

2018 Legislative Session

Kathy Russell, City of Orlando

Presentation Batting Order

- Introductions – **Kathy Russell**
- Overview of the 2018 City of Orlando's Legislative Agenda – **Kathy Russell**
- Summary of the 2018 Legislative Session – **Kathy Russell**
- Community Development Agencies and Vacation Rentals – **Bill Peebles**
- Worker's Comp/PTSD and Florida Children's Initiative – **Jasmyne Henderson**
- Affordable Housing and Special Restaurant Beverage License – **Oscar Anderson**
- Transportation – **Chris Dudley**
- Tax Package and Safe Schools/Gun Control - **Robert Stuart Jr.**



The City of Orlando will support legislation that:

1. **Local Self-Government** – protects and strengthens the fundamental concept of local self-government.
2. **Community Redevelopment Agencies** – improves the ability of CRAs to continue the revitalization and redevelopment of historically blighted areas.
3. **Short Term Vacation Rentals** – frees local governments to innovate in the growing homeshare market, while providing sensible protections for existing neighborhoods.
4. **Transportation Funding** – provides flexible revenues for transportation, including Smart City initiatives.
5. **Small Restaurants** – allows small independent restaurants to qualify for full-service beverage licenses.
6. **Traffic Enforcement Devices** – maintains and improves the effectiveness of public safety programs that enforce red light running violations.
7. **Green Spaces** – provides funding for the Florida Communities Trust program to support local government conservation efforts including open and green space for recreation, rails-to-trails, and other public uses.
8. **Hate Crimes** – improves the effectiveness and coverage of Florida's hate crime law.
9. **Medical Marijuana** – maintains local government planning and zoning authority over land uses associated with the marijuana industry.
10. **Homelessness** – increases the funding stream for transitional and permanent housing and necessary support services.
11. **After-School Programs** – streamlines the licensing process for municipal recreation facilities.
12. **Parramore Kidz Zones** – allocates funding to the Florida Children's Initiative with oversight by the Ounce of Prevention Fund of Florida.
13. **UCF/DPAC** – allocates \$6 million to enhance facilities and programs involving UCF at the Dr. Phillis Performing Arts Center in Downtown Orlando.

How Did We Fare?
Kathy Russell, City of Orlando

Successes

- Protect Local Self Government
 - Community Redevelopment Agencies
 - Short Term Vacation Rentals
 - Traffic Enforcement Devices
 - Medical Marijuana
- Passage of Local Bill - Special Restaurant Beverage License
- Funding
 - Florida Forever 100.8m which includes \$10m for Florida Communities Trust
 - Parramore Kidz Zones - \$ 600,000 for 5 entities
 - Homelessness - \$4.1m; \$3.6m Homeless Assistance Grants
- Central Florida Expressway Authority

How Did We Fare?
Kathy Russell, City of Orlando

What Didn't Pass

- Smart City Transportation Grant Program - \$15m
- UCF/DPAC Funding - \$500,000.

Kathy Russell, City of Orlando

Summary of the 2018 Legislative Session

- **Slow start due to upheavals in the Senate**
- **Impact of the Marjory Stoneman Douglas High School tragedy**
- **Downfall of Preemptions**
- **Local Control...Home Rule....Local Democracy**

Marjory Stoneman Douglas School Safety Act



March on the Capitol for Gun Control led by Marjory Stoneman Douglas High School students



Capt. Mark Kelly addressing MSD students during their lunch break



MSD students, Capt. Kelly and senators gear up to storm the legislature



Who could resist getting your picture taken with an American Hero.

