FLC Opposed)</td>
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<td>HB 3</td>
<td>Preemption of Local Regulations</td>
<td>Business &amp; Professions Subcommittee (FLC Opposed)</td>
<td>Y N</td>
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<tr>
<td>HB 3</td>
<td>Preemption of Local Regulations</td>
<td>State Affairs Committee (FLC Opposed)</td>
<td>Y N</td>
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<tr>
<td>HB 5</td>
<td>Local Tax Referenda</td>
<td>Final House Floor Vote May 3 (FLC Opposed)</td>
<td>N Y Y Y N Y Y Y N N N N N Y Y Y</td>
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<td>HB 5</td>
<td>Local Tax Referenda</td>
<td>Final Senate Floor Vote May 3 (FLC Opposed)</td>
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<td>HB 1299</td>
<td>Governmental Powers/Preemption Bill</td>
<td>House Floor Vote April 29 (FLC Opposed)</td>
<td>N Y Y Y N Y Y N N N N N N Y Y Y</td>
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<td>HB 1159</td>
<td>Private Property Rights/Tree Bill</td>
<td>House Floor Vote April 25 (FLC Opposed)</td>
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<tr>
<td>HB 1159</td>
<td>Private Property Rights/Tree Bill</td>
<td>Senate Floor Vote April 26 (FLC Opposed)</td>
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**Y** = Member voted **Yes**  
**N** = Member voted **No**  
/ = No vote recorded

**Note:** Votes were taken from official legislative journals.

**Votes in green were in line with the League’s position.**  
**Votes in red were in opposition to the League’s position.**