MIAMIBEACH

OFFICE OF THE CITY MANAGER

LTC # 101-2024

LETTER TO COMMISSION

TO: Honorable Mayor Steven Meiner and Members of the City Commission

FROM: Alina T. Hudak, City Manager

DATE: March 20, 2024

SUBJECT: **Legislative Wrap Up 2024**

The purpose of this Letter to Commission is to transmit to you the final report from the 2024 Legislative Session that wrapped up Friday, March 8, 2024 prepared by our lobbyist team of Ron L. Book, P.A.

Attached is a summary of some of the key bills impacting Miami Beach.

Several of our State Appropriations Requests are currently funded in the budget pending the Governor's signature:

- Miami Beach Intersection and Beach Walk Comprehensive Upgrade and Safety Improvements - $4,850,000
- Miami Beach Fire Department Ladder-Truck Replacement - $417,500
- Miami Beach Senior Services and Programming - $175,000

I would like to thank many of you for your leadership during this session. Please let me know if I can answer any questions or provide further assistance.

ATH/JDG

Ronald L. Book, P.A.
LAW OFFICES
PROFESSIONAL ASSOCIATION

Legislative Session 2024

Final Report

On behalf of Ronald L. Book, P.A. it has been our pleasure to represent the City of Miami Beach in Tallahassee and to inform you on various issues of importance to local governments. Enclosed is our 2024 Session final report including the City's final funding request status and legislation of interest to local governments. Please let us know if you have any questions regarding issues included in this report, or on other issues of concern.

APPROPRIATIONS: Below are the final funding amounts as passed within the FY 2024 – 25 General Appropriations Act, pending budget action by the Governor. To advocate for each the City's funding requests, we met weekly during the legislative session with the House and Senate Appropriations subcommittee Chairs, the full Appropriations committee chairs, with the Senate President and her staff, and the House Speaker and his staff. During the final week of the legislative Session, when the budget is complete, we continue our advocacy on the City's behalf, meeting with the Governor's budget analysts who review funded projects in order to advise the Governor regarding vetoes or approval. We continue this work to date with the Governor's budget office analysts and the sponsoring legislators, coordinating our advocacy efforts.

APPROPRIATIONS: PROJECT	*FINAL FUNDING
Miami Beach Intersection and Beach Walk Comprehensive Upgrade and Safety Improvements (SF 1737/HF 1795) **Requested: $4,850,000** Match: 50% Sponsors: Senator Avila, Representative Lopez	**$4,850,000** Budget Line 2069A
Miami Beach Fire Department Ladder-Truck Replacement (SF 2876/HF 3758) **Requested: $835,000** Match: 28% Sponsors: Senator Jones, Representative McClure	**$417,500** Budget Line 2489A
Miami Beach Senior Services and Programming (SF 2804/HF 2524) **Requested: $175,000** Sponsors: Senator Garcia, Representative Busatta Cabrera	**$175,000** Budget Line 401

*Final Funding – pending action by the Governor

BILLS THAT PASSED: Please note: All legislation that has passed included within this report is awaiting action by the Governor.

- Local Regulation of Nonconforming and Unsafe Structures - SB 1526 by Avila
- Anchoring Limitation Areas - SB 192 / HB 437 by Garcia (I), Porras
- Vacation Rentals - SB 280 by DiCeglie
- Affordable Housing (Live Local Issues) - SB 328 by Calatayud
- Live Healthy - (series of bills)
- Homeless - Unauthorized Public Camping and Public Sleeping - HB 1365 by Garrison
- Complaints Against Law Enforcement and Correctional Officers - HB 601 by Duggan
- Community Associations - HB 1021by Lopez
- Building Regulations - HB 267 by Esposito
- Expedited Approval of Residential Building Permits - SB 812 by Ingoglia
- Public Records Exemption/County and City Attorneys - HB 103 by Arrington
- Tax Package Summary
  - Property tax relief
  - $500 million in property insurance tax relief
  - $450 million in toll relief
  - Small business tax relief
  - 4 sales tax holidays

