



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING MAY 10, 2022

**6:00 PM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

- 1. CALL TO ORDER BY MAYOR**
- 2. ROLL CALL BY CITY CLERK**
- 3. PRAYER**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**
 - A. Employee Service Award - Sgt. Vincent Castellano - 10 years
- 6. APPROVAL OF MINUTES**
 - A. City Council Minutes April 26, 2022
- 7. CONSENT AGENDA:**

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report May 10, 2022

10. QUASI-JUDICIAL HEARING

- A. Ordinance 2022-08: Rezoning Application RZ12021040, Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property
- B. Ordinance 2022-09: Rezoning Application RZ12021043; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

11. OLD BUSINESS:

- A. Ordinance 2022-06: Future Land Use Map Amendment CPA12021041; Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property
- B. Ordinance 2022-07: Future Land Use Map Amendment CPA12021044; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

12. NEW BUSINESS:

- A. 2022 Florida Legislature Final Report
- B. Request to Extend Concession Parking Ancillary Facility Special Exception: WD Plaza, LLC - 2200 S. Atlantic Avenue

13. COUNCIL COMMENTS:

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

16. ADJOURNMENT:

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF DAYTONA BEACH SHORES, 2990 S. ATLANTIC AVENUE, DAYTONA BEACH SHORES, FLORIDA 32118, TELEPHONE NUMBER 386-7635364, CSCHWAB@CITYOFDBS.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 711 or 1 8009558771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

MINUTES
CITY COUNCIL MEETING
April 26, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Michael Politis, Councilmember Richard Bryan, Councilmember Richard Frizalone

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Becky Vose, Community Services Director Stewart Cruz, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

6. APPROVAL OF MINUTES

A. City Council Minutes April 12, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the City Council Minutes of April 12, 2022.

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

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer, Councilmember Michael Politis

7. CONSENT AGENDA:

A. Public Safety March report

- B. Building Division Monthly Report - March 2022
- C. Community Services Department Monthly Report - March 2022
- D. Finance Report March
- E. CVS Settlement Participation Form
- F. TEVA Settlement Participation Form
- G. Allergan Settlement Participation Form
- H. Endo Settlement Participation Form
- I. Approval for Non-Exclusive Franchise for Drewry Site Development

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve the consent agenda.

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

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer, Councilmember Michael Politis

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report April 26, 2022

Attorney Vose reviewed her report for the council. Mayor Miller inquired about the Chase Bank land purchase delay. It was explained that Chase wanted any site plan approval before anything was constructed and the city objected. Negotiations have been a slow process.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report April 26, 2022

City Manager Booker reviewed his report for the council. Mayor Miller inquired about crosswalks and any updates from FDOT. It was explained that funding is available for a crosswalk to begin in June at Peck Park. All remaining improvements would be pushed to the next year.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Veteran's Banner Program

Harry Jennings spoke to the council regarding the creation of a veteran's banner program. The DBS Foundation would like to implement a program that would recognize honorably discharged veterans who live in the city. There would be no cost to the veteran or their family. The banners would depict a picture of the veteran and branch of service. They will be displayed during the month of May each year.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to approve the Veteran's Banner Program funded by the DBS Foundation.

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

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer, Councilmember Michael Politis

B. ARPA Grant use discussion/consideration

Assistant Finance Director Lory Irwin explained the ARPA Grant program. The city received half the funding last September in the amount of \$1,150,000. The second half will be transferred this September. The new rules will allow the city to elect the standard allowance and utilize the funds for various projects.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER RICHARD BRYAN to approve the city electing the standard allowance for ARPA Grant funds.

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

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone,

Vice Mayor Mel Lindauer, Councilmember Michael Politis

12. COUNCIL COMMENTS:

Vice Mayor Lindauer stated that he was pleased to have another employee promoted within the city. He was referring to the recent promotion of Lory Irwin to Finance Director. Mayor Miller provided an update on events for the next month.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

John Danis stated that he appreciated the communication between Stewart Cruz and himself regarding the demolition work at Treasure Island. The winds have calmed down and the building is getting lower to the ground, which greatly assists with the dust.

14. QUASI-JUDICIAL HEARING

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

16. ADJOURNMENT:

The meeting ended at 6:45 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



Article II, Section 8, *Constitution of the State of Florida*: ***“Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.”***

“LIFE IS BETTER HERE.”

**CITY COUNCIL AGENDA MEMORANDUM
MAY 10, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
COPIES TO: Mike Booker, City Manager
Cheri Schwab, City Clerk
FROM: John Cary, City Attorney
DATE: May 3, 2022
SUBJECT: ***City Attorney Report***

The following is intended as my written report to the City Council for matters arising subsequent to its last meeting of April 26, 2022. Please advise if you have any questions, comments or concerns relative to these matters.

(1) Code Enforcement

Met with Code Enforcement staff regarding a stipulated agreement, and reviewed legal filings for the same; provided feedback on the agreement and relevant law.

(2) Fire Truck Ladder Warranty

Began the process of attempting to get the fire truck ladders fixed or replaced under the warranty.

(3) Purchasing Ordinance

Reviewed and provided feedback on a comprehensive purchasing ordinance.

(5) Opioid Lawsuit

Reviewed documents and submitted documents to the Office of the Attorney General.

Respectfully, submitted,

/s/ John Cary, City Attorney



CITY OF DAYTONA BEACH SHORES

"Life Is Better Here"

Office of the City Manager

Phone (386) 763-5373 Fax (386) 763-5360

MEMORANDUM

DATE: May 3, 2022

TO: City Council: Mayor Nancy Miller; Vice Mayor Mel Lindauer,
Council Member Rick Frizalone; Council Member Richard Bryan,
and Council Member Michael Politis

FROM: Michael T. Booker, City Manager 

SUBJECT: City Manager's Report – May 10, 2022

Jeep Beach:

- This year's event was the biggest ever since its inception. Traffic on the beach was extremely heavy over the weekend, especially on Sunday.

Treasure Island Demo:

- Slow and steady is the best way to describe demolition progress. I still anticipate completion prior to the June deadline in the agreement.

Special Events Legislation:

- As of this writing, Governor DeSantis still has not signed the bill passed by the Florida State Legislature allowing cities and counties to help control local costs associated with unsanctioned, unpermitted pop-up events. Hopefully, it will be signed into law.



CITY COUNCIL AGENDA MEMORANDUM MAY 10, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-08: Rezoning Application RZ12021040, Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

SYNOPSIS:

Ordinance 2022-08, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the recently annexed single-family residential property located at 6 Carter Terrace (**Exhibit A**). The application (**Exhibit B**) was submitted by Colby Caldwell, owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.22 acres and is occupied by a 2,075 square foot residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-9, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 6 Carter Terrace, was recently annexed into the corporate limits of the City of Daytona Beach Shores. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owners have also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

C. PLANNING & ZONING BOARD

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-08 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-08 as presented."

OR

2. "I move to deny Ordinance 2022-08, on the basis of the following..."

- ATTACHMENT:**
1. Exhibit A- 6 Carter Terrace RZ Application
 2. Ord. 2022-08-RZ-6 Carter Terrace
 3. Exhibit B-Location Map-6 Carter Terrace
 4. Exhibit C-6 Carter Terrace-Rezoning (P&Z Staff Report)



City of Daytona Beach Shores
Community Services Department
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377

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RECEIVED

NOV 18 2021

APPLICATION TO AMEND ZONING MAP

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: ____/____/____

Current Zoning: _____

Requested Zoning: _____

Applicant's Name: Colby Caldwell & Jennifer Caldwell

Address: 6 Carter ter. Daytona beach FL Phone #: 386-882-6560

Representative: _____

Address: _____ Phone #: _____

Property Address & Parcel ID: _____

Property Owner: Colby Caldwell & Jennifer Caldwell

NOTE: If applicant is not property owner, attach a notarized statement of authorization

Legal Description of Property:

Colby Caldwell
Applicant's Signature

11/17/21
Date

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 6 CARTER TERRACE, SHORT TAX PARCEL ID 5334-00-02-0190; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the property described in Section One herein was annexed into the City of Daytona Beach Shores on January 25, 2022, and an appropriate City zoning classification must be assigned to the real property in accordance with the requirements of controlling law; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendation from staff and the Planning and Zoning Board for the assignment of zoning classification to said annexed property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *City of Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

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

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter which was annexed into the City of Daytona Beach Shores pursuant to Ordinance No. 2021-03 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5334-00-02-0190, as described in Exhibit “A” as attached, is assigned the RSF-2, Urban Single-Family Residential Detached District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to

implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: 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

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

A PORTION OF THE NORTHERLY 100 FEET OF THE SOUTHERLY 200 FEET OF THE LUFBERRY TRACT PER MAP BOOK 1, PAGE 115 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, NORTH OF RIOMAR BEACHES, MAP BOOK 6, PAGE 95, SAID PUBLIC RECORDS, IN SECTION 34 AND SECTION 35, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, CAROLYN TERRACE, PER MAP BOOK 19, PAGE 257 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N64°00'00"E ALONG THE SOUTHERLY LINE OF SAID CAROLYN TERRACE, 500.97 FEET; THENCE S26°00'00"E, AT RIGHT ANGLES TO SAID SOUTHERLY LINE, 100.00 FEET; THENCE N64°00'00"E PARALLEL WITH SAID SOUTHERLY LINE, 68.10 FEET; THENCE AT AN ANGLE FROM WEST TO NORTH OF 92°43'40", RUN N23°16'20"W, 100.23 FEET TO THE SOUTHERLY LINE OF SAID CAROLYN TERRACE; THENCE S64°00'00"W ALONG SAID SOUTHERLY LINE, 72.68 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
Location Map- 6 Carter Terrace



EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-08

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexing single-family residential property located at 6 Carter Terrace from Volusia County *R-9 Urban Single-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject application was submitted on August 9, 2021. The subject property contains an acreage of approximately 0.22 and has a single-family residential structure on site.

B. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning map of the same while **Figure 3** provides a street view of the property in question.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	R-9*	Single Family Residence
North	RSF-2	Single Family Residence
South	R-9	Single Family Residence
East	GC-1	Red Lobster Plaza/Commercial
West	R-9	Single Family Residence

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = DBS *Urban Single Family Residential Detached District*; GC-1 = DBS *Tourist Oriented Commercial District*.

