



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING OCTOBER 12, 2021

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

1. OPENING REMARKS

2. MINUTES

A. Planning & Zoning Minutes September 13, 2021

3. CONTINUED ITEM

A. Development Agreement Amendment Application DA12021029: Aspesi Residence/Atlantic Avenue Estates, LLC - 3833 Cardinal Boulevard

4. ACTION ITEMS

A. Ordinance 2021-14: Mobile Food Vehicles

5. QUASI-JUDICIAL HEARING

A. Special Exception 12021019 - Pax Tecum, LLC / Casual Bird Restaurant Mural

6. OTHER

A. Discussion on Florida Legislation Updates

7. **BOARD COMMENTS**

8. **ADJOURNMENT**

MINUTES
PLANNING & ZONING BOARD MEETING
September 13, 2021
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rose Ann Tornatore, Member Rick Delange, Member Anthony Rembiszewski, Member James Lilly, Member Chuck Horion and Chair John Schmitz.
Staff: City Clerk Cheri Schwab, City Attorney John Cary, and City Planner Stewart Cruz

2. MINUTES

A. Planning & Zoning Minutes July 12, 2021

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Approve Planning & Zoning of Minutes July 12, 2021.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore

3. ACTION ITEMS

A. Development Agreement Amendment Application DA12021029: Aspesi Residence/Atlantic Avenue Estates, LLC - 3833 Cardinal Boulevard

City Planner Stewart Cruz requested the item be continued until the October 12th meeting. The applicant was not able to obtain all the required signatures before the deadline for today's meeting.

MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to Continue the Development Agreement Amendment Application DA12021029.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Chuck Horion, Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose Ann Tornatore

B. Ordinance 2021-09: Property Rights Element Comprehensive Plan Amendment

City Planner Stewart Cruz explained that this amendment is required by HB 59, which was recently approved by the Florida Legislature. It would add a chapter on property rights elements. The house bill included model language and staff is recommending approval.

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to recommend approval of Ordinance 2021-09 to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore

C. Ordinance 2021-10: Treasure Island Stipulated Settlement Agreement Comprehensive Plan Amendment - 2025 S. Atlantic Ave, et al

City Planner Stewart Cruz explained that the proposed comprehensive plan amendment is related to the stipulated agreement between the City and 2025 S. Atlantic LLC. He provided a summary of the amendment to the board. It would allow flexibility and a mixture of uses. It would also allow density to be transferred from parcel to parcel with certain restrictions. Staff recommended approval of the amendment. Attorney Rob Merrill from Cobb & Cole, who was representing the applicant, spoke briefly to the board. He stated that the staff summary was very comprehensive and complete. He added that this is the first step to demolishing the structure and beginning the redevelopment process.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval of Ordinance 2021-10 to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose Ann Tornatore

4. QUASI-JUDICIAL HEARING

A. Zoning Variance Application ZV12021017: Chhaya Nathoo Residence - 2711 S. Atlantic Avenue

The hearing opened at approximately 9:00 am. The board members stated there was no ex-parte communication. The speakers were sworn in for the record by Board Attorney Cary. City Planner Stewart Cruz indicated that all due public notice had been met. The variance application is for 2711 S. Atlantic Avenue. It is currently a vacant lot and the owners plan to build a single family residence. The owner is requesting a variance for side yard setbacks of 6.5 feet instead of the required 10 feet. An artist's rendering of the proposed home was shown as well as an aerial view of the property. Mr. Cruz summarized the variance criteria for the board and declared it was staff's recommendation to grant the variance.

Christopher Bomp, general contractor for the project, spoke on behalf of the owner. He stated that it would be the owner's primary residence and not a rental property. The structure planned would be smaller than the previous home on the lot. The board had no questions for Mr. Bomp or the owners who were present.

There was no one who wished to speak in favor of the application.

Lisa Park, who resides just north of the property, spoke against the application. It was her opinion that the home could be designed to fit within the guidelines and setbacks that are required. She displayed a picture of her home as an example. She felt that the close proximity to her retaining wall would cause an issue. Mr. Bomp explained that the building wouldn't impact her home in any way.

The hearing closed at 9:25 am.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER RICK DELANGE to Approve the Zoning Variance Application ZV12021017 as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 1).

Yes: Member Rick Delange, Member Chuck Horion, Chairman John Schmitz, Member Rose ann Tornatore

No: James Lilly

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:30 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman



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AGENDA PLANNING & ZONING BOARD MEETING OCTOBER 12, 2021

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PLANNING & ZONING BOARD AGENDA MEMORANDUM OCTOBER 12, 2021 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Development Agreement Amendment Application DA12021029: Aspesi Residence/Atlantic Avenue Estates, LLC - 3833 Cardinal Boulevard

SYNOPSIS:

On July 16, 2021 the City received an application to amend the Atlantic Avenue Estates, LLC - City of Daytona Beach Shores Development Agreement, which concerns a 0.7 acre four (4) lot subdivision in the 3800 block of S. Atlantic Avenue. The application was submitted by Cheryl and Anthony Aspesi, owners of the 3833 Cardinal Boulevard lot, situated in the northwest corner of the subdivision along Cardinal Boulevard. The applicants are requesting an amendment to allow the construction of a single-family residential structure with the following deviations on their property: (1) reduction of front yard setback from 30 feet to 25.5 feet, (2) reduction of rear yard setback from 25 feet to 10 feet and (3) increase in lot coverage from 35% to 39%. The applicant is also requesting the City waive (reimburse) the \$550 development agreement amendment application fee. **The remaining three property owners in the subdivision have provided written support of the proposed amendment.**

FISCAL IMPACT STATEMENT:

BACKGROUND:

I. OVERVIEW OF PROPOSED AMENDMENT

The development agreement concerns a 0.7 acre four (4) lot subdivision in the 3800 block of S. Atlantic Avenue. The application however, only concerns the 3833 Cardinal Boulevard lot, which is situated in the northwest corner of the subdivision along Cardinal Boulevard. The entire subdivision is overgrown and undeveloped. The applicants are requesting an amendment to allow the construction of a single-family residential structure with the following deviations on their property: (1) reduction of front yard setback from 30 feet to 25 feet, (2) reduction of rear yard setback from 25 feet to 10 feet and (3) increase in lot coverage from 35% to 39%. If approved, the proposed amendment would be reflected in Sec. 3.d of the agreement as follows. **NOTE:** Underline represents proposed amendment language to be added to the existing agreement.

Section 3. SITE LAYOUT AND CONCEPTUAL PLANS FOR DEVELOPMENT

(d). In the event that the Property Owner elects to construct a single-family residence on any of the 4 tracts depicted in Exhibit "B" he may do so at his sole discretion provided the minimum yard sizes, minimum floor area, maximum building height, and maximum lot coverage are consistent with the requirements contained in Section 14-17 of the City's Land Development Code for the RSF-2 Urban Single-Family Residential Detached District. Provided however, the property located at 3833 Cardinal Boulevard Daytona Beach Shores, Florida, 32118, also known as Tract 1, and more specifically described in Exhibit A attached, may be developed consistent with the following development standards: minimum front yard setback of 25 feet, rear yard setback of 10 feet, maximum lot coverage of 39%. All other land development standards shall apply.

II. ADDITIONAL REQUEST/INFORMATION

The applicant is also requesting the City waive (reimburse) the \$550 development agreement amendment application fee. If granted, these deviations would not apply to the remaining three lots within the subdivision. The remaining three property owners in the subdivision have provided written support of the proposed amendment.

III. OVERVIEW OF EXISTING DEVELOPMENT AGREEMENT & 1st AMENDMENT

The original Development Agreement was executed by the City to foster the development of the original tract of land, which was annexed into the City in 2015. Highlights of the Development Agreement include: (a) seven (7) benefits to the public, including, but not limited to, development of a property that was formerly a county enclave; and (b) permitting of four (4) deviations from the City's Land Development Code, including but not limited to minimum lot sizes for duplex construction.

The original agreement was amended on December 8, 2020 to also permit single-family construction on each of the four (4) lots consistent with the dimensional requirements of the RMF-2 Urban Single-Family Residential Detached District.

IV. AUTHORIZATION OF DEVELOPMENT AGREEMENT

The City Council, in its sole and exclusive discretion, may enter into development agreements with the legal and equitable owners of real property within, or properties to be annexed to the City limits of the City of Daytona Beach Shores, as authorized in Sections 163.3220 through 163.3243, Florida Statutes, as it may be amended from time-to-time and Chapter 15 of the Land Development Code (LDC). Deviations from the provisions of the City's land development regulations may be granted as part of an approval of a development agreement when the City Council finds that such approval will result in creative planning strategies and the implementation of development approvals that enhance benefits to the public while ensuring that private property rights are protected. The City Council may also determine that vested rights have been established as to a parcel of property in the context of approving a development agreement.

V. DEVELOPMENT AGREEMENT CONTENT REQUIREMENTS

All applicable standards required in the development agreement are included in the original development agreement pursuant to Sec. 15-4 of the LDC entitled "Development Agreement Content."

VI. DEVELOPMENT AGREEMENT NOTICE REQUIREMENTS

The development agreement shall be noticed pursuant to Sec. 15-6 "Noticing Requirements" of the LDC. Evidence of the aforementioned has been provided to the City Clerk.

VII. PLANNING ANALYSIS/FINDINGS

Sections 15-4, 15-5, 5-9 and 15-10 of the LDC establish general code requirements which may be applied to analyze the application. These requirements are summarized below.

A. Sec. 15-4. - Development agreement content.

-The relevant subsection of this section of the LDC, subsection (12), requires a "*A finding that the terms and conditions of the development agreement benefit the public interest.*" Staff Finding: The public interests, also known as public benefits, outlined in Sec. Four (4) of the current agreement remained unchanged. However, in an email addressed to City Staff (see attached Application Exhibit), the property owner noted that approval of the application will also benefit the City through the development of the vacant property, among other things, and bring new permanent residents to the City in lieu of a potential rental and vacant property.

B. Sec. 15-5: Development agreement review; process and procedure; action by city.

-Subsection (b) of this section states that "*Upon receipt of a proposed development agreement, city staff shall review the proposal and develop proposed findings, in writing, respecting recommendations of approval, approval with conditions, modifications to the proposal or denial of the proposal. City staff shall provide to the city council written recommended findings on the consistency of the application with the city's comprehensive plan and the purpose and intent of the city's land development regulations and recommend any conditions, terms, restrictions or other requirements determined to be necessary for the public health, safety, or welfare of the citizens of the city.*" Staff Finding: The proposed amendment is not inconsistent with the Daytona Beach Shores Comprehensive Plan. In addition, the amendment does not appear inconsistent with the purpose and intent of the Daytona Beach Shores Land Development Code as seen below:

Sec. 1-3. - Purpose.

The purpose of this Land Development Code is to establish standards, procedures and minimum requirements to achieve the following general intentions and purposes of the city council:

- 1.To establish the regulations, procedures and standards for review and approval of all proposed development in the City of Daytona Beach Shores.
- 2.To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the City in accordance with the Comprehensive Plan.
- 3.To adopt a development review process that is: a.Efficient, in terms of time and expense; b.Effective, in terms of addressing the natural resource and public facility implications of proposed development; while also protecting and improving the quality of life in the city; c.Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the city.
- 4.To implement the city's comprehensive plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act."
- 5.To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

C. Sec. 15-9: Amendment or cancellation of development agreement

-This section provides that *"A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest."* All property owners within the subdivision have executed the proposed agreement indicating mutual consent on their part. Staff Finding: All property owners within the subdivision have executed the proposed agreement indicating mutual consent on their part.

-This section also states that development agreements may be modified *"in the city's sole discretion"* and *"require approval by the city council in accordance with the procedures set forth"* in the ordinance. Staff Finding: The amendment of a development agreement is a legislative action. Therefore, the City Council may approve or disapprove at will providing the action in question is not contrary to controlling law.

D. Sec. 15-10: Modification/revocation of development agreement

-This section stipulates that a development agreement may be modified *"in the city's sole discretion"* and *"require approval by the city council in accordance with the procedures set forth"* in the ordinance. Staff Finding: The amendment of a development agreement is a legislative action. Therefore, the City Council may approve or disapprove at will providing the action in question is not contrary to controlling law.

E. Comparison with Surrounding Neighbourhood.

Planning staff conducted an analysis of four (4) lots north and four (4) lots south, excluding the vacant lot part of the subdivision in question, of the subject lot on the west side of Cardinal Boulevard. The analysis was conducted using the Volusia County Property Appraiser Website Aerial Mapping Measure Tool. Although there is a small but unknown margin of error that should be considered when utilizing the mapping tool due to an inherent challenge with georeferencing aerial photography

relative to digitized plats, this analysis was conducted to get an idea of nearby lots in the neighbourhood. Below are the results:

1. Average front yard setback: North =27.75'; South=23' Staff Finding: Requested deviation within the range of properties analyzed.
2. Average rear yard setback: North=28.75'; South=27.75' Staff Finding: Requested deviation outside the range of properties analyzed. *NOTE*: If the proposed covered patio was detached from the principal building and constructed as an accessory structure, Sec. 14-34 of the LDC would permit the patio to be placed up to five (5) feet from the rear property line.
3. Average lot coverage: North=39%; South=31% Staff Finding: Requested deviation is at the high end of the range for the properties analyzed.

VIII. PLANNING AND ZONING BOARD RECOMMENDATION

Pending (9-13-21).

LEGAL REVIEW:

Approved as to form and legality with the signed consent of the other owners that are a part of the Development Agreement.

RECOMMENDATION:

Development agreements and amendments thereof are legislative acts and there are no assumed vested rights outside of the development agreement, LDC and Comprehensive Plan. The City Council may approve or disapprove the proposed amendment at its own pleasure. However, based on the findings contained in this report, including, among other things, consistency with the Daytona Beach Shores Comprehensive Plan, infilling of residential low density residential use which is compatible with the surrounding neighborhood and the public benefits outlined in Sec. Four (4) of the existing development planning, staff recommends approval of the proposed amendment.

SUGGESTED MOTION:

A Planning and Zoning Board Member may motion as follows:

1. "I move to recommend approval of the proposed amendment as presented."
OR
2. "I move to recommend approval of the proposed amendment, with the following amendments..."
OR
3. "I move to recommend denial of the proposed amendment on the basis of the following..."

ATTACHMENT:

1. Application
2. Location Exhibit
3. Atlantic Avenue Development Agreement-Proposed 2nd Amendment-SC-8-24-21
4. Ordinance 2021-11-Aspesi DA Amendment-9-13-21

RECEIVED

JUL 16 2021

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

pd 8550.00
cc # 086776



City of Daytona Beach Shores
Community Services Department
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118

550.00

12021016

APPLICATION TO ENTER INTO OR AMEND A NON-PUD DEVELOPMENT AGREEMENT

Application for New Development Agreement: ☐

Application to Amend Existing Development Agreement: ☒

The Undersigned Applicant requests the City Council to decide upon this application in accordance with Daytona Beach Shores Ordinance 2013-10.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: 7/16/21

Current Zoning: RMF-3

Applicant's Name: Cheryl and Anthony Aspesi

Address: 1044 Forest Cir Winter Springs Phone #: 407-694-4818
FL 32708 407-687-5281

Representative: N/A

Address: _____ Phone #: _____

Email: Casperi@willowcreekchurch.org tasperi@Bakerdist.com

Property Address & Parcel ID: 3833 Cardinal Blvd Daytona Beach Shores, FL
32118

Property Owner: Cheryl and Anthony Aspesi ID# 630205070140

Legal Description of Property:

The northerly 75 ft of the west 1/2 of lots 14 and 15, Block 7, Oceanview section of Halifax Estates, according to the map or plat thereof as recorded in map book 11 page 100, of the public records of Volusia County, FL.

Together with and subject to the easement created under that certain easement agreement dated November 16, 2020 and recorded in Official Records Book 7946, Page 2744, Public Records of Volusia County, FL.

Cheryl Aspesi
Applicant's Signature

7/16/2021
Date

TO: Honorable Mayor and City Council Members

FROM: Cheryl and Anthony Aspesi

SUBJECT: Amendment to the Atlantic Avenue/City of Daytona Beach Shores Development Agreement pertaining to the portion of the property located at 3833 Cardinal Blvd., Daytona Beach Shores.

DATE: August 2, 2021

On May 25th, 2021, we took ownership of the property located at 3833 Cardinal Blvd., Daytona Beach Shores, FL. This was a lot that was previously part of a larger parcel known as the Atlantic Avenue Estates Duplex Development. The development was subdivided into 4 parcels and 3 have been sold. Our piece, referred to as Tract 1 and located in the NW corner of the original property, was sold to us without us knowing there was a developer's agreement attached to the property. We had purchased the property and have plans for a single family residence to be built but have now learned that the setback requirements in place under the developer's agreement create a hardship for us in terms of building the house we have chosen. We are therefore respectfully requesting the following setbacks be allowed so that we may proceed with the construction of our new home: We would require a front setback of 25 feet, a rear setback of 10.8 feet and a side setback of 10 feet. Our plans are for a single story, 2,044 square foot residence with a covered lanai. In order to accommodate the structure we would need these setbacks to be approved. We do not feel this would in any way be a detriment to the neighborhood by requesting these setbacks but actually feel it will increase home values in the area as well as creating an increase in the tax base for the city. We have already spoken with the neighbor next door, Fernando Castellanos, who said he had no issues with us building the home as planned and was very excited to see improvements in the neighborhood.

As you can see on the preliminary plan we submitted the front setback is only 4.5 feet less than the current zoning requirements, the side setbacks are in accordance with current requirements and would not need to be changed but the rear setback would go from 25 feet to 10 feet to allow for the covered lanai that is proposed. We are extremely desirous of having the covered lanai so that we can have some shaded, outdoor space to enjoy the surroundings. This would be a part of the total building structure (under a single roof) and more aesthetically pleasing than us having to do an add-on, unattached porch after construction, which we feel would not be as attractive or economically prudent. We know if we were to do an unattached add-on covered patio after construction we could build up to 5 feet from the property line. However, we would much prefer to have a covered lanai that is part of the structure and therefore need to have the 10 foot setback in the rear to accommodate it.

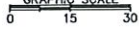
In conjunction with this, we would also appreciate if the fee for applying for this amendment would be waived, or at least reduced to the fee for a single family residence and not the \$550 for a developer making an amendment to an agreement.

We are very excited to begin construction on a new home so that we can retire to this beautiful community by the beach. We are long time Floridians who have wanted to get to "the shore" and hopefully with your kind consideration we will be able to do this very soon.

Sincerely,

Cheryl and Anthony Aspesi

DESCRIPTION: (AS FURNISHED)



FOUND 1/2" IRON PIPE
NO ID.
NORTHWEST CORNER
OF LOT 11 BLOCK 7.



KNOWN AS: CARDINAL BOULEVARD
PLATED AS: PENINSULA BOULEVARD
(RIGHT OF WAY
(ASPHALT ROADWAY))



Maronda Homes
An Easily Observable, Better Value!

FRONT: 30°
REAR: 25°
SIDE: 10°

1. BUILDER WILL SOD ALL DISTURBED AREAS WITHIN THE RIGHT OF WAY.
2. CONCRETE WILL BE 6" THICK AT RIGHT OF WAY.
3. THE DRIVEWAY & DRIVE OF WAY, MUST CONFORM TO THE EXISTING CURB, EXPOSE AND PROVIDE FOR CONTINUED POSITIVE DRAINAGE.
5. THE DRIVEWAY MATERIALS, WITHIN THE RIGHT OF WAY, SHALL BE EITHER 6" INCHES OF ASPHALT MIXTURE OR 6" INCHES OF CRUSHED CONCRETE FINES.
6. DRIVEWAY WIDTHS AT THE PROPERTY LINE CAN ONLY BE 24' (FEET).
7. ELEVATIONS SHOWN ARE PER LOT GRADING PLANS PROVIDED BY THE CLIENT.
8. ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
9. FINISHED FLOOR ELEVATION TO BE A MINIMUM OF 18" ABOVE THE CROWN OF ADJACENT ROADWAY.

THIS PLOT PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY. THIS IS NOT INTENDED FOR THE CONSTRUCTION OF THE PROPOSED HOUSE. REFER TO HOUSE PLAN AND OPTION LIST FOR CONSTRUCTION. ALL BUILDING SET BACK LINES SHOWN HEREON IS PER DATA FURNISHED BY CLIENT AND IS FOR INFORMATIONAL PURPOSES ONLY.

THIS IS NOT A SURVEY
THIS IS A PLOT PLAN ONLY

I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NO 1212700389J,
DATED SEPTEMBER 29, 2017, AND FOUND THE SUBJECT PROPERTY
APPEARS TO LIE IN ZONE X, AREA OUTSIDE THE 100 YEAR FLOOD PLAIN.
THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION.
PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY RIGHT OF
WAY LINE OF CARDINAL BOULEVARD, BEING N23°46'10"W, AN ASSUMED
BEARING.

SCALE: $1" = 30 \text{ FEET}$

APPROVED BY: JB

210524 LOTS 14 & 15
BLOCK 7

DRAWN BY: JMH

CLIENT COMM. 07/28/21 JL

REV. SETBACKS 7-17-21 JMH

ADD LANA 07-10-21 JMH
PLOT PLAN 06-22-21 JMH

BOUNDARY & TOPOGRAPHIC
65 17 21 22

ON LOT BLOG STRUCTURE CALCULATIONS		
LOT	= 7,688	SQ. FT.
LIVING AREA	= 2,044	SQ. FT.
GARAGE	= 514	SQ. FT.
ENTRY	= 203	SQ. FT.
LAIR	= 260	SQ. FT.
PO	= 0	SQ. FT.
DRIVEWAY	= 0	SQ. FT.
A/C PAD	= 0	SQ. FT.
WALKWAY	= 0	SQ. FT.
IMPERVIOUS	= 39%	SQ. FT.
SOD	= 4,687	SQ. FT.
OFF LOT CALCULATIONS		
RIGHT OF WAY	= 0	SQ. FT.
DRIVE APRON	= 0	SQ. FT.
PUBLIC S/W	= 0	SQ. FT.
PO	= 0	SQ. FT.
TOTALS		
AREA	= 7,688	SQ. FT.
DRIVEWAY	= 0	SQ. FT.
SIDEWALK	= 0	SQ. FT.
SOD	= 4,687	SQ. FT.

ON LOT CALCULATIONS		
LOT	= 7,688	SQ. FT.
LIVING AREA	= 2,044	SQ. FT.
GARAGE	= 514	SQ. FT.
ENTRY	= 203	SQ. FT.
LAHAI	= 260	SQ. FT.
RATIO	= 9	SQ. FT.
DRIVEWAY	= 429	SQ. FT.
A/C PAD	= 9	SQ. FT.
WALKWAY	= 58	SQ. FT.
IMPERVIOUS	= 467	SQ. FT.
SOD	= 4,171	SQ. FT.
OFF LOT CALCULATIONS		
RIGHT OF WAY	= 1714	SQ. FT.
DRIVE APRON	= 432	SQ. FT.
PUBLIC S/W	= 0	SQ. FT.
TOTALS	= 1,282	SQ. FT.
AREA	= 9,402	SQ. FT.
DRIVEWAY	= 861	SQ. FT.
SIDEWALK	= 58	SQ. FT.
SOD	= 5,453	SQ. FT.