BILLS THAT <u>DID NOT</u> PASS:

- Sovereign Immunity (Suits Against the Government)
- County Commission Term Limits
- Repeal or Modification of the FORM 6 Financial Disclosure requirements for local elected officials
- Gambling/Casino on Miami Beach & Preemption of municipal government statutory ability to prohibit establishment of a gambling facility
- Municipal Utilities – elimination of surcharge
- Repeal of State Preemption on local bans of Styrofoam and plastic bag use

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BILLS THAT PASSED:

SB 1526 - Local Regulation of Nonconforming and Unsafe Structures - by Avila (Effective Date: upon becoming law)

Introduces the "Resiliency and Safe Structures Act," which outlines regulations for the demolition and redevelopment of specific structures within Florida.

- Prohibits local governments from restricting the demolition of certain structures, except for public safety reasons, focusing on structures partially within the coastal construction control line that are nonconforming or unsafe.
- Allows local governments to only review demolition permit applications for compliance with specific codes, without imposing additional regulations or public hearings.
- Mandates local governments to permit the development of replacement structures up to the maximum height and size allowed by local regulations for similarly zoned parcels.
- Bars local governments from reducing the development potential of replacement structures, requiring preservation of demolished structures' elements, or imposing extra regulatory requirements and public hearings not required for similarly situated vacant parcels.

- Requires development applications for replacement structures to be processed as outlined in local land development regulations without additional procedures.
- Specifies the law's retroactive application, liberal construction for effectuating its intent, and preemption over conflicting local laws, voiding any local legislation that limits the demolition or redevelopment of identified structures or penalizes owners for compliance.

SB 192 - Anchoring Limitation Areas - by Garcia (I) (Effective Date: July 1, 2024)

Revises anchoring limitation areas in Biscayne Bay and update proof requirements for vessels in these areas.

- Designates specific sections of Biscayne Bay in Miami-Dade County as anchoring limitation areas, expanding the list to include areas between Palm Island and State Road A1A, Rivo Alto Island and Di Lido Island, San Marino Island, Di Lido Island, San Marco Island, and Biscayne Island.
- Requires vessel owners or operators in anchoring limitation areas to provide proof of the vessel's location being at least 1 nautical mile away within 45 days before an inquiry, using documentation or electronic evidence permanently affixed to the vessel.
- Allows law enforcement to issue a citation if a vessel owner or operator fails to provide the required proof.

SB 280 - Vacation Rentals - by DiCeglie (Effective Date: July 1, 2024, except as otherwise outlined in the bill)

Implements new regulations for vacation rentals, including tax collection by advertising platforms and local licensing requirements.

- Requires advertising platforms or operators listing vacation rentals to collect and remit specified taxes for certain transactions.
- Defines "advertising platform" and sets mandates for displaying license and registration numbers in advertisements.
- Preempts the regulation of advertising platforms to the state, authorizes local governments to adopt registration programs for vacation rentals, and outlines registration processes and requirements.
- Establishes criteria for local governments to fine, suspend, or revoke vacation rental registrations for non-compliance.
- Mandates visibility of vacation rental licenses and unique identifiers within the rental properties.
- Stipulates that the division must create and maintain a vacation rental information system to facilitate compliance and provide a mechanism for local governments and platforms to verify vacation rental statuses.

SB 328 - Affordable Housing (Live Local Issues) - by Calatayud (Effective Date: Upon becoming law)

Streamlines affordable housing development by amending various Florida statutes to provide more flexibility regarding zoning, density, and parking requirements for affordable housing projects.