Figure 1: Aerial View-6 Carter Terrace and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Figure 2: 6 Carter Terrace – Zoning Map Of Surrounding Neighborhood

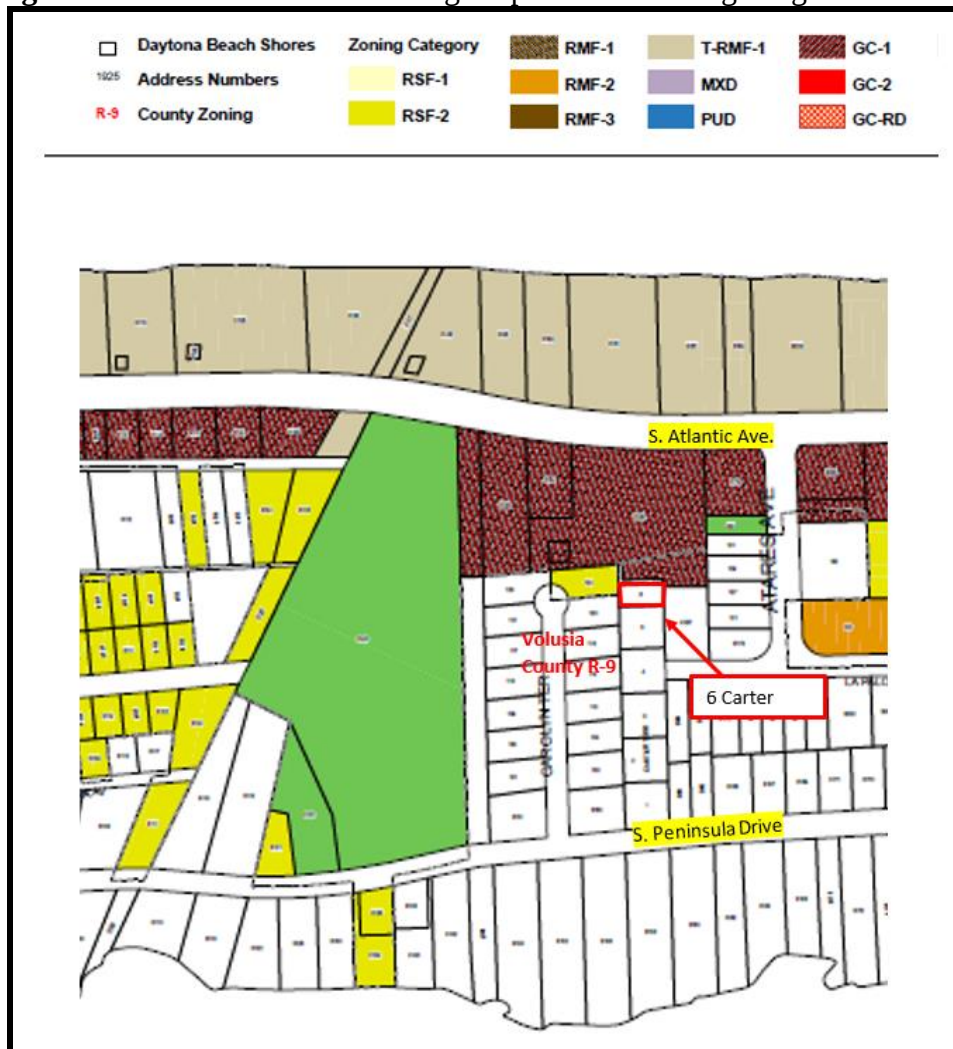


Figure 3: 6 Carter Terrace – Street View



Source: DBS

As noted in **Table 1** above, the subject property is currently zoned Volusia County R-9 Urban Single-Family Residential District. According to the Volusia County Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“R-9 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-9 Urban Single-Family Residential Classification, is to provide medium-low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structure: In the R-3 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions.

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills.

Fire stations.

Home occupations, class A.

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or manufactured modular dwelling.

C. PROPOSED ZONING

The proposed zoning for the subject property is RSF-2 Urban Single-Family Residential Detached District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

14-17.2. Permitted Principal Uses and Structures:

Single-family dwelling.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

D. COMPREHENSIVE PLAN

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question. Therefore, the existing acreage and proposed zoning will restrict the use to one single-family residential unit.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, Colby and Jennifer Caldwell. The subject property is located at 6 Carter Terrace and has an acreage of 0.22+/- . The site has vehicular and pedestrian access to the abutting Carter Terrace which directly connects to S. Peninsula Drive and indirectly to S. Atlantic Avenue via La Paloma and Atares avenues.

The proposed zoning change will be consistent with the previous Volusia County zoning and adjacent zoning district classifications. The property is currently occupied with a single-family residential structure. According to the property owner, no redevelopment is intended and the proposed change is density neutral.

Since the application in question regards a single-family residential property, it is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. Further, adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacities are currently available and serve the subject property.

F. FINDING OF FACTS

When considering a request to change zoning, the Planning and Zoning Board shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's

findings considering each criterion outlined in the aforementioned section of the Code. The applicant's responses to the criteria are attached in the **Exhibit B** (owner's application).

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question is currently developed with a single-family residential structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

The proposed zoning will generally have a neutral impact on the economy of the area as the property is currently developed and no redevelopment or change in entitlement is sought. The zoning is also consistent with the Volusia County Zoning District classification and the proposed zoning change is density and use neutral.

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

The subject property is currently developed as a single-family residence. This existing use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not provide any more impact on said facilities than the current Volusia County Zoning currently permits (see **Table 2** below).

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.75	1.75	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	192.5	192.5	None
Solid Waste (lbs./person) ⁵	17.5	17.5	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for peak hour of adjacent street traffic

- | | |
|-------------------------|--|
| | Single-family residential unit = 0.75 AM trips, 1.01 PM trips |
| 3. Sanitary Sewer: | 250 gallons per dwelling unit per day |
| 4. Potable Water: | 110 gallons per capita per day |
| 5. Solid Waste: | 10 pounds per capita per day |
| 6. Stormwater Drainage: | LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code. |
| 7. Public School: | Generation rates = 0.396 per single-family unit. |

Sources:

2010 US Census

ITE Trip Generation Manual, 7th Edition

Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

The proposed zoning will not unduly burden transportation facilities. There is already adequate vehicular access from the abutting S. Peninsula Drive road and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the adopted level of services.

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

The proposed zoning change involves a single-family residential property being rezoned to a Daytona Beach Shores compatible single-family residential zoning district classification. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate existing housing stock.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The existing single-family residence, proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

- 7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?**

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. However, the subject property was annexed into the City through the voluntary annexation process pursuant to Section 171.044, *Florida Statutes*. However, Section 171.062, *Florida Statutes* limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area, hence, the purpose of this application to amend the zoning classification of the subject property.

- 8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?**

There was no mistake made in the original zoning of the property. The property was annexed into the City from unincorporated Volusia County; therefore the appropriate City zoning classification must be assigned so that the City may provide developmental and regulatory control.

- 9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?**

The proposed zoning change is consistent with the existing Volusia County zoning district classification and is density and use neutral. Therefore, the proposed change will maintain a stabilizing effect on the surrounding areas.

- 10. Would the proposed changes constitute "spot zoning"?**

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area. However, the proposed zoning change is consistent with the existing Volusia County zoning district classification in the area and the amendment is density and use neutral. Further, the proposed zoning classification will provide an existing use that is identical to the City's and County's zoning classification in the neighborhood. Therefore, the proposed change does not constitute spot zoning.

- 11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?**

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhoods use, future land use and zoning classifications. Therefore, the proposed

change is not the singling out of a small parcel of land allowing a use that is totally different from that of the surrounding area.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhood uses, future land use and zoning classifications. Therefore, the proposed change would not be solely for the benefit of the owner and to the detriment of the community but instead the change would benefit the entire community by maintaining the existing land use of the property and the integrity of the neighborhood.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

The proposed change is consistent with the neighborhood existing and future land uses and therefore serves the entire community by maintaining the neighborhood's single-family residential characteristics.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

The rezoning will not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the single-family nature of the community is maintained.



CITY COUNCIL AGENDA MEMORANDUM MAY 10, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-09: Rezoning Application RZ12021043; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

SYNOPSIS:

Ordinance 2022-09, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the recently annexed single-family residential property located at 3102 Liberty Street (**Exhibit A**). The application (**Exhibit B**) was submitted by Larry and Barbara Pollack, owners of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.79 acres and is currently vacant. The proposed amendment is compatible with the current Volusia County zoning district (R-9, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 3102 Liberty Street, was recently annexed into the corporate limits of the City of Daytona Beach Shores. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owners have also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

C. Planning and Zoning Board

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-09 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-09 as presented."

OR

2. "I move to deny Ordinance 2022-09, on the basis of the following..."

- ATTACHMENT:**
1. Ord. 2022-09-RZ-3102 Liberty
 2. Exhibit A-Location Map-3102 Liberty St
 3. Exhibit B-RZ Application-3102 Liberty St
 4. Exhibit C-3102 Liberty St-Rezoning (P&Z Staff Report)

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 3102 LIBERTY AVENUE, SHORT TAX PARCEL ID 5334-02-08-0010; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the property described in Section One herein was annexed into the City of Daytona Beach Shores on January 25, 2022, and an appropriate City zoning classification must be assigned to the real property in accordance with the requirements of controlling law; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendation from staff and the Planning and Zoning Board for the assignment of zoning classification to said annexed property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *City of Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

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

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter which was annexed into the City of Daytona Beach Shores pursuant to Ordinance No. 2022-02 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5334-02-08-0010, as described in Exhibit “A” as attached, is assigned the RSF-2, Urban Single-Family Residential Detached District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to

implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: 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

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

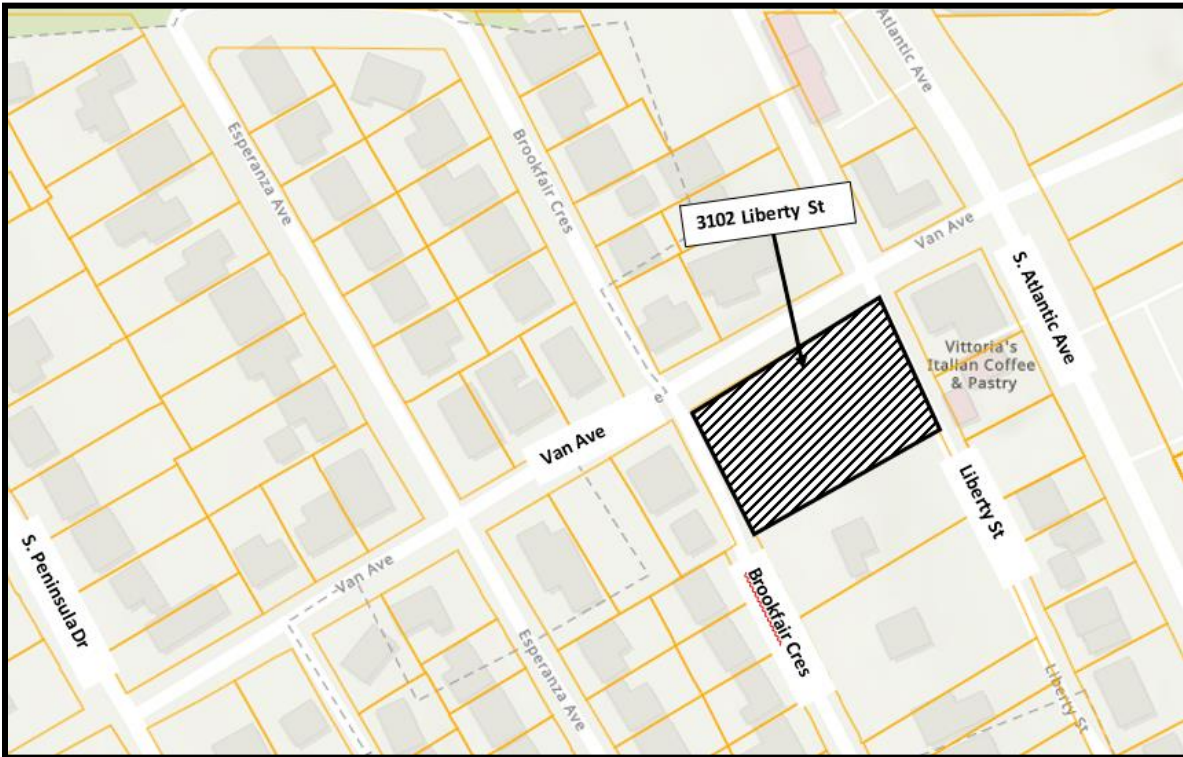
Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 202.