----	BUILDING SETBACK LINE
=====	CENTERLINE
=====	RIGHT OF WAY LINE
=====	PROPOSED ELEVATION PER CIVIL ENGINEER
XXXX	PROPOSED ELEVATION
XXXX	EXISTING ELEVATION
=====	PROPOSED DRAINAGE F
=====	CONCRETE
A/C	AIR CONDITIONER
S/W	SEWALK
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY WATER
TS	TELEPHONE RISER
TRANS	TRANSFORMER
WB	WATER BISS
PP	POWHER POLE
DR	DRAINAGE & UTILITY EASEMENT
FTE	FINISHED FLOOR ELEVATION
II	COMMUNICATION RISER
O	FOUND 1/2" IRON ROD (NO ID)
-----	GROUND ELEVATION
-O	GUY ANCHOR
-----	OVERHEAD UTILITY LINE
-----	STORM INLET
-----	SEWER MANHOLE
-----	WOODEN UTILITY POLE
-----	WATER METER
-----	CORRUGATED METAL PIPE
CONC	CONCRETE
TOP	TOP OF SLOPE

SETBACK & IMPERVIOUS
BOX PER CLIENT

PI	FREE(S) TO BE REMOVED
PT	POINT OF INTERSECTION
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
PRC	POINT OF REVERSE CURVATURE
PCP	POINT OF COMPOUND CURVATURE
CS	TYPICAL
CS	CONCRETE SLAB
(C)	PER FLAT
(C)	CALCULATED
PL	PLAT BOOK
PS	PAGES
SQ. FT.	SQUARE FEET
F.E.M.A.	FEDERAL EMERGENCY MANAGEMENT AGENCY
NAVD	NAUTICAL MILEAGE RATE MAP
NAVD	NORTH AMERICAN VERTICAL DATUM
LE	LANDSCAPE EASEMENT
UE	UTILITY EASEMENT
UE	UTILITY EASEMENT
WEG	WATCH EXISTING GRADE
EG	ELEATION
EG	EXISTING GRADE
EQMP	ELLIPTICAL CORRUGATED METAL PIPE
CONW	CONCRETE HEAD WALL
E	EAST
EP	EDGE OF PAVEMENT
ELT	ELEVATION
FNTE	FINISHED FLOOR ELEVATION
FND	FOUND
ID	IDENTIFICATION
INV	INVERT
IR	IRON ROD
LB	LICENSED BUSINESS
MC	MEASURED DATA
N	NORTH
PC	POINT OF CURVATURE
RS	RECORD DATA
S	SOUTH
WF	WOOD FENCE
W	WIDE

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
3. NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Digitally signed by James W Boleman
DN: c=US, st=Florida, o=I-Orlando,
ou=AMERICAN SURVEYING & MAPPING,
email=jboleman@aismcorporation.com
Date: 2021.07.28 07:51:57 -0400
Adobe Acrobat version: 11.0.23

FOR
THE
FIRM

JAMES W. BOLEMAN PSMA #485 DATE

Page 13 of 94

Prepared by:
Tami Jo Chlan
Waterside Title Co.
1092 Ridgewood Avenue
Holly Hill, Florida 32117

File Number: 21-1127

General Warranty Deed

Made this May ²⁵ 2021 A.D. By Atlantic Avenue Estates LLC, a Florida limited liability company whose address is: 133-15 Beach Channel Drive, Rockaway Park, New York 11694, hereinafter called the grantor, to Anthony Asprel and Cheryl Asprel, husband and wife whose post office address is: 1044 Forest Circle, Winter Springs, Florida 32708, hereinafter called the grantees:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantees, all that certain land situate in Volusia County, Florida, viz:

The Northerly 75 feet of the West 1/2 of Lots 14 and 15, Block 7, Ocean View Section of Halifax Estates, according to the map or plat thereof, as recorded in Map Book 11, Page 100, of the Public Records of Volusia County, Florida.

Together with and subject to the easement created under that certain Easement Agreement dated November 16, 2020 and recorded in Official Records Book 7946, Page 2744, Public Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any, the mention of which shall not serve to reimpose the same.

Parcel ID Number: 6302-05-07-0140

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantees that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2020.

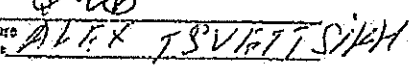
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness 1 signature 
Witness Printed Name _____

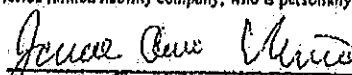
Atlantic Avenue Estates LLC,
a Florida limited liability company

By: Mark Scharff, as Member
Address: 133-15 Beach Channel Drive, Rockaway Park, New York 11694

Witness 2 signature 
Witness Printed Name _____

State of New York
County of Kings

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 25th, 2021, by Mark Scharff as Member of Atlantic Avenue Estates LLC, a Florida limited liability company, who is personally known to me or who has produced a driver's license as identification.


Notary Public
Print Name: Janice Evelise Velez
My Commission Expires: Nov 31, 2023

Cruz, Stewart

From: Cheryl Aspesi <CAspesi@willowcreekchurch.org>
Sent: Thursday, August 19, 2021 9:50 AM
To: Cruz, Stewart
Subject: RE: DAA12021016 Atlantic Avenue Estates DA Amendment-1st Review

Good morning,

1. By an affidavit for the mailing of the letters, you just need a word document stating that they were mailed out and when?
2. Placed the order for the ad yesterday and waiting on the documentation for that. I will send over as soon as I have it.
3. I'll send the list of the neighbors and a copy of the letter later today.
4. I put the one owner's phone number (Jareb Rossi) in the email I sent (see below). That is what was listed for his business in Port Orange so figured that was the easiest way to contact. I tried googling Mr. Goorab but didn't find anything quickly so will have to search that a little bit more.
5. Our last phone conversation we discussed that we would take out the request to eliminate the \$2,500 permit fee, which was to be used for public benefits, but since we are not removing that from the agreement than the \$2,500 will be a benefit to the public interests as it was intended originally. The only other public benefits I would see are the overall improvements to the vacant property, an increase in the tax base which would help with public interests, the fact that this will eventually become our permanent home and as permanent residents we will maintain our property and be involved in the community to a higher degree than a rental or vacant property owner would.

Hope this helps and will get the rest of the items to you asap.

Thanks and have a great day,
Cheryl

From: Cruz, Stewart [mailto:SCruz@cityofdb.org]
Sent: Wednesday, August 18, 2021 12:28 PM
To: Cheryl Aspesi
Subject: RE: DAA12021016 Atlantic Avenue Estates DA Amendment-1st Review
Importance: High

Got it. Thank you.

I will need the following from you at least a week prior to the meeting. You can email.

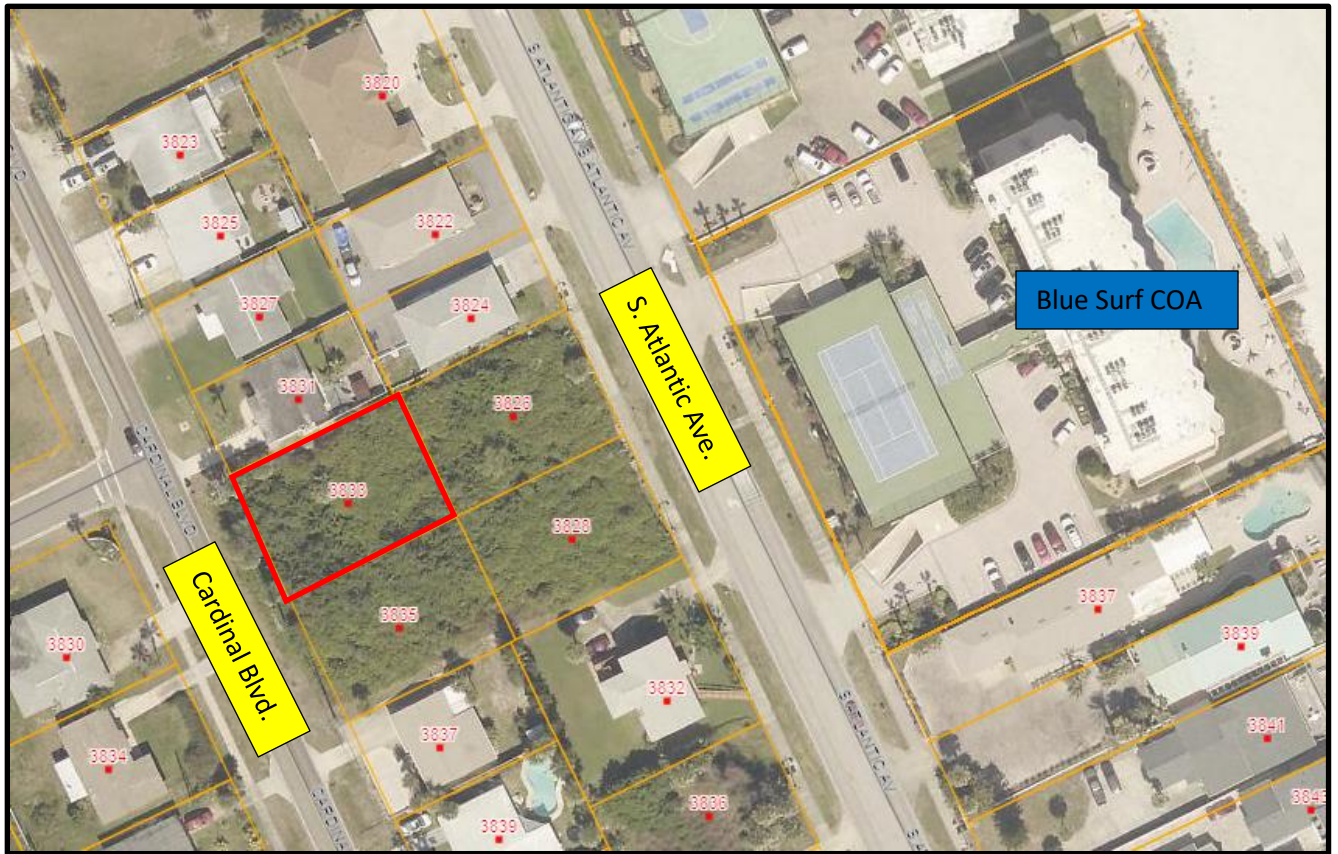
1. An affidavit from you attesting that you've mailed out the letters as required by code
2. A copy of the News Journal affidavit and proof of publication
3. A copy of the letter and list of the neighbors to whom you sent the mail

Also, besides Mark Scharff, do you have telephone numbers or email contact for the subdivision owners?

Lastly, did you ever provide a list of public benefits or benefits to the public interest as a result of the proposed amendment? If I missed it can you resend? Thank you.

stewart

AERIAL VIEW: 3833 Cardinal Boulevard



Source: Volusia County Property Appraiser, 2021

CARDINAL STREET VIEW: 3833 Carinal Boulevard



Source: GoogleMaps, 2021

Document prepared by:
Cheryl Aspesi
1044 Forest Circle
Winter Springs, FL 32708

Return recorded document to:
City of Daytona Beach Shores City Clerk
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

**SECOND AMENDMENT TO THE ATLANTIC AVENUE/CITY OF DAYTONA BEACH SHORES
DEVELOPMENT AGREEMENT PERTAINING TO THE DEVELOPMENT OF THE
ATLANTIC AVENUE ESTATES DUPLEX DEVELOPMENT**

The **CITY OF DAYTONA BEACH SHORES, FLORIDA**, a Florida municipal corporation located in Volusia County, Florida ("City"), and **ANTHONY ASPESI AND CHERYL ASPESI**, husband and wife, whose mailing address is 1044 Forest Circle, Winter Springs, Florida, 32708 the record title property owner ("Property Owner"), make and enter into this **SECOND AMENDMENT TO THE ATLANTIC AVENUE/CITY OF DAYTONA BEACH SHORES DEVELOPMENT AGREEMENT PERTAINING TO THE DEVELOPMENT OF THE ATLANTIC AVE ESTATES DUPLEX DEVELOPMENT**.

WHEREAS, the City and Atlantic Avenue Estates, LLC ("Developer"), entered into the Atlantic Avenue/City of Daytona Beach Shores Development Agreement Pertaining To The Development Of The Atlantic Avenue Estates Duplex Development, recorded in the Official Records Book 7238, Page 3066, Public Records of Volusia County, Florida as Instrument Number 2016-062949 (the "Agreement"), and

WHEREAS the Developer sold the 3833 Cardinal Boulevard portion of the development, more specifically described in Exhibit A attached, to Property Owner as recorded in the Official Records Book 8057, Page 1047, Public Records of Volusia County, Florida as instrument Number 2021-126765, and

WHEREAS, Property Owner proposes to amend the Agreement as set forth herein, and

WHEREAS, the Developer and remaining property owners in the development agree with the terms of the Agreement as set forth herein, and

WHEREAS, the City is willing to grant the Property Owner's request subject to the terms and conditions set forth herein and

WHEREAS, for purposes of this instrument, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and strikethrough shall constitute deletions to the original text.

Now, Therefore the City and the Property Owner hereby agree to amend the Agreement as follows:

1. Section 3, Site Layout and Conceptual Plans for Development, of the Agreement is amended to read, in its entirety as follows:

(a). The attached Lot Configuration Plan for development of the property into eight (8) individual lots for the development of residential duplex units (Exhibit "B") is hereby approved by the terms and conditions of this Development Agreement.

(b). The attached Site Development Plan for development of the property (Exhibit "C") is hereby approved by the terms and conditions of this Development Agreement.

(c). The dimensions, lot areas, setbacks and densities shown in the Lot Configuration Plan and Site Development Plan are consistent with the requirements contained in Section 14-20 of the City's Land Development Code for the RMF-3 Multi-Family Residential District (Low Density) zoning district.

(d). In the event that the Property Owner elects to construct a single-family residence on any of the 4 tracts depicted in Exhibit "B" he may do so at his sole discretion provided the minimum yard sizes, minimum floor area, maximum building height, and maximum lot coverage are consistent with the requirements contained in Section 14-17 of the City's Land Development Code for the RSF-2 Urban Single-Family Residential Detached District. Provided

however, the property located at 3833 Cardinal Boulevard Daytona Beach Shores, Florida, 32118, also known as Tract 1, and more specifically described in Exhibit A attached, may be developed consistent with the following development standards: minimum front yard setback of 25 feet, rear yard setback of 10 feet, maximum lot coverage of 39%. All other land development standards shall apply.

2. Except as otherwise expressly provided for herein, the original Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below.

(Signature pages following)

Signed, sealed and delivered in the presence of:

**THE CITY OF DAYTONA BEACH
SHORES, FLORIDA, a Florida
municipal corporation**

Signature of Witness

By: _____
Nancy Miller, Mayor

Print Name of Witness

Signature of Witness

Attest:
By: _____
Cheri Schwab, City Clerk

Print Name of Witness

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Nancy Miller and Cheri Schwab, Mayor and City Clerk, respectively, of The City of Daytona Beach Shores, Florida, a chartered municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of:

Cheryl and Anthony Aspesi (Owner)
3833 Cardinal Blvd, Daytona Beach
Shores, Florida, 32118

Signature of Witness

By: _____
Cheryl Aspesi

Print Name of Witness

Date: _____

Signature of Witness

By: _____
Anthony Aspesi

Print Name of Witness

Date: _____

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Cheryl and Anthony Aspesi, referred to in this agreement as "Property Owner". They are personally known to me and did not take an oath.

Notary Public
Commission No. _____

Signed, sealed and delivered in the presence of:

Jacob Rossi (Owner)
3835 Cardinal Blvd, Daytona Beach
Shores, Shores, Florida 32118

Signature of Witness

By: _____
Jacob Rossi

Print Name of Witness

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Jacob Rossi, referred to in this agreement as "Owner". He is ☐ personally known to me or ☐ produced identification and did not take an oath.

Notary Public
Commission No. _____

Signed, sealed and delivered in the presence of:

Raiyasswar Goorah (Owner)
3828 S. Atlantic Avenue
Daytona Beach Shores, FLorida 32118

Signature of Witness

By: _____
Raiyasswar Goorah

Print Name of Witness

Date: _____

STATE OF GEORGIA
COUNTY OF BIBB

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Raiyasswar Goorah, referred to in this agreement as "Owner". He is ☐ personally known to me or ☐ produced identification and did not take an oath.

Notary Public
Commission No. _____

Signed, sealed and delivered in the presence of:

Atlantic Avenue Estates, LLC (Owner)
3826 S. Atlantic Avenue
Daytona Beach Shores, FLorida 32118

Signature of Witness

By: _____
Mark Scharff
Managing Member

Print Name of Witness

Date: _____

STATE OF NEW YORK
COUNTY OF KINGS

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Mark Scharff as Managing Member of Atlantic Avenue Estates, LLC, referred to in this agreement as "Owner". He is ☐ personally known to me or ☐ produced identification and did not take an oath.

Notary Public
Commission No. _____

Approved as to legal form:

By: _____
John Cary, City Attorney

EXHIBIT A

The Northerly 75 feet of the West 1/2 of Lots 14 and 15, Block 7, Ocean View Section of Halifax Estates, according to the map or plat thereof, as recorded in Map Book 11, Page 100, of the public records of Volusia County, Florida. Together with and subject to the easement created under that certain Easement Agreement dated November 16, 2020 and recorded in Official Records Book 7946, Page 2744, Public Records of Volusia County, Florida.

ORDINANCE 2021-11

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO APPROVAL OF AN AMENDMENT TO THE ATLANTIC AVENUE ESTATES, LLC – CITY OF DAYTONA BEACH SHORES DEVELOPMENT AGREEMENT PERTAINING TO THE VACANT PROPERTY WITH VOLUSIA COUNTY SHORT TAX PARCEL ID 630205070140, GENERALLY LOCATED AT 3833 CARDINAL BOULEVARD, IN ACCORDANCE WITH THE PROVISIONS OF THE “FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT” AS SET FORTH AT SECTIONS 163.3220 - 163.3243, *FLORIDA STATUTES*; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR A SAVINGS PROVISION AND THE EFFECT OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR NONCODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 22, 2016 the City Council of the City of Daytona Beach Shores approved the Atlantic Avenue Estates, LLC and the City of Daytona Beach Shores Development Agreement (“Agreement”) pertaining to the development of the vacant property with Volusia County Short Tax Parcel ID 6302-05-07-0150, generally located in between 3824 S. Atlantic Avenue and 3832 S. Atlantic Avenue; and

WHEREAS, on **November 10, 2020** the City Council of the City of Daytona Beach Shores approved the First Amendment to Agreement; and

WHEREAS, the subject property has been subdivided and sold to four separate property owners; and

WHEREAS, Cheryl and Anthony Aspesi, owners of the 3833 Cardinal Boulevard property within the Atlantic Avenue Estates Subdivision have requested an amendment to the Agreement to provide for dimensional deviations on the 3833 Cardinal Boulevard property that would allow the construction of a single-family residential structure as provided for in the amendment Exhibit attached to this Ordinance; and

WHEREAS, all parties of the Agreement have considered and support the Second amendment to the Agreement and the City Council of the City of Daytona Beach Shores hereby approves and enacts the amended Development Agreement, as set forth in the Exhibit to this Ordinance (which Exhibit is incorporated herein by this reference thereto as if fully set forth herein verbatim), all of said actions occurring pursuant to the *Florida Local Government Development Agreement Act* as set forth at Sections 163.3220 through 163.3243, *Florida Statutes*; and

WHEREAS, the property owner and the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: LEGISLATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum relating to the application relating to the proposed land use approvals and authorization of zoning entitlements pertaining to the property referenced in the Development Agreement as well as the recitals (whereas clauses) to this Ordinance.

(b). The findings of the provisions of the subject Development Agreement between the City of Daytona Beach Shores and the property owners of the Atlantic Avenue Estates Subdivision are hereby adopted, ratified and affirmed.

SECTION TWO: APPROVAL OF AMENDMENT AND ENACTMENT OF DEVELOPMENT AGREEMENT.

The amended Development Agreement between the City of Daytona Beach Shores and the owners of the Atlantic Avenue Estates subdivision, as set forth in the Exhibit to this Ordinance is hereby approved and enacted. The said Exhibit attached to this Ordinance is hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance

SECTION THREE: SAVINGS; EFFECT OF ORDINANCE.

The prior actions of the City of Daytona Beach Shores relating to the regulation of lands and development activities within the City including, but not limited to, the property which is the subject of the Development Agreement between the City of Daytona Beach Shores and Atlantic Avenue Estates, LLC, as set forth in the Exhibit to this Ordinance, and involving the subject property, are hereby ratified and affirmed.

SECTION FOUR: NONCODIFICATION AND IMPLEMENTATION; SCRIVENER'S ERRORS.

- (a). The provisions of this Ordinance shall not be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.
- (b). The City Manager, or designee(s), is hereby authorized to take any and all actions necessary to implement the provisions of this Ordinance.
- (c). The City Attorney shall assist the City Manager in the implementation of this Ordinance as may be necessary and required.
- (d). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION FIVE: CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SIX: SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof..

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY J. MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER **CHERI SCHWAB, CITY CLERK**

Approved as to form and legality:

GRETCHEN R. H. “BECKY” VOSE, CITY ATTORNEY

Passed on first reading this __ day of _____, 2021.

Enacted on second reading this __ day of _____, 2021.

OWNER SIGNATURE BLOCK FOLLOWS:

PLENARY CONCURRENCE OF OWNER

The undersigned owner concurs in each and every respect to the provisions of the subject amendments to the subject Development Agreement and the provisions of this Ordinance.

**3833 CARDINAL BOULEVARD
OWNER**

**3833 CARDINAL BOULEVARD
OWNER**

Cheryl Aspesi

Date: _____, 2021

Anthony Aspesi

Date: _____, 2021

WITNESSES:

Signature of Witness

Printed Name of Witness

Signature of Witness

Printed Name of Witness

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Cheryl and Anthony Aspesi, and they acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily and they are personally known to me or provided _____ as identification.

Witness my hand and official seal in the County and State last aforesaid this ____ day of _____, 2021.

(Affix Notary Seal)

Notary Public; State of Florida

Print Name: _____



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING OCTOBER 12, 2021

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

PLANNING & ZONING BOARD AGENDA MEMORANDUM OCTOBER 12, 2021 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Ordinance 2021-14: Mobile Food Vehicles

SYNOPSIS:

Section 509.102, *Florida Statutes*, adopted in 2020, precludes local governments from prohibiting mobile food dispensing vehicles from operating within the entirety of their jurisdiction. Ordinance 2021-14, if approved, would allow mobile food dispensing vehicles, i.e. food trucks, food trailers and other similar mobile vehicles, to operate (i) on commercial and hotel properties that possess a valid development agreement and (ii) on construction sites with a valid site plan development order. The ordinance also establishes general and operating regulations in the interest of public health, safety and welfare and is conscientious of the local economic value of existing brick and mortar public food establishments. Mobile food vehicles operating at events sponsored by the City of Daytona Beach Shores are exempt from the provisions of these regulations except for life safety provisions required by controlling law.

FISCAL IMPACT STATEMENT:

BACKGROUND:

I. BACKGROUND & HIGHLIGHTS

Mobile food trucks are currently prohibited within City limits unless approved by the City Council by means of a Special Events Permit or through an event sponsored by the City. Over the past couple years, staff has met with two prospective businesses, i.e. a brewery and a food truck court, requesting the City allow food trucks. Staff has also received a request from a current business owner, i.e. Casual Bird restaurant located at 109 Dunlawton Boulevard, to establish a food trailer on site to complement the soon-to-be open restaurant. The food trailer would serve ice cream/gelato in the rear portion of the property, mostly behind the building, but still within some view from Dunlawton Boulevard. Finally, in 2020, the City granted an existing business temporary permission to locate a food trailer on a trial basis at Pappas Plaza. That pilot program, however, was terminated early due to public safety issues. If adopted, the regulations would be drafted to avoid the issues that led to the termination of the aforementioned pilot program. Highlights of Ordinance 2021-14 include regulations that limit mobile food vehicles as follows:

1. Operate solely (i) on commercial and hotel properties that possess a valid development agreement and (ii) on construction sites with a valid site plan development order;
2. Hours of operation from 7am - 10pm; on construction sites from 7:00am - 330pm;
3. Must be set back at least 50 feet from residential properties;
4. Prohibited from selling or dispensing alcohol;
5. Prohibited from emitting smoke, ash, etc.;
6. Initial and bi-annual inspections by the Public Safety Department; and
7. Subject to inspections from other relevant City departments at their discretion

II. PLANNING ANALYSIS

Florida Statutes: The proposed ordinance is consistent with Section 509.102, Florida Statutes, which governs mobile food dispensing vehicles. The referenced statute preempts permitting to the state and prohibits local governments from banning food trucks within the entirety of their jurisdictions. The proposed ordinance will not require a permit from the city to operate and will allow food trucks at specific locations within the city.

Comprehensive Plan: The Daytona Beach Shores Comprehensive Plan is silent on the subject of food trucks. The proposed ordinance does not contravene provisions of the Comprehensive Plan. Therefore, the proposed ordinance is not inconsistent with the City's adopted comprehensive plan.