- Authorizes multifamily and mixed-use residential developments in areas zoned for commercial, industrial, or mixed-use if at least 40 percent of units are affordable.
- Prohibits counties and municipalities from requiring zoning changes or land use amendments for such developments and from restricting the density, floor area ratio, or height of these developments below certain thresholds.
- Allows for administrative approval of developments meeting affordability and zoning criteria, except when located near military installations.
- Requires counties and municipalities to maintain a policy for administrative approvals on their websites and to consider reducing or eliminating parking requirements for developments near major transportation hubs or within transit-oriented developments.
- Mandates mixed-use residential developments within designated transit-oriented areas to comply with specific requirements, except for use, height, density, floor area ratio, and parking.
- Provides applicants with an opportunity to submit revised applications or notices to account for changes made by the act.

- Updates the definition of "newly constructed" for affordable housing property exemptions and revises criteria for multifamily projects to receive ad valorem property tax exemptions.
- Specifies conditions under which developments can be treated as conforming or nonconforming uses.
- Excludes certain airport-impacted areas from these provisions and revises the Florida Housing Finance Corporation's powers to preclude applicants from programs under certain conditions.
- Appropriates $100 million to the State Housing Trust Fund for the Florida Hometown Hero Program.

Live Healthy - priority of Senate President Passidomo (series of bills)

- SB 7016 includes steps to increase the number of doctors in the state and to try to boost access to health care. The $717 million plan, for example, includes providing money to expand medical residency programs to try to keep more new doctors in Florida.
- SB 7018 would provide $50 million for a revolving-loan fund program for health-innovation projects.
- SB 330 would designate four (4) behavioral-health teaching hospitals linked to universities.
  - Tampa General Hospital and the University of South Florida
  - UF Health Shands Hospital in Gainesville and the University of Florida
  - UF Health Jacksonville and the University of Florida
  - Jackson Memorial Hospital in Miami and the University of Miami
- SB 330 also would allow the state Agency for Health Care Administration to designate additional behavioral-health teaching hospitals as of July 1, 2025.

HB 1365 - Homeless Issues - by Garrison (Effective Date: October 1, 2024)

- Defines "public camping or sleeping" and exempts certain situations like sleeping in legally parked motor vehicles or recreational camping on designated property.
- Prohibits counties and municipalities from authorizing public camping or sleeping on public property without Department of Children and Families (DCF) certification.
- Allows counties to designate public property for camping or sleeping for up to one year with DCF certification, contingent on documentation proving necessity and safety.
- Requires counties to establish and maintain standards for safety, sanitation, access to behavioral health services, and prohibition of illegal substance and alcohol use on designated properties.
- Authorizes DCF to inspect designated properties and recommend closure if standards are not met.
- Exempts fiscally constrained counties from many of the requirements if and when that County makes a finding that it would result in financial hardship.
- Enables civil action against counties or municipalities for violations, with potential awards for expenses incurred.

HB 601 - Complaints Against Law Enforcement and Correctional Officers - by Duggan (Effective Date: July 1, 2024)

The bill amends s. 112.533, F.S., to state that it is the intent of the Legislature to make the process for receiving, processing, and investigating complaints against law enforcement officers and correctional officers, and the rights and privileges provided to such officers while under investigation, apply uniformly throughout the state and its political subdivisions.

The bill prohibits a political subdivision from adopting or attempting to enforce any ordinance related to:
- The receipt, processing, or investigation of complaints of misconduct by law enforcement officers or correctional officers, except as expressly provided in s. 112.533, F.S.; or
- Civilian oversight of law enforcement agencies' investigations of complaints of misconduct by law enforcement officers or correctional officers.

Under the bill, any COA that is currently performing such oversight functions related to the investigation of complaints of misconduct is prohibited from continuing to do so after July 1, 2024.

The bill amends ss. 30.61 and 166.0486, F.S., to authorize a sheriff or a chief of a municipal police department, respectively, to establish a civilian oversight board to review the policies and procedures of his or her office or department and its subdivisions. The bill requires such a civilian oversight board to be composed of at least three and up to seven members appointed by the sheriff or chief of police, one of which must be a retired law enforcement officer.