EXHIBIT A

LOTS 1, 2 AND 3, BLOCK 8, ROGERS NORTH ORITA, AS RECORDED IN MAP BOOK 1, PAGE 115, RE-RECORDED IN MAP BOOK 14, PAGES 121 AND 122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE SOUTHERLY 1/2 OF VAN AVENUE LYING BETWEEN THE NORTHERLY EXTENSION OF THE CENTERLINE OF LIBERTY STREET AND THE NORTHERLY EXTENSION OF THE CENTERLINE OF BROOKFAIR CRESCENT, AND THE WEST 1/2 OF LIBERTY STREET LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, AND THE EASTERLY 1/2 OF BROOKFAIR CRESCENT LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, DESCRIBED AS FOLLOWS:
BEGIN AT THE INTERSECTION OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3 WITH THE CENTERLINE OF BROOKFAIR CRESCENT; THENCE RUN N28°33'12"W ALONG THE CENTERLINE OF SAID BROOKFAIR CRESCENT, 175.01 FEET TO THE CENTERLINE OF VAN AVENUE (PLATTED PENINSULA AVENUE) THENCE RUN N60°52'43"E ALONG THE CENTERLINE OF SAID VAN AVENUE, 263.38 FEET TO THE CENTERLINE OF LIBERTY STREET; THENCE S26°36'00"E ALONG THE CENTERLINE OF LIBERTY STREET, 175.01 FEET TO THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3; THENCE S60°50'35"W ALONG SAID EASTERLY EXTENSION AND THE SOUTHERLY LINE OF SAID LOT 3 AND THE WESTERLY EXTENSION THEREOF, 257.41 FEET TO THE POINT OF BEGINNING.

EXHIBIT A
Location Map: 3102 Liberty Street





City of Daytona Beach Shores
Community Services Department
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377

12021043

APPLICATION TO AMEND ZONING MAP

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: 11/15/2021

Current Zoning: R-9 (single family residential)

Requested Zoning: R-9 (no change)

Applicant's Name: Larry M. Pollack (and Barbara Pollack, H+W)

Address: 21 Forest Ct. Passaic, N.J. 07055 Phone #: 973-906-5183

Representative: Self

Address: _____ Phone #: _____

Property Address & Parcel ID: 3102 Liberty St. Daytona Beach FL 32118, #53340208001

Property Owner: Larry Pollack + Barbara Pollack, H+W

NOTE: If applicant is not property owner, attach a notarized statement of authorization

Legal Description of Property:

Lots 1, 2+3 Block 8 Rogers North Ditch, as according to various Volusia County Maps: Map Book 1, page 115; 1761 page 1555; 8106 page 2648. The property was "originally" (19th century) part of the property of C.H. Spencer per Map 14, pages 122-122.

[Signature]

Applicant's Signature

11/15/2021

Date

THE PLANNING & ZONING BOARD WILL APPLY THE CRITERIA IN SECTION 14-66(4) OF THE LAND DEVELOPMENT CODE WHEN CONSIDERING ZONING MAP AMENDMENTS. PLEASE EXPLAIN HOW YOUR REQUEST MEETS THE FOLLOWING CRITERIA: (YOU MAY ATTACH ADDITIONAL SHEETS)

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

Favorable — This is a low impact, single family residence
complying with the DBS zoning ordinance and 100% commensurate
with the surrounding/adjoining properties and neighborhood, which
are mostly single family residential.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

Favorable

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

Yes, the property will make efficient use of water and
sewer resources as it is a low impact, small single family two-story
dwellling with only four bedrooms. My wife and I are approximately 60
years of age each, and our son is approximately age 28 and permanently unmarried,
so there will be no school age children on the property.

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

Not applicable — we have a private passenger vehicle

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

Not applicable — we are retired and my son is disabled.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

A low impact, well-built single family residence in a
row of single family dwellings, so yes - this proposed use
is consistent with the municipal zoning ordinance and land use plan.

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

No - we wish to be annexed to DBS

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

Not applicable

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

A beautiful, modern, well built single family home will
greatly enhance the neighborhood - currently a vacant lot
with ugly ruins of the previous home, and overgrown
with foliage.

10. Would the proposed changes constitute "spot zoning"?

Not applicable

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

No, proposed change is actually no change at all and is 100% in compliance with the DBS municipal zoning ordinance.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

It's truly in everyone's best interest, and we will be excellent additions to the town. We are a law abiding, educated, friendly, community-minded family.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

See preceding answer.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

Not in the slightest.

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-09

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexing single-family residential property located at 3102 Liberty Street from Volusia County *R-9 Urban Single-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject property contains an acreage of approximately 0.79 and is currently vacant.

B. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning map of the same while **Figure 3** provides a street view of the property in question.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	R-9*	Single Family Residence
North	RSF-2	Single Family Residence
South	R-9	Single Family Residence
East	GC-1	Commercial
West	RSF-2	Single Family Residence

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = DBS *Urban Single Family Residential Detached District*; GC-1 = DBS *Tourist Oriented Commercial District*.

Figure 1: Aerial View-3102 Liberty Street and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Figure 2: 3102 Liberty Street – Zoning Map Of Surrounding Neighborhood

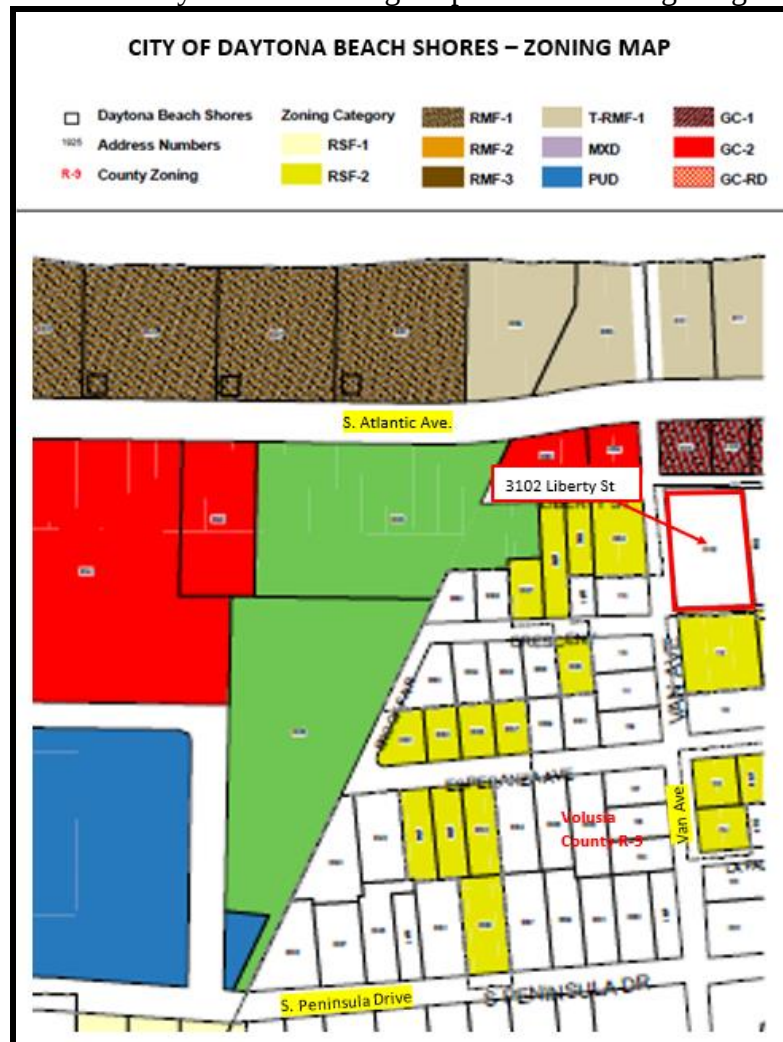


Figure 3: 3102 Liberty Street – Street View



Source: GoogleMaps, 2019

As noted in **Table 1** above, the subject property is currently zoned Volusia County R-9 Urban Single-Family Residential District. According to the Volusia County Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“R-9 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-9 Urban Single-Family Residential Classification, is to provide medium-low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structure: In the R-3 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions.

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills.

Fire stations.

Home occupations, class A.

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or manufactured modular dwelling.

C. PROPOSED ZONING

The proposed zoning for the subject property is RSF-2 Urban Single-Family Residential Detached District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

14-17.2. Permitted Principal Uses and Structures:

Single-family dwelling.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

D. COMPREHENSIVE PLAN

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question. Therefore, the existing acreage and proposed zoning will restrict the use to three (3) single-family residential units. However, the owner has indicated they will only build one single-family residence consistent with the zoning.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, Larry and Barbara Pollack. The subject property is located at 3102 Liberty Street and has an acreage of 0.79+/- . The site has vehicular and pedestrian access to the abutting Carter Terrace which directly connects to S. Peninsula Drive and S. Atlantic Avenue.

The proposed zoning change will be consistent with the previous Volusia County zoning and adjacent zoning district classifications. Per the property owner, the property will be occupied with a single-family residential structure. Therefore, the proposed change is density neutral consistent with the zoning.

Since the application in question regards a single-family residential property, it is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. Further, adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacities are currently available and serve the subject property.

F. FINDING OF FACTS

When considering a request to change zoning, the Planning and Zoning Board shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's

findings considering each criterion outlined in the aforementioned section of the Code. The applicant's responses to the criteria are attached in the **Exhibit B** (owner's application).

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question is currently developed with a single-family residential structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

The proposed zoning will generally have a neutral impact on the economy of the area as the property is currently developed and no redevelopment or change in entitlement is sought. The zoning is also consistent with the Volusia County Zoning District classification and the proposed zoning change is density and use neutral.

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

The subject property is currently developed as a single-family residence. This existing use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not provide any more impact on said facilities than the current Volusia County Zoning currently permits (see **Table 2** below).

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.75	1.75	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	192.5	192.5	None
Solid Waste (lbs./person) ⁵	17.5	17.5	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for peak hour of adjacent street traffic

- | | |
|-------------------------|--|
| | Single-family residential unit = 0.75 AM trips, 1.01 PM trips |
| 3. Sanitary Sewer: | 250 gallons per dwelling unit per day |
| 4. Potable Water: | 110 gallons per capita per day |
| 5. Solid Waste: | 10 pounds per capita per day |
| 6. Stormwater Drainage: | LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code. |
| 7. Public School: | Generation rates = 0.396 per single-family unit. |

Sources:

2010 US Census

ITE Trip Generation Manual, 7th Edition

Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

The proposed zoning will not unduly burden transportation facilities. There is already adequate vehicular access from the abutting Van Avenue and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the adopted level of services.

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

The proposed zoning change involves a single-family residential property being rezoned to a Daytona Beach Shores compatible single-family residential zoning district classification. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate existing housing stock.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The existing single-family residence, proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

- 7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?**

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. However, the subject property was annexed into the City through the voluntary annexation process pursuant to Section 171.044, *Florida Statutes*. However, Section 171.062, *Florida Statutes* limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area, hence, the purpose of this application to amend the zoning classification of the subject property.

- 8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?**

There was no mistake made in the original zoning of the property. The property was annexed into the City from unincorporated Volusia County; therefore the appropriate City zoning classification must be assigned so that the City may provide developmental and regulatory control.

- 9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?**

The proposed zoning change is consistent with the existing Volusia County zoning district classification and is density and use neutral. Therefore, the proposed change will maintain a stabilizing effect on the surrounding areas.

- 10. Would the proposed changes constitute "spot zoning"?**

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area. However, the proposed zoning change is consistent with the existing Volusia County zoning district classification in the area and the amendment is density and use neutral. Further, the proposed zoning classification will provide an existing use that is identical to the City's and County's zoning classification in the neighborhood. Therefore, the proposed change does not constitute spot zoning.

- 11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?**

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhoods use, future land use and zoning classifications. Therefore, the proposed

change is not the singling out of a small parcel of land allowing a use that is totally different from that of the surrounding area.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhood uses, future land use and zoning classifications. Therefore, the proposed change would not be solely for the benefit of the owner and to the detriment of the community but instead the change would benefit the entire community by maintaining the existing land use of the property and the integrity of the neighborhood.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

The proposed change is consistent with the neighborhood existing and future land uses and therefore serves the entire community by maintaining the neighborhood's single-family residential characteristics.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

The rezoning will not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the single-family nature of the community is maintained.