Land Use Impact: The ordinance proposes the operation of mobile food vehicles at certain locations within the city, i.e. construction sites per Sec. 5-14 of the City's Land Development Code and on hotel/commercial properties with active development agreements. There are currently two active construction sites with valid site plan development orders - Max Daytona Hotel and Oceans 25 Townhomes. In addition, there are three (3) commercial properties and one (1) hotel property with active development agreements. These properties are Publix Supermarket, Volusia County Lifeguard Depot, Casual Bird Restaurant and Treasure Island, respectively. Therefore, six (6) properties would qualify to have mobile food vehicles operating on their sites if the ordinance is adopted. In addition, the ordinance requires mobile food vehicles to adhere to a 50 foot setback from residential properties and prohibits the emission of deleterious substances such as smoke, ash, etc.

Overall Impact: The ordinance considers public safety, health and welfare and is contentious about

the economic value of existing brick and mortar public food establishments. Further, the ordinance allows mobile food vehicles on certain sites that could add economic value and create new destinations within the city without competing with existing restaurants.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2021-14 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board Member may motion one of the following:

1) "I move to recommend approval of Ordinance 2021-14 as presented."

OR

2) "I move to recommend approval of Ordinance 2021-14, with the following amendments..."

OR

3) "I move to recommend denial of Ordinance 2021-14, on the basis of..."

ATTACHMENT: 1. Ord 2021-14-Mobile Food Vehicles-9-27-21 JMC-10-05-21-SC - Final

ORDINANCE 2021-14

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO MOBILE FOOD VEHICLES; AMENDING THE *CODE OF ORDINANCES, APPENDIX G-LAND DEVELOPMENT CODE*; BY AMENDING CHAPTER 2 ENTITLED “DEFINITIONS” TO PROVIDE FOR A DEFINITION OF MOBILE FOOD VEHICLE; AMENDING CHAPTER 14 ENTITLED “ZONING REGULATIONS” TO PROVIDE FOR MOBILE FOOD VEHICLES ON CERTAIN PROPERTIES WITHIN CITY LIMITS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, the City Council of the City of Daytona Beach Shores desires that the economy of the City of Daytona Beach Shores be one that is vibrant, creative, flexible and dynamic; and

WHEREAS, the City Council of the City of Daytona Beach Shores recognizes that mobile food vehicles can help to retain and enhance existing business operations and success; and

WHEREAS, the City Council of the City of Daytona Beach Shores recognizes that mobile food vehicles can be regulated so as to not adversely impact the appearance of the community and its public image; and

WHEREAS, the City Council of the City of Daytona Beach Shores recognizes that mobile food vehicles as part of an overall development plan can encourage redevelopment of certain blighted properties and enhance economic and social activity within the City; and

WHEREAS, the City Council of the City of Daytona Beach Shores recognizes that mobile food vehicles can be regulated so as to not adversely impact the public health, safety and welfare; and

WHEREAS, the City Council of the City of Daytona Beach Shores has deemed approval of this Ordinance to be in the best interest of the businesses, visitors, residents and citizens of the City of Daytona Beach Shores; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City of Daytona Beach Shores recognizes the need to comply with Section 509.102, *Florida Statutes*, which preempts certain regulatory abilities of local governments regarding mobile food dispensing vehicles; and

WHEREAS, the City Council of the City of Daytona Beach Shores values and recognizes the local economic importance of brick and mortar public food establishments in the City; and

WHEREAS, the City Council of the City of Daytona Beach Shores recognizes that limiting mobile food vehicle locations to commercial and hotel properties possessing development agreements will not negatively impact either brick and mortar public food establishments in the City or mobile food vehicle businesses; and

WHEREAS, this Ordinance is consistent with Section 509.102, *Florida Statutes*; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and strikethrough shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: The City Council of the City of Daytona Beach Shores hereby amends the *Code of Ordinances of the City of Daytona Beach Shores*, Appendix G-Land Development Code, Chapter 2, entitled “Definitions,” by adding the following:

CHAPTER 2. - DEFINITIONS

Sec. 2-2. - General definitions.

Mobile Food Vehicle: Any vehicle whose operator possesses an active mobile food service license from the Florida Department of Business and Professional Regulation (DBPR) wherein food is prepared, served, or sold for takeout or immediate consumption on or in the vicinity of the premises.

SECTION TWO: The City Council of the City of Daytona Beach Shores hereby amends the *Code of Ordinances of the City of Daytona Beach Shores*, Appendix G-Land Development Code, Chapter 14, entitled “Zoning Regulations,” by adding the following:

CHAPTER 14 – ZONING REGULATIONS

Sec. 14-22. - GC-1 Tourist-Oriented Commercial District.

14-22.1. Purpose and Intent.

The purpose and intent of this district is to encourage the development of an intensive commercial facility, providing a wide range of tourist oriented goods and services located adjoining at least one (1) major collector or arterial road.

14-22.3. Restriction of Exterior Sales and Services.

Except for uses as permitted in section 14-60.2. and compliant with section 14-60.3.3 of this code, all ~~All~~ retail sales and services shall be within a completely enclosed structure which does not create any noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot.

1. Items displayed outdoors shall not impede walking traffic and shall maintain a minimum five (5) foot sidewalk clearance.
2. Outdoor displays shall not impede vehicular traffic and shall not be placed in any parking area.

Sec. 14-23. - GC-2 Retail/Service Commercial District.

14-23.1. Purpose and Intent.

This restrictive district is designed to provide small attractive commercial areas, keyed to general locations designated in the Comprehensive Plan, to meet the daily retail and service needs of the resident and tourist population. These commercial areas should be designed and constructed so as to cause the least possible nuisance to adjacent residential uses.

14-23.3. Restriction of Exterior Sales and Services.

Except for uses as permitted in section 14-60.2. and compliant with section 14-60.3.3 of this code, all ~~All~~ retail sales and services shall be within a completely enclosed structure which does not create any noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot.

1. Items displayed outdoors shall not impede walking traffic and shall maintain a minimum five-foot sidewalk clearance.

2. Outdoor displays shall not impede vehicular traffic and shall not be placed in any parking area.

Sec. 14-31. - Redevelopment Districts.

14-31.1. GC-RD General Commercial-Redevelopment District.

14-31.1.1.

Purpose and Intent. To encourage the development and redevelopment of commercial property in the redevelopment areas.

14-31.1.6.

Restriction of Exterior Sales and Services.

Notwithstanding section 14-31.1.7 of this Code, and except for uses as permitted in section 14-60.2. and compliant with section 14-60.3.3 of this code, all retail sales and services shall occur within a completely enclosed structure and it is prohibited and unlawful for such uses to create any noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot on which the structure is located. It is prohibited and unlawful to violate either of the following conditions:

1. Outdoor items and displays shall not impede walking traffic and shall maintain a minimum sidewalk clearance of five (5) feet.

2. Outdoor items and displays shall not impede vehicular traffic and shall not be placed in any parking area.

Sec. 14-34. - Accessory uses and structures.

No accessory uses, structures, which shall include publication storage devices as an accessory use, shall be located in any required yard except as provided for below:

8. Mobile food vehicles may be permitted in required side and rear yards pursuant to Section 14-60.3.3 of this code.

Sec. 14-60.3. - Outside activities and uses.

1. *Outside Activities and Uses Prohibited Generally.* Except as specifically provided otherwise all activities, storage and displays shall be conducted entirely within an enclosed structure in all districts of the city.

2. *Outside Activities and Uses Specifically Permitted.*

- (a) Gift shop shell displays not greater than eighty (80) square feet.
- (b) Retail displays at least one hundred (100) feet from any public right-of-way.
- (c) Temporary promotional activities as provided in section 14-60.2.
- (d) Sidewalk cafes in the TC-MUPUDW District pursuant to an approved development agreement.
- (e) Outdoor dining pursuant to section 14-58.2.1 of this Code.
- (f) Garage sales and other customary accessory uses in the RSF-1 and RSF-2 zoning districts.
- (g) Mobile food vehicles pursuant to section 14-60.3.3 of this code.

3. Mobile Food Vehicles

(a) Location.

Mobile food vehicles as defined in Sec. 2-2 of this code are authorized to operate on (i) any active construction site pursuant to Sec. 5-14 of this code and (ii) any commercial or hotel property that is the subject of an approved development agreement. All mobile food vehicles operating in the city shall adhere to the following requirements provided however, mobile food vehicles operating with a permit for a specific special event sponsored by the City of Daytona Beach Shores are exempt from the provisions of these regulations except for life safety provisions required by controlling law.

(b) Specific requirements.

- 1. The operator of a mobile food vehicle as defined in Sec. 2-2 of this code shall have the written consent of the property owner(s) prior to applying for the location for outdoor food vending approval.
- 2. Mobile food vehicle operator shall make the mobile food vehicle available for inspection by the Public Safety Department at a location determined by the department. The Public Safety Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. Subsequently, every mobile food vehicle shall undergo bi-annual inspection by the Public Safety Department.
- 3. Mobile food vehicle operators shall display prominently and provide copies of all applicable approvals and licenses from the State of Florida Department of Business and Professional Regulations (DBPR), Florida Department of Health, and Florida Department of Agriculture and Consumer Services.
- 4. Prior to performing outdoor cooking operations, workers shall be trained in emergency response procedures.

5. Initial and refresher training shall be documented and made available to an inspector upon request.
6. Mobile food vehicles shall comply with all requirements of National Fire Protection Association most current adopted edition by the Florida Administrative Code 69A (NFPA) 1 Chapter 50 Mobile and Temporary Cooking Operations.

(c) Prohibitions

Mobile food vehicle operations are prohibited from the following:

1. Selling or distributing alcoholic beverages.
2. Serving food from a free-standing barbecue grill.
3. Operating, standing or storage of the vehicle on a public right-of-way, driveway, driveway aisle, loading zone, no parking zone, required parking area or any other required vehicular use element of the site.
4. Operating in a fire lane or blocking fire hydrants or any other fire protection devices and equipment, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps.
5. Operating in a location that will impede on-site circulation of motor vehicles.
6. Operating at inactive construction sites and vacant business locations.
7. Use of sound amplification regardless of intended purpose.
8. Utilizing balloons, banners, streamers, flashing (including moving or alternating) lights, or other similar devices to attract customers.
9. Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales.

(d) General requirements.

1. Mobile food vehicle operators shall remove all waste and trash prior to vacating their location.
2. Under no circumstances shall grease or any waste materials be released into the stormwater system, tree pits, landscaped areas, open areas, sidewalks, streets, parking lots, or on any other private or public property. Outdoor food vendors shall be responsible to properly discard any waste material in accordance with controlling law.
3. There shall be no emission of visible smoke, dust, dirt, fly ash or any particulate matter from any pipes, vents or other openings, or from any other source, into the air. All fuel shall be used so as to prevent any emission of visible smoke, fly ash or cinders into the air.
4. There shall be no emission of any fumes, vapors or gases of a noxious, toxic or corrosive nature which can cause any damage or irritation to health, animals, vegetation or to any form of persons or property.
5. No mobile food vehicle equipment or process shall create noise or sounds in excess of 65dBA while operating.
6. In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches, and other vermin and insects

on or within the premises of all outdoor food vending operation, including mobile food trucks. Each outdoor food vendor shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the mobile food truck. This log shall be open to inspection by the City.

7. Mobile food vehicle operators shall not engage in food preparation if the vending operation does not provide water and waste systems as required by the Florida Department of Business and Professional regulation or otherwise fails to meet sanitation and safety requirements.
8. All food service equipment utilized by the mobile food vehicle operator shall be maintained in good repair and a clean condition.
9. Routine inspections may be conducted by code enforcement inspectors, building code inspectors, or public safety officers at any mobile food vehicle operation at any time and at any frequency deemed appropriate by the City.

(e) Operating requirements.

1. Mobile food vehicles shall not operate on a site for more than twelve (12) consecutive hours.
2. Mobile food vehicles shall be permitted to operate between the hours of 7:00 a.m. and 10:00 p.m., provided however, mobile food vehicles on construction sites shall be limited to operate between the hours of 7:00 a.m. and 3:30 p.m.
3. Mobile food vehicles shall be self-contained when operating, except for the required trash and/or recycling receptacles that shall be attached to the vehicle and shall not impede free movement of automobiles or pedestrians.
4. No more than one (1) mobile food vehicle shall operate on any property at any one time, except as may be authorized by a special event permit or development agreement approved by the City Council.
5. Mobile food vehicles may operate in required side and rear yards provided however mobile food trucks shall maintain a distance of at least 50 feet from all residential properties.
6. When seating is provided in direct connection with an operating mobile food vehicle, American with Disability Act (ADA), restroom and other controlling law requirements shall apply.
7. Mobile food vehicles and operations shall be operated only by an authorized employee of the mobile food service license holder.
8. If at any time the Florida Department of Business and Professional Regulation revokes or suspends the outdoor food vendor's license, the City's outdoor food vending permit and/or authorization shall be deemed to have been simultaneously revoked or suspended.

SECTION THREE: ENFORCEMENT AND PENALTIES.

- (a). It is prohibited and unlawful for any person to fail to comply with the requirements of this Ordinance.

(b). The City may enforce the provisions of this Ordinance by any lawful means available to the City under the controlling provisions of State law and Section 1.8 of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.

(c). The penalties for violation of this Ordinance shall be as set forth in the code enforcement method asserted by the City under the *Code of Ordinances of the City of Daytona Beach Shores, Florida* or as may be available under the controlling provisions of State law.

SECTION FOUR: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to mobile food vehicles are hereby ratified and affirmed.

SECTION FIVE: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Four, Five, Six, Seven and Eight shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION SIX: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SEVEN: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION EIGHT: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Ordinance 2021-14

Page 8 of 9

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2021.

Adopted on second reading this _____ day of _____, 2021.



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING OCTOBER 12, 2021

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

PLANNING & ZONING BOARD AGENDA MEMORANDUM OCTOBER 12, 2021 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Special Exception 12021019 - Pax Tecum, LLC / Casual Bird Restaurant Mural

SYNOPSIS:

On August 5, 2021, Pax Tecum, LLC submitted Special Exception application SPEX12021019, which, if approved, would permit a mural on the east-facing wall of the Ocean Veterinary Clinic building located at 101 Dunlawton Boulevard. Although the building is owned by Pax Tecum, LLC, the proponents behind the application are the owners of the easterly adjacent property located at 109 Dunlawton Boulevard, who are planning on opening the Casual Bird Restaurant. According to the proponents, Shannon and Branden Galbraith, the mural will be the backdrop of a mobile food vehicle selling ice cream/gelato. The restaurant owners believe the mobile food vehicle and mural would work together to create a destination that would help promote the new business and Daytona Beach Shores. The mural would be partially visible from Dunlawton Boulevard and painted and maintained by a professional mural artist.

FISCAL IMPACT STATEMENT:

BACKGROUND:

I. BACKGROUND

On August 5, 2021, Pax Tecum, LLC, owner of the property located at 101 Dunlawton Boulevard submitted Special Exception SPEX12021019. As mentioned in the Synopsis of this staff report, although the building is owned by Pax Tecum, LLC, the proponents behind the application are the owners of the easterly adjacent property located at 109 Dunlawton Boulevard, who are planning on opening the Casual Bird Restaurant. According to the proponents, Shannon and Branden Galbraith, the mural will be the backdrop of a mobile food vehicle selling ice cream/gelato. As seen in the application (**Exhibit A**), the mural will be 11' x 25' or 275 square feet, which is 17.6 percent of the eastern wall. The mural will be partially visible from the Dunlawton Boulevard thoroughfare.

II. PLANNING ANALYSIS

All LDC standards and requirements are met. See attached planning analysis.

III. DUE PUBLIC NOTICE

Evidence of due public notice has been submitted to the record.

LEGAL REVIEW:

RECOMMENDATION:

There are two mural options provided in the application packet. Option 1 has text/letters which are prohibited by the Land Development Code. Option 2 has no text/letters. Staff recommends approval of Special Exception SPEX12021019, Option 2, as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to approve Special Exception SPEX12021019, Option 2, as presented."
- OR
2. "I move to approve Special Exception SPEX12021019, Option 2, with the following conditions."
- OR
3. "I move to deny Special Exception SPEX12021019 on the basis of the following..."

ATTACHMENT: 1. Exhibit B - Planning Analysis - Pax Tecum_Casual Bird Mural

PLANNING ANALYSIS

Pax Tecum, LLC Mural

A. BACKGROUND

On August 5, 2021, Pax Tecum, LLC submitted Special Exception application SPEX12021019, which, if approved, would permit a mural on the east-facing wall of the Ocean's Edge Veterinary Clinic building located at 101 Dunlawton Boulevard (**Exhibit 1**). Section 14-63 of the Daytona Beach Shores Land Development Code ("LDC") entitled "Planning and zoning board functions, powers and duties" authorizes the Planning and Zoning Board to "*hear and decide such special exceptions as specifically authorized under the terms of the zoning regulations; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate condition and safeguards or to deny special exceptions when not in harmony with the purpose and intent of this ordinance or any regulation enacted under the authority of the Land Development Code.*"

In general, murals are only permitted in the T "Hotel/Motel" and GC-1 and GC-2 commercial districts by means of a special exception pursuant to Sec.14-58.1.2.E.1 of the LDC, provided certain standards are met (see Sec. D of this report).

B. ZONING AND LAND USE

Subject Property: GC-2 (Retail/Service Commercial) District: Ocean Veterinary Clinic
Surrounding Property:
North: RMF-2 District: Seaway Condo
South: GC-2 District: Starbucks
East: GC-2 District: Casual Bird Restaurant
West: Port Orange Commercial: DiMucci Realty Company

C. PROJECT DESCRIPTION

As noted in the application package, the mural will be 11' x 25' or 275 square feet, which is 17.6 percent of the eastern wall. The mural will be partially visible from the Dunlawton Boulevard thoroughfare as seen in **Exhibit 2** of this staff report. The mural will be painted and maintained by a professional mural artist Beth Conner, whose background could be viewed at [Beth O'Connor Murals | About \(bethoconnorart.com\)](#).

The application provides two mural exhibits, the first with lettering is currently prohibited by the LDC pursuant to the definition of a mural in Sec. 2-2 of the LDC. Therefore, the Option 2 mural illustrated in the application package and **Figure 1** below is the applicable mural up for consideration.

Figure 1: Pax Tecum/Causal Bird Qualifying Mural (Option 2)



D. STAFF REVIEW AND COMMENTS

There are two sets of criteria that are evaluated when considering the grant of a special exception for murals in the City of Daytona Beach Shores. These criteria are outlined under Sec. 14-63.7 and Sec. 14-58.1.2(E) of the LDC. Parts I and II below provide analyses of the former and latter, respectively. The full application and responses by the applicant can be seen in **Exhibit A** of the City Council Staff Memo to which this staff report is attached.

PART I [Sec. 14-63.7, LDC]

When considering a special exception request, the following criteria under Section 14-69.1 of the Land Development Code shall be considered.

- a. In granting any special exceptions the Board shall find that such grant will not authority [adversely] affect the public interest.

The proposed mural does not appear to adversely affect the public interest, providing said mural is professionally maintained in good standing pursuant to Sec. 14-58.1.2(E) and other applicable city regulations.

- b. In granting any special exception, appropriate conditions and safeguards may be imposed which are consistent with the protection of the public health, safety, morals or general welfare. Violation of such conditions and safeguards when made a part of the development order under which a special exception is granted shall be deemed a violation of the Land Development Code.

The applicant agrees to the aforementioned.

- c. The board may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.

The applicant agrees to the aforementioned.

- d. The following standards shall be applicable in determining whether the board shall grant or deny a special exception:

- i. The grant of a special exception shall be in harmony with the purpose and intent of the Land Development Code, particularly those applicable to the zoning classification in which the special exception is located.

The grant of this special exception does not appear to contravene Sec. 14-58.1.2(E) of the LDC, the City's zoning regulations or the City's Adopted Comprehensive Plan and is therefore in harmony with the purpose and intent of the LDC and the GC-2 District regulations.

- ii. The board may not grant a special exception unless the applicant has demonstrated his compliance, or ability to comply with, the conditions imposed.

Notwithstanding Sec. 14-58.1.2(E) of the LDC, there are no additional zoning regulations that concern mural development. Therefore, if approved, this special exception shall be consistent with the aforementioned section of the LDC. If conditions are imposed by the board, the applicant will attest to his ability to comply.

- iii. The board must find that the applicant has submitted sufficient evidence to assure that he that he, she, they or it is or will be able to comply with all requirements of the city or state agencies having jurisdiction over the particular use, and the board may require appropriate guarantees to assure compliance.

The applicant has agreed to comply with all applicable city requirements. There are no other regulations relating to murals imposed by external agencies regarding this proposal.

- iv. The board shall find that the proposed use will not generate an undue amount of traffic congestion which would tend to create a hazard or danger to the public or to persons in the vicinity from such use or create a public nuisance.

Traffic generation is generally a function of land use. The proposed land use is commercial/restaurant and has already been accounted for during the site plan

review process. In addition, although murals and other attention getters can distract drivers in some cases, due to the small size, location, and nature of the proposed mural, which will not be completely visible from the adjacent Dunlawton Boulevard thoroughfare, staff does not anticipate the proposed mural will generate additional traffic congestion in the vicinity beyond what currently exists. It is possible that some vehicles may slow down upon noticing the mural however this would be at a de minimis level. Therefore, from a transportation standpoint, the mural is not expected to create a hazard or danger to the public or to persons in the vicinity from such use or create a public nuisance.

- v. The board shall find that the special exception will not materially alter the character of the surrounding neighborhood or adversely affect the value of surrounding lands, buildings or natural resources.

The City has not received any written or oral objection to the proposal subsequent to due public notice. Due to the scale, location and conservative nature of the artwork relative to the overall size of the building and the surrounding neighborhood, there is no expectation that the character of the surrounding neighborhood would be adversely affected. In addition, the restaurant owner has confirmed the mural will be maintained as needed.

- vi. The board shall find that the special exception will not adversely affect the natural environment, natural resources or scenic beauty, or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor.

The proposed mural is painted on a building wall partially visible from the adjacent Dunlawton Boulevard thoroughfare, therefore, the artwork will not adversely affect the natural environment, natural environment [resources] or scenic beauty, or give rise of any pollution of the air, land, or water, or cause unnecessarily injurious heat, noise, or odor. The proposed use is on a developed site and said use is not hazardous or industrial in nature or application.

PART II [Sec. 14-58.1.2(E)1, LDC]

Sec. 14-58.1.2(E)1 of the LDC also lists specific criteria for mural special exceptions, which should be considered. Staff analysis seen below is in underline format

Sec. 14-58.1.2 Special Exceptions permitted in all Districts.

E.