City Agenda Overview

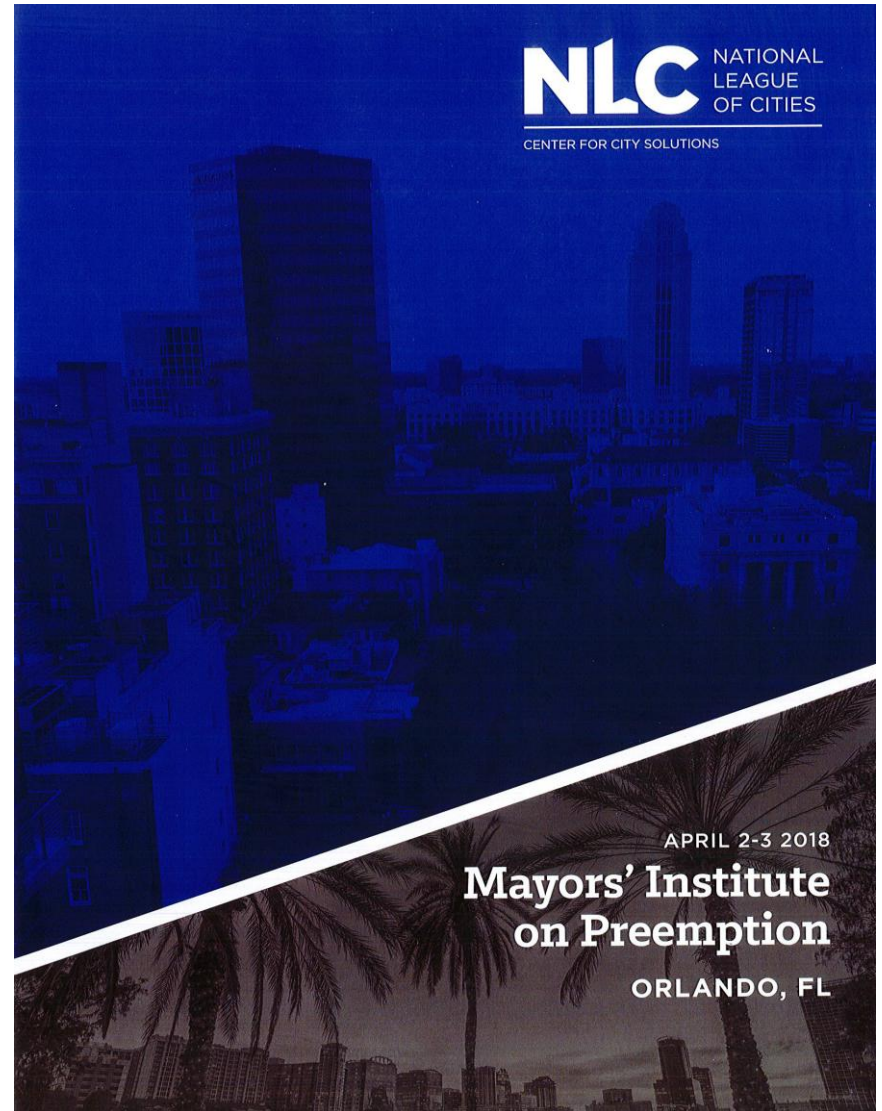
Downfall of Preemptions
Kathy Russell, City of Orlando

- **CS/CS/SB 1400 Florida Vacation Rental Act and HB 773 Vacation Rentals**
- **CS/HB 17 and SB 432 Community Redevelopment Agencies**
- **CS/CS/SB 324 and CS/Cs/CS/HB 697 Impact Fees**
- **CS/CS/SB 1262 and HB 7037 Election Dates for Municipal Officers**
- **CS/CS/CS/HB 815 and CS/CS/SB 1180 Travel Expenses & Reporting**
- **CS/CS/CS/HB 987 and CS/SB 1328 Affordable Housing**
- **CS/SB 1348 and CS/CS/HB 883 Community Development Districts**
- **HB 6001, SB 548 and SB 176 Red Light Cameras**
- **CS/SB 1082 Electric Vehicle Charging Stations**
- **SB 1776 Vegetable Gardens**
- **CS/HB 879 and SB 1326 Storm-generated Debris and Solid Waste**
- **CS/SB 574 and CS/CS/HB 521 Tree Trimming & Removal**
- **SB 378 Parking Garages**
- **HB 963 and SB 1632 Towing and Immobilizing Fees and Charges**
- **CS/SB 198 and CS/HB 6037 Fireworks**
- **SB 1290 and HB 871 Government Actions Discriminating Against Businesses/Wedding Cake Bill**
- **SB 702 Discrimination in Employment Screening**
- **HB 6029 Cardrooms**
- **HB 1433 and SB 1774 Racing Animals**
- **HB 299 Florida Building Commission**
- **PCS/SB 926 and HB 647 Natural Gas Fuel Taxes**



National League of Cities Mayors Institute on Preemption

- National problem
- Not all preemption is bad
- Corporate special interests drive preemption
- General public doesn't understand preemption:
 - “Local democracy”
 - “Local control”
 - “State interference”
- Public has generally positive view of local government, but mixed feelings towards state government
- “Neighbors know best”
 - Cities know best how to meet the needs of average people
 - Cities are closest to us