CITY COUNCIL AGENDA MEMORANDUM MAY 10, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-06: Future Land Use Map Amendment CPA12021041; Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

SYNOPSIS:

Ordinance 2022-06, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the residential low intensity future land classification to the recently annexed single-family residential property located at 6 Carter Terrace (**Exhibit A**). The application (**Exhibit B**) was submitted by Colby and Jennifer Caldwell, owners of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.23 acres and is occupied by a single-family residential structure. The proposed amendment is compatible with the current Volusia County future land use category and as such, the use will remain as single-family residential.

NOTE: The Volusia Growth Management Commission has reviewed and approved this amendment (**Exhibit D**).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 6 Carter Terrace, was recently annexed into the corporate limits of the City of Daytona Beach Shores pursuant to the voluntary annexation process outlined in Section 171.044, Florida Statutes. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexed property if the area annexed was subject to a county land use plan and county zoning and the municipality does not adopt a comprehensive plan and zoning amendment that include the annexed area. Therefore, the County land use plan and zoning regulations would remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the former. Additionally, the property owner has also submitted an application to rezone the property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the

existing and surrounding land uses and current Volusia County R-9 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

C. Planning and Zoning Board

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-06 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-06 as presented."
- OR
2. "I move to approve Ordinance 2022-06, with the following amendments..."
- OR
3. "I move to deny Ordinance 2022-06, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-06-6 Carter Terr FLUMA
 2. Exhibit A-Location Map-6 Carter Terrace
 3. Exhibit B-FLUMA Application-6 Carter Ter
 4. Exhibit C-Ord 2022-06-P&Z Staff Report-FLUMA-6 Carter Terrace
 5. Exhibit D-22-014 & 22-015 Consistency Certification Letter

ORDINANCE NO: 2022-06

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 6 CARTER TERRACE, SHORT TAX PARCEL ID 5334-00-02-0190; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to small scale development activities as provided in Section 163.3187(1)(c), *Florida Statutes*; and

WHEREAS, the Volusia County Growth Management Commission has issued a determination of consistency in accordance with Section 202.3 of the *Charter of Volusia County, Florida*, for the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, Colby and Jennifer Caldwell, owners of the real property with short tax parcel ID 5334-00-02-0190 and generally located at 6 Carter Terrace, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores on November 18, 2021; and

WHEREAS, Colby and Jennifer Caldwell, owners of the subject property, are requesting the City of Daytona Beach Shores amends the future land use classification of the subject real property to Residential Low Intensity; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

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

SECTION ONE: CHANGE IN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP. Chapter 1, “Future Land Use Element,” containing the Official Future Land Use Map (Map L-4) of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to change the Future Land Use Designation of a +/-0.21 acre property from Volusia County Urban Low Intensity to Daytona Beach Shores Residential Low Intensity as to property as described in Exhibit “A” as follows:

Location Address	Short Tax Parcel ID	Daytona Beach Shores Future Land Use Designation
6 Carter Terrace	5334-00-02-0190	Residential Low Intensity

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3187(1)(c)2.b, *Florida Statutes* and *Volusia Growth Management Rules*.

SECTION THREE: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or

unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION FIVE. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shore* or, the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted in the *City of Daytona Beach Shores Comprehensive Plan* and on the Future Land Use Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall become effective, in accordance with the provisions of Section 163.3187, *Florida Statutes*, thirty-one (31) days after enactment; provided, however, if this Ordinance is challenged within thirty (30) days after enactment, this Ordinance shall not become effective until the Florida Department of Community Affairs, acting as the State Land Planning Agency, or the Administration Commission, respectively, issues a final order determining that the small scale development amendment to the *City of Daytona Beach Shores Comprehensive Plan* set forth in this Ordinance is in compliance.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

A PORTION OF THE NORTHERLY 100 FEET OF THE SOUTHERLY 200 FEET OF THE LUFBERRY TRACT PER MAP BOOK 1, PAGE 115 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, NORTH OF RIOMAR BEACHES, MAP BOOK 6, PAGE 95, SAID PUBLIC RECORDS, IN SECTION 34 AND SECTION 35, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, CAROLYN TERRACE, PER MAP BOOK 19, PAGE 257 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N64°00'00"E ALONG THE SOUTHERLY LINE OF SAID CAROLYN TERRACE, 500.97 FEET; THENCE S26°00'00"E, AT RIGHT ANGLES TO SAID SOUTHERLY LINE, 100.00 FEET; THENCE N64°00'00"E PARALLEL WITH SAID SOUTHERLY LINE, 68.10 FEET; THENCE AT AN ANGLE FROM WEST TO NORTH OF 92°43'40", RUN N23°16'20"W, 100.23 FEET TO THE SOUTHERLY LINE OF SAID CAROLYN TERRACE; THENCE S64°00'00"W ALONG SAID SOUTHERLY LINE, 72.68 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
Location Map- 6 Carter Terrace





City of Daytona Beach Shores
COMMUNITY SERVICES DEPARTMENT

2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Phone (386) 763-5377 Fax (386) 763-5370

217522

RECEIVED

12021041

NOV 18 2021

APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP
AMENDMENT

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

The Undersigned Applicant requests the Planning and Zoning Board AND City Council to hear and decide upon this application in accordance with Sec. 2-2 of the Land Development Code and Florida Law.

Date Submitted: ____/____/____

Applicable Section of the Comprehensive Plan: _____

Fees must be paid at the time the application is submitted.

Applicant's Name: Colby Caldwell

Address: 6 Carter Ter. Daytona Beach FL Phone #: 386 882 6560

Property Address: 6 Carter Ter. Daytona Beach FL

Existing Property Use: Home

Representing Attorney (if any): _____

Address: 6 Carter Ter. Daytona Beach FL Phone #: _____

NOTES: 1) Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. 2) A completed application MUST be submitted at least 45 days prior to the anticipated Planning and Zoning hearing date.

Legal description of the property:

Homestead

Description of your request:

Annex into Daytona Beach Shores from County

Colby Caldwell

Applicant's Signature

11 / 10 / 2021

Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-06

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.22 acre property is located at 6 Carter Terrace. The subject application, if approved, would result in the first 2022 small-scale comprehensive plan amendment for the City of Daytona Beach Shores in accordance with Section 163.3187, *Florida Statutes*.

B. PROPOSED AMENDMENT ITEM(S)

Item 1: Map Amendment - Chapter 1, Future Land Use Element: amending Map L-4 entitled, “Generalized Future Land Use Map (2030),” to change the future land use classification of the annexing property located at 6 Carter Terrace from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

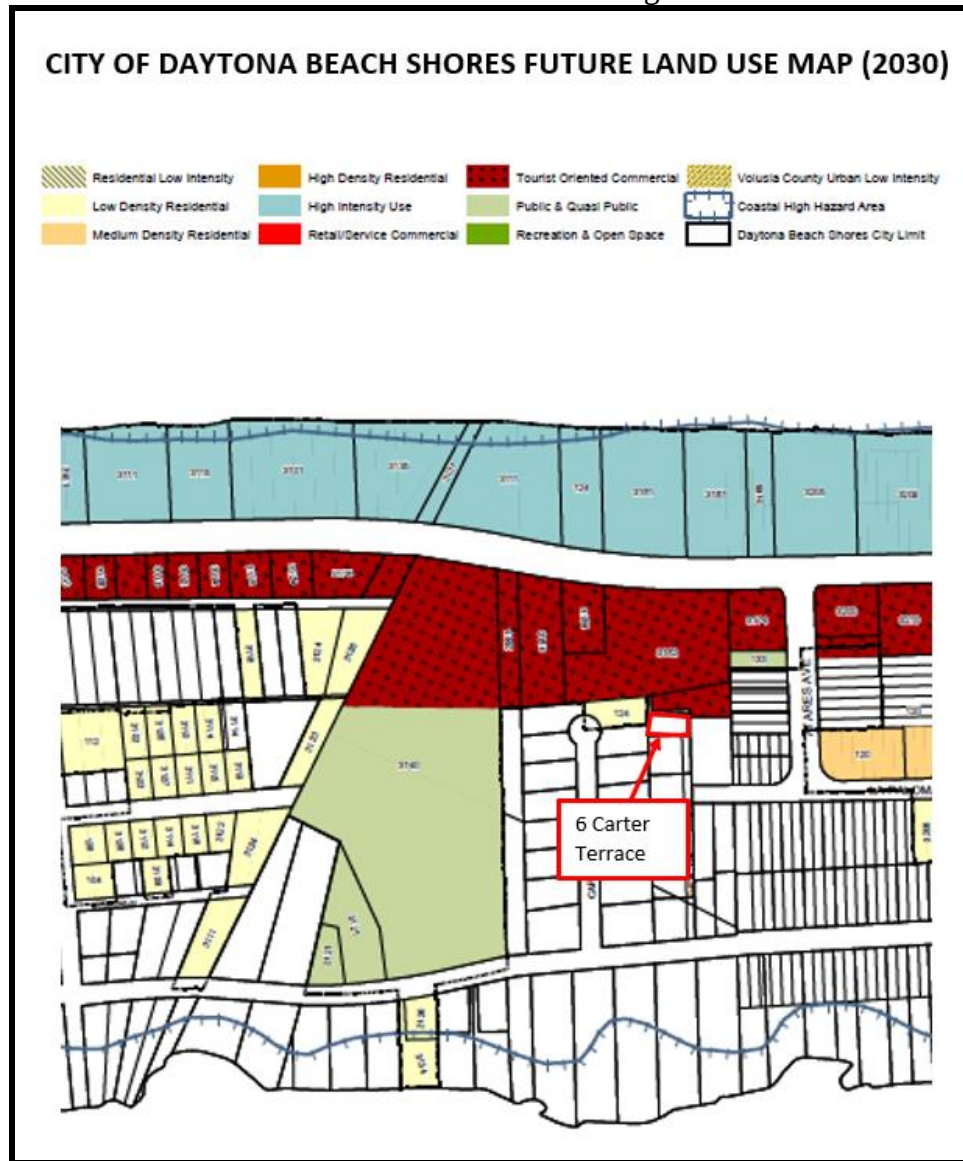
The property houses a single-family residential structure. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-9” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications are depicted in **Table 1** below while the future land use is illustrated in **Figure 1**. The subject request is to change the FLU designation to Daytona Beach Shores *Residential Low Intensity* (0-4 units/acre).

Table 1: Abutting Zoning and Future Land Use Classification

Location	Zoning		Future Land Use	
	Existing	Proposed	Existing	Proposed
Subject Property	R-9*	RSF-2+	Volusia County Urban Low Intensity	Residential Low Intensity
North	RSF-2		Residential Low Density	
South	R-9		VC Residential Low Intensity	
East	GC-1		Tourist Oriented Commercial	
West	R-9		VC Residential Low Intensity	

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; +RSF-2 = *Urban Single-Family Residential Detached District*.

FIGURE 1: 6 Carter Terrace - Surrounding Future Land Use



Description, Data and Analysis:

The analysis conducted below demonstrates the amendment's compliance with the City's Comprehensive Plan and the Florida Administrative Code for future land use map amendments. Therefore, the analysis shows that there will not be any significant impacts on the environment, roadways, public schools and utilities as the allowable densities and use will remain the same.