The following uses are permitted as special exceptions in the GC-1, GC-2 and T-zoning districts as follows:

1. *Murals*. Murals are artistic representations that could enhance the community's aesthetic value, sense of place and wellbeing. If located strategically, murals can also serve to introduce and

welcome visitors to the city while illustrating the city's past, present and vision for the future. Permitting colors not listed on the city's official color palette in commercial and hotel districts by means of special exception would regulate murals so as to enhance aesthetics within the city, limit potential adverse impacts, foster community identity and maintain public safety. Murals qualifying under the terms of this section may only be permitted in the GC-1, GC-2 and T districts subject to the following conditions:

a. *Location*: Murals qualifying under the terms of this section may only be placed on commercial and hotel properties located in a commercial or hotel/motel zoning district, respectively. The mural is proposed at 101 Dunlawton Boulevard, which is a commercial property with a GC-2 District zoning classification. **Criterion Met.**

b. *Size*: Murals shall be limited to thirty (30) percent of any single wall surface area of the primary building. The proposed mural is 17.6% of the east facing wall. **Criterion Met.**

c. *Public Safety*: Murals must not impede or have an adverse effect on the safe and efficient movement of vehicular or pedestrian traffic. The mural is adequately scaled and distance from right-of-way and conservative in nature such that it should not impede or have an adverse effect on the safe and efficient movement of vehicular or pedestrian traffic. **Criterion Met.**

d. *Design and Application Standards*:

(1) A mural must exhibit exceptional design, material, and application standards, while incorporating high-quality materials that will enhance the overall development and appearance of the site. The mural has been developed and will be maintained by a professional mural artist and is intended to complement an ice cream/gelato food trailer north of the Casual Bird restaurant. **Criterion Met.**

(2) The materials used in developing a mural may consist of, but are not limited to, paint and other artistic mediums such as tile or mosaic, original digital images and low-relief sculpture. All materials must be appropriate for outdoor location and climate, with special considerations for longevity. The mural will be painted will be maintained by a professional mural artist. **Criterion Met.**

(3) A mural's color scheme shall be complementary and harmonious with the exterior colors of the building or structure, and consistent with the chosen theme. The design, location and scale of the mural shall be in keeping with and enhance the building as well as the local environment. The proposed mural design, location and scale is not inconsistent with the building façade and is compatible with the colors of the building structure. **Criterion Met.**

(4) A mural shall not obscure or detract from the significant architectural features of the structure on which it is located or have an adverse effect on adjacent properties or facing properties. The mural does not appear to detract from the architectural features of the Ocean's Edge Veterinary Clinic structure or have an adverse effect on nearby properties. **Criterion Met.**

(5) A mural's overall features shall be designed to enhance the city's gateways and contribute to the unique character and quality of life in the city. Although the site is located at the City's

Dunlawton Boulevard gateway, the mural will only be partially visible to westbound traffic. Therefore, it is expected the artwork reflected in the mural will not adversely affect the character or quality of life in the City. **Criterion Met.**

(6) There shall be no exterior lighting directed upon the mural. Proposal meets this requirement. **Criterion Met.**

(7) Murals shall not cover doors or windows or other architectural elements such as cornices and pilasters. Proposal meets this requirement. **Criterion Met.**

(8) Murals may only be permitted on flat planes of walls. Proposal meets this requirement. **Criterion Met.**

(9) Each mural shall be an original work of art. The mural was designed by a professional mural artist. **Criterion Met.**

(10) A mural shall be designed, applied and/or constructed under the supervision of a qualified artist/muralist or other qualified professional who has sufficient knowledge and experience in the design and execution of such projects, as well as with the application of the selected medium. The mural was designed by and will be painted and maintained by a professional mural artist. **Criterion Met.**

e. *Alterations:* A mural shall remain in place without alterations for a minimum period of one (1) year. Any future alteration is subject to approval by the city council after receiving a recommendation from the beautification advisory board. Applicant has acknowledged this requirement. **Criterion Met.**

f. *Maintenance Plan Required:* Murals may only be approved when submitted for review with an adequate and professionally prepared maintenance plan. Applicant has acknowledged this requirement and noted the mural will be routinely maintained by the professional mural artist as needed. **Criterion Met.**

g. Written consent from the property owner of the property on which a mural is to be developed is required. Applicant is the owner of the property. **Criterion Met.**

h. The special exception relating to a mural may be approved for a limited period of time and such condition of use shall be incorporated into the development order relating to the approval. Applicant is aware of this potential condition. **Criterion Met.**

i. Pursuant to Section 2-2 of this Code, due public notice shall be provided by the applicant. Applicant has provided this evidence. **Criterion Met.**

j. The property owner shall be responsible for compliance with the terms of this section and the special exception development order issued. Applicant has acknowledged this requirement.

Criterion Met.

CRITERIA SUMMARY:

Based on staff's interpretation of the facts and evidence provided, the following table was derived to assist the Board's decision-making process. Both evaluation criteria are required by the City's LDC.

Table 1: Evaluation Criteria

Criteria 14-63.7	1	2	3	4a	4b	4c	4d	4e	4f	Total
Criteria Met	X	X	X	X	X	X	X	X	X	9
Criteria Not Met										0
Criteria Partially Met										0
Criteria 14-58.1.2(E)1	a	b	c	d1	d2	d3	d4	d5	d6	d7
Criteria Met	X	X	X	X	X	X	X	X	X	X
Criteria Not Met										
Criteria Partially Met										
Criteria 14-58.1.2(E)1	d8	d9	d10	e	f	g	h	i	j	Total
Criteria Met	X	X	X	X	X	X	X	X	X	19
Criteria Not Met										0
Criteria Partially Met										0

As seen in **Table 1** above, all criteria are met.

EXHIBIT 1
101 Dunlawton Boulevard: Aerial Photograph



Source: Volusia County Property Appraiser, 2021

EXHIBIT 2
Dunlawton Blvd. Street View: Casual Bird



Source: City of DBS

EXHIBIT 3
Mural Wall View From Casual Bird Property



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING OCTOBER 12, 2021

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

PLANNING & ZONING BOARD AGENDA MEMORANDUM OCTOBER 12, 2021 AGENDA

TO: The Members of the Planning & Zoning Board

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Discussion on Florida Legislation Updates

SYNOPSIS:

Board Attorney John Cary will provide a brief update on legislation that was passed in the 2021 session.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. 2021-legislative-final-report



FLORIDA LEAGUE OF CITIES

2021 LEGISLATIVE SESSION

FINAL REPORT

DEAR CITY OFFICIAL:

We are pleased to provide you with the Florida League of Cities' **2021 Legislative Session Final Report**. This document summarizes key legislation the League tracked this session.

It is important to note that the final report is only a partial list of the 3,096 bills filed during the 2021 Legislative Session. Of these, only 275 bills passed both chambers and were presented to the governor.

Many of the issues that did not pass this year will likely be debated during next year's session. Therefore, it is important that you continue to stay engaged in legislative advocacy year-round with your local delegation. This continual communication is an essential part of the League's overall lobbying efforts. It is key to building the framework for our success as we prepare for the 2022 Legislative Session, which begins in January.

Please feel free to contact the League's Legislative Affairs team at 850.222.9684 if you have questions or need further information on these or any other bills.

Thank you for your hard work and continued advocacy efforts and thank you for your support of the Florida League of Cities!

Respectfully,



Tony Ortiz
President
Commissioner
City of Orlando



Jeannie Garner
Executive Director



BOARD OF DIRECTORS

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Jolien Caraballo, Councilwoman, Port St. Lucie

DISTRICT DIRECTORS

- (1) Shannon D. Hayes, Mayor Pro Tem, Crestview
- (1) William Schaetzle, Mayor Pro Tem, Niceville
- (2) Jake Hill, Councilmember, Lake City
- (3) Robert F. Apgar, Mayor, DeLand
- (3) William Partington, Mayor, Ormond Beach
- (4) Carol McCormack, Mayor, Palm Shores
- (4) Dominick Montanaro, Vice Mayor, Satellite Beach
- (5) Louie Davis, Mayor, Waldo
- (5) Cal Rolfson, Councilmember, Mount Dora
- (6) Rosemary Wilsen, Commissioner, Ocoee
- (6) Joseph McMullen, Commissioner, Oakland
- (7) Sam Fite, Commissioner, Bowling Green
- (7) Marlene Wagner, Vice Mayor, Lake Hamilton
- (8) Jamie Robinson, Commissioner, Largo
- (8) Dan Saracki, Councilmember, Oldsmar
- (9) Susan Gibbs Thomas, Councilmember, Indiantown
- (10) Brian Williams, Commissioner, Palmetto
- (11) Fred Forbes, Councilman, Bonita Springs
- (12) Jeff Hmara, Councilman, Royal Palm Beach
- (12) Anne Gerwig, Mayor, Wellington
- (12) Kimberly Glas-Castro, Vice Mayor, Lake Park
- (13) Traci L. Callari, Commissioner, Hollywood
- (13) Bob Mayersohn, Vice Mayor, Parkland
- (13) Gary Resnick, Commissioner, Wilton Manors
- (13) Greg Ross, Mayor, Cooper City
- (13) Iris Siple, Commissioner, Pembroke Pines
- (13) Susan Starkey, Councilwoman, Davie
- (13) Beverly Williams, Vice Mayor, Lauderdale Lakes
- (14) Juan Carlos "JC" Bermudez, Mayor, Doral
- (14) Joseph Corradino, Mayor, Pinecrest
- (14) Rodney Harris, Mayor, Miami Gardens
- (14) Crystal Wagar, Councilmember, Miami Shores

10 MOST POPULOUS CITIES

Samuel Newby, Council Member, Jacksonville
Ken Russell, Commissioner, Miami
Joseph Citro, Councilmember, Tampa
Rick Kriseman, Mayor, St. Petersburg
Robert Stuart, Commissioner, Orlando
Carlos Hernandez, Mayor, Hialeah
John Dailey, Mayor, Tallahassee
Dean Trantalis, Mayor, Fort Lauderdale
Gregory Oravec, Mayor, Port St. Lucie
Richard Williams, Council Member, Cape Coral

PAST PRESIDENTS

Scott Black, Commissioner, Dade City
Frank C. Ortis, Mayor, Pembroke Pines
Joy Cooper, Mayor, Hallandale Beach
Patricia Bates, Mayor, Altamonte Springs
Matthew Surrency, Mayor, Hawthorne
Leo E. Longworth, Commissioner, Bartow
Isaac Salver, Council Member, Bay Harbor Islands

DIRECTOR AT-LARGE

Roy S. Shiver, Commissioner, Florida City

FCCMA Ex-Officio Member

Micah Maxwell, Assistant City Manager, Clearwater

Jeannie Garner, Executive Director
Kraig Conn, General Counsel

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2021 FLORIDA LEAGUE OF CITIES LEGISLATIVE ACTION AGENDA

SALES TAX FAIRNESS

The Florida League of Cities SUPPORTS legislation to update Florida's sales and use tax laws that apply to online/e-commerce sales from out-of-state retailers. Changes are needed to ensure in-state retailers are treated equitably and that the Florida sales and use tax law is equally enforced.

SHORT-TERM RENTALS

The Florida League of Cities SUPPORTS legislation providing for a collaboration between the Florida Department of Business and Professional Regulation and cities to ensure that short-term rental properties abide by state and local regulations, are properly licensed and insured, and comply with state and local taxation requirements as well as industry-accepted safety practices. The Florida League of Cities SUPPORTS legislation clarifying that existing, grandfathered municipal short-term rental ordinances can be amended without penalty.

AFFORDABLE HOUSING

The Florida League of Cities SUPPORTS legislation that requires all monies from the Sadowski State and Local Housing Trust Funds be used only for Florida's affordable housing programs.

ANNEXATION

The Florida League of Cities SUPPORTS legislation that facilitates the municipal annexation of unincorporated areas while protecting private property rights and respecting municipal boundaries.

DISCHARGES TO SURFACE WATERS

The Florida League of Cities SUPPORTS legislation that establishes reasonable timeframes for utilities to eliminate, to the extent possible in compliance with regulatory requirements and with specified exceptions, discharges to surface waters unless a utility demonstrates it is not environmentally, technically or economically feasible.

OTHER ISSUES OF IMPORTANCE

DIGITAL DIVIDE

The Florida League of Cities SUPPORTS legislation that reduces the digital divide and expands broadband internet access to all areas of the state. This includes:

- ▶ Identifying areas of Florida that are underserved by traditional broadband providers.
- ▶ Removing statutory barriers for cities to provide telecommunication services and open competition for affordable internet service.
- ▶ Increasing public funding for construction of broadband infrastructure.

CYBERSECURITY

The Florida League of Cities SUPPORTS legislation dedicating state resources for the development and enhancement of municipal cybersecurity by providing funding for technical assistance, threat assessments, employee training, infrastructure improvements and data protection, including the protection of exempt and confidential information such as law enforcement personnel information and plans for government buildings and other critical infrastructure.

TRANSPORTATION FUNDING

The Florida League of Cities SUPPORTS legislation that will allow cities to have greater local decision-making and flexibility on transportation funding to ensure we meet our ever-changing transportation demands.

RESILIENT AND SUSTAINABLE FLORIDA

The Florida League of Cities SUPPORTS legislation that promotes a resilient and sustainable Florida, including:

- ▶ Funding for water quality improvements.
- ▶ Establishing policies and funding for alternative water supply development.
- ▶ Providing for intergovernmental coordination and planning on strategies to address climate challenges such as drought, coastal flooding and inland flooding.
- ▶ Enabling local authority to implement natural resource protection strategies.

The Florida League of Cities SUPPORTS legislation that defines mobility plans and fees in order to provide the clarity and consistency needed to assist Florida's cities in implementing alternative modes of transportation.

BUILDING CODES/CONSTRUCTION

Application for and Issuance of Building Permits (Neutral)

CS/CS/HB 1059 (Robinson) requires local governments to review additional information for an application for a development permit or development order within specified timeframes. It requires local governments to post certain building permit information on their websites, including: each type of application and required documentation; procedures for processing, reviewing and approving applications; and the status of each application. It requires local governments to provide for electronic submission of all parts of the application and payments. The bill requires a local government that fails to meet established deadlines for reviewing building permit applications to reduce the fee for such permits for every business day that it misses the deadline. If a local government denies an application for a single-family residential dwelling, it must allow the applicant ten business days to correct the application. It prohibits a local government from requiring an applicant to provide a copy of a contractor's contract with owners, subcontractors, or suppliers as a condition of application for a building permit for commercial property. Effective October 1, 2021. (Taggart)

Building Inspections (Neutral)

CS/CS/HB 667 (Mooney) requires local building enforcement agencies to allow requests for inspections to be submitted electronically, such as by email, electronic form or downloaded application. A local enforcement agency must refund 10% of the permit and inspection fees if the inspector or building official determines the work fails an inspection but fails to provide, within five days, a reason that is based on compliance with state or local requirements indicating why the work failed the inspection. The bill clarifies that a governmental entity may perform virtual inspections at its discretion but may not perform virtual inspections for structural inspections on threshold buildings. Effective July 1, 2021. (Taggart)

Florida Building Code (Neutral)

CS/CS/HB 401 (Fetterhoff) allows for substantially affected people to submit a petition to the Florida Building Commission for a nonbinding advisory opinion if a local government adopts a regulation or

policy without following the process established in the Florida Building Code. The bill defines a "substantially affected person" and the process for submitting the petition, as well as defines the process for how the Commission must consider petitions, the length of time before the Commission must issue its nonbinding advisory opinion and where the opinion must be published. The bill allows for the Commission to make changes to the Florida Building Code to correct errors but only with a 75% vote of the Commission. A local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application. The bill also prohibits local governments from regulating specific building design elements for single-family and two-family dwellings. These provisions include several exemptions: dwellings on the National Register of Historic Places or within a historic district, regulations adopted to implement the National Flood Insurance Program, dwellings within a Community Redevelopment Association, regulations to ensure the protection of coastal wildlife, dwellings within a planned unit development or master-planned community, and dwellings located within a local government that has a design review or architectural review board. Effective July 1, 2021. (Taggart)

Public Works Projects (Opposed – Preemption)

CS/CS/CS/HB 53 (DiCeglie) requires local governments to utilize competitive bidding processes when contracting city, town or county public works projects. The bill defines a public works project as any activity that exceeds \$1 million in value and is paid for with state-appropriated funds. The requirements do not apply to any project 100% funded by local funds. The bill also blocks a local government from training employees in designated programs with a restricted curriculum or from a single source, and it blocks local ordinances that require programs such as apprenticeships. Effective July 1, 2021. (Taggart)

EMERGENCY MANAGEMENT

Emergency Powers of a Local Government (Opposed)

CS/CS/SB 2006 (Burgess) is a comprehensive bill that amends the State Emergency Management Act to address the threat posed by pandemics or other

public health emergencies and imposes restrictions on the scope, duration and impact of local government emergency orders.

The bill defines a local government "significant emergency order" as an order or ordinance issued or enacted by a political subdivision (city or county) in response to an emergency that limits the rights or liberties of individuals or businesses within the political subdivision. The bill specifically excludes hurricane or other weather-related orders from the definition of significant emergency order, which leaves all other types of emergencies or disasters subject to the restrictions and parameters of the bill.

The bill requires any significant emergency order issued by a local government to be narrowly tailored to serve a compelling public health or safety purpose and must be limited in duration, applicability and scope to reduce any infringement on individual liberty to the greatest extent possible. Under the provisions of the bill, a significant emergency order automatically expires seven days after issuance and may be extended, as necessary, in seven-day increments but only for a **total** duration of 42 days. If a significant emergency order expires, the local government cannot issue a "substantially similar" order. If the governor determines a significant emergency order unnecessarily restricts individuals' rights or liberties, the governor can invalidate the order adopted by the local government. Additionally, the bill provides that an order issued by a local government which imposes a curfew restricting travel or movement must allow persons to travel to their places of employment and to return to their residences after their work has concluded. CS/CS/SB 2006 also requires all emergency orders issued by local governments to be posted to a dedicated webpage accessible through a conspicuous link on the local government's website.

Any state agency or political subdivision that accepts assistance for the purpose of emergency prevention, management, mitigation, preparedness, response or recovery must submit to the Legislature, in advance, a detailed spending plan for the money. When this pre-submission of the agency's plan is not possible, a state agency or political subdivision must nonetheless submit the plan no later than 30 days after the initiation of any expenditures and for each additional 30

days of the emergency as long as funds continue to be disbursed. For emergency response activities, including emergency protective measures or debris removal, the bill requires the agency or political subdivision to submit to the Legislature a report of all expenditures in aggregate categories incurred in the emergency response no later than 30 days after the expenditure is incurred. The entity must also submit a copy of any project worksheet submitted to FEMA within seven days of when the document is submitted to FEMA. The bill also prohibits governmental entities and private businesses from requiring proof of vaccination and imposes fines of up to \$5,000 per incident for any violation. Effective July 1, 2021. Chapter No. 2021-008. (Dudley)

ETHICS AND ELECTIONS

Campaign Financing (Opposed)

CS/CS/SB 1890 (Rodrigues) imposes a \$3,000 limit on contributions made to political committees sponsoring or opposing a constitutional amendment proposed by initiative. The limit will not apply once the secretary of state has issued a certificate of ballot position and a designating number for a proposed constitutional amendment. In addition, the bill pre-empts local governments from enacting or adopting any limitation or restriction involving campaign or committee contributions and expenditures or establishing contribution limits different from those established in the Florida Election Code. Lastly, the bill amends current law provisions relating to the distribution of surplus funds by candidates. Effective July 1, 2021. Chapter No. 2021-16. (O'Hara)

Election Administration (Neutral)

CS/CS/CS/SB 90 (Baxley) revises multiple provisions of the Florida Elections Code relating to voter registration, third-party voter registration, county commission terms, ballots, voting systems, vote-by-mail ballots, canvassing boards, voter signatures and secure drop boxes. It provides that in any civil action in which a state or county agency or officer is a party, the action may not be settled if the settlement conflicts with any provision of the Florida Election Code unless notification of the commencement of settlement negotiations is given to the legislature and the attorney general, a proposed settlement is reported to the Legislature and the attorney general, and notice is given to the Legislature and the Attorney

General at least 10 days before the settlement becomes final. The bill prohibits the use of private funds for election-related expenses, voter education, voter outreach or registration programs. The donation and acceptance of space to be used as a polling room or an early voting site are exempt from this prohibition. The bill requires supervisors of elections to make live voter turnout data available on their websites on election day. It eliminates current law provisions addressing elective charter county or municipal office vacancies created by resignation and provides such offices shall be deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation. For persons seeking to qualify for office as a candidate of any political party, the bill requires such person to state in writing that he or she has been a member of that political party for 365 days before the beginning of qualification. If a person is seeking to qualify as a candidate with no party affiliation, the bill requires the person to state in writing that he or she has not been a member of any political party for 365 days before the beginning of the qualifying period.

The bill expands the current no-solicitation zone from 100 to 150 feet and includes drop box locations as areas subject to the no-solicitation zone. It modifies the current law definition of solicitation to include engaging in any activity with the intent to influence or having the effect of influencing a voter and clarifies the term may not be construed to prohibit an employee of, or a volunteer with, the supervisor of elections from providing nonpartisan assistance to voters within the no-solicitation zone. The bill modifies current law provisions relating to the canvassing of returns and the public inspection of ballots. It amends vote-by-mail procedures and provides that a vote-by-mail request covers only a two-year election cycle rather than four years. An existing vote-by-mail request submitted before July 1, 2021, is effective for elections held through the end of the 2022 calendar year. In addition, except as authorized for voters having a disability, overseas voters, or local referenda, the bill prohibits a county, municipality or state agency from sending a vote-by-mail ballot to a voter unless the voter has requested a ballot. The bill amends provisions relating to the use of drop boxes for vote-by-mail ballots. It clarifies that drop boxes may be placed at the main supervisor of elections office, each permanent branch of such office

and each early voting site. It requires that drop boxes be located to provide all voters in the county with an equal opportunity to cast a ballot. It provides that drop boxes at early voting locations may be used only during early voting hours and must be monitored in person by an employee of the supervisor of elections. Effective upon becoming law (May 6, 2021). Chapter No. 2021-11. (O'Hara)

FINANCE AND TAXATION

Constitutional Amendment: Property Assessed for Elevated Properties (Neutral)

HJR 1377 (Chaney) proposes an amendment to the Florida Constitution to authorize the Legislature to prohibit the consideration of improvements made to residential real property to improve the property's resistance to flood damage when determining the assessed value of the property for the purposes of ad valorem taxation. If approved by at least 60% of electors on the November 2021 general election ballot, the constitutional amendment will take effect January 1, 2023. (Hughes)

Homestead Exemption for Seniors 65 and Older (Neutral)

CS/CS/HB 597 (Woodson) amends the process by which a senior verifies his or her income for purposes of renewing the income-based property tax exemption. Currently, seniors receiving such an exemption must annually submit to the property appraiser a sworn statement that his or her income still qualifies for the exemption. The bill removes this requirement and instead requires the senior only to notify the property appraiser upon a change in income that may disqualify the senior for the exemption. Effective July 1, 2021. (Hughes)

Petition for Objections to Assessment (Neutral)

CS/HB 649 (Fernandez-Barquin) authorizes a condominium or cooperative association to defend its members that are unit or parcel owners in ad valorem tax suits brought by a property appraiser after a Value Adjustment Board decision and to appeal such decisions on the owners' behalf. The bill requires an association to notify, in a specified manner, its members of its intention to petition the VAB and that, by not opting out of the petition, the owner agrees that the association may represent him or her in any subsequent proceedings. Effective July 1, 2021. (Hughes)

Sales and Use Tax (Supported)

CS/CS/SB 50 (Gruters) requires retailers with no physical presence in Florida to collect Florida's sales tax on sales of taxable items delivered to purchasers in Florida if the retailer makes a substantial number of sales into Florida or provides for the taxation of sales facilitated through a marketplace provider. The bill also deletes a provision that exempts an out-of-state dealer that makes retail sales into Florida from collecting and remitting any local option surtax. The bill temporarily diverts the increased collections in sales tax, due to this bill, to the Unemployment Compensation Trust Fund until it is replenished to pre-pandemic levels. The bill reduces the business rent tax from 5.5% to 2% once the Trust Fund reaches its pre-pandemic balance. Effective July 1, 2021, except as otherwise provided. Chapter No. 2021-002. (Hughes)

Taxation (Neutral)

HB 7061 (Ways and Means) is the tax package for the 2021 Session. The bill includes a back-to-school, disaster preparedness and a "recreation" sales tax holiday. The bill expands the current property tax discount from 50% to 100% for certain multifamily projects that provide affordable housing for low-income families. Other property tax changes in the bill include clarifying the application of an exemption from ad valorem taxation for portions of property used for charitable, religious, scientific or literary purposes; requiring the tax collector to accept late payments on the first installment of prepaid property taxes; repealing the hospital community benefit reporting and creating two additional situations when a change in the ownership of homestead property would not result in the property being reassessed at just value. The bill also clarifies that when a property is damaged or destroyed by a calamity, ancillary improvements may also be repaired or replaced without the improvement being assessed at just value and that the assessment made for repaired or replaced property must be calculated based on the assessed value as of the January 1, immediately before the damage or destruction occurred. The bill also makes a number of updates related to tax administration. The bill also implements HJR 1377 if approved by 60% of voters at the next general election, which means changes to elevate certain homestead and non-homestead residential property do not increase the assessed value of the property under specific circumstances. Effective July 1, 2021. Chapter No. 2021-31. (Hughes)

LAND USE AND COMPREHENSIVE PLANNING**Governmental Actions Affecting Private Property Rights (Opposed)**