National League of Cities Mayors Institute on Preemption

Bill Peebles

Peebles, Smith and Matthews

- **Background**
 - Dade Grand Jury
 - OPPAGA
 - Auditor General
- **2017 HB 13 – as filed**
 - Prohibition of new CRAs
 - Hard sunset of existing CRAs – 9/30/2037
 - No new projects or debt
 - Extreme limitations on permissible expenditures
- **2017 HB 13 – as passed**
 - Creation only by Special Act
 - Hard sunset unless extended by majority +1
 - No new expenditure limitations
- **2018 – SB 432 – as filed**
 - Lobbyist registration
 - Mandatory addition of 2 “civilians” on CRA board
 - Expenditure restrictions
 - Limited scope- retroactive?
 - No festivals, grants to tourism, or socially beneficial programs
 - 18% cap on administrative costs
- **Sports Facilities?**



Bill Peebles

Peebles, Smith and Matthews

What is a vacation rental?

- Any condominium, cooperative, or house, which is not a timeshare project and is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month.

History

- 2011 Legislative Session
 - Legislature preempts the issue of vacation rentals to the state, preventing local governments from enacting any new law, ordinance, or regulation that prohibited, restricted the use of, or regulated vacation rentals based on classification, use, or occupancy.
 - Exemption to 2011 law - Legislation exempted any ordinance enacted prior to June 1, 2011
 - 2014 narrowing
 - Local governments allowed to regulate vacation rentals as long as those regulations do not prohibit the use of property as a vacation rental or regulate the duration or frequency during which the property can be used as a vacation rental

2018 – HB 773 by LaRosa as filed

- A local law, ordinance, or regulation may regulate activities that arise when a property is used as a vacation rental provided such regulation applies uniformly to all residential properties without regard to whether the property is used as a vacation rental
- 1 committee reference – Gov. Accountability
- Delete All filed by LaRosa
 - 63 page bill which established a regulatory framework for vacation rentals through DBPR
 - 12 amendments filed prior to committee
 - Related to LGBTQ protections, ADA protections, etc.
 - Democrats smelled blood, took advantage
 - Delete All withdrawn
 - Bill passes 13-11
- Senate Bill 1400 died in committee

Workers Comp/PTSD

Jasmyn Henderson
Pittman Law Group



Jasmyn Henderson
Pittman Law Group

SB 376

- Currently first responders are not eligible to receive indemnity for a mental or nervous injury unless it is accompanied by a physical injury
- SB 376 allows for payment of indemnity benefits for post-traumatic stress disorder without an accompanying physical injury
- In order to qualify for the indemnity benefit the first responder:
 1. Must have PTSD that resulted from the course or scope of employment
 2. Must be examined and diagnosed with PTSD by an authorized treating psychiatrist of the employer or carrier due to the first responder experiencing one of the following:
 - a. Seeing for oneself a deceased minor;
 - b. Witnessing directly the death of a minor;
 - c. Witnessing directly the injury to a minor who subsequently died prior to, or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;
 - d. Seeing for oneself a decedent who died due to grievous bodily harm of a nature that shocks the conscience;
 - e. Witnessing directly a death, including suicide, due to grievous bodily harm; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;
 - f. Witnessing directly an injury that results in death, if the person suffered grievous bodily harm that shocks the conscience; or
 - g. Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered grievous bodily harm, if the injured person subsequently died prior to or upon arrival at a hospital emergency department
- The estimated impact on Florida's workers' compensation system is approximately \$7 million
- Although the City might incur additional costs it is strongly committed to providing any necessary treatment for first responders with PTSD with the goal of getting them well so that they can return to work

Jasmyn Henderson
Pittman Law Group

- \$600,000 was appropriated for the Florida Children's Initiative in the Department of Education budget
- HB 449 - Children's Initiatives passed which added two additional sites in Jacksonville and Miami were added to the program



Affordable Housing

Oscar Anderson
Southern Strategy Group

- In the 2017 Session, the Legislature created an Affordable Housing Workgroup to bring back recommendations for the 2018 Session
- Legislation was filed by Rep. Bob Cortes to address some of the issues presented by the Workgroup
- House Bill 987 included the following provisions of note:
 - Created new requirements on the use and disposal of state and local government-owned surplus land
 - Established a five-year moratorium on impact fees for affordable housing
 - Required expedited permitting for the development of affordable housing
 - Created the Hurricane Housing Recovery Program and Recovery Rental Loan Program in statute
- The proposed legislation passed the House of Representatives with only one no vote
- The Senate never took up their version of the bill on the last day of Session, killing the bill