I. IMPACTS OF PROPOSED AMENDMENT

The current Volusia County *Urban Low Intensity* Future Land Use (FLU) classification allows a maximum density of four (4) units per acre. Under the proposed Daytona Beach Shores FLU designation, *Residential Low Intensity*, the maximum density allowed is also four (4) units per acre. Therefore, the proposed land use amendment would not result in any change in residential density permitted. Further, given the +/-0.23 acre size of the property, the proposed amendment would only allow one (1) residential unit on site, which is the same as currently allowed under the Volusia County FLU classification.

The property is currently occupied by a single-family residential structure. Additionally, the proposed Daytona Beach Shores zoning for this property, RSF-2 Urban Single-Family Residential Detached District, would permit only one residential dwelling unit on site. So, from a practical and planning perspective the proposed future land use change will result in no net change in density and impacts.

In accordance with the Daytona Beach Shores Comprehensive Plan Update (2030) and standard practice from the Florida Department Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (**Table 2** below). The following seven public facilities and services were examined and discussed briefly below: (1) Transportation, (2) Sanitary Sewer, (3) Potable Water, (4) Solid Waste, (5) Stormwater Drainage, (6) Recreation, and (7) Public Schools.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.75	1.75	None
AM / PM Peak Hour Trips ²	1.5/2.02	1.5/2.02	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	192.5	192.5	None
Solid Waste (lbs./person) ⁵	17.5	17.5	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

2010 US Census

ITE Trip Generation Manual, 7th Edition

Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

Transportation:

The subject property is a single-family lot with vehicular transportation access to the abutting Carter Terrace, which is a local road connecting to both S. Peninsula Drive (SR441) and S. Atlantic Avenue (SR A1A). S. Peninsula Drive is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) is a five laned principal arterial road, pursuant to the City's Comprehensive Plan, respectively. The two roads connect to Dunlawton Boulevard (SR421) and International Speedway Boulevard (US92) which are both principal arterial roads leading to the interstate system. The allowable Level-Of-Service (LOS) standard for S. Peninsula Drive is "D." Both Atlantic Avenue (SR A1A). S. Peninsula Drive are operating at acceptable levels of service. Since the City has no vested trips for this road there will be no net change in vehicular trips as demonstrated in **Table 2** above, hence the allowed LOS standard will continue to be maintained.

Sanitary Sewer:

The City's adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. Using this standard, the proposed land use would theoretically generate a demand of 250 gallons per day. However, since no increase in the number of entitled dwelling units would occur there is no net change in theoretical demand. Regardless it should be noted the City of Port Orange sewer treatment facilities are currently operating at an acceptable level of service.

Potable Water:

The City's adopted LOS standard for potable water is 110 gallons per capita per day. Using this standard, the proposed land use would theoretically create a demand of 192.5 gallons of water per day. No increase in number of theoretical dwelling units or demand will occur. In addition, the current potable water usage is already accounted for in Port Orange's current consumptive use permit (CUP).

Solid Waste Collection:

The proposed land use allows for one (1) residential unit that would be expected to support a population of 1.75 persons, which together would theoretically generate 17.5 pounds of solid waste per day. Solid waste generated within the City of Daytona Beach Shores is collected by Waste Pro, which delivers it to the Volusia County landfill. The 3,000-acre landfill is a Class I facility with a projected life span to the year 2050.

Stormwater Drainage:

The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan requires that there be no net loss of stormwater retention function as a result of development. Therefore, if the property is developed the parcel

must have the same ability to store and discharge water after development as it does before development occurs. The applicants would be required to address stormwater retention on the property in accordance with these City standards.

Recreation and Open Space:

The proposed amendment would theoretically add 1.77 residents to the City. The City's most recent population count was 4,247 (2010 US Census). Policy 7-1.2.1 and Policy 9-1.3.1 in the City's Comprehensive plan establish the LOS standards for recreation facilities within the City. Considering the City's population and the City's recreational LOS standards, it is easy to conclude that Daytona Beach Shores currently has adequate capacity for all recreational facilities as required by the City's Adopted Comprehensive Plan and seen in **Table 3** below.

Table 3: Recreation Facilities Analysis

Type of Park/ Recreational Facility	Unit of Measure/LOS Standard	Current LOS (Facilities)	Deficit
Playgrounds	one per 10,000 people	1	None
Neighborhood Park	one per 10,000 people	5	None
Community Park	one per 25,000 people	1	None
Children's Play Areas	one per 10,000 people	1	None
Baseball/Softball Field	one per 15,000 people	1	None
Tennis Courts	one per 2,000 people	11	None
Community Center	one per 20,000 people	1	None
Exercise Trail	one per 14,000 people	1	None
Nature Study Trail	one per 14,000 people	1	None

Public Schools:

Based on the Volusia County School District's student generation rate for a single-family dwelling unit, the proposed land use could generate at least one (1) full time student. This is exactly the same that could be generated by the existing Volusia County future land use due to the residential density neutrality of the proposed change. Therefore, no increase impact on existing public school facilities is expected. Further, due to the aforementioned, the FLU amendment is exempt from the School District review.

II. LAND USE COMPATIBILITY

The FLU of the surrounding area is primarily residential low intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood with Recreation/Open Space and Multifamily High Intensity to the east. **Figure 2**.

Figure 2: Aerial View of 6 Carter Terrace and Surrounding Neighborhood

Source: Volusia County Property Appraiser, 2021

Considering the above along with **Table 1** contained in the body of this staff report, it is clear that the proposed land use, which is a density neutral land use request, is consistent with the existing and future land use of the surrounding neighborhood.

III. APPLICABLE PLANS, CODES AND REGULATIONS

Future Land Use Element (Daytona Beach Shores Comprehensive Plan):

Policy 1-1.1.5: (a) The City shall maintain at least a Level of Service standard "D" at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard "D" during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Objective 1-1.4: Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Capital Improvement Element

Policy 9-1.3: The City shall use the following Level of Service (LOS) standards in reviewing the impacts of new development and redevelopment on public facility provisions:

- (a) **Sanitary Sewers:** 250 gallons per dwelling unit per day
- (b) **Solid Waste:** 10 pounds per capita per day
- (c) **Drainage:** 25-year, 24-hour design storm
- (d) **Potable Water:** 110 gallons/capita/day (gcd) for Port Orange Service Area
150 gcd for Daytona Beach Service Area
- (e) **Roadways:** Arterials: LOS "D" at peak hour
Collectors: LOS "C" at peak hour
- (f) **Recreation:** See Table 3 above

IV. REVIEW CRITERIA AND STAFF FINDINGS

1. The amendment shall not decrease the LOS Standard for hurricane evacuation routes below LOS Standard D and (b) the amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 16 hours.

Staff finding: The proposed land use amendment is density neutral. Consequently, no increase in traffic is anticipated as a result of the proposed change, therefore: (a) there will be no decrease in the adopted LOS Standard Van Avenue, S.R. 441 and S.R. A1A; and (b) considering the aforementioned, the hurricane evacuation clearance time shall remain the same for the subject roads in question.

2. Written assurances from service providers for sewage treatment, potable water, and solid waste shall be provided when there is a future land use map amendment result in an increase in density or intensity.

Staff finding: The proposed land use amendment is density neutral and the site is already developed. Therefore, no increase in demand is anticipated and no written assurances are needed from service providers since services are already being provided for at the accepted LOS standard.

3. The amendment shall not result in objectionable land use designations inconsistent with the character of the overall future land use plan.

Staff finding: The proposed amendment will not result in an incompatible land use designation with adjacent parcels, the neighborhood or overall character of the future land use plan. The proposed *Residential Low Intensity* (0-4 units/acre) designation will provide for a single-family residence and is therefore compatible with the surrounding residential low-density (single-family) space land uses.

4. The amendment shall not decrease the LOS Standards for public facilities adopted in Policy 9-1.3 of the City's Comprehensive Plan.

Staff finding: The proposed land use amendment is density neutral, therefore, no increase demand on public facilities is anticipated.

V. CONCLUSION:

The proposed land use amendment is consistent with overall goals, objectives, and Policies of the Daytona Beach Shores Comprehensive Plan (2030).



Volusia Growth Management Commission

May 3, 2022

Stewart Cruz, AICP, City Planner
City of Daytona Beach Shores
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118

RE: City of Daytona Beach Shores, Small Scale Amendment Applications
VGMC Case #22-014 – 3102 Liberty Street
VGMC Case #22-015 – 6 Carter Terrace
Certificate of Consistency

Dear Mr. Cruz,

VGMC Case Nos. 22-014 and 22-015 qualify for certification in accordance with Chapter 90, Article II. of the Volusia County Code of Ordinances, Volusia Growth Management Commission Consistency Certification Rules and Organization. Based upon the lack of objection filed by another unit of local government, VGMC Case Nos. 22-014 and 22-015 are hereby deemed certified as consistent effective May 2, 2022 without the need for a public hearing.

The Volusia Growth Management Commission appreciates the efforts of the City of Daytona Beach Shores to further intergovernmental cooperation and coordination in Volusia County. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

Sid Vihlen, Jr.
VGMC Chairman



CITY COUNCIL AGENDA MEMORANDUM MAY 10, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-07: Future Land Use Map Amendment CPA12021044; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

SYNOPSIS:

Ordinance 2022-07, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the residential low intensity future land classification to the recently annexed single-family residential property located at 3102 Liberty Street (**Exhibit A**). The application (**Exhibit B**) was submitted by Larry and Barbara Pollack, owners of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.78 acres and is currently vacant. The property owner is proposing to build a single-family residential structure on the site in the near future. The proposed amendment is compatible with the current Volusia County future land use category and, as such, the amendment is density neutral and the use will remain as single-family residential.

NOTE: The Volusia Growth Management Commission has reviewed and approved this amendment (**Exhibit D**).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 3102 Liberty Street, was recently annexed into the corporate limits of the City of Daytona Beach Shores pursuant to the voluntary annexation process outlined in Section 171.044, Florida Statutes . However, Section 171.062, Florida Statutes limits regulatory and development control over an annexed property if the area annexed was subject to a county land use plan and county zoning and the municipality does not adopt a comprehensive plan and zoning amendment that includes the annexed area. Therefore, the County land use plan and zoning regulations would remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the former. Additionally, the property owner has also submitted an application to rezone the

property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-9 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

C. Planning and Zoning Board

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-07 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-07 as presented."
- OR
2. "I move to approve Ordinance 2022-07, with the following amendments..."
- OR
3. "I move to deny Ordinance 2022-07, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-07-3102 Liberty FLUMA
 2. Exhibit A-Location Map-3102 Liberty St
 3. Exhibit B-FLUMA Application- 3102 Liberty St
 4. Exhibit C-Ord 2022-07-P&Z Staff Report-FLUMA-3102 Liberty
 5. Exhibit D-22-014 & 22-015 Consistency Certification Letter

ORDINANCE NO: 2022-07

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 3102 LIBERTY AVENUE, SHORT TAX PARCEL ID 5334-02-08-0010; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to small scale development activities as provided in Section 163.3187(1)(c), *Florida Statutes*; and

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WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, Larry and Barbara Pollack, owners of the real property with short tax parcel ID 5334-02-08-0010 and generally located at 3102 Liberty Avenue, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores on November 15, 2021; and

WHEREAS, Larry and Barbara Pollack, owners of the subject property, are requesting the City of Daytona Beach Shores amends the future land use classification of the subject real property to Residential Low Intensity; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

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

SECTION ONE: CHANGE IN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP. Chapter 1, “Future Land Use Element,” containing the Official Future Land Use Map (Map L-4) of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to change the Future Land Use Designation of a +/-0.79 acre property from Volusia County Urban Low Intensity to Daytona Beach Shores Residential Low Intensity as to property as described in Exhibit “A” as follows:

Location Address	Short Tax Parcel ID	Daytona Beach Shores Future Land Use Designation
3102 Liberty Avenue	5334-02-08-0010	Residential Low Intensity

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3187(1)(c)2.b, *Florida Statutes* and *Volusia Growth Management Rules*.