CS/CS/HB 421 (Tuck) makes various changes to the Bert J. Harris, Jr., Private Property Rights Protection Act to favor private property owners. It expands the definition of real property to include any legal interest in land, including surface, subsurface and mineral estates. The bill shortens the review period governments have for responding to claims from 150 to 90 days. The bill specifies that written settlement offers are presumed to protect the public interest. The bill creates a process by which a property owner may notify a government that a law or regulation imposes a limitation on the allowable uses of his or her property. The government would have 45 days to provide a written response to the property owner, describing the limitations imposed on the property by the law or regulation. At this point, a claim by the property owner that is filed within one year of the government's written response is deemed ripe, without the property owner having to first file an application and have the application be denied. The bill gives the property owner the option to have the court, rather than a jury, determine damages. It allows a property owner to challenge an unlawful exaction as soon as he or she must comply with the exaction without waiting for a written notice of the action from the government. The bill also amends the attorney fee provisions of the Act by allowing a prevailing claimant to recover attorney fees incurred from the time the claimant files notice with the government instead of from the time the claimant files suit. The bill specifies that a property owner entitled to relief under the Act maintains entitlement to pursue the claim if the owner filed a claim under the Act but subsequently relinquishes title to the subject real property before the claim reaches final resolution. Finally, the bill specifies that it applies to claims brought in response to government actions taken on or after July 1, 2021 (90 days before the bill's effective date). Effective October 1, 2021. (Cruz)

Growth Management (Neutral)

CS/CS/CS/HB 59 (McClain) is a comprehensive growth management bill. The bill makes several changes to state growth management statutes relating to comprehensive plans, development agreements, devel-

opments of regional impact and the sale of property by the Department of Transportation. It requires a local government to include a private property rights element in its comprehensive plan by the earlier of the date of adoption of its next proposed plan amendment initiated after July 1, 2021, or the date of its next scheduled evaluation and appraisal report. It provides a model statement of rights that local governments may adopt for the new property rights element. The bill allows the parties to a development agreement to amend or cancel the agreement without the consent of other property owners whose property was originally subject to the agreement, unless the amendment or cancellation would directly modify the allowable uses or entitlements of such owners' property. The bill specifies that development agreements for Developments of Regional Impact (DRI) entered on or before April 6, 2018, and previously classified as "essentially built out," may be amended using processes adopted by local governments for amending development orders. It further specifies that such amendment may authorize the DRI developer to exchange approved land uses if the developer demonstrates the exchange will not increase impacts to public facilities. It requires the Florida Department of Transportation, when selling property, to provide a right of first refusal to the property's prior owner and provides a process for implementing the right of first refusal. The bill requires the comprehensive plan for a newly incorporated municipality that becomes effective after January 1, 2016, to incorporate all development orders existing before the plan's effective date; not impair the completion of development in accordance with existing development orders; and vest the density and intensity approved by the development orders existing before the plan's effective date without limitation or modification. Effective July 1, 2021. (Cruz)

Home-based Businesses (Opposed)

CS/HB 403 (Giallombardo) preempts the regulation of home-based businesses. It provides that local governments may not take any action to license or otherwise regulate a home-based business except as authorized in the bill. It specifies a home-based business that operates from a residential property may operate in an area zoned for residential use; may not be regulated or licensed in a manner that is different from other businesses except as provided; and is only subject to applicable business taxes under Chapter 205 in the county and municipality where it is located. The bill

provides that a business is considered home-based if it operates from a residential property and meets specified criteria. First, with an exception for 1-2 people who live off-site and remote workers, the employees who work at the residential dwelling must also reside there. Second, parking related to the business complies with local zoning and the need for parking may not be greater in volume than would normally be expected at a residence. A local government may regulate the use of vehicles or trailers associated with the business, provided the regulations are not more stringent than those applicable to residences where no business is conducted. Vehicles and trailers associated with a home-based business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment that is visible from the street or neighboring property. Third, as viewed from the street, the use is consistent with the uses of residential areas that surround the property. External modifications of a residential dwelling must conform to the character and aesthetics of the neighborhood. Retail transactions may not be conducted at a structure other than the dwelling. Fourth, the business activity must be secondary to the property's use as a residence. Fifth, the business activities must comply with relevant local or state regulations regarding signage and equipment or processes that create noise, odors and similar external impacts. Local regulations about external impacts may not be more stringent than those that apply to a residence where no business is conducted. Sixth, business activities must comply with local, state and federal regulations with respect to corrosive, combustible or other hazardous materials. The bill provides a mechanism for an adversely affected home-based business owner to challenge local government action in violation of the bill's requirements and authorizes prevailing party fees and costs. Local requirements related to transient lodging establishments are not superseded by the bill. Effective July 1, 2021. (Cruz)

Impact Fees (Opposed – Preemption)

CS/CS/CS/HB 337 (DiCeglie) is a comprehensive impact fee bill. The bill provides that if an impact fee increases by not more than 25% over the current rate, the increase must be implemented in two equal annual increments. If a fee increases 25% and 50% over the

current rate, the phase-in must be in four equal installments. The bill prohibits an increase of an impact fee by greater than 50% and provides that an impact fee may not be increased more than once every four years. The bill provides an exception to these requirements if the governmental entity establishes the need for the increased fee pursuant to the rational nexus test, uses a study (completed within the 12 months preceding the increase) showing that extraordinary circumstances require the additional increase, holds at least two publicly noticed workshops and adopts the increase by a two-thirds vote. The impact fee increase limitations are retroactive to January 1, 2021.

The bill provides definitions for "infrastructure" and "public facilities." Infrastructure is defined as a fixed capital expenditure or fixed capital outlay, excluding repair and maintenance costs, associated with the construction, reconstruction or improvement of public facilities that have a life expectancy of at least five years; related land acquisition, land improvement, design, engineering and permitting costs; and other related construction costs needed to bring the public facility into service. The term also includes police, sheriff, fire and EMS vehicles, school buses and equipment necessary to outfit the vehicle for official use. "Public facilities" are defined as major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities, as well as emergency medical, fire and law enforcement facilities. Similar to current law requirements for local governments, the bill requires special districts to credit against the collection of impact fees, on a dollar-for-dollar basis, any contributions related to public facilities toward impacts on the same type of public facilities for which the contribution was made. Impact fee credits must be provided regardless of any provision in a local charter, policy, ordinance, development order or permit. The assignability and transferability of impact fees apply to all impact fee credits, regardless of whether the credit was established before or after the bill's effective date. Finally, the bill revises the current law requirement relating to affidavits that must be submitted by a governmental entity's chief financial officer with the annual financial or audit report by expanding the items to be attested. Effective upon becoming law (June 4, 2021). Chapter No. 2021-63. (Cruz)

Small Scale Development Amendments (Neutral)

HB 487 (Duggan) increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres and increases the maximum acreage for a small-scale plan amendment within a rural area of opportunity from 20 acres to 100 acres. In addition, the bill authorizes any landowner with a development order existing before the incorporation of a municipality to elect to abandon the development order and develop the vested density and intensity contained therein so long as the vested uses, density and intensity are consistent with the municipality's comprehensive plan and all existing obligations in the development order regarding concurrency remain. Effective July 1, 2021. (Cruz)

Special District Accountability (Neutral)

CS/CS/CS/HB 1103 (Maggard) imposes new reporting and review requirements on special districts. It specifies the annual financial auditing report of a community redevelopment agency must be filed separately from the annual financial auditing report of the entity that created it. It requires all independent special fire control districts and hospitals governed by a special district or the board of a public health trust to have a performance review every five years starting October 2022 and October 2023, respectively. The bill defines a "performance review" and specifies the review must be conducted by an independent entity. The bill directs the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) to conduct performance reviews of fire control districts located in rural areas of opportunity, independent mosquito control districts and soil and water conservation districts. A performance audit by the auditor general in the same fiscal year may be used to satisfy the performance review requirement. The bill requires the annual financial report and annual financial audit report of all special districts to include the total number of employees and independent contractors, their compensation and each construction project costing at least \$65,000. It requires independent special districts that levy ad valorem taxes or non-ad valorem assessments to include in their annual financial reports the rate of such levies, the total amount collected by such levies, and the total amount of outstanding bonds and their terms. Special districts that amend their annual budget are required to file a budget variance report. Effective October 1, 2021. (Cruz)

OTHER

Cottage Food Operations (Neutral)

CS/HB 663 (Salzman) addresses the regulation of cottage food operations. Known as the Home Sweet Home Act, the bill increases annual gross sales of cottage food products from \$50,000 to \$250,000 and authorizes the sale and delivery of cottage food products. Cottage foods are certain food products that have been determined by the Department of Agriculture and Consumer Services to be safe for production at a person's residence, such as breads, honey, cakes and popcorn. The bill allows for the sale or delivery of cottage food products by U.S. mail or commercial mail delivery. Furthermore, the bill pre-empts the regulation of cottage food products to the state and prohibits any local law, ordinance or regulation from regulating the preparation, processing, storage and sale of these products. The bill specifies that they must comply with all local home-based business ordinances. Effective July 1, 2021. (Taggart)

County and Municipal Code Enforcement (Neutral)

CS/SB 60 (Bradley) prohibits code enforcement officers from investigating and enforcing a potential code violation if the complaint is received anonymously. The bill requires any person who reports a violation of a code or ordinance to provide their name and address to the local government before any enforcement proceedings occur. The bill allows for the enforcement of anonymous complaints if they pose an imminent threat to public health, safety or welfare or imminent destruction of habitat or sensitive resources. Nothing in the bill prohibits a code enforcement officer from proactively enforcing a code violation. Effective July 1, 2021. (Taggart)

Legal Notices (Supported)

CS/HB 35 (Fine) provides local governments with the option to publish legal notices on a newspaper website in lieu of a paper-based publication. The bill revises requirements for publications that are eligible to publish legal notices, making some smaller publications that are free to the public now eligible. If a local government chooses to switch legal notices to a newspaper website, they must first provide notice to the general public before using an internet-only publication. Specifically, the governmental agency must give notice of its intent in a print edition of a newspaper and con-

duct a public hearing. The public hearing is meant to determine that an internet-only publication is in the public interest and that residents within the jurisdiction of the governmental agency have sufficient access to the internet. This determination must be made by a majority vote of the governing body. All format and accessibility requirements of legal notices also apply to Internet-only publication of legal notices. A newspaper's print edition section must contain a disclaimer stating that additional legal notices may be accessed on the newspaper website and the statewide legal notice website. Conversely, the newspaper's website must also contain a disclaimer that legal notices are published in the print section of the newspaper and the statewide legal notice website.

The bill allows for a newspaper to charge for the publication of a legal notice on the newspaper website without rebate, commission or refund. However, the newspaper may not charge a higher rate for publication than the amount that would be authorized if the legal notice were publicized in print. The bill prescribes penalties for accepting rebates, commissions or refunds in connection with any amounts charged for publication of legal notices published on the internet.

If a government agency exercises the option to publish legal notices on a newspaper website, the agency must provide an additional notice at least once per week in a print edition newspaper of general circulation within the region in which the government agency is located. This notice must contain a statement that legal notices pertaining to the agency do not all appear in the print edition of the local newspaper and that a full listing may be accessed on the newspaper website and on the statewide legal notice website located at floridapublicnotices.com. The government agency must also post a link on its website homepage to a webpage that lists all the newspapers in which the government agency publishes legal notices. Effective July 1, 2021. Chapter No. 2021-17. (Taggart)

Preemption of Local Occupational Licensing (Opposed – Preemption)

HB 735 (Harding) expressly preempts the licensing of occupations to the state. It defines "occupation" to include a paid job, work, trade, employment or profession and defines "licensing" to include any training, education, test, certification, registration, procedure or license that

is required for a person to perform an occupation. The bill exempts local government license requirements imposed before January 2021 but provides that such local requirement expires July 2023 and may not be modified before the expiration. It exempts any local government licensing requirement that is expressly authorized by general law. It prohibits a local government from requiring a person to obtain a license for a job scope that does not substantially correspond to the job scope of certain contractor categories specified in section 489.105(3)(a) – (o) and (q) or authorized in section 489.1455(1), including but not limited to the following: painting; flooring; cabinetry; interior remodeling; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite or terrazzo installation; plastering; stuccoing; caulking; and canvas awning or ornamental iron installation. The bill authorizes local governments to issue journeyman licenses in the following trades: plumbing, pipe fitting, mechanical, HVAC, electrical, or alarm systems. Effective July 1, 2021. (Cruz)

Substance Abuse Services (Neutral)

CS/CS/SB 804 (Harrell) makes several changes to the licensing and regulation of substance abuse programs, including recovery residences or “sober homes.” The bill authorizes the Department of Children and Families (DCF) to suspend a service provider’s license for failing to pay, within 60 days of a date set by the DCF, administrative fines and accrued interest related to disciplinary action taken against the service provider. The bill also mandates that a service provider pay fines and accrued interest resulting from violations of patient referral prohibitions within 60 days of a date specified by the DCF. If a service provider fails to remit payment within 60 days, the bill requires the DCF to immediately suspend the service provider’s license. The bill also prohibits local governments from reclassifying single-family and two-family dwellings used as a recovery residence for purposes of enforcing the Florida Building Code, including the installation of fire sprinklers. Effective July 1, 2021. (Taggart)

Tobacco and Nicotine Products (Opposed – Preemption)

CS/CS/SB 1080 (Hutson) is known as the “Tobacco 21” bill that increases the legal smoking age to 21 to comply with federal law. The bill includes a preemption on the regulation of the marketing, sale or delivery of tobacco or nicotine products. Effective October 1, 2021. Chapter No. 2021-14. (Taggart)

Tolling and Extension of Permits and Other Authorizations During States of Emergency (Opposed – Mandate)

CS/CS/SB 912 (Albritton) expands current law provisions that authorize extensions of development orders, building permits and environmental resource permits during a state of emergency issued by the governor for a natural emergency. The period to exercise such rights is tolled during the state of emergency plus an additional six months. The bill adds consumptive use permits (for land subject to a development agreement in which the permittee and the developer are the same entity), development permits, and development agreements as permits and authorizations subject to tolling and extension. It applies retroactively to any declaration of a state of emergency issued by the governor for a natural emergency since March 2020 (e.g., COVID-19 pandemic). Lastly, the bill preserves enterprise zone boundaries in existence before December 2015 for the purpose of allowing local governments to administer local incentive programs within those boundaries through December 31, 2021. Effective upon becoming law. (Cruz)

Urban Agriculture (Supported)

CS/SB 628 (Rouson) creates a distinction for local government regulatory purposes between traditional farm operations and “urban agriculture.” The term “urban agriculture” applies to any new or existing noncommercial agricultural uses on land that is: within a dense urban land area; not classified as agricultural; not zoned as agriculture as its principal use; and designated by a municipality for inclusion in an urban agriculture pilot project that has been approved by the Department of Agriculture and Consumer Services (DACS). The term does not apply to vegetable gardens for personal consumption on residential properties. The bill exempts equipment used on a farm or used to transport farm products for the purpose of urban agriculture from the current law requirement that farm equipment be stored, maintained or repaired within the boundaries of the owner’s farm and be located at least 50 feet away from a public road. It does not exempt nonresidential farm buildings, fences or signs located on land used for urban agriculture from the Florida Building Code or local government regulation. It expressly preserves the authority of local governments to regulate urban agriculture if the activities are part of a DACS-approved pilot project, the municipality en-

acts regulations applicable to urban agriculture and the regulation designates existing farm operations as legally nonconforming before the regulation's adoption. The bill authorizes DACS to approve five urban agricultural pilot programs in municipalities. It sets forth requirements, timeframes and reporting requirements for the programs. Effective July 1, 2021. (Cruz)

PERSONNEL

Combating Public Disorder (Opposed – Impact on Municipal Operations)

CS/HB 1 (Fernandez-Barquin) is aimed at curbing riots and violent protests. Of specific interest to municipalities are provisions that make it difficult to reduce municipal law enforcement funding, waive the sovereign immunity of cities for damages arising from riots in certain cases and provisions that create specific law enforcement actions when responding to riots.

The legislation creates a process for the state attorney or member of the governing body of a city to file a petition to the Administration Commission (comprised of the governor and Cabinet) within 30 days after the municipality posts its tentative budget if the budget contains a funding reduction to the operating budget of the municipal law enforcement agency. The governing body of the municipality has five working days to file a reply with the Executive Office of the Governor and must deliver a copy of the reply to the petitioner. After receiving the petition, the Executive Office of the Governor must provide for a budget hearing to discuss the petition and the reply. The Administration Commission then has 30 days to provide a report of findings and approve or modify the municipal budget. The report by the Commission is final.

The bill also creates civil liability for damages caused during a riot. A governing body or a person authorized by the governing body that breaches the duty to respond appropriately to protect persons and properties during a riot based on the availability of adequate equipment and applicable laws is civilly liable for any damages arising from the riot. The bill waives sovereign immunity for any governing body found liable, which means cities would not be

protected by statutory caps that normally limit the amount someone can recover when suing a government entity.

The bill requires law enforcement officers to hold individuals committing crimes related to riots in jail until their first appearance. Law enforcement cannot simply give tickets to anyone cited for crimes related to riots. Lastly, the legislation increases criminal penalties for actions relating to violent protests or riots. Effective upon becoming law (April 19, 2021). Chapter No. 2021-006. (Hughes)

Department of Financial Services (Neutral)

CS/CS/CS/HB 1209 (Fetterhoff) amends various provisions relating to the Department of Financial Services. Of note to municipalities, the bill allows contractors to begin repairs on previously permitted fire alarms after filing a permit application and specifying the repair is not compliant until permitted and approved. The bill extends the compliance deadlines and revises permit application requirements relating to minimum radio signal strength for fire department communications and two-way radio systems for existing high-rise buildings. The bill allows fire service providers to hire volunteer firefighters and allows them to continue functioning in a volunteer firefighter capacity for the first year of employment while they obtain career firefighter certifications. The bill also revises the composition of the Firefighters Employment, Standards and Training Council but retains the Florida League of Cities appointment. Effective July 1, 2021, except as otherwise provided. (Hughes)

FRS Employer Contribution Rates (Neutral)

SB 7018 (Governmental Oversight and Accountability) establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2021. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly \$373.5 million more in revenue on an annual basis beginning July 1, 2021. The public employers that incur these additional costs are state agencies, state universities and colleges, school districts, counties, municipalities and other governmental entities that participate in the FRS. Effective July 1, 2021. Chapter No. 2021-42. (Hughes)

PROCUREMENT

Contracts and Grants with Foreign Entities (Neutral)

CS/HB 7017 (Public Integrity & Elections Committee) requires local governments that receive any grant or gift of \$50,000 or more from any foreign government, agency or individual to disclose the grant or gift to the Department of Financial Services within 30 days of receipt. Anyone seeking a grant or contract from a local government for more than \$50,000 is required to disclose to the local government any contracts they may have with China, Cuba, Iran, North Korea, Russia, Syria or Venezuela. Any individual who fails to disclose a contract captured under the bills would be liable for a civil violation with a fine of \$5,000 and may be removed from their position by the governor. The bill also prohibits local governments from participating in any agreement from the countries listed above to establish a program to promote the language or culture of those countries. CS/HB 7017 also increases the gift or grant amount to \$100,000. Effective July 1, 2021. Chapter No. 2021-76. (Taggart)

PUBLIC RECORDS AND PUBLIC MEETINGS

Public Records (Opposed – Preemption)

CS/SB 400 (Rodrigues) prohibits a city, after receiving a public record request, from filing an action for declaratory judgment against the individual or entity making the request. The bill prevents cities from seeking clarification from the courts as to whether a record is exempt, or exempt and confidential. Effective July 1, 2021. (Taggart)

Public Records (Neutral)

CS/CS/HB 781 (Robinson) authorizes the clerk of circuit court to give access to information recorded in the official records of a county that is otherwise exempt from public records requirements to specified parties. These parties include attorneys who are admitted to the Florida Bar, members in good standing, authorized title insurers, their affiliates; title insurance agents or title insurance agencies; financial institutions and their affiliates and entities that provide access to title information; tax information and document images for insurance companies; real estate and mortgage investors; attorneys and governmental agencies through a limited access licensing agreement. Effective July 1, 2021. (Taggart)

PUBLIC SAFETY

Drones (Supported)

CS/CS/SB 44 (Wright) allows law enforcement agencies to use drones for the following purposes:

- ▶ to provide an aerial perspective of a crowd of 50 people or more;
- ▶ to assist a law enforcement agency with traffic management (images may not be used for issuing traffic citations); to facilitate the collection of evidence at a crime or traffic crash scene;
- ▶ by a state agency or political subdivision to assess damage due to a flood, wildfire or other natural disaster that is the subject of a state or local emergency or for vegetation or wildlife management on publicly owned land or water;
- ▶ or by certified fire department personnel to perform tasks within the scope of their certifications.

The bill specifies that law enforcement agencies must create policies and procedures for use of the drone and storage of images and video collected. Also, drones used for the purposes set forth in the bill must be purchased by an approved manufacturer. By January 1, 2023, all governmental agencies must discontinue the use of drones not produced by an approved manufacturer. The Department of Management Services has until January 2, 2022, to establish the list of approved manufacturers. Effective July 1, 2021. (Taggart)

Law Enforcement and Correctional Officer Practices (Neutral)

HB 7051 (Judiciary Committee) makes several changes to the requirements for the operations and standards of law enforcement agencies, including:

- ▶ Requires law enforcement officers to disclose if they are subject to a pending investigation or if they separated from their previous agency because of an investigation when applying to a new agency.
- ▶ Requires a law enforcement agency to include the facts and reasons an applicant was separated from previous employment as part of a background check investigation of an applicant.
- ▶ Requires a law enforcement agency to maintain an officer's employment information for a minimum of five years following the date of the officer's separation from the agency.

- ▶ Requires the Criminal Justice Standards and Training Commission to develop basic skills training and each law enforcement agency to develop policies in the use of force.
- ▶ Requires an independent review of a use of force incident involving death or the discharge of a firearm. The incidents must also be reported to the Florida Department of Law Enforcement.
- ▶ Prohibits children under age seven from being arrested unless the violation of law is a forcible felony.

Effective July 1, 2021. (Taggart)

Preemption of Firearms and Ammunition (Opposed – Mandate)

SB 1884 (Rodrigues) expands the scope of when an individual or organization may file suit against a municipality for violating the state preemption on firearms and ammunition to include any local policies that are written or unwritten. Current law awards the prevailing plaintiff attorney fees. The bill considers the plaintiff the prevailing party even if the local government voluntarily changes their ordinance or policy, written or unwritten. Effective July 1, 2021. Chapter No. 2021-15. (Taggart)

Safety of Religious Institutions (Neutral)

CS/CS/HB 259 (Williamson) authorizes an individual who is a licensed concealed weapons or firearms holder to carry their weapon or firearm on property of a church, synagogue or any other religious institution unless specifically prohibited by the religious institution. Effective upon becoming law. (Taggart)

Volunteer Ambulance Services (Neutral)

CS/CS/CS/HB 805 (Caruso) When authorized by the chief of police of a municipality or the sheriff of a county, the bill authorizes vehicles of certain not-for-profit, faith-based volunteer ambulance services to display red lights and operate emergency lights and sirens while responding to an emergency. Privately owned vehicles belonging to medical staff physicians and technicians of volunteer ambulance services are also authorized to use red lights on said vehicles and to disregard specified traffic laws and ordinances while responding to an emergency. Any emergency medical technician, doctor or paramedic using his or her personal vehicle with a red light to respond to an emergency call must have completed a 16-hour emergency vehicle operator course.

The bill exempts faith-based volunteer first responder agencies from the certificate of public convenience and necessity (COPCN) requirements if the agency:

- ▶ Has been operating in this state for at least 10 years
- ▶ Has no for-profit subsidiaries
- ▶ Is a not-for-profit corporation
- ▶ Uses volunteers to provide services
- ▶ Does not operate for pecuniary profit or financial gain and does not distribute to or inure to the benefit of its directors, members or officers any part of its assets or income
- ▶ Does not receive government funds. However, they may receive funding from specialty license proceeds
- ▶ Has never had a license denied, revoked, or suspended
- ▶ Provides free service and
- ▶ Provides a management plan to the Department of Health that includes a training program, complaint management system, accident or injury handling system, quality assurance program and proof of adequate insurance requirements.