Orlando Local Bill

Oscar Anderson
Southern Strategy Group

- As part of Project DTO, the restaurateurs were asked to identify challenges to establishing and opening restaurants in Downtown Orlando
- The nature of Orlando's downtown space (historic buildings and cost) was identified because it prohibited restaurants from being able to have a full-service bar with liquor
- Currently, to get a full-service bar the state requires every restaurant to:
 - Serve 150 persons at one time
 - Be at least 2,500 square feet in size
- The City of Orlando requested legislation through our local delegation to create a "Downtown Restaurant Area" that reduced those thresholds
- Rep. Mike Miller filed House Bill 1447 that did two things:
 - Reduced the minimum person served at one time to 80
 - Reduced total required square footage to 1,800
- The legislation passed the Legislature and was signed by the Governor on March 23, 2018



Transportation

Chris Dudley
Southern Strategy Group



Chris Dudley
Southern Strategy Group

- The Florida Legislature passed HB 141 – it was approved by Governor Scott on April 6th and takes effect on July 1, 2018. HB 141 provides for the following:
 - Authorizes the FDOT to contract with local entities for the transfer, purchase, sale, acquisition, or other conveyance of the ownership, operation, or maintenance of any turnpike project approved by the Legislature. Local entities are authorized to negotiate and contract with the FDOT for the same purposes. This authorization will allow the Central Florida Expressway Authority to engage in more detailed negotiations for the possible purchase of FDOT and Florida Turnpike roadways within Central Florida, such as the 528 and the 417.
 - Clarifies that all law enforcement vehicles (marked or unmarked) are exempt from the payment of tolls while on official business.
 - Requires the Miami-Dade County Expressway Authority to reduce tolls by 5% effective no later than October 31, 2018, or face an immediate dissolution of the board and requires a new board to be named.

Chris Dudley
Southern Strategy Group

- What Didn't Pass
 - Smart City Grant Program: The Florida Smart City Challenge Grant Program was proposed to provide opportunities to develop smart mobility solutions to local transportation challenges. The city would submit applications to the Florida Department of Transportation (FDOT) for grants to fund certain innovative transportation projects.
 - Statewide Mobility: A second proposal relating to local mobility solutions would have redirected the current \$60 million for passenger allocation beginning in 2021-22. \$25M would be directed to Tampa Bay, \$25M to Miami-Dade County and the remaining \$10M would be available for a statewide grant program. This current allocation benefits SunRail and Tri-Rail.

Tax Cut Package

Robert Stuart, Jr.
GrayRobinson

- HB 7087 provides for \$169 Million in tax relief
- Components of the package:
 - 7-day Disaster Preparedness Sales Tax Holiday – June 1-7
 - Several tax exemptions for storm-related expenses (building materials for damaged property, citrus processing equipment, agricultural property taken out of production, doc stamps on emergency loans, generators for nursing homes and assisted living facilities)
 - 3-day “Back to School” sales tax holiday – August 3-5
 - Permanent reduction of the business rent tax by another .1% - will be 5.7% beginning July 1
- Allows for expanded use of TDT for more traditional infrastructure spending under certain circumstances – but not applicable (at least for foreseeable future) to Orange/Osceola/Seminole
- Requires an OPPAGA-procured independent CPA study of proposed county or school board referendum sales tax to be posted 60 days prior to referendum.

School/Gun Safety

Robert Stuart, Jr.
GrayRobinson



Robert Stuart, Jr.
GrayRobinson

- Major Components of the Legislation
 - Raised age limit to 21 for purchase of *all* firearms in Florida
 - Mandates a 3-day waiting period for purchase of all firearms
 - Coach Aaron Feis Guardian Program – allows for school personnel that are not “exclusively” classroom teachers to possess a firearm on campus if first:
 - The Sheriff *and* School Board of a county elect to implement a program, and
 - The individual must undergo 144 hours of training
 - Invests \$400 million in school safety measures (\$200 million of which is recurring)
 - \$162 million for sworn law enforcement
 - \$99 million for school hardening
 - \$75 million mental health school counselors
 - \$28 million to expand mental health statewide

Questions?