SECTION THREE: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or

unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION FIVE. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shore* or, the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted in the *City of Daytona Beach Shores Comprehensive Plan* and on the Future Land Use Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall become effective, in accordance with the provisions of Section 163.3187, *Florida Statutes*, thirty-one (31) days after enactment; provided, however, if this Ordinance is challenged within thirty (30) days after enactment, this Ordinance shall not become effective until the Florida Department of Community Affairs, acting as the State Land Planning Agency, or the Administration Commission, respectively, issues a final order determining that the small scale development amendment to the *City of Daytona Beach Shores Comprehensive Plan* set forth in this Ordinance is in compliance.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

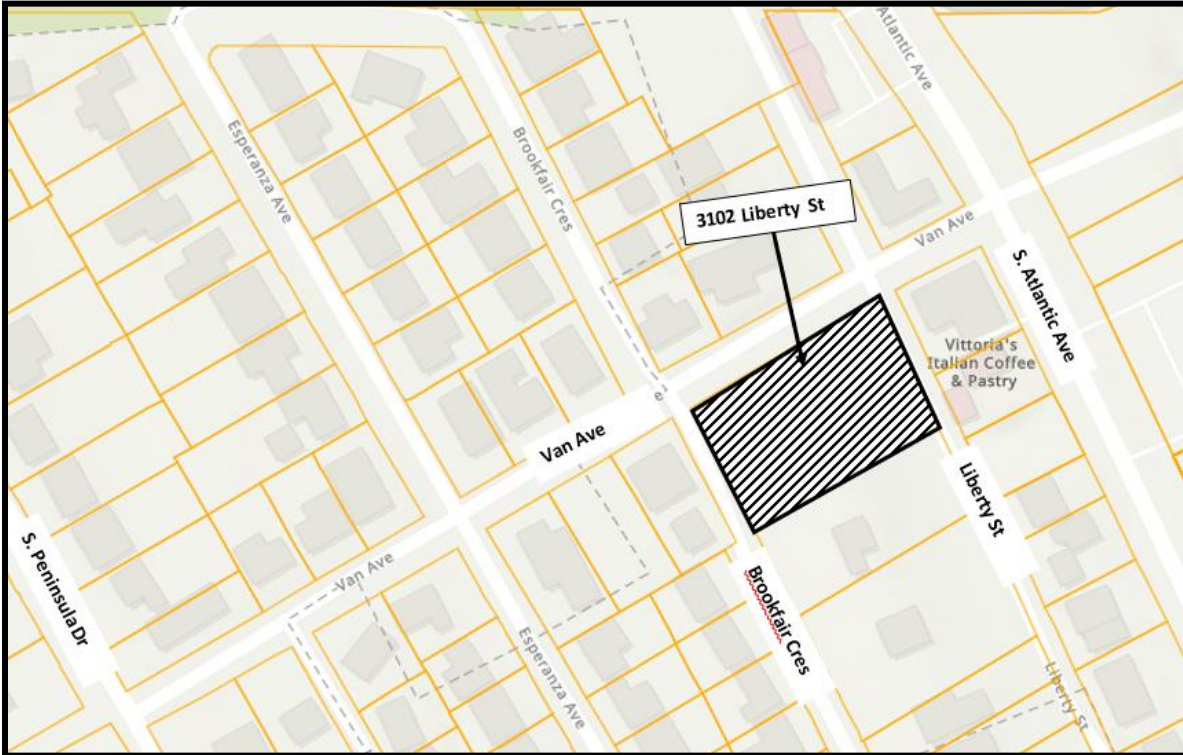
Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

LOTS 1, 2 AND 3, BLOCK 8, ROGERS NORTH ORITA, AS RECORDED IN MAP BOOK 1, PAGE 115, RE-RECORDED IN MAP BOOK 14, PAGES 121 AND 122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE SOUTHERLY 1/2 OF VAN AVENUE LYING BETWEEN THE NORTHERLY EXTENSION OF THE CENTERLINE OF LIBERTY STREET AND THE NORTHERLY EXTENSION OF THE CENTERLINE OF BROOKFAIR CRESCENT, AND THE WEST 1/2 OF LIBERTY STREET LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, AND THE EASTERLY 1/2 OF BROOKFAIR CRESCENT LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3 WITH THE CENTERLINE OF BROOKFAIR CRESCENT; THENCE RUN N28°33'12"W ALONG THE CENTERLINE OF SAID BROOKFAIR CRESCENT, 175.01 FEET TO THE CENTERLINE OF VAN AVENUE (PLATTED PENINSULA AVENUE) THENCE RUN N60°52'43"E ALONG THE CENTERLINE OF SAID VAN AVENUE, 263.38 FEET TO THE CENTERLINE OF LIBERTY STREET; THENCE S26°36'00"E ALONG THE CENTERLINE OF LIBERTY STREET, 175.01 FEET TO THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3; THENCE S60°50'35"W ALONG SAID EASTERLY EXTENSION AND THE SOUTHERLY LINE OF SAID LOT 3 AND THE WESTERLY EXTENSION THEREOF, 257.41 FEET TO THE POINT OF BEGINNING.

EXHIBIT A
Location Map: 3102 Liberty Street





City of Daytona Beach Shores
COMMUNITY SERVICES DEPARTMENT
 2990 S. Atlantic Avenue
 Daytona Beach Shores, FL 32118
 Phone (386) 763-5377 Fax (386) 763-5370

12021044

**APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP
 AMENDMENT**

The Undersigned Applicant requests the Planning and Zoning Board AND City Council to hear and decide upon this application in accordance with Sec. 2-2 of the Land Development Code and Florida Law.

Date Submitted: 11 / 15 / 2021

Applicable Section of the Comprehensive Plan: _____

Fees must be paid at the time the application is submitted.

Applicant's Name: Larry M. Pollack (and Barbara Pollack, H+W)

Address: 21 Forest Ct. Passaic N.J. 07055 Phone #: 973-906-5183

Property Address: 3102 Liberty St. Daytona Beach, FL 32118

Existing Property Use: None - currently vacant lot - residential home being built by applicants, to replace previous house which was destroyed.

Representing Attorney (if any): _____

Address: _____ Phone #: _____

NOTES: 1) Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. 2) A completed application MUST be submitted at least 45 days prior to the anticipated Planning and Zoning hearing date.

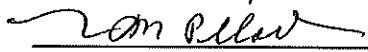
Legal description of the property:

Lots 1, 2 + 3 Blk 8 Rogers North Oritu (according to Map Book 1, page 115; 1761 page 1555; 8106 page 2648)

"Originally" property of C.H. Spencer according to Map Book 14, pages 121-125

Description of your request:

We are building a single family, two-story residence at 3102 Liberty Street. We plan to eventually relocate to the new home after it is completed. We would like to be annexed to Daytona Beach Shores,


 Applicant's Signature

11 / 15 / 2021
 Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-07

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.78 acre property is located at 3102 Liberty Street. The subject application, if approved, would result in the second 2022 small-scale comprehensive plan amendment for the City of Daytona Beach Shores in accordance with Section 163.3187, *Florida Statutes*.

B. PROPOSED AMENDMENT ITEM(S)

Item 1: Map Amendment - Chapter 1, Future Land Use Element: amending Map L-4 entitled, “Generalized Future Land Use Map (2030),” to change the future land use classification of the annexing property located at 3102 Liberty Street from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

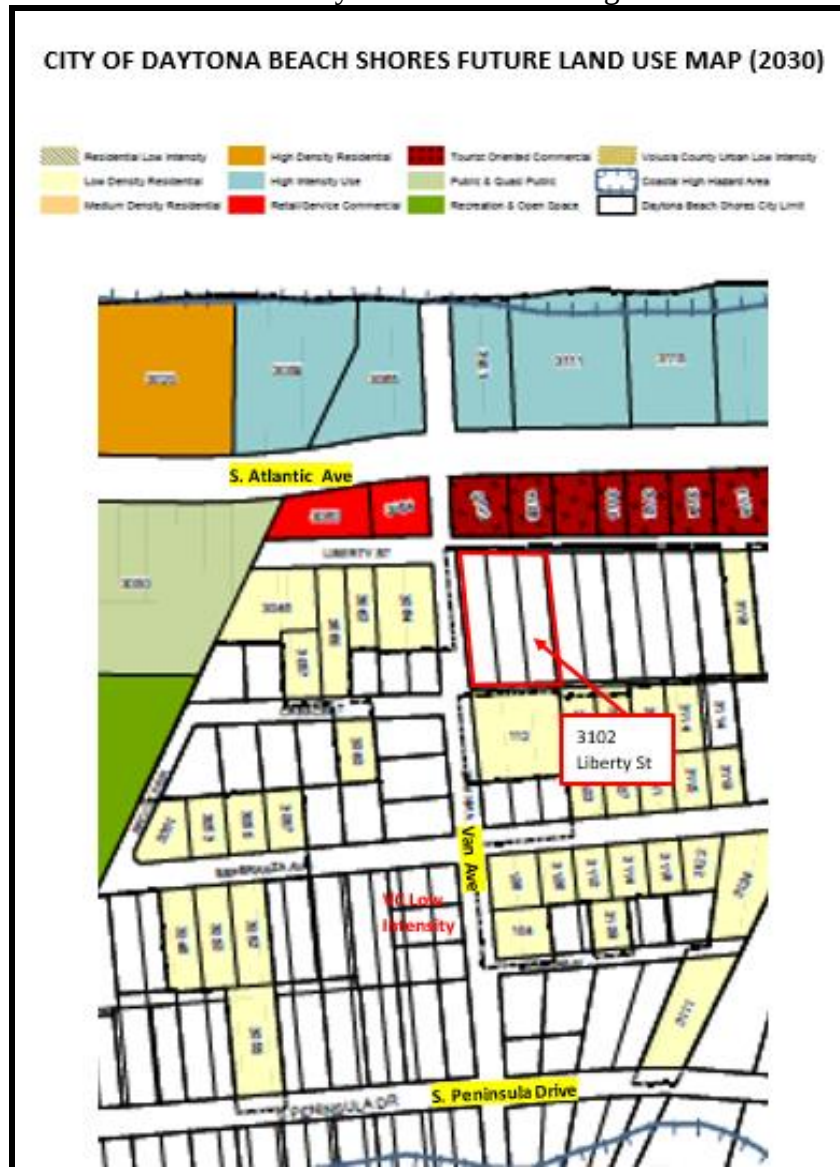
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-9” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications are depicted in **Table 1** below while the future land use is illustrated in **Figure 1**. The subject request is to change the FLU designation to Daytona Beach Shores *Residential Low Intensity* (0-4 units/acre).

Table 1: Abutting Zoning and Future Land Use Classification

Location	Zoning		Future Land Use	
	Existing	Proposed	Existing	Proposed
Subject Property	R-9*	RSF-2+	Volusia County Urban Low Intensity	Residential Low Intensity
North	RSF-2		Residential Low Density	
South	R-9		VC Residential Low Intensity	
East	GC-1		Tourist Oriented Commercial	
West	RSF-2		Residential Low Density	

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = DBS *Urban Single Family Residential Detached District*; GC-1 = DBS *Tourist Oriented Commercial District*.

FIGURE 1: 3102 Liberty Street - Surrounding Future Land Use



Description, Data and Analysis:

The analysis conducted below demonstrates the amendment's compliance with the City's Comprehensive Plan and the Florida Administrative Code for future land use map amendments. Therefore, the analysis shows that there will not be any significant impacts on the environment, roadways, public schools and utilities as the allowable densities and use will remain the same.