This exemption may be granted to no more than four counties, and the service must comply with all other requirements for licensure. A county may not limit a volunteer ambulance service from responding to an emergency or providing emergency services within its jurisdiction. Effective July 1, 2021. (Taggart)

TELECOMMUNICATIONS

Broadband Internet Infrastructure (Neutral)

CS/CS/HB 1239 (Tomkow) is the Florida Broadband Deployment Act of 2021, which creates two programs intended to expand broadband service to those currently unserved. The bill requires municipal electric utilities, through July 1, 2024, to offer broadband providers a discounted rate of one dollar per attachment per year for any new pole necessary to make broadband service available to an unserved or underserved consumer within the utility's service territory. The bill provides the terms for these discounted attachments. The bill prohibits municipal electric utilities from raising their current pole attachment rates for broadband providers before July 31, 2022. The bill also provides safety and reliability standards for pole attachments and specifies each party's responsibility for costs associated with replacement poles. The bill also creates a program within

the Florida Office of Broadband to award grants, subject to appropriation, to applicants who seek to install or deploy infrastructure that expands broadband service to unserved areas. The bill specifies that political subdivisions are eligible for these grants only if other broadband Internet service providers have not deployed service to an unserved area. The bill establishes a process by which an existing broadband provider may challenge a grant application on the grounds that the provider already offers or plans to offer service in the area at issue. The bill limits grant awards to 50% of the total cost of a project, but no more than \$5 million per grant, and prohibits grant awards for projects that receive other federal funding. The bill also appropriates funds to develop geographic information system maps of broadband internet services availability consistent with Federal Communications Commission standards. Effective July 1, 2021. Chapter No. 2021-24. (Hughes)

Utility and Communications Service Poles (Neutral)
CS/SB 1944 (Albritton) gives broad authority to the Public Service Commission to regulate and enforce rates, charges, terms and conditions of pole attachments. The bill defines "redundant pole" and requires that attaching entities remove their pole attachments from a redundant pole within 180 days of notice of the request by the pole owner. Under certain circumstances, the pole owner may transfer or relocate the pole attachment to a new pole at the non-compliant attaching entity's expense unless the pole attachments are owned by an electric utility. Effective upon becoming law. (Hughes)

TORT LIABILITY

COVID-19 Civil Liability Protection (Supported)
CS/SB 72 (Brandes) provides heightened legal protections against liability as a result of the COVID-19 pandemic to certain business entities, educational institutions, governmental entities and religious institutions. The legislation in its definition of "governmental entity" includes municipalities. The legislation requires the plaintiff to make a detailed account of their claim and submit an affidavit signed by a physician collaborating the belief that the plaintiff's COVID-19-related damages, injury or death occurred as a result, as stated. If the plaintiff fails to do either, the court must dismiss the action without prejudice. The court must

also determine whether the business or government entity made a good-faith effort to substantially comply with the authoritative or controlling government health standards or guidance at the time the cause of action occurred. The burden of proof lies with the plaintiff to prove that the business or government entity did not make a good-faith effort. If the business or government entity is found to have made a good-faith effort, they are immune from civil liability. If the court finds that a good-faith effort was not made, the plaintiff may proceed with the action. The plaintiff must prove gross negligence (a higher standard than negligence). The bill increases the standard of evidence needed on a COVID-19-related claim. If the plaintiff fails to prove these heightened requirements, the business or government entity is not liable for any act or omission relating to a COVID-19-related claim. The civil action for a COVID-19-related action must be commenced within one year of the alleged incident. The bill applies retroactively but will not apply to civil suits commenced before the effective date of the act. The bill is effective upon becoming law (March 29, 2021). Chapter No. 2021-001. (Cruz)

TRANSPORTATION

Motor Vehicle Rentals (Supported)
CS/CS/SB 566 (Perry) establishes insurance and operational requirements for peer-to-peer (P2P) car-sharing programs. For P2P sharing program agreements involving a shared vehicle that is registered in the state, the surcharge shall be \$1 per day. The surcharge applies to the first 30 days of a car-sharing period for any P2P car-sharing program agreement. Effective January 1, 2022. (Taggart)

Operation and Safety of Motor Vehicles and Vessels (Supported)
CS/CS/SB 1086 (Hutson) amends numerous provisions of current law relating to boater safety, derelict vessels, marine sanitation devices and recovery of space flight assets. The bill defines "human-powered vessel" and imposes requirements for the operation of human-powered vessels within the boundaries of a marked channel of the Florida Intracoastal Waterway. It designates Monroe County as an anchoring limitation area upon the county meeting certain conditions. It authorizes the Florida Fish and Wildlife Conservation Commission (FWCC) to establish anchoring/

mooring/beaching/grounding protection zones for springs. The bill makes multiple revisions to laws governing derelict vessel identification and removal. It provides that officers may provide in-person notice that a vessel is at risk of becoming derelict if there is a body camera recording. The bill also authorizes specified officers and agencies to relocate an at-risk vessel to a location further from a mangrove or upland vegetation. The bill authorizes the FWCC to establish a derelict vessel prevention program, which may include provisions for removal of nuisance, derelict or at-risk vessels; a vessel "turn-in" program for owners; and removal of abandoned vessels. It authorizes local governments to enact and enforce regulations to remove an abandoned or lost vessel affixed to a public mooring. The bill specifies conditions under which vessels with repeated violations may be declared a public nuisance and provides requirements for notice to vessel owners and remedies. It amends the definition of "derelict vessel" to include criteria for determining whether a vessel is considered wrecked, junked or substantially dismantled. The bill prohibits the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to an applicant for a vessel that has been deemed derelict, and beginning in 2023, authorizes the agency to reject an application for a certificate of title for a vessel that has been deemed derelict. The bill amends provisions relating to anchoring or mooring limitations to clarify that distance restrictions apply to both public and private marinas and apply only to public vessel launching or loading facilities. It authorizes municipalities to establish boating-restricted areas within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet. It also authorizes local governments to establish vessel-exclusion zones within the portion of the Intracoastal Waterway in their jurisdictions. Local governments may not establish such a zone for public bathing beaches or swim areas within the waterway. The bill creates provisions addressing vessel speeds within specified distances of activated emergency vessels and construction barges. It requires owners or operators of live-aboard vessels to maintain documentation relating to marine sanitation devices. The bill establishes, upon approval by the Environmental Protection Agency, a no-discharge zone for all waters within aquatic preserves and provides for penalties for violation of the prohibition. Effective July 1, 2021. (O'Hara)

Transportation (Opposed – Preemption)

CS/CS/CS/SB 1194 (Hooper) contains various transportation-related provisions. Of particular importance to municipalities with seaports, provisions from CS/CS/CS SB 426 and CS/CS/CS/HB 267 were amended onto the bill. The bill prohibits local governments from restricting or regulating maritime commerce in seaports including regulating or restricting a vessel's type or size; source or type of cargo; or number, origin or nationality of passengers, as well as environmental or health records of a particular vessel. Any local ballot initiative or referendum that was adopted before, on, or after July 1, 2021, and any local law, charter amendment, ordinance, resolution, regulation, or policy adopted in such an initiative or referendum is prohibited, void and expressly preempted to the state. Effective July 1, 2021. (Taggart)

UTILITIES AND NATURAL RESOURCES

Anchoring Limitation Areas (Neutral)

CS/CS/CS/SB 1946 (Polsky) authorizes counties, except for Monroe County, to establish an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic. The aggregate total of anchoring limitation areas in a county may not exceed 10% of the county's navigable-in-fact waterways, as defined in the bill. The bill specifies requirements for anchoring limitation areas (current statutorily designated anchoring areas are grandfathered). It prohibits a person from anchoring a vessel for more than 45 consecutive days in any 6-month period in an anchoring limitation area. The bill establishes Monroe County as an anchoring limitation area within which a vessel may be anchored on waters of the state in the same location for a maximum of 90 days. The bill specifies criteria that must be met before the Monroe County anchoring limitation area may become effective. The anchoring limitations do not apply to approved and permitted moorings and mooring fields. The bill establishes a process for a vessel owner or operator to provide proof that a vessel has not exceeded the anchoring limitations. It specifies that a vessel that is the subject of more than three violations within 12 months that result in dispositions other than dismissal or acquittal shall be declared a public nuisance. Effective upon becoming law. (O'Hara)

Biscayne Bay (Neutral)

CS/HB 1177 (Avila) establishes the Biscayne Bay Commission and provides for the Commission's purpose, membership, duties and authority. It prohibits sewage disposal facilities from disposing of any wastes into Biscayne Bay without providing for advanced waste treatment. Effective upon becoming law (June 3, 2021). Chapter No. 2021-47. (O'Hara)

Documentary Stamp Tax Distributions (Neutral)

SB 2512 (Appropriations) revises distributions from the Documentary Stamp Tax. It adds distributions to the newly created Resilient Florida Trust Fund and to the Water Sustainability and Accountability Trust Fund (used for the wastewater grant program established in Florida Statutes, Section 403.0673). It reduces current distributions to the State Housing Trust Fund but also prevents funds distributed to the trust fund from being transferred to general revenue. Based on these modified distributions, in the upcoming fiscal year, affordable housing programs will receive approximately \$200 million, and programs established for resiliency and wastewater would receive approximately \$111 million (July 1, 2021). Chapter No. 2021-39. (O'Hara)

Express Preemption of Fuel Retailers & Related Transportation Infrastructure (Opposed – Preemption)

CS/CS/HB 839 (Fabricio) prohibits a local government from banning (or taking action that results in a de facto ban) gas stations or related transportation infrastructure necessary to provide fuel to gas stations. In addition, the bill prohibits a local government from requiring gas stations to install particular types of fueling infrastructure, such as electric vehicle charging stations. The bill clarifies that it does not preempt a local government from adopting and implementing requirements relating to the siting, development or redevelopment of gas stations or related transportation infrastructure, so long as the requirements do not amount to a de facto prohibition within zoning or land use classifications where such infrastructure is consistent with other allowable uses. Effective upon becoming law. (O'Hara)

Farming Operations (Opposed – Preemption)

CS/CS/CS/SB 88 (Brodeur) amends the Florida Right to Farm Act, which is intended to protect reasonable agricultural activities from nuisance lawsuits. The

Right to Farm Act specifies that no farm operation that has been in operation for one year or more and that was not a nuisance at the time of its establishment shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices. The bill expands the definition of "farm operations" in the Act to add "agritourism activities" to the list of farm operations that receive legal protections in nuisance suits, and it adds the generation of fumes and particle emissions to the list of conditions or activities that constitute farm operations under the Act. The "established date of operation" for an agritourism activity is the date the specific agritourism activity commenced, which may be different from the established date for the underlying farm operation. In addition, the bill provides limitations on liability from nuisance, trespass or tort actions that may be filed relating to farming or agritourism activities. It specifies that a farm may not be held liable for operations alleged to cause harm outside of the farm unless the plaintiff proves by clear and convincing evidence that the claim arises out of conduct that does not comply with state and federal environmental laws, regulations or best management practices. The bill further provides that a nuisance action may not be filed unless the property affected by the activity is located within one-half mile of the activity. The bill limits compensatory damages in a private nuisance action to the reduction in fair market value of the affected property. It prohibits the recovery of punitive damages for nuisance actions under specified conditions. Finally, the bill requires payment of attorney fees and costs by plaintiffs who fail to prevail in a nuisance action. Effective July 1, 2021. Chapter No. 2021-007. (O'Hara)

Liability of Persons Providing Areas for Public Outdoor Recreational Purposes (Neutral)

CS/SB 920 (Bradley) amends current law that provides a property owner who enters an agreement with a state agency for outdoor recreation purposes, in which the agreement recognizes the agency is responsible for personal injury, loss or damage resulting from the agency's use of the property under the terms of the agreement subject to the limitations of Section 768.28, Florida Statutes, owes no duty of care to keep the area safe for entry or use by others or to give warning of any hazardous conditions. The bill expands the definition of "state agency" to include any public entity created

by law and revises the “outdoor recreation” purposes included within its scope to include traversing property for the purpose of ingress and egress to or from public lands that are used for outdoor recreation purposes. In addition, the bill creates an exception where the owner of an area used for outdoor recreational purposes may derive revenue from concessions or special events and retain the liability protection provided by this statute if such revenue is used exclusively to maintain, manage and improve the outdoor recreational area. Effective July 1, 2021. (O’Hara)

Petroleum Fuel Measuring Devices (Neutral)

CS/CS/SB 430 (Rodriguez) preempts the regulation of petroleum fuel measuring devices to the Florida Department of Agriculture and Consumer Services. Current law provides for the regulation of these devices at wholesale and retail establishments by the department, which includes measures to restrict unauthorized access of customer payment card information. The bill prohibits a state attorney from using Section 525.16, Florida Statutes, to enforce Department rules adopted pursuant to current law. Effective July 1, 2021. (O’Hara)

Preemption Over Restriction of Utility Services (Opposed – Preemption)

CS/CS/HB 919 (Tomkow) prohibits a local government from taking any action that restricts, prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production that may be used, delivered, converted or supplied by various electric or gas utilities, transmission companies or dealers. The prohibition is retroactive. The bill does not prohibit a governmental entity from adopting regulations or policies governing an electric or natural gas utility that it owns or operates and directly controls. Effective July 1, 2021. (O’Hara)

Ratification of Department of Environmental Protection Rules (Neutral)

HB 1309 (Overdorf) ratifies the Department of Environmental Protection’s proposed biosolids rules, which are anticipated to have an estimated regulatory cost exceeding \$1 million. The bill exempts the biosolids rules from review and approval by the Environmental Regulation Commission. In addition, the bill ratifies the department’s proposed rules relating to the Central Florida Water Initiative (CFWI), modi-

fies section 373.0465, Florida Statutes relating to the CFWI, and creates Section 373.0466, Florida Statutes, to establish the CFWI Grant Program. Finally, the bill expands the eligibility requirements for the state drinking water revolving loan fund to include priority consideration for projects that implement water supply plans and develop water sources as an alternative to continued reliance on the Floridan Aquifer. Effective upon becoming law. (O’Hara)

Reclaimed Water (Opposed – Mandate)

CS/SB 64 (Albritton) requires domestic wastewater utilities to submit a plan to the Department of Environmental Protection (DEP) by November 2021 for eliminating nonbeneficial surface water discharges (e.g., treated effluent, reclaimed water or reuse water) by January 2032. It requires DEP to approve such plans if a plan meets the following conditions:

- ▶ the plan will result in eliminating the surface water discharge,
- ▶ the plan will result in meeting statutory requirements relating to ocean outfalls,
- ▶ or the plan does not provide for the complete elimination of the surface water discharge but affirmatively demonstrates that specified conditions are present.
 - The conditions are: The discharge is associated with an indirect potable reuse project, the discharge is a wet weather discharge in accordance with a permit, the discharge is into a stormwater system for subsequent withdrawal for irrigation purposes, the utility has a reuse system that achieves 90% reuse of reclaimed water, or the discharge provides direct ecological or public water supply benefits.

A utility that fails to timely submit an approved plan may not discharge to surface waters after January 2028. Violations of the bill’s requirements are subject to administrative and civil penalties.

The bill requires DEP to submit an annual report to the governor and Legislature detailing implementation status. The bill exempts the following domestic wastewater facilities from its requirements: facilities located in a fiscally constrained county; facilities located in a municipality that is entirely within a rural area of opportunity; and facilities located in a

municipality having less than \$10,000 in total annual revenue. The bill authorizes DEP to establish a potable reuse technical advisory committee, provides that potable reuse projects are eligible for alternative water supply funding and provides that potable reuse projects are eligible for expedited permitting and priority state funding. In addition, the bill requires local governments to offer a 25% density or intensity bonus to developers if 75% of a development will have graywater systems installed or a 30% bonus if 100% of a development will have graywater systems installed. The bonus is in addition to any other bonus that may be in effect on July 1, 2021. Effective upon becoming law. (O'Hara)

Renewable Energy (Neutral)

CS/CS/SB 896 (Brodeur) provides legislative intent encouraging renewable solar electrical generation and declares the importance of constructing solar facilities to maintain the availability of renewable energy that is vital to Florida's energy production and economy. The bill defines the term "solar facility." Additionally, the bill mandates that solar facilities are a permitted use in all agricultural land use categories in a local government's comprehensive plan and all agricultural zoning districts within an unincorporated area. Solar facilities must comply with setback and landscape buffer requirements, and a county may enact an ordinance establishing such setback and buffer requirements. The bill provides the bill's solar facility provisions do not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021. This applicability provision is meant to apply to two solar projects that were rejected by Alachua and Walton Counties.

The bill also defines the term "biogas" to mean a mixture of gases produced by the biological decomposition of organic materials that are largely comprised of carbon dioxide, hydrocarbons and methane gas; and defines the term "renewable natural gas" to mean anaerobically generated biogas, landfill gas or wastewater treatment gas refined to a methane content of 90% or greater which may be used as a transportation fuel or for electric generation, or is of a quality capable of being injected into a natural gas pipeline. The Public Service Commission (PSC) may approve a gas public utility's cost recovery for

contracts for renewable natural gas purchases that exceed current market natural gas prices but the PSC deems said purchase reasonable and prudent. Finally, the bill makes several conforming changes to other statutes, including correcting certain statutory references. Effective July 1, 2021. Chapter No. 2021-029. (O'Hara)

Resilient Florida Trust Fund (Supported)

SB 2514 (Appropriations) creates the Resilient Florida Trust Fund within the Department of Environmental Protection and provides the trust fund is established as a depository for certain Documentary Stamp Tax revenues. Effective upon becoming law (May 12, 2021). Chapter No. 2021-29. (O'Hara)

Statewide Flooding and Sea Level Rise Resilience (Supported)

CS/CS/SB 1954 (Rodrigues) establishes a state program to address inland and coastal flooding and sea level rise. It establishes the Resilient Florida Grant Program within the Department of Environmental Protection (DEP), which provides funding to local governments for the costs of resilience planning and projects to adapt certain "critical assets" (defined in the bill). The grants require a minimum of 50% cost-share from the local sponsor, which may be waived for certain "financially disadvantaged small communities" (as defined in the bill). The bill creates the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment, to be updated every five years by the DEP. The data set must be completed by July 2022 and include statewide sea level rise projections. The assessment must be completed by July 2023 and identify vulnerable areas, infrastructure and critical assets. The bill requires the DEP to annually submit a Statewide Flooding and Sea Level Rise Resilience Plan that proposes up to \$100 million funding for projects that address risks from flooding and sea level rise. The initial plan must be submitted by December 2021. Local governments, regional resilience entities and water management districts are authorized to submit projects to DEP for inclusion in the plan. The bill requires DEP to implement a scoring system for submitted projects. In addition, DEP is authorized to provide funding to regional resilience entities for providing technical assistance, coordinating multi-jurisdictional vulnerability assessments and developing project proposals for

the statewide resilience plan. The bill also directs the University of South Florida to create a "flood hub" to coordinate and lead statewide efforts for research and innovation and requires the Office of Economic and Demographic Research to add an analysis of flooding issues to its annual assessment of Florida's water resources and conservation lands. The bill is effective upon becoming law (May 12, 2021). Chapter No. 2021-28. (O'Hara)

Urban Agriculture (Supported)

CS/SB 628 (Rouson) creates a distinction for local government regulatory purposes between traditional farm operations and "urban agriculture." The term "urban agriculture" applies to any new or existing noncommercial agricultural uses on land that is: within a dense urban land area; not classified as agricultural; not zoned as agriculture as its principal use; and designated by a municipality for inclusion in an urban agriculture pilot project that has been approved by the Department of Agriculture and Consumer Services (DACS). The term does not apply to vegetable gardens for personal consumption on residential properties. The bill exempts equipment used on a farm or used to transport farm products for the purpose of urban agriculture from the current law requirement that farm equipment be stored, maintain, or repaired within the boundaries of the owner's farm and be located at least 50 feet away from a public road. It does not exempt nonresidential farm buildings, fences, or signs located on lands used for urban agriculture from the Florida Building Code or local government regulation. It expressly preserves

the authority of local governments to regulate urban agriculture if the activities are part of a DACS-approved pilot project, the municipality enacts regulations applicable to urban agriculture, and the regulation designates existing farm operations as legally nonconforming before the regulation's adoption. The bill authorizes DACS to approve five urban agricultural pilot programs in municipalities. It sets forth requirements, timeframes, and reporting requirements for the programs. Effective July 1, 2021. (O'Hara)

Waste Management (Opposed – Unfunded Mandate)

CS/CS/SB 694 (Rodrigues) requires a local government that "displaces" a private waste company to provide a 3-year notice period to the company and pay the displaced company an amount equal to the company's preceding 18 months' gross receipts at the end of the notice period. The term "displacement," as used in the bill, refers to circumstances in which a local government decides to move from a non-contracted or non-franchise system of waste services to either providing the waste service itself or contracting or franchising with one or more private waste companies. The bill also defines "storm-generated yard trash" and clarifies that a private waste company providing regular residential solid waste service is not responsible for collecting certain storm-generated yard trash unless specified in a contract or agreement with a local government. In addition, the bill requires the Department of Environmental Protection to update its 2010 report on retail plastic bags and submit the updated report and recommendations to the Legislature by December 2021. Effective July 1, 2021. (O'Hara)

BUILDING CODES/CONSTRUCTION

Building Design (Opposed – Mandate)

CS/CS/HB 55 (Overdorf) and **CS/SB 284** (Perry) would have preempted local governments from adopting zoning and development regulations that require specific building design elements for single- and two-family dwellings unless certain conditions are met. The bills defined the term “building design elements” to mean exterior color; type or style of exterior cladding; style or material of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows or doors; and number, type and layout of rooms. The bills were amended to exempt historic districts, Community Redevelopment Associations and planned unit developments created before July 1, 2021. CS/CS/HB 55 would have exempted planned unit developments or master-planned communities in perpetuity, as well as local governments with design review boards or architectural review boards established before July 1, 2021. (Taggart)

Fees for the Enforcement of Florida Building Code (Neutral)

HB 1017 (Rayner) and **SB 1648** (Powell) would have granted local governments the ability to waive the fees associated with enforcing the Florida Building Code for development, construction or rehabilitation of affordable housing. (Taggart)

ECONOMIC DEVELOPMENT

Enterprise Zone Boundaries (Supported)

HB 285 (Chambliss) and **SB 892** (Rodriguez) would have extended the date in which local governments are allowed to administer local incentive programs within the boundaries of an enterprise zone from December 31, 2020, to December 31, 2025. The bills also extended the date for contiguous multiphase projects from December 31, 2025, to December 31, 2030. (Taggart)

Florida Tourism Marketing (Supported)

SB 778 (Hooper) and **HB 675** (Plasencia) would have authorized the Florida Tourism Industry Marketing Corporation VISIT Florida to carry forward unexpended state appropriations into succeeding fiscal years. The bills also would have removed the previous set sunset date of October 1, 2023, for VISIT Florida. (Taggart)

Sports Facility Development (Neutral)

HB 6011 (Beltran) would have repealed provisions relating to state funding for the purpose of constructing, reconstructing, renovating or improving facilities primarily used for sporting events. The bill would have repealed the sports development program in current law that provides an avenue for sports facilities to apply for a distribution from the state to fund the construction or improvements to a professional sports franchise facility. The bill also made conforming changes to other statutes related to sports development program distributions and reporting requirements. (Taggart)

ETHICS AND ELECTIONS

Candidate Qualifying and Campaign Expenditures (Neutral)

SB 1756 (Jones) and **HB 1365** (Willhite) would have restricted candidates for state and local office from qualifying for election based on specified circumstances involving ethics investigations or campaign finance violations. (O'Hara)

Elections (Opposed – Preemption)

SB 656 (Brandes) would have made various changes to elections procedures including voter registration, voter identification and polling locations. (O'Hara)

Fiduciary Duty of Care for Appointed Public Officers and Executive Officers (Opposed – Mandate)

CS/CS/HB 573 (Beltran) and **CS/SB 758** (Diaz) would have established a new fiduciary duty of care and imposed relating training requirements on certain appointed local public officers. In addition, the bills would have imposed restrictions on legal representation by government attorneys. (O'Hara)

Government Accountability (Neutral)

HB 1585 (Barnaby) would have created the Florida Integrity Office and the position of Florida integrity officer within the Office of the Auditor General to investigate complaints alleging waste, fraud, abuse, misconduct or gross mismanagement in connection with the expenditure of public funds within state and local government. (O'Hara)

Local Government Ethics Reform (Neutral)