Additionally, the bill amends s. 145.071, F.S., to increase the base salary for each county sheriff by $5,000.

HB 1021 - Community Associations - by Lopez (Effective Date: July 1, 2024)

The bill amends Florida statutes related to community associations, outlining responsibilities for community association managers, management firms, and requirements around official records, conflicts of interest, disciplinary actions, and various other aspects.

- Requires community association managers and management firms to return an association's official records within 20 business days of contract termination or receipt of a written request, with certain exceptions.
- Sets penalties for failing to timely return official records, including license suspension and a civil penalty of $1,000 per day for up to 10 days.
- Requires disclosure of potential conflicts of interest by community association managers, their relatives, or management firms to the association's board.
- Specifies conditions under which community association contracts can be canceled due to undisclosed conflicts of interest.
- Revises grounds for disciplinary actions against community association managers or firms, including failing to disclose conflicts of interest.
- Exempts certain dwellings from requiring a milestone inspection.
- Provides criminal penalties for association officers, directors, or managers who accept kickbacks and mandates their removal from office.
- Establishes requirements for the maintenance and inspection of official records, with penalties for noncompliance.
- Defines terms and revises requirements related to condominium board meetings, director qualifications, and financial management, including the need for a structural integrity reserve study.
- Details amendments regarding association election processes, director education, and use of electronic voting.
- Sets new guidelines for handling conflicts of interest and authorizes the cancellation of contracts if conflicts were not disclosed.
- Specifies liability and non-liability upon contract cancellation due to undisclosed conflicts of interest.
- Includes adjustments to regulations on the creation of condominiums within a portion or a multi-parcel building.
- Outlines the procedure for cooperative associations regarding structural integrity reserve studies.

HB 267 - Building Regulations - by Esposito (Effective Date: January 1, 2025, except as otherwise outlined in the bill)

Amends the Florida Building Code to simplify the process for installing replacement windows, doors, and garage doors by exempting the need for sealed drawings by design professionals, requiring installations to follow manufacturer's instructions, and submitting these instructions with permit applications.

- Removes requirements for building permits for specific residential dwellings.
- Defines "private provider firm" and revises timeframes and procedures for issuing permits involving private providers, including specifics on when a permit application is deemed approved and limiting the frequency of private provider audits by local building code enforcement agencies.

- Revises procedures and timelines for approving or denying building permits, prohibiting local governments from requiring waivers of these timeframes, and specifying circumstances under which permit applications are deemed complete and approved.
- Allows local governments to use certain fees for technology upgrades.
- Standards for unvented attic and unvented enclosed rafter assemblies are established, contingent on meeting specific requirements, including insulation levels and ventilation systems.
- Reports on the review and consideration of thermal efficiency standards for these assemblies are to be delivered to the Legislature.

SB 812 - Expedited Approval of Residential Building Permits - by Ingoglia (Effective Date: Upon becoming law)

Streamlines the process for issuing residential building permits in Florida, aiming to expedite building permit approvals before a final plat is recorded.

- Mandates local governing bodies to implement a program to accelerate residential building permit issuance, with a requirement to issue up to 50% of requested permits by October 1, 2024, and up to 75% by December 31, 2027.
- Specifies that the accelerated process should include a two-step application for preliminary plat adoption and a master building permit process valid for up to three years.
- Allows applicants to employ private providers to hasten the building permit application process upon preliminary plat approval.
- Instructs local governments to create a registry of at least three qualified contractors for application review, ensuring contractors do not have conflicts of interest with applicants.
- Permits local governments to issue addresses and temporary parcel IDs based on application plat metes and bounds.
- Clarifies conditions under which building permits must be issued and establishes an applicant's right to sell residential structures before final plat approval and recording.
- Protects applicants' vested rights to an approved preliminary plat, prohibiting substantive changes without consent.
- Requires applicants to indemnify local governments, their bodies, employees, and agents from liabilities relating to the construction within the residential subdivision or community.