I. IMPACTS OF PROPOSED AMENDMENT

The current Volusia County *Urban Low Intensity* Future Land Use (FLU) classification allows a maximum density of four (4) units per acre. Under the proposed Daytona Beach Shores FLU designation, *Residential Low Intensity*, the maximum density allowed is also four (4) units per acre. Therefore, the proposed land use amendment would not result in any change in residential density permitted. However, given the +/-0.78 acre size of the property, the proposed amendment would allow up to three (3) theoretical residential units on site. However, per the accompanying zoning application for this property, only one (1) single-family residence would be built on site.

The property is currently is currently vacant. Additionally, the proposed Daytona Beach Shores zoning for this property, RSF-2 Urban Single-Family Residential Detached District, would permit only one residential dwelling unit on site. So, from a practical and planning perspective the proposed future land use change will result in no net change in density and impacts.

In accordance with the Daytona Beach Shores Comprehensive Plan Update (2030) and standard practice from the Florida Department Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (**Table 2** below). The following seven public facilities and services were examined and discussed briefly below: (1) Transportation, (2) Sanitary Sewer, (3) Potable Water, (4) Solid Waste, (5) Stormwater Drainage, (6) Recreation, and (7) Public Schools.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	3	3	None
Population ¹	5.25	5.25	None
AM / PM Peak Hour Trips ²	4.5/6.02	4.5/6.02	None
Sanitary Sewer (gallons/day) ³	750	750	None
Potable Water (gallons/day) ⁴	577.5	577.5	None
Solid Waste (lbs./person) ⁵	52.5	52.5	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	1.188	None

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

Transportation:

The subject property is a single-family lot with vehicular transportation access to the abutting Van Avenue, which is a local road connecting to both S. Peninsula Drive (SR441) and S. Atlantic Avenue (SR A1A). S. Peninsula Drive is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) is a five laned principal arterial road, pursuant to the City's Comprehensive Plan, respectively. The two roads connect to Dunlawton Boulevard (SR421) and International Speedway Boulevard (US92) which are both principal arterial roads leading to the interstate system. The allowable Level-Of-Service (LOS) standard for S. Peninsula Drive is "D." Both Atlantic Avenue (SR A1A). S. Peninsula Drive are operating at acceptable levels of service. Since the City has no vested trips for this road there will be no net change in vehicular trips as demonstrated in **Table 2** above, hence the allowed LOS standard will continue to be maintained.

Sanitary Sewer:

The City's adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. Using this standard, the proposed land use would theoretically generate a demand of 750 gallons per day consistent with the current future land use. In addition the City of Port Orange sewer treatment facilities can easily accommodate considering the facility is currently operating at an acceptable level of service.

Potable Water:

The City's adopted LOS standard for potable water is 110 gallons per capita per day. Using this standard, the proposed land use would theoretically create a demand of 577.5 gallons of water per day. This is a density neutral amendment and the proposed demand can easily be accommodated for in Port Orange current consumptive use permit (CUP).

Solid Waste Collection:

The proposed land use allows for three (3) residential units that would be expected to support a population of 5.25 persons, which together would theoretically generate 52.5 pounds of solid waste per day. Solid waste generated within the City of Daytona Beach Shores is collected by Waste Pro, which delivers it to the Volusia County landfill. The 3,000-acre landfill is a Class I facility with a projected life span to the year 2050.

Stormwater Drainage:

The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan requires that there be no net loss of stormwater retention function as a result of development. Therefore, if the property is developed the parcel must have the same ability to store and discharge water after development as it does before

development occurs. The applicants would be required to address stormwater retention on the property in accordance with these City standards.

Recreation and Open Space:

The proposed amendment would theoretically add 5.25 residents to the City. The City's most recent population count was 5,179 (2020 US Census). Policy 7-1.2.1 and Policy 9-1.3.1 in the City's Comprehensive plan establish the LOS standards for recreation facilities within the City. Considering the City's population and the City's recreational LOS standards, it is easy to conclude that Daytona Beach Shores currently has adequate capacity for all recreational facilities as required by the City's Adopted Comprehensive Plan and seen in **Table 3** below.

Table 3: Recreation Facilities Analysis

Type of Park/ Recreational Facility	Unit of Measure/LOS Standard	Current LOS (Facilities)	Deficit
Playgrounds	one per 10,000 people	1	None
Neighborhood Park	one per 10,000 people	5	None
Community Park	one per 25,000 people	1	None
Children's Play Areas	one per 10,000 people	1	None
Baseball/Softball Field	one per 15,000 people	1	None
Tennis Courts	one per 2,000 people	11	None
Community Center	one per 20,000 people	1	None
Exercise Trail	one per 14,000 people	1	None
Nature Study Trail	one per 14,000 people	1	None

Public Schools:

Based on the Volusia County School District's student generation rate for a single-family dwelling unit, the proposed land use could generate at least one (1) full time student. This is exactly the same that could be generated by the existing Volusia County future land use due to the residential density neutrality of the proposed change. Therefore, no increase impact on existing public school facilities is expected. Further, due to the aforementioned, the FLU amendment is exempt from the School District review.

II. LAND USE COMPATIBILITY

The FLU of the surrounding area is primarily residential low intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood with Recreation/Open Space and Multifamily High Intensity to the east. **Figure 2**.

Figure 2: Aerial View of 3102 Liberty Street and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Considering the above along with **Table 1** contained in the body of this staff report, it is clear that the proposed land use, which is a density neutral land use request, is consistent with the existing and future land use of the surrounding neighborhood.

III. APPLICABLE PLANS, CODES AND REGULATIONS

Future Land Use Element (Daytona Beach Shores Comprehensive Plan):

Policy 1-1.1.5: (a) The City shall maintain at least a Level of Service standard "D" at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard "D" during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Objective 1-1.4: Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Capital Improvement Element

Policy 9-1.3: The City shall use the following Level of Service (LOS) standards in reviewing the impacts of new development and redevelopment on public facility provisions:

- (a) **Sanitary Sewers:** 250 gallons per dwelling unit per day
- (b) **Solid Waste:** 10 pounds per capita per day
- (c) **Drainage:** 25-year, 24-hour design storm
- (d) **Potable Water:** 110 gallons/capita/day (gcd) for Port Orange Service Area
150 gcd for Daytona Beach Service Area
- (e) **Roadways:** Arterials: LOS "D" at peak hour
Collectors: LOS "C" at peak hour
- (f) **Recreation:** See Table 3 above

IV. REVIEW CRITERIA AND STAFF FINDINGS

1. The amendment shall not decrease the LOS Standard for hurricane evacuation routes below LOS Standard D and (b) the amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 16 hours.

Staff finding: The proposed land use amendment is density neutral. Consequently, no increase in traffic is anticipated as a result of the proposed change, therefore: (a) there will be no decrease in the adopted LOS Standard Van Avenue, S.R. 441 and S.R. A1A; and (b) considering the aforementioned, the hurricane evacuation clearance time shall remain the same for the subject roads in question.

2. Written assurances from service providers for sewage treatment, potable water, and solid waste shall be provided when there is a future land use map amendment result in an increase in density or intensity.

Staff finding: The proposed land use amendment is density neutral and the site is already developed. Therefore, no increase in demand is anticipated and no written assurances are needed from service providers since services are already being provided for at the accepted LOS standard.

3. The amendment shall not result in objectionable land use designations inconsistent with the character of the overall future land use plan.

Staff finding: The proposed amendment will not result in an incompatible land use designation with adjacent parcels, the neighborhood or overall character of the future land use plan. The proposed *Residential Low Intensity* (0-4 units/acre) designation will provide for a single-family residence and is therefore compatible with the surrounding residential low-density (single-family) space land uses.

4. The amendment shall not decrease the LOS Standards for public facilities adopted in Policy 9-1.3 of the City's Comprehensive Plan.

Staff finding: The proposed land use amendment is density neutral, therefore, no increase demand on public facilities is anticipated.

V. CONCLUSION:

The proposed land use amendment is consistent with overall goals, objectives, and Policies of the Daytona Beach Shores Comprehensive Plan (2030).



Volusia Growth Management Commission

May 3, 2022

Stewart Cruz, AICP, City Planner
City of Daytona Beach Shores
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118

RE: City of Daytona Beach Shores, Small Scale Amendment Applications
VGMC Case #22-014 – 3102 Liberty Street
VGMC Case #22-015 – 6 Carter Terrace
Certificate of Consistency

Dear Mr. Cruz,

VGMC Case Nos. 22-014 and 22-015 qualify for certification in accordance with Chapter 90, Article II. of the Volusia County Code of Ordinances, Volusia Growth Management Commission Consistency Certification Rules and Organization. Based upon the lack of objection filed by another unit of local government, VGMC Case Nos. 22-014 and 22-015 are hereby deemed certified as consistent effective May 2, 2022 without the need for a public hearing.

The Volusia Growth Management Commission appreciates the efforts of the City of Daytona Beach Shores to further intergovernmental cooperation and coordination in Volusia County. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

Sid Vihlen, Jr.
(mes)

Sid Vihlen, Jr.
VGMC Chairman



**CITY COUNCIL AGENDA MEMORANDUM
MAY 10, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Becky Vose, City Attorney
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: 2022 Florida Legislature Final Report

SYNOPSIS:

The City Attorney has provided this report on the 2022 Legislative Session

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Discussion only - no action required.

RECOMMENDATION:

Informational only

SUGGESTED MOTION:

n/a

ATTACHMENT: 1. 2022-legislative-final-report_4-21-22



FLORIDA LEAGUE OF CITIES

100TH ANNIVERSARY

2022 LEGISLATIVE SESSION FINAL REPORT

DEAR CITY OFFICIAL:

We are pleased to provide you with the Florida League of Cities' *2022 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 3,685 bills filed during the 2022 Legislative Session. Of these, only 285 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 2023 Legislative Session.

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 continued support of the Florida League of Cities.

Respectfully,



Phillip E. Walker
President
Commissioner
City of Lakeland



Jeannie Garner
Executive Director/CEO



BOARD OF DIRECTORS

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Phillip E. Walker, Commissioner, Lakeland

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- (9) Susan Gibbs Thomas, Council Member, Indiantown
- (10) Brian Williams, Commissioner, Palmetto
- (11) Fred Forbes, Councilman, Bonita Springs
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- (13) Todd Drosky, Commissioner, Deerfield Beach
- (13) Bob Mayersohn, Commissioner, Parkland
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- (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

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Ken Russell, Commissioner, Miami
Joseph Citro, Council Member, Tampa
Kenneth T. Welch, Mayor, St. Petersburg
Robert Stuart, Commissioner, Orlando
Esteban Bovo, Jr., Mayor, Hialeah
John Dailey, Mayor, Tallahassee
Heather Moraitis, Vice Mayor, Fort Lauderdale
Stephanie Morgan, Councilwoman, Port St. Lucie
John Gunter, Mayor, Cape Coral

PAST PRESIDENTS

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

FCCMA

Micah Maxwell, Assistant City Manager, Clearwater

Jeannie Garner, Executive Director/CEO
Kraig Conn, General Counsel

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2022 FLORIDA LEAGUE OF CITIES LEGISLATIVE ACTION AGENDA

SHORT-TERM RENTALS

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

COMMUNICATIONS SERVICES TAX REFORM

The Florida League of Cities SUPPORTS reforming the Communications Services Tax in a manner that is revenue neutral; provides for a broad and equitable tax base; provides for enhanced stability and reliability of an important revenue source for municipalities; and provides for a uniform taxing method. Reform should promote a competitively neutral tax policy that will free consumers to choose a provider based on tax-neutral considerations.