HB 853 (Sirois) would have amended provisions of

the Code of Ethics for Public Officers and Employees relating to conflicting business and contractual relationships, voting conflicts, annual ethics training and financial disclosure requirements. The bill would have expanded persons required to file Form 6 (full) financial disclosure to include elected mayors and governing body members of municipalities having more than \$10 million in total revenue. (O'Hara)

Prohibition of Public Funds for Lobbying (Opposed – Preemption)

HB 215 (Sabatini) would have prohibited a local government from using public funds to retain a lobbyist to represent the local government before the legislative or executive branch. (O'Hara)

State Ethics Reform (Neutral)

HB 7043 (Public Integrity & Ethics Committee) would have addressed public officer, public employee and third-party conduct regarding solicitation and negotiation of conflicting and potentially conflicting financial relationships, addressed post-service lobbying restrictions for certain state officers and revised executive branch lobbyist registration requirements. (O'Hara)

FINANCE AND TAXATION

Implementing Bill: Property Assessed for Elevated Properties (Neutral)

CS/CS/SB 1186 (Brandes) and **CS/CS/HB 1379** (Chaney) would have implemented SJR 1182 or HJR 1377 if approved by 60% of voters at the next general election. The bills specified that changes to elevate certain homestead and non-homestead residential property do not increase the assessed value of the property under specific circumstances. Provisions of these bills were included in HB 7061 (page 5). (Hughes)

Government Property Tax Exemptions (Neutral)

SB 1702 (Hutson) and **HB 1555** (Harding) would have revised the types of lessees whose purposes and functions are deemed to be governmental, municipal or public. (Hughes)

Local Government Fiscal Transparency (Opposed – Mandate)

SB 154 (Diaz) would have amended multiple provisions related to local government financial transparency. The bill would have expanded public notice

and public hearing requirements for local option tax increases, other than property taxes and taxes adopted by referendum and new long-term tax-supported debt issuances. The bill would have also revised the local government reporting requirements for economic development incentives. (Hughes)

Nonprofit Property Tax Exemptions (Neutral)

CS/CS/SB 1214 (Gruters) and **CS/CS/HB 889** (Borro) would have specified the conditions for retaining the ad valorem exemption of an exempt property. The bills would have required that revenue derived from the incidental use of the property must support the charitable, religious, scientific or literacy purpose that the property is used for. Provisions of these bills were included in HB 7061 (page 5). (Hughes)

Property Tax Exemption for Affordable Housing and Government (Supported)

SB 674 (Rodriguez) and **HB 563** (Rodriguez) would have authorized counties and municipalities to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for government purposes or affordable housing. (Hughes)

Property Tax Exemption: Nonprofit Homes for the Aged (Neutral)

CS/SB 1330 (Rodriguez) and **CS/HB 571** (Smith, D.) would have expanded the current exemption from ad valorem taxes for property used for nonprofit homes for the aged. (Hughes)

Rental of Homestead Property (Neutral)

SB 132 (Hutson) would have allowed the rental of a portion of a dwelling, claimed to be a homestead for tax purposes, does not constitute the abandonment of the dwelling as a homestead while the dwelling is physically occupied by the owner. (Hughes)

Tangible Personal Property Tax Returns (Neutral)

HB 1037 (Roth) and **SB 1210** (Baxley) would have authorized property owners of assessed property who have not filed personal property tax returns to qualify for tax exemption without filing an initial return. (Hughes)

Tax Administration (Neutral)

CS/HB 1241 (Stevenson) would have made various updates to the statutes administering numerous taxes. Of note, the bill required, rather than authorized,

tax collectors to accept late payments of prepaid property taxes through July 31 and deleted a late payment penalty. Provisions of this bill were included in HB 7061 (page 5). (Hughes)

Taxation of Property Used for Agriculture (Neutral)

SB 516 (Rodriguez) and **HB 927** (Tuck) would have specified the methodology for the assessment of the structures and equipment used in aquaculture. The bills would have allowed the property owner to request removal of its agriculture classification if the tax assessed based on such methodology exceeds the tax assessed based on the value of the structures and equipment. (Hughes)

Transparency in Government Spending (Neutral)

CS/SB 506 (Garcia) and **CS/CS/HB 195** (Persons-Mulicka) would have required new reporting requirements for nongovernmental entities that receive a least 50% of their revenue from a governmental entity or expend at least \$750,000 of government funds in any fiscal year. The bills provided that, before receiving funds from a governmental entity, a nongovernmental entity that received state funds in the previous year must submit to the governmental entity an attestation verifying that the nongovernmental entity has submitted the required report. The bills specified that beginning January 15, 2022, a governmental entity may not expend, transfer or distribute funds to a nongovernmental entity until the nongovernmental entity has complied with the reporting and posting requirements. (Hughes)

Value of Timeshare Units (Neutral)

HB 1007 (Killebrew) and **CS/SB 1358** (Gruters) would have revised the method of determining the value of timeshare property by the county property appraiser. The bills would have required the county property appraiser to defer to the taxpayer for the determination of whether the number of resales is adequate. (Hughes)

HOUSING

State Funds (Supported)

HB 13 (Killebrew) and **SB 510** (Hooper) specified that funds deposited in the State Housing Trust Fund and the Local Government Housing Trust Fund may not be transferred or used for any other purpose. (Taggart)

LAND USE AND COMPREHENSIVE PLANNING

Ancillary Property Rights (Neutral)

CS/HB 1139 (Smith) and **CS/SB 1520** (Boyd) would have provided that a utility easement is an interest in real property and subject to certain actions unless otherwise provided in the instrument creating the easement. These bills would have revised rights that are not affected or extinguished by marketable record titles and require persons with certain interests in land that may be extinguished by this act to file a specified notice to preserve their interests. (Cruz)

OTHER

Abandoned Residential Property (Supported)

HB 1393 (Davis) and **SB 1808** (Powell) would have revised the indication criteria for an "abandoned residential property" to make the process for abating nuisance properties easier and less costly to local governments. The bills attempted to revise the process for a local government to notify a mortgagee or mortgage servicer of a nuisance residential property and direct them to abate the nuisance until ownership of the property has been transferred through the foreclosure process. (Taggart)

Attorney General Designation of Matters of Great Governmental Concern (Opposed – Preemption)

CS/HB 1053 (Overdorf) and **CS/SB 102** (Burgess) would have limited or prohibited certain civil actions by local governments, including recent class actions involving opioids, PFAS and predatory lending, by authorizing the attorney general to take specified actions on civil matters deemed to be of "great governmental concern." (O'Hara)

Deprivation of Rights by Public Officers and Employees (Neutral)

HB 261 (Rayner), **SB 670** (Jones) and **SB 1982** (Powell) would have allowed for the creation of a new lawsuit against an officer, employee or agent of a political subdivision of the state when they deprive someone's rights under the U.S. and state constitutions while acting under color of law. The bills would have provided that claims may not be used as a defense against liability and specifies circumstances under which an officer, employee or agent is immune. (Cruz)

Local Licensing (Opposed – Preemption)

HB 115 (Fabricio) would have provided that an individual with a valid active local license may work in any local government jurisdiction without having to obtain additional local licensing, take additional examinations or pay additional local licensing fees. (Cruz)

Naming Highways (Neutral)

SB 646 (Taddeo) and **HB 813** (Chambliss) would have required counties and municipalities to rename their respective portions of Dixie Highway, Old Dixie Highway, North Dixie Highway or South Dixie Highway as "Harriet Tubman Highway." (Taggart)

OGSR/Unsolicited Proposals (Neutral)

SB 7050 (Community Affairs) would have extended a provision relating to an exemption from public records requirements for unsolicited proposals related to public-private partnerships from sunset. (Cruz)

Prohibited Governmental Transactions with Technology Companies and for Chinese Products (Opposed – Preemption)

HB 439 (Fine) and **SB 810** (Gruters) would have prohibited an agency or local governmental entity from purchasing or entering into a contract for any good made in or that contains at least 25% or more parts that were produced in China. The bills would have also prohibited a local governmental entity from purchasing any good or service made, sold or provided by Facebook, Twitter, Amazon, Apple or Alphabet, Inc. (Taggart)

Regional Planning Councils (Opposed)

CS/SB 62 (Bradley) would have eliminated the role of regional planning councils in the state. (Cruz)

Retail Sale of Domestic Dogs and Cats (Neutral)

HB 45 (Killebrew) and **SB 1138** (Brodeur) would have prohibited a for-profit business from selling domestic cats and dogs. Local governments would have still been authorized to adopt ordinances that are more stringent than the bill. (Taggart)

Specialty Contracting Services (Neutral)

SB 338 (Gruters) and **CS/HB 1431** (McClure) would have revised the type of buildings for which individuals who are not required to obtain certain registrations or certifications may perform contracting services without a local license. The specialty contracting

services specified included the construction, remodeling, repair or improvement of commercial or residential swimming pools, hot tubs or spas, or interactive water features. (Taggart)

Supermajority Vote for Legislative Preemption (Supported)

SB 540 (Farmer) would have proposed an amendment to the Florida Constitution that would require any general law that preempts a subject of legislation to the state to pass by a two-thirds vote of each house of the Legislature. (O'Hara)

Technology Transparency (Neutral)

HB 7013 (Commerce Committee) would have prohibited social media platforms from "deplatforming" statewide candidates and allows the Florida Elections Commission to fine a social media platform \$100,000 per day for deplatforming statewide candidates and \$10,000 per day for all other candidates. In addition, if a social media platform provided free advertisements for a candidate, it would have been considered an in-kind contribution, and the candidate must have been notified. **SB 520** (Burgess) would have required social media websites to notify individual and business users within 30 days after suspending their account. (Taggart)

Tethering of Domestic Dogs and Cats (Neutral)

HB 177 (Slosberg) and **CS/SB 650** (Taddeo) would have prohibited the unattended tethering of domestic dogs and cats. The bills also prohibited outdoor tethering of dogs and cats during severe weather. Several exemptions were listed in the bills that would have allowed dog and cat owners to tether their animals: during organized public events at which the animal is a participant; for agricultural and hunting purposes; while being treated by a veterinarian, groomed or boarded; during law enforcement training; and while being cared for as part of a rescue operation. (Taggart)

PARKS AND RECREATION**Smoking (Supported)**

CS/SB 334 (Gruters) and **HB 239** (Altman) would have authorized cities and counties to restrict smoking within the boundaries of any public beach or park they own. The bills specified that municipalities could

restrict smoking within the boundaries of a beach or park that is owned by the county but located within the city as long as it does not conflict with any county ordinance. Additionally, the bills prohibited smoking in state parks. CS/SB 334 would have excluded cigars and pipe tobacco. (Taggart)

PERSONNEL

Cost-of-living Adjustment of Retirement Benefits (Neutral)

HB 1023 (Skidmore) and **SB 1310** (Polsky) would have specified the minimum factor used to calculate the cost-of-living adjustment for certain retirees and beneficiaries of the Florida Retirement System. (Hughes)

Firefighters' Bill of Rights (Neutral)

SB 970 (Hooper) and **CS/CS/HB 313** (Busatta Cabrera) would have extended certain provisions of the Firefighters' Bill of Rights to questioning conducted under an informal inquiry. The bills specified that an informal inquiry does not include routine work-related discussions, such as safety sessions or normal operational fire debriefings. (Hughes)

Florida Retirement System (Neutral)

HB 1327 (Alexander) and **SB 1632** (Ausley) would have revised the definition of the term "continuous service" for purposes of the Florida Retirement System. The bills also revised an exception to the employment after retirement limitations for retired law enforcement officers who are reemployed with a covered employer. (Hughes)

Florida Retirement System Investment Plan (Neutral)

SB 7016 (Governmental Oversight and Accountability) would have provided that the State Board Administration may not pay benefits to a member of the Florida Retirement System who has committed certain criminal offenses prior to retirement. (Hughes)

Florida Retirement System Reform (Neutral)

CS/SB 84 (Rodrigues) would have closed the pension plan (defined benefit) to new enrollees, except for members of the special risk class, and required all new enrollees to participate in the investment plan (defined contribution) effective July 1, 2022. The bill would not have impacted the rights of any current Florida Retirement System enrollee to select participation in the pension plan or the investment plan. Changes included

in the bill pertain only to FRS members initially enrolled in the system on or after July 1, 2022.

Beginning July 1, 2022, the bill would have increased the employer-paid assessment for administrative and educational services by one basis point. This assessment was expected to generate roughly \$3.4 million annually for the State Board of Administration to offset additional costs associated with the increase in the number of members participating in the investment plan and an increase in the workload relating to educational services offered to FRS members. (Hughes)

Florida Retirement System: Special Risk (Neutral)

SB 736 (Jones) would have added 911 public safety telecommunicators to the special risk class of the Florida Retirement System and required such members to have their retirement benefits calculated in accordance with provisions for regular class members. The bill specified the required employer retirement contribution rates for the new membership subclass of 911 public safety telecommunicators. (Hughes)

Florida Retirement System: Special Risk Class (Neutral)

SB 230 (Hutson) would have added employees of water, sewer or other public works departments of participating employers who work in hazardous conditions to the special risk class of the Florida Retirement System. (Hughes)

Law Enforcement Officers' and Correctional Officers' Rights (Neutral)

HB 6057 (Hardy) would have repealed the current section of law relating to the investigation process of law enforcement officers and correctional officers, otherwise known as the "Police Bill of Rights." The bill also would have made several procedural changes for the receipt, investigation and determination of complaints against a law enforcement officer or correctional officer. (Hughes)

Medical Marijuana Public Employee Protection (Neutral)

SB 692 (Polsky) and **HB 335** (Duran) would have prohibited a public employer from taking adverse personnel action against an employee or a job applicant who is a qualified patient for using medical marijuana. However, an employer may have taken appropriate adverse personnel action against any employee if the employer established by a preponderance of the evidence that the lawful use of medical marijuana

was impairing the employee's ability to perform his or her job responsibilities. The bills would have required an employer that has a drug testing policy to provide written notice of an employee's or job applicant's right to explain a positive marijuana test result within a specified time frame. (Hughes)

Prohibited Discrimination (Neutral)

SB 476 (Bracy) and **HB 179** (Brown) would have amended the Florida Civil Rights Act of 1992 to incorporate certain hairstyles as protected from discrimination. The bills prohibited employers from discriminating against an individual for having a protected hairstyle. (Hughes)

911 Public Safety Telecommunicators (Neutral)

HB 1171 (Willhite) and **SB 1224** (Jones) would have defined "first responder" to include 911 public safety telecommunicators. The bills expanded eligibility for certain workers' compensation benefits and revised criteria in the special risk class of the Florida Retirement System to include 911 public safety telecommunicators. (Hughes)

Wage and Employment Benefits (Support)

SB 304 (Taddeo) and **HB 6031** (Smith, C.) would have repealed the preemption on political subdivisions' ability to establish a minimum wage other than the state or federal minimum wage. (Hughes)

PUBLIC RECORDS AND PUBLIC MEETINGS

Electronic Payment of Governmental Fees (Neutral)

SB 298 (Taddeo) would have required municipalities to provide an electronic payment option for any fee related to a public records request. (Taggart)

Local Government Meetings During Declared Emergencies (Supported)

HB 1217 (Daley) and **SB 1494** (Cruz) would have suspended the physical quorum requirement for local governmental bodies during a declared state of emergency. The bills would have allowed meetings of any board or commission to be held via telephone, real-time videoconferencing or similar real-time electronic or video communication for no more than six months from the start of the declared state of emergency, unless extended by the governor by executive order. (Taggart)

Public Meeting Requirements for Law Enforcement Agencies (Neutral)

SB 456 (Bracy) would have required meetings between the chief executive officer of a municipality or its representative and the municipality's governing body to discuss disciplinary procedures for a law enforcement officer to be subject to Florida's public meeting requirements. (Taggart)

Public Records Exemption for Members of the Legislature and the Cabinet (Neutral)

CS/HB 1207 (Beltran) and **CS/SB 1488** (Stargel) would have exempted from public records the home address, telephone numbers and the dates of birth of current members of the Legislature and Cabinet officers. The bills would have also exempted the information of their spouses and children. (Taggart)

PUBLIC SAFETY

Body Camera Recordings by Law Enforcement Officers (Opposed – Mandate)

SB 732 (Bracy) would have increased the amount of time a law enforcement agency must retain body camera recordings from 90 days to 365 days. (Taggart)

Citizen Review Boards (Neutral)

SB 450 (Bracy), **SB 446** (Bracy) and **HB 1147** (Benjamin) would have required each county to establish a citizens review board to independently investigate each law enforcement agency within the county. The bills would have also required one member of the citizens review board to participate in a law enforcement agency's investigative team for any complaints related to use of force, abuse of authority, discourtesy and discriminatory language. (Taggart)

Concealed Carry of Firearms by First Responders (Opposed – Mandate)

HB 877 (Bell) would have authorized first responders (EMTs and paramedics) to carry a concealed firearm while performing his or her duties. The bill would have required the first responder to hold a valid concealed carry license and complete an extensive training program. The bill also required the first responder to complete a psychological evaluation prior to receiving approval to carry a firearm while on duty. The bill

mandated that the employment agency must fund the trainings required under the bill but does not designate a funding source. (Taggart)

Concealed Weapons and Firearms (Neutral)

HB 213 (Andrade) would have preempted Cabinet members from adopting any regulations relating to firearms and ammunition. (Taggart)

Investigations of Officer-Involved Deaths (Neutral)

SB 438 (Bracy) would have required law enforcement agencies to have a written policy regarding the investigation of officer-involved deaths. The bill also required law enforcement agencies to use at least two investigators who are not employed by the agency. Traffic-related, officer-involved deaths would have been required to be investigated by a crash reconstruction unit not employed by the agency. Reports by the investigators would have been provided to the state attorney in the judicial circuit where the officer-involved death occurred. (Taggart)

Law Enforcement Agency Standards (Neutral)

HB 647 (Davis) and **SB 942** (Gibson) would have required the Florida Department of Law Enforcement to adopt rules establishing minimum requirements for policies of law enforcement agencies relating to demilitarization, use of force, intelligence-led policing, officer qualifications and canine units. The bills also required FDLE to create a model document for law enforcement agencies relating to several law enforcement procedures. (Taggart)

Law Enforcement Equipment (Opposed – Preemption)

HB 187 (McCurdy) and **SB 878** (Thurston) would have prohibited law enforcement agencies from purchasing certain surplus military equipment. The bills also prohibited law enforcement agencies from using tear gas and kinetic impact munitions on an assembly or protest unless the gathering has been declared unlawful. (Taggart)

Law Enforcement Officers (Supported)

HB 197 (Gregory) would have added service as a law enforcement officer as grounds for increased criminal penalties for certain criminal offenses that occur due to a prejudice because of their service as a law enforcement officer. The bill would have also authorized agencies to include crisis intervention training in the course curriculum for initial certification training. (Taggart)

Law Enforcement Officer Body and Vehicle Dash Cameras (Opposed – Mandate)

SB 452 (Bracy) and **HB 569** (Chambliss) would have required law enforcement agencies to require officers to wear body cameras and use vehicle dash cameras while on duty. The bills did not provide a funding source for law enforcement agencies to comply with the bill. (Taggart)

Law Enforcement Officer Use of Force (Neutral)

HB 577 (Omphroy) would have required law enforcement agencies to maintain a database to track excessive use-of-force incidents. The bill would have provided for the suspension of funding for local law enforcement agencies that fail to comply with data collection and reporting requirements. The bill also required each law enforcement agency to annually review and revise its use-of-force policy and require each of its officers to attend a training class that reviews the policy. Also included in the bill was an annual reporting requirement to the Florida Department of Law Enforcement and direction for the Department to maintain the reports in a publicly accessible format. (Taggart)

Mental Illness Training for Law Enforcement Officers (Neutral)

HB 879 (Hunschofsky) and **CS/SB 1192** (Powell) would have required the Department of Law Enforcement to establish a continued employment training component relating to mental illness. The component may have counted toward a law enforcement officer's hour requirement for annual training. (Taggart)

Minimum Qualifications for Law Enforcement or Correctional Officers (Neutral)

HB 505 (McCurdy) and **SB 992** (Powell) would have provided additional criminal history screening standards for law enforcement or correction officer applicants. The bills required applicants to pass psychological screening and provide names of prior law enforcement agency employers. (Taggart)

Officer Training for Initial Certification (Neutral)

SB 464 (Bracy) would have required the Criminal Justice Standards and Training Commission to establish and maintain standards for instruction of officers in implicit bias and de-escalation of conflict to minimize violence. The training would have been required for all officers to obtain initial certification. (Taggart)

Photographic Enforcement of School Zone Speed Limits (Neutral)

HB 357 (Duran) and **SB 1474** (Rodriguez) would have authorized a county or municipality to contract with a vendor to install cameras in school speed zones to enforce speed limits. Within the first 30 days after such a camera or cameras are installed in a school speed zone, a motor vehicle operator found to have violated will be issued a warning and will not be liable for the civil penalty. (Taggart)

Public Safety Emergency Communications Systems (Opposed – Preemption)

HB 587 (Snyder) and **SB 1902** (Rodrigues) would have:

- revised requirements for minimum radio signal strength for fire department communications
- required the state fire marshal to adopt minimum radio coverage design criteria for public safety emergency communications systems and minimum standards for interior radio coverage and signal strength in buildings
- required a local jurisdiction's public safety emergency communications system be certified as meeting or exceeding certain criteria before new and existing buildings are required to install or to be assessed for two-way radio communications enhancement systems
- required local jurisdictions to produce radio coverage heatmaps and prohibit local jurisdictions from withholding certificates of occupancy under certain circumstances. (Taggart)

Repeal Preemption of Firearms and Ammunition (Supported)

SB 672 (Taddeo) and **HB 6033** (Daley) would have repealed the current statutory preemption prohibiting cities and counties from regulating firearms and ammunition. (Taggart)

School Bus Safety (Neutral)

HB 745 (Slosberg) and **SB 1050** (Berman) would have authorized school districts to install cameras on school buses to aid in the enforcement of cars stopping while school buses are stopped. The bills would have authorized counties and municipalities to have traffic enforcement officers issue citations to those who violate the law. (Taggart)

Surrendered Newborn Infants (Neutral)

CS/HB 133 (Harding) and **CS/SB 122** (Baxley) would have authorized a hospital, emergency medical services station or a fire station that is staffed 24 hours a day to utilize a newborn safety device to accept surrendered newborn infants if the device meets certain requirements. The bills also would have extended the allowable age of relinquishment from 7 days to 30 days old. (Taggart)

Traffic and Pedestrian Safety (Neutral)

CS/SB 1412 (Perry) and **HB 1113** (Fine) would have required that crosswalks located at any place other than an intersection of a public street, highway or road be controlled by pedestrian and traffic signals that meet requirements of the Florida Department of Transportation Manual on Uniform Traffic Control Devices. The bills would have required signs listing the duties of pedestrians using the crosswalks. The bills also required a traffic engineering study to be conducted by a Florida licensed professional engineer who recommends the installation. The bills would have directed the Department of Transportation to submit a request to the federal government for authorization in replacing the yellow rectangular rapid flashing beacons with red beacons. If the federal government denied the request, local governments would have been required to remove all the yellow rectangular rapid flashing beacon traffic control devices from each crosswalk. (Taggart)

Traffic Infraction Detectors (Opposed – Preemption)

HB 6009 (Sabatini) would have preempted cities, counties and the Florida Department of Highway Safety and Motor Vehicles from installing, maintaining or utilizing red light cameras effective July 1, 2024. (Taggart)

Use of Wireless Communications Devices While Driving "Hands-Free" (Neutral)

HB 91 (Slosberg) would have prohibited a person from operating a motor vehicle while holding or touching a wireless communication device. This bill did provide several exceptions such as first responders performing in their official capacity or drivers accessing safety-related information, including emergency, traffic or weather alerts. (Taggart)

SHORT-TERM RENTALS

Short-Term Rentals (Supported)

HB 1481 (Goff-Marcil) and **SB 1988** (Pizzo) would have prohibited local governments from prohibiting the siting of vacation rentals from their entire jurisdiction. The bills would have restored authority to local governments to adopt and apply zoning and land development regulations to vacation rentals. The bills would have maintained the June 1, 2011, grandfather date on local ordinances adopted prior to then and specify that those ordinances can be amended without penalty. The bills would have improved the state licensing process by requiring applicants to do the following:

- ▶ Provide proof of inspection and compliance with local building, zoning and fire safety codes reflecting a change in use from a single-family or multi-family residence to a transient public lodging establishment.
- ▶ Provide proof that the underlying homeowner's insurance policy allows the home to be used as a vacation rental.
- ▶ Provide a signed affidavit from the chief executive of the municipality confirming the operation of a vacation rental is allowed at that address.
- ▶ Provide proof that the commercial mortgage is not in conflict with any prohibitions related to commercial activity in single- or multi-family residential zones. (Taggart)

Vacation Rentals (CS/CS/SB 522 Neutral – CS/HB 219 Opposed – Preemption)

CS/CS/SB 522 (Diaz) and **CS/HB 219** (Fischer) would have changed current law relating to vacation rentals, also known as short-term rentals (STRs). The bills would have:

- ▶ Clarified the definition of an advertising platform to capture online marketplaces.
- ▶ Preempted to the state the regulation of advertising platforms.
- ▶ Allowed a "grandfathered" city to amend its short-term rental regulations if the amendment makes the regulation less restrictive.
- ▶ Required the Department of Business and Professional Regulation to maintain vacation rental property license information in an accessible electronic format.