HB 103 - Public Records Exemption/County and City Attorneys - by Arrington (Effective Date: July 1, 2024)

The bill creates a public record exemption for current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys and the spouses and children of these attorneys. The following personal information is exempt from public record requirements under the bill:

- Home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys;
- Names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and
- Names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys.

This does not apply if qualified as a candidate for election to public office. Also, this exemption will be automatically repealed on October 2, 2029, unless reenacted by the Legislature, (Pursuant to the Open Government Sunset Review Act.)

TAX RELIEF SUMMARY INCLUDING TAX PACKAGE SUMMARY (HJR 7017, HB 7073)

Summary: $1.5 billion ++ in broad-based tax savings

- Property tax relief
- $500 million in property insurance tax relief
- $450 million in toll relief
- Small business tax relief
- 4 sales tax holidays

Property Tax Relief: House Joint Resolution 7017 proposes an amendment to the Florida Constitution requiring the current $25,000 homestead exemption, which is applied to all ad valorem taxes other than school district taxes, be adjusted annually for positive inflation growth. The amendment will be considered by Florida voters at the 2024 general election and, if approved by 60 percent of the electors voting on the measure would take effect on January 1, 2025. If passed, the amendment is expected to save Florida homeowners $22.8 million during the first year, growing to $111.7 million by Fiscal Year 2028-29.

Property Insurance Tax Relief For Homeowners: HB 7073 includes a one-year relief for residential property insurance policyholders, covering the cost of insurance premium tax and the State Fire Marshal assessment for residential property insurance policies written between October 1, 2024, and September 30, 2025, for a twelve-month coverage period.

The bill also includes a one-year insurance premium tax relief on flood insurance policies, reducing the cost of flood insurance policies written between October 1, 2024, and September 30, 2025.

Toll Relief: HB 5001, the General Appropriations Act (FY 2024 – 25 budget of the State of Florida), accounts for $450 million for a statewide toll relief program to be developed by the Department of Transportation. Toll relief will be provided for certain high-use customers from April 2024 until March 2025. Customers using a Florida-issued transponder who use Florida's Turnpike System and other toll facilities in the state are eligible. Customers who engage in 35 or more toll transactions in a month will receive a 50 percent credit.

Small Business Tax Relief: HB 7073 provides a $5 million credit for three years against the corporate income tax for businesses employing persons with unique abilities of $1,000 per employee.

Additionally, the bill provides for a $5 million credit for three years for businesses for child care expenses incurred on behalf of employees.

The bill also increases the annual cap for the Strong Families Tax Credit Program from $20 million to $40 million. The Strong Families Tax Credit Program was created in 2021 to provide tax credits for businesses that make monetary donations to certain eligible charitable organizations focused on child welfare and well-being.

Sales Tax Holidays (4)

Back-to-School Sales Tax Holiday: The legislation creates a 14-day "back-to-school" sales tax holiday from July 29 – August 11, 2024, for clothing, footwear, and backpacks costing $100 or less, school supplies costing $50 or less, learning aids costing $30 or less, and personal computers or computer-related accessories, including non-recreational software, costing $1,500 or less.

Disaster Preparedness Sales Tax Holiday: The legislation creates two 14-day "disaster preparedness" sales tax holidays from June 1 – 14, 2024 and August 24 – September 6, 2024, for disaster preparedness supplies. Some examples of tax-free items include: flashlights and lanterns costing $40 or less; reusable ice costing $20 or less; radios costing $50 or less; tarps and ground anchors or tie down kits costing $100 or less; coolers and portable power banks costing $60 or less; batteries and fuel tanks costing $50 or less; smoke detectors, fire extinguishers, and carbon monoxide detectors costing $70 or less; and generators costing $3,000 or less. The holiday also includes a number of items related to the safe evacuation of household pets.