- ▶ Required advertising platforms to verify a property's license number prior to publishing its advertisement on its platform and every quarter thereafter.
- ▶ Required advertising platforms to quarterly provide the department with the physical address of the vacation rental properties that advertise on their platforms.
- ▶ Imposed a duty on advertising platforms to collect and remit taxes in relation to the rental of a vacation rental property through its platform.
- ▶ Established requirements that advertising platforms adopt an anti-discrimination policy and inform their users of the public lodging discrimination prohibition found in current law.
- ▶ Clarified that the provision of the bill shall not supersede any current or future community association-governing document.
- ▶ Required sexual predators to notify local law enforcement if they will be staying for 24 hours or more in a short-term rental.

Preemption provisions included in CS/HB 219 would have:

- ▶ Preempted to the state the regulation of STRs, including licensure and inspections.
- ▶ Undone any local registration, inspection or licensing requirements specific to STRs adopted since 2014.
- ▶ Required that any ordinances (noise, parking, trash, etc.) must be applied uniformly to all residential properties, regardless of how the property is being used. (Taggart)

TELECOMMUNICATIONS

Broadband Internet (Supported)

CS/SB 2004 (Burgess) would have required the Florida Office of Broadband's strategic plan to include short-term and long-term goals for increasing the availability of and access to broadband internet service in this state. The bill required the updated plan to be submitted to the governor, the chief justice of the Supreme Court and the Legislature by June 30, 2022, and updated biennially. The bill, as amended, appropriated \$1.4 million in nonrecurring funds for fiscal year 2021-2022 for the purpose of commissioning a broadband feasibility study. (Hughes)

Broadband Internet Deployment (Supported)

CS/HB 753 (Clemons) would have created the Florida Broadband Opportunity Program within the Department of Economic Opportunity in the Office of Broadband to award grants to applicants seeking to expand broadband internet service to unserved areas of the state. The bill authorized certain entities, such as political subdivisions, to apply for grants that are to be used for the installation and deployment of infrastructure that supports broadband internet service. The bill only allowed the Office to award grants to governmental entities if no broadband internet service providers are deployed in that area. The bill provided application requirements and the criteria for evaluating applications and specified that the grant award combined with other government funding may not fund more than 50% of the project's total costs. Additionally, the bill authorized existing broadband internet providers to challenge grant applications if service is already provided or is planned in the area at issue. Provisions of this bill were included in CS/CS/HB 1239 (page 12). (Hughes)

Broadband Internet Service (Supported)

CS/CS/SB 1560 (Ausley) and **HB 1339** (Goff-Marcil) would have expanded the duties of the Florida Office of Broadband within the Department of Economic Opportunity. The bills expanded the office's local technology planning teams' duties to focus on rural, unserved and underserved areas. CS/CS/SB 1560 creates the Broadband Opportunity Program, administered by the Office, to award grants for the expansion of broadband internet service in unserved and underserved areas of Florida. The program was subject to appropriation. Provisions of these bills were included in **CS/CS/HB 1239** (page 12). (Hughes)

TORT LIABILITY**Sovereign Immunity (Opposed)**

HB 1129 (Fernandez-Barquin) and **SB 1678** (Diaz) would have increased the statutory limits on liability for tort claims against government entities. Current law sets the statutory limits at \$200,000 per claim and \$300,000 per incident. The bills would have increased these limits to \$500,000 per claim and \$1 million per incident. The legislation would have tied these limits to a consumer price index so they would automatically increase with inflation every year. The bills would have set limitations of liability to take effect

on the date a final judgment is entered and therefore could apply retroactively to pending claims. (Cruz)

TRANSPORTATION**Automatic License Plate Reader Systems (Neutral)**

HB 1039 (Plakon) and **SB 1230** (Rodriguez) would have required the Department of Highway Safety and Motor Vehicles to establish an automatic license reader system under the newly created Uninsured Vehicle Enforcement Program. Additionally, a county or municipality in coordination with the Department could have authorized by contract or interlocal agreement the installation of automatic license plate reader systems on streets and highways under its jurisdiction. (Taggart)

Electric Vehicle (Supported)

CS/SB 138 (Brandes) and **HB 817** (Toledo) would have created the Electric Vehicle Infrastructure Grant Program to provide financial assistance to municipalities and other entities for the installation of electric vehicle charging infrastructure. The bills would have authorized the Department of Transportation to develop and publish criteria for the grant application. The bills also would have authorized the Department to establish by rule the maximum weight and speed of a personal delivery device. (Taggart)

Electric Vehicles Fees (Supported)

SB 1276 (Hooper) would have required the Department of Highway Safety and Motor Vehicles to publish notice when electric and hybrid vehicles make up 5% or more of the total number of vehicles registered in this state. The fees for electric and hybrid vehicles would have begun after the Department publishes such notice. These fees would have been adjusted at certain rates based on the Consumer Price Index. The bill also would have required that proceeds of certain fees be deposited into the State Transportation Trust Fund. (Taggart)

Fees/Electric Vehicle (Supported)

CS/CS/SB 140 (Brandes) and **HB 819** (Learned) would have created additional fees and a licensing tax for electric and hybrid vehicles. Sixty-four percent of the proceeds from these additional fees and taxes would have been deposited into the State Transportation Trust Fund, and 36% of the proceeds would have gone to the county where the vehicle was registered. (Taggart)

Multipassenger All-terrain Vehicles (Neutral)

SB 1896 (Wright) would have allowed a local governmental entity the authority to enact ordinances relating to multipassenger all-terrain vehicle operation and equipment that are more restrictive than those enumerated in current law. The bill would have required the local governmental entity to consult with the Department of Transportation before adopting any ordinance. (Taggart)

State Preemption of Seaport Regulations (Opposed – Preemption)

CS/CS/CS/HB 267 (Roach) and **CS/CS/CS/SB 426** (Boyd) related to the preemption of seaport regulations. **CS/CS/CS/SB 426** would have prohibited a local ballot initiative or referendum from restricting maritime commerce in the seaports of this state including, but not limited to, restricting such commerce based on several factors. **CS/HB 267** provided that municipal government may not restrict or regulate commerce in the seaports including, but not limited to, regulating or restricting a vessel's type or size; source or type of cargo; or number, origin or nationality of passengers. Similar provisions were amended onto **CS/CS/CS/SB 1194** see page 14 for more information. (Taggart)

Tampa Bay Area Regional Transit Authority (Neutral)

SB 1130 (Brandes) would have dissolved the Tampa Bay Area Regional Transit Authority. The bill would have required the Authority to discharge its liabilities and settle and close its activities and affairs. The bill also would have provided for the distribution of the Authority's assets or the proceeds of such assets such that each local general-purpose government represented on the Authority's board receives a distribution generally in proportion to each entity's contribution to the acquisition of the assets. (Taggart)

Tampa-Hillsborough County Expressway Authority (Neutral)

CS/HB 1283 (Beltran) and **SB 1660** (Burgess) would have renamed the Tampa-Hillsborough County Expressway Authority as the West Florida Expressway Authority. The West Florida Expressway Authority would have assumed the governance and control of the expressway system operated by the former Tampa-Hillsborough County Expressway Authority, including its assets, personnel, contracts, obligations, liabilities, facilities and tangible and intangible properties. (Taggart)

Traffic Offenses (Supported)

SB 278 (Baxley) and **HB 1643** (McClain) would have provided criminal penalties for a person who commits a moving violation that causes serious bodily injury to or causes the death of a vulnerable road user. (Taggart)

UTILITIES AND NATURAL RESOURCES**Beach Funding (Neutral)**

SB 1240 (Hutson) would have provided a specified annual appropriation to fund beach and inlet projects. (O'Hara)

Bottled Water (Neutral)

SB 1774 (Cruz) would have required the Department of Environmental Protection to monitor the consumptive use permits for all bottled water companies. (O'Hara)

Bottled Water Companies/Fees (Neutral)

SB 1776 (Cruz) would have required the Department of Environmental Protection to charge bottled water companies a per-gallon fee. (O'Hara)

Bottled Water Excise Tax (Neutral)

SB 652 (Taddeo) and **HB 1237** (Casello) would have imposed an excise tax upon bottled water operators. (O'Hara)

Coastal Construction and Preservation (Neutral)

HB 1133 (Leek) and **SB 1504** (Wright) would have revised provisions relating to state permits for coastal armoring. (O'Hara)

Conservation Easements (Supported)

HB 779 (Altman) and **SB 1730** (Stewart) would have revised provisions relating to income from conservation easements and ad valorem tax exemptions for such easements. (O'Hara)

Critically Eroded Beaches (Supported)

SB 1690 (Hutson) would have required the Department of Environmental Protection to update its list and report on critically eroded beaches and the associated comprehensive long-term management plans to include certain beaches eroded by recent hurricanes. (O'Hara)

Disposal of Food Waste Materials (Neutral)

HB 1369 (Driskell) and **SB 1764** (Cruz) would have required certain entities to recycle food waste. (O'Hara)

Energy (Neutral)

HB 993 (Skidmore) and **SB 1362** (Polsky) would have required the Division of Emergency Management's statewide emergency shelter plan to identify the capacity of backup power generation systems and fuel types available at each shelter. The bills would have required the Department of Agriculture and Consumer Services to develop rules for reducing greenhouse gas emissions. In addition, the bills would have required the Department to develop and maintain a greenhouse gas registry and inventory. (O'Hara)

Energy Security and Disaster Resilience Pilot Program (Neutral)

HB 1105 (Goff-Marcil) and **SB 1360** (Cruz) would have created a pilot program to provide for the energy needs of critical disaster resilience facilities and study the effectiveness of grants for distributed energy generation and energy storage technologies. The bills would have directed the Department of Agriculture and Consumer Services to conduct a study on the effectiveness of renewable energy generation and storage. (O'Hara)

Energy 2040 Task Force (Supported)

SB 136 (Brandes) would have created the Energy 2040 Task Force within the Florida Public Service Commission to project the state's electric energy needs over the next 20 years and determine how to best meet those needs while increasing competition and consumer choice. (O'Hara)

Everglades Protection Area (Neutral)

HB 333 (Aloupis) and **SB 722** (Rodriguez) would have prohibited the drilling of wells or use of structures for the production of gas or petroleum products within the Everglades Protection Area. (O'Hara)

Florida Forever Bonds (Supported)

HB 1173 (Roth) and **SB 1480** (Brodeur) would have extended the retirement date of bonds issued to fund the Florida Forever Act from December 2040 to December 2054. (O'Hara)

Greenhouse Gas Emissions (Neutral)

SB 1236 (Rodriguez, A.) and **HB 617** (Melo) would have prohibited state agencies from adopting or enforcing state and regional programs to regulate greenhouse gas emissions without specific legislative authorization. (O'Hara)

Implementation of the Recommendations of the Blue-Green Algae Task Force (Neutral)

CS/SB 1522 (Stewart) and **HB 1225** (Goff-Marcil) would have required the Department of Environmental Protection to implement a stormwater inspection and monitoring program by January 2022 to identify improperly functioning or failing systems. The bills would have required owners of on-site sewage treatment and disposal systems to have the system inspected once every five years beginning July 2024. (O'Hara)

Infrastructure Solutions/Climate Resilience (Supported)

SB 1190 (Farmer) proposed a Senate Joint Resolution expressing the Legislature's support for investment in resilient infrastructure solutions, projects and policy proposals to support long-term climate resilience. (O'Hara)

Inland and Coastal Flood Control Funding Assessment (Supported)

HB 901 (Bartleman) and **SB 1252** (Berman) would have required the Office of Economic and Demographic Research to include within its annual assessment of Florida's water resources an analysis of future expenditures by local, regional and state governments necessary to improve resilience to flooding. (O'Hara)

Insurance-Based Climate Change Task Force (Supported)

SB 1872 (Rouson) and **HB 1623** (Diamond) would have directed the Commissioner of Insurance Regulation to convene a Climate and Resiliency Task Force to consider the impact of climate change on Florida's insurance market. (O'Hara)

Land Acquisition Trust Fund (Supported)

SB 1510 (Stewart) and **HB 1211** (Altman) would have extended the date of retirement of bonds issued for the Florida Forever Program from December 2040 to December 2054. The bills would have provided for \$100 million to be appropriated annually from the Land Acquisition Trust Fund to the Florida Forever Trust Fund. (O'Hara)

Land Acquisition Trust Fund (Supported)

HB 1561 (Roth) would have required \$100 million to be appropriated annually from the Land Acquisition Trust Fund to the Florida Forever Trust Fund. (O'Hara)

Legal Rights of the Natural Environment (Neutral)

HB 6049 (Eskamani) would have repealed provisions of law prohibiting local governments from recognizing or granting certain legal rights to the natural environment or granting such rights relating to the natural environment to a person or political subdivision. (O'Hara)

Preemption of Over-the-counter Drugs and Cosmetics (Supported)

HB 6041 (Eskamani) and **SB 1174** (Stewart) would have repealed current law provisions preempting the regulation of over-the-counter proprietary drugs and cosmetics to the state. (O'Hara)

Preemption of Recyclable and Polystyrene Materials (Supported)

HB 6027 (Grieco) and **SB 594** (Stewart) would have removed the current law prohibition of local laws relating to the regulation of auxiliary containers, wrappings and disposable plastic bags. The bills would have repealed the current law's preemption of local laws relating to the use or sale of polystyrene products. (O'Hara)

Preemption of Tree Pruning, Trimming and Removal (Supported)

HB 6023 (Eskamani) and **SB 596** (Stewart) would have repealed current law provisions preempting specified local government regulations relating to tree pruning, trimming and removal on residential property. (O'Hara)

Private Docks (Neutral)

SB 994 (Brodeur) would have modified current law to clarify that a private residential multifamily dock or pier is included within certain exemptions from state permits. (O'Hara)

Property Assessed Clean Energy Programs (Supported)

CS/HB 387 (Fine) and **CS/SB 1208** (Rodriguez, A.) would have substantially amended current law provisions relating to Property Assessed Clean Energy (PACE) programs. The bills defined terms relevant to PACE programs, including commercial and residential property, and included additional requirements on PACE administrators and contractors relating to consumer protection. (O'Hara)

Public Financing of Potentially At-Risk Structures (Neutral)

SB 1550 (Rodriguez) would have expanded current law requirements to conduct a Sea Level Impact Projection Study for publicly financed construction projects in coastal building zones to include certain inland areas. (O'Hara)

Recyclable Materials (Supported)

SB 1348 (Polsky) and **HB 1563** (Mooney) would have required the Department of Environmental Protection to review and update its 2010 Retail Bags Report on the regulation of auxiliary containers, wrappings and disposable plastic bags. The substance of this bill was added to **CS/CS/SB 694**, which passed (page 18). (O'Hara)

Renewable Energy (Opposed – Mandate)

SB 208 (Brandes) and **HB 775** (Omphroy) would have allowed business owners to install and operate a renewable energy source device on their property and sell the electricity generated from the device to adjacent businesses. (O'Hara)

Renewable Energy (Opposed – Preemption)

SB 1960 (Bean) would have provided a process for siting solar facilities and restricted local governments' authority to prohibit or impose requirements on such facilities. Similar language is included in **CS/CS/SB 896**, which passed (page 18). (O'Hara)

Renewable Energy Sources (Neutral)

SB 1718 (Berman) and **HB 1611** (Hardy) would have authorized public schools, businesses and public entities to install or operate a renewable energy source device and would have provided that financing arrangements and sales of electricity generated from the device are not considered retail sales of electricity. The bills would have required electric utilities to provide meter aggregation to public schools and public entities under specified circumstances. (O'Hara)

Residential Home Protection (Supported)

SB 916 (Brodeur) would have amended current law provisions that prohibit local governments from requiring permits for the removal of "dangerous" trees on residential property to clarify various terms and eliminate loopholes. (O'Hara)

Resiliency (Supported)

SB 514 (Rodrigues) and **HB 315** (LaMarca) would have established the Statewide Office of Resiliency within the Executive Office of the Governor and created the Statewide Sea-Level Rise Task Force to recommend consensus projections of anticipated sea-level rise and flooding impacts along the state's coastline. (O'Hara)

Sanitary Sewer Lateral Inspection Programs (Neutral)

CS/SB 1058 (Burgess) and **CS/HB 773** (McClure) would have amended current law that authorizes municipalities and counties to create an evaluation and rehabilitation program for sanitary sewer laterals on private property for the purpose of reducing leaks. The revisions would have clarified the responsibilities of local governments and property owners. (O'Hara)

Soil and Groundwater Contamination (Neutral)

CS/SB 1054 (Broxson) and **HB 705** (Andrade) would have addressed PFAS by requiring the Department of Environmental Protection to adopt rules establishing authorized limits for PFAS in soil and groundwater and providing liability protections for property owners working in good faith to remediate property. (O'Hara)

Solar Electrical Generating Facilities (Opposed – Preemption)

SB 1008 (Hutson) and **HB 761** (Overdorf) would have provided that solar facilities are permitted (as-of-right) uses in local government comprehensive agricultural land use categories and certain agricultural zoning districts within unincorporated areas. Similar language is included in CS/CS/SB 896, which passed (page 17). (O'Hara)

State Renewable Energy Goals (Neutral)

HB 283 (Eskamani) and **SB 720** (Berman) would have prohibited the exploration or production of petroleum products in the state. In addition, the bills would have directed the Department of Agriculture and Consumer Services to develop a statewide plan to generate 100% of the electricity used in the state from renewable energy by 2040 and for the state to have net-zero carbon emissions statewide by 2060. (O'Hara)

Tree Pruning, Trimming or Removal on Residential Property (Opposed – Preemption)

SB 1396 (Gruters) and **HB 1167** (Snyder) would have expanded the current law preemption of local government regulations pertaining to "dangerous" trees on residential property by expanding the definition of "residential property" to include manufactured or modular homes, mobile home parks, duplexes, triplexes, quadruplexes, condominium units and cooperative units. (O'Hara)

Utility Customer Assistance Funds (Neutral)

SB 1860 (Jones) and **HB 1435** (Smith, C.) would have provided eligibility criteria for utilities to receive customer assistance funds, specified criteria for a utility's COVID-19 relief repayment plan and required utilities to provide an accounting report to the Department of Agriculture and Consumer Services. (O'Hara)

Well Stimulation (Neutral)

SB 546 (Farmer) and **HB 1575** (Jenne) would have prohibited fracking in the state. (O'Hara)

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LEGISLATIVE GLOSSARY

ACT

A bill that has passed both houses of the Legislature.

ADJOURNMENT SINE DIE

Motion to adjourn sine die concludes a legislative session.

ADOPTION

Refers to favorable action by a chamber on an amendment, motion, resolution or memorial.

AMENDMENT

Makes a change to a bill after the bill has been filed. This change can happen in committee or on the floor of the House or Senate.

BILL

Legislation, including joint resolutions, concurrent resolutions, memorials or other measures upon which a council or committee may be required to report.

BILL NUMBER

Bills are issued a number based on the order they are filed and received by bill drafting. House bills receive odd numbers, and Senate bills receive even numbers.

CHAIR

The presiding officer for a floor session or committee meeting.

CLAIMS BILL

Presents a claim for compensation for an individual or entity for injuries caused by negligence or error on the part of a public office, local government or agency.

COMMITTEE

A panel of legislators appointed by the Senate president or speaker of the House to perform specific duties such as considering legislation and conducting hearings and/or investigations.

COMMITTEES OF REFERENCE

Each bill is assigned to committees after it is filed. Often, the number of committees a bill is assigned indicates its chances to pass or fail.

COMPANION BILL

Bills introduced in the House and Senate that are identical or substantially similar in wording.

DIED IN COMMITTEE

Refers to when a bill is not heard on the floor of the respective chamber in which it was introduced. A bill must pass all committees of reference or be pulled from remaining committees to pass. A bill that dies in committee fails to pass each of its committee references during committee weeks and session.

ENGROSSED BILL

The version of a bill that incorporates adopted floor amendments, which were added subsequently to the bill passing its committees of reference. The revision is done in the house of origin and engrossed under the supervision of the secretary of the Senate or the clerk of the House.

ENROLLED BILL

Once a bill has passed, it is enrolled in the house of origin. After that piece of legislation is enrolled and signed by officers of both houses (president and speaker), it is sent to the governor for action and transmittal to the secretary of state. An enrolled bill may be signed by the governor and enacted into law or vetoed.

FLORIDA STATUTES

An edited compilation of general laws of the state.

GENERAL BILL

A bill of general or statewide interest or whose provisions apply to the entire state.

HOUSE RESOLUTION

A measure expressing the will of a legislative house on a matter confined to that house dealing with organizational issues or conveying the good wishes of that chamber. Often used to congratulate Floridians or recognize significant achievements.

INTERIM

Refers to the period between the adjournment sine die of a regular session and the convening of the next regular session.

JOINT RESOLUTION

Used to propose amendments to the Florida Constitution. It is also the form of legislation used for redistricting a state legislative seat.

LAW

An act becomes a law after it has been approved and signed by the governor, without the governor's signature after his or her ability to veto the act within seven days of presentation or after the Legislature overrides the governor's veto by a vote of two-thirds in each house.

LOCAL BILL

A bill that applies to an area or group that is less than the total population of the state.

MEMORIAL

A type of concurrent resolution addressed to an executive agency or another legislative body, usually Congress, which expresses the sentiment of the Florida Legislature on a matter outside its legislative jurisdiction.

MESSAGE

The houses of the Legislature send formal communications to each other regarding action taken on bills. This measure is usually reserved for the last couple of weeks of a legislative session. If a bill dies in messages, it has passed each chamber in form; however, one of the two chambers has made a change or amended the bill so that the two versions are no longer identical.

PROPOSED COMMITTEE BILL (PCB)

A draft legislative measure taken up by a committee to consider whether or not to introduce it in the name of the committee.

PROVISO

Language used in a general appropriations bill to qualify or restrict how a specific appropriation is to be expended.

REFERENDUM

A vote by the citizens upon a measure that has been presented to them for approval or rejection.

REPEAL

The deletion by law of an entire section, subsection or paragraph of language from the Florida Statutes.

SESSION

Regular Session: The annual session that begins on the first Tuesday after the first Monday in March of each odd-numbered year and on the first Tuesday after the first Monday in March (or such other date as may be fixed by law) of each even-numbered year for a period not to exceed 60 consecutive days. There is no limit on the subject matter that may be introduced in a regular session.

Special Session: Special sessions may be called by proclamation of the governor, by joint proclamation of the House speaker and the Senate president or by the members of the Legislature to consider specific legislation and shall not exceed 20 consecutive days unless extended by a three-fifths vote of each house. For members of the Legislature to call a special session, three-fifths of the members of both houses must vote in favor.

SPECIAL ORDER CALENDAR

A list of bills determined by the rules chairman considered to be of high importance and priority scheduled for consideration in a specific order during a floor session on a particular day.

SPONSOR

The legislator or committee that files a bill for introduction.

TEMPORARILY POSTPONED

A motion can be made in the chamber or in committee to temporarily defer consideration of a measure.

VETO

An objection by the governor to an act passed by the Legislature. Vetoes can be overridden by a vote of two-thirds of the membership of each chamber. A line-item veto may be performed by the governor of specific measures in the general appropriations bill (the budget).



For more information on the
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