Freedom Month: A Month-Long Sales Tax Holiday on Recreational Items: From July 1 – July 31, 2024, purchases of admissions to music, sporting, and cultural events; tickets to movies and museums; single admission or season tickets to theatre and dance performances; state park admission and annual passes; and use of fitness facilities will be tax free. Tickets, memberships and passes, purchased during this time for use any time from July 1 – December 31, 2024, are tax free.

The month-long summer sales tax holiday also applies to sales of certain boating and water activity equipment and supplies, camping equipment and supplies, fishing equipment and supplies, electric scooters, general outdoor supplies (including sunglasses, sunscreen, and grills), and residential pool chemicals, supplies and parts.

Skilled Worker Sales Tax Holiday on Tools: The legislation creates a seven-day sales tax holiday from September 1 – 7, 2024, for certain tools used by skilled trade workers. Tax-free items include certain hand tools costing $50 or less and power tools costing $300 or less, work boots costing $175 or less and many other pieces of safety equipment, as well as certain shop lights, toolboxes, and belts, and plumbing and electrical equipment.

BILLS THAT DID NOT PASS:

Sovereign Immunity (Suits Against the Government) – SB 472 by Brodeur

- Would have raised the "cap" meaning, the bill would have raised the limits on liability for individual claims to $300,000 (From a cap of $200,000) and total claims from the same incident to $500,000 (from a cap of $300,000)
- Would have authorized local governments to settle claims above these increased caps (would have the effect of encouraging lawsuits)
- Would have prohibited insurance policies from conditioning payment on the enactment of a claim bill and prevented lobbying against agreed settlements.
- Would have mandated the Department of Financial Services to adjust liability limits every 5 years based on the Consumer Price Index, not to exceed a 3% increase.

County Commission Term Limits – SB 438 by Ingoglia: In addition to opposition from local elected officials across the state, most importantly, members could not come to agreement on either an 8 or 12 year limit. This is expected to be filed next session.

The bill would have required each county that does not have 8-year term limits for county commissioners as of July 1, 2024, to hold a referendum at the 2024 general election to determine whether to adopt these term limits.
If adopted, the term limits apply prospectively, beginning at the 2026 general election.
Any county commissioner who would then be subject to the new 8-year term limits must, after completing 8 consecutive years of service, sit out for two years before again running for a county commission seat, including a different district seat or an at-large seat.

The bill would have also:

- Prohibited future referendums related to term limits of county commissioners, except that a
- county which rejects the referendum at the 2024 general election may, at any general election in the future, again put to the voters the question of 8-year term limits for county commissioners.
- Specified that an existing statutory prohibition against the use of public funds by local governments to advocate for or against a ballot issue applies to a referendum conducted pursuant to the bill's provisions.
- Provided applicability language related to sitting county commissioners in counties with existing 12-year term limits.

Repeal or Modification of the Form 6 Financial Disclosure requirements for local elected officials – Requirements passed in the 2023 Legislative Session took effect on January 1st, 2024. Nothing passed to repeal or scale back the requirements of the 2023 legislation. This legislation was originally sponsored in 2023 by Senator Brodeur, Chair of the Senate Appropriations Committee on Agriculture, Environment, and General Government.

Gambling/Casino on Miami Beach & Preemption of municipal government statutory ability to prohibit establishment of a gambling facility - SB 1054 by Ingoglia/HB 1127 by Rizo This bill would have allowed for a casino on Miami Beach (by allowing for the relocation of various permits), and would have also removed the ability for local governments to prohibit the establishment of a gambling facility if authorized to relocate pursuant to this bill.

Municipal Utilities – elimination of surcharge – (HB 1277 by Busatta Cabrera/SB 1510 by Brodeur and HB 47 by Robinson/SB 104 by Jones, HB 777 by Brackett/SB 1088 by Martin) Various iterations of these bills would have eliminated some or all of the 25% water surcharge allowed by statute.

Repeal of State Preemption on local bans of Styrofoam and plastic bag use – SB 498 by Senator Stewart