TREE PROTECTION

The Florida League of Cities SUPPORTS legislation to close loopholes and create standards in current law exemptions from municipal tree ordinances that have caused litigation and abuses, including the clear-cutting of land pre-development and the removal of healthy trees that present little, if any, risk to persons or structures. Current law should be amended to apply only to developed single-family residential property, identify industry-appropriate standards for assessing tree risk and identify necessary documentation.

TRANSPORTATION FUNDING

The Florida League of Cities SUPPORTS legislation:

- ▶ Directing the Florida Department of Transportation to establish a grant program to provide financial assistance for the installation of publicly available electric vehicle charging infrastructure on public or private property
- ▶ Providing technical assistance for the development and adoption of local or regional plans for charging infrastructure and associated equipment
- ▶ Identifying additional transportation revenue to support innovative infrastructure and transit

projects to meet the surging transportation demands driven by dramatic growth throughout Florida.

ECONOMIC DEVELOPMENT INCENTIVES

The Florida League of Cities SUPPORTS legislation and policies that encourage coordination among Enterprise Florida, the Department of Economic Opportunity, other state agencies and cities to promote local economic development by providing increased funding, technical assistance and increased collaboration between the state and cities on offering incentives that maximize economic development opportunities for retention, expansion and attraction, and building sustainable economic resiliency.

OTHER ISSUES OF IMPORTANCE

LOCAL BUSINESS TAX PRESERVATION

The Florida League of Cities SUPPORTS legislation that preserves general revenues collected from the local business tax. These revenues are used to fund essential municipal services such as public safety, and constructing and maintaining roads and bridges, public parks and open spaces. Maintaining a diversified revenue base also strengthens the fiscal stability of municipalities and improves their respective ability to serve citizens and businesses.

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.

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 security plans for government buildings and other key critical infrastructure.

LEGISLATIVE ACTION AGENDA CONTINUED

AFFORDABLE HOUSING

The Florida League of Cities SUPPORTS legislation that requires all money from the Sadowski State and Local Housing Trust Fund be used only for Florida's affordable housing programs targeted to meet the needs of workforce housing, including low income, very low income and disabled persons, for both home ownership and rental unit availability.

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

The Florida League of Cities SUPPORTS legislative action to address growing concerns about PFAS in soil and water, including coordinating with the Environmental Protection Agency to establish science-based cleanup target levels, providing resources for testing and research, public education and risk assessment guidelines, establishing liability protection for entities that have legally used PFAS for fire suppression or have passively received PFAS, and developing cost-effective and risk-based corrective strategies for PFAS.

BILLS THAT PASSED

in alphabetical order by subject area

BUILDING CODES/CONSTRUCTION

Building Regulations (Neutral)

CS/CS/HB 423 (LaMarca) The bill:

- ▶ Increases the minimum hours of training required in multifamily training programs for a fire safety inspector to qualify to take the building inspector or plans examiner certification exam
- ▶ Allows those who have completed a four-year internship certification program with a private provider (instead of with a local government) to qualify to take the building inspector or plans examiner certification exam
- ▶ Prohibits the Florida Building Code Administrators and Inspectors Board from requiring employment with a local government as a condition for the issuance of a provisional certificate
- ▶ Clarifies that applicants who use private providers can only be charged permit fees based on the costs actually incurred by the local government to process the permit
- ▶ Requires that local governments give private providers equal access to permitting and inspection documents
- ▶ Requires building officials to issue occupancy or completion certificates within 10 days of a "deemed granted" certificate
- ▶ Allows an owner, builder or an association of owners located in Florida that has a valid building permit issued by a local government for a fee, to bring a civil action under certain circumstances

- ▶ Provides that a local government may not prohibit or restrict a property owner from obtaining a building permit to demolish any single-family residential structure located in certain flood hazard areas provided that the permit otherwise complies with applicable building code requirements. Effective July 1, 2022. (Branch)

Charter School Zoning (Neutral)

CS/CS/SB 758 (Diaz) creates the Charter School Review Commission within the Florida Department of Education. Of interest to cities, the bill amends local government regulations dealing with zoning of charter schools. The bill:

- ▶ Prohibits a charter school from being subject to any land regulation that would not be required for a public school in the same location
- ▶ Expands the list of properties or facilities that may provide space to charter schools within their facilities under their preexisting zoning without needing to obtain a special exception. Effective July 1, 2022. (Branch)

CYBERSECURITY

Cybersecurity (Supported)

CS/HB 7055 (State Administration and Technology Appropriations Subcommittee, Giallombardo) creates the Local Government Cybersecurity Act. The bill requires all local government employees with access to the government's network to complete

a basic cybersecurity training within 30 days of beginning employment and annually thereafter. All local government technology employees and employees with access to highly sensitive information will be required to complete more advanced cybersecurity training. The Florida Digital Service will develop and provide these trainings. The bill also requires local governments to adopt cybersecurity standards that safeguard their data, information technology and information technology resources to ensure availability, confidentiality and integrity. The standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology (NIST) and Technology Cybersecurity Framework. Municipalities with a population over 25,000 must comply by January 1, 2024. Municipalities with a population under 25,000 must comply by January 1, 2025. The bill also requires local governments to report severe cybersecurity incidents and ransomware incidents to the State Watch Office as soon as possible, but no later than 48 hours after discovery for a cybersecurity incident and 12 hours after discovery for a ransomware incident. The bill also prohibits state agencies, counties and municipalities from paying or otherwise complying with a ransom demand. The budget includes \$67 million of nonrecurring state funding to assist local governments in complying with the provisions of the bill. The bill clarifies what type of cyber incidents need to be reported by a local government and defines the levels of severity of a cybersecurity incident set by the U.S. Department of Homeland Security National Cyber Incident Response Plan. All incidents that could be described as levels 3-5 in severity shall be reported to the Cybersecurity Operations Center with the timelines specified above. Level 1-2 incidents may be reported if the local government chooses. The bill also requires the advanced training to include training on the incident levels. Effective July 1, 2022. (Taggart)

Public Records and Meetings/Cybersecurity or Ransomware Incident (Supported)

CS/HB 7057 (State Administration and Technology Appropriations Subcommittee, Giallombardo) provides a public records exemption for coverage limits and deductible or self-insurance amounts of insurance or risk mitigation coverages acquired for the protection of information technology systems, operational technology systems or data of a local government. The bill also exempts information related to an agency's critical infrastructure. Additionally, any information related to an agency's network

schematics, hardware and software configurations, or encryption information or details that identify detection, investigation or response practices or confirmed cybersecurity incidents are exempt under the bill. Finally, the bill creates a public meeting exemption for any portion of a meeting that would reveal the confidential and exempt information described above. The meetings must be recorded and transcribed, but those records are exempt. Effective July 1, 2022. (Taggart)

ECONOMIC DEVELOPMENT

Florida Tourism Marketing (Supported)

SB 434 (Hooper) delays the scheduled repeal of the Florida Tourism Industry Marketing Corporation (Visit Florida) and the Division of Tourism Marketing of Enterprise Florida from 2023 to 2028. Effective upon becoming law. (Taggart)

ETHICS AND ELECTIONS

Elections (Opposed)

CS/CS/SB 524 (Hutson) amends various provisions of the Florida Elections Code. The bill creates the Office of Election Crimes and Security within the Department of State and revises requirements for special officers who may investigate election law violations. It requires county commissioners of single-member districts to run for election after each decennial redistricting, with staggered terms as provided in Section 100.041, Florida Statutes, except: Miami-Dade County, any non-charter county, any county the charter of which limits the number of terms a commissioner may serve and any county in which voters have never approved a charter amendment limiting the number of terms a commissioner may serve regardless of subsequent judicial nullification. The bill revises retention and information posting requirements for citizens' initiative petition signature forms and authorizes review of proposed initiative amendment review processes to be halted if the validity of signatures for the petition have expired. It increases criminal penalties for ballot harvesting and crimes involving ballot petition signatures. The bill revises requirements for vote-by-mail ballots by conforming the mailing and canvassing timeframes for all mail ballot elections to those for vote-by-mail ballots in regular elections, effective January 1, 2024. The bill prohibits and preempts the use of ranked-choice voting to determine election or nomination to elective office and voids existing or future local ordinance authorizing the use of ranked-choice voting. The bill expands the prohibition

against the use of private donations for elections-related expenses to include any kind of expense, including the costs of litigation related to the election. It amends provisions relating to voter registration by increasing penalties that may be assessed against third-party voter registration organizations for certain actions, including alteration of the voter registration application of any other person without the person's knowledge or consent. In addition, it increases the frequency for conducting voter list maintenance and adds requirements for providing information about voter registration to the Department of State. In addition, it requires inactive voters to confirm their address of legal residence before being restored to active voter status. The bill expands a criminal penalty for early disclosure of election results. Finally, the bill requires the Department of State to report annually on investigations of election law violations and to submit a plan for using identifying numbers to confirm elector identity before returning a vote-by-mail ballot. Effective upon becoming law, except as otherwise provided. (O'Hara)

Implementation of the Constitutional Prohibition Against Lobbying by a Public Officer (Supported)

CS/CS/HB 7001 (Public Integrity & Elections Committee) implements Section 8(f), Article II of the state constitution, approved by voters in 2018. The provision prohibits lobbying by certain public officers both during public service and for a six-year period following vacation of public office. The prohibition applies to lobbying before the federal government, the Legislature, any state agency or any political subdivision and takes effect December 31, 2022. The prohibition applies to the following public officers: statewide elected officers; legislators; county commissioners; constitutional county officers and county charter officials; school board members; school superintendents; elected municipal officers; elected special district officers in special districts with ad valorem taxing authority; and secretaries, executive directors, and other administrative heads of executive branch departments. The bill defines terms that are not defined in the constitutional provision. Notable definitions in the bill include: "lobby," "compensation," "legislative action," "issue of policy," "issue of procurement," "issue of appropriation," "administrative action," "lobbying before the federal government" and "lobbying before political subdivisions." The bill provides specified exemptions from the definition of lobbying.

- "Administrative action" means any process or decision regulated by Chapter 120, Florida Statutes. For a political subdivision not regulated by Chapter 120, the term means any action or decision on a license, permit, waiver of regulation, development order or permit, development agreement, any quasi-judicial proceeding on land use matters, any decision subject to judicial review by petition for writ of certiorari, or any other procedure governed by existing law, ordinance, rule or regulation, except on an issue of procurement.
- "Issue of appropriation" means a legislative decision to expend or approve an expenditure of public funds, including decisions that are delegated to an administrator.
- "Issue of policy" means a change in a law, ordinance or decision, plan or course of action designed to influence the actions of a governmental entity or to regulate conduct.
- The term "lobby" does not include the following:
 - Providing confidential information for law enforcement purposes
 - Appearing as a witness at the written request of a legislative body or committee, including a legislative delegation meeting
 - Appearing or offering testimony as an expert witness.
- "Lobby for compensation" means being employed or contracting for compensation, for the purpose of lobbying, and includes being principally employed for governmental affairs to lobby on behalf of a person or governmental entity, but the term does not include:
 - A public officer carrying out the duties of his or her public office
 - A public or private employee or officer, acting in the normal course of his or her duties, unless he or she is principally employed for governmental affairs
 - Advice or services to a governmental entity pursuant to a contractual obligation with the governmental entity
 - Representation of a person on a legal claim cognizable in a court of law, in an administrative proceeding, or in front of an adjudicatory body, including representation in prelitigation offers, demands and negotiations, but excluding claims bill representation
 - Representation of a person in any proceeding on a complaint or allegation that could lead to discipline or adverse action against the person

- Representation of a person with respect to a subpoena or other legal process.

These definitions and others included in the bill should help local and state public officials whose private sector employment requires them to render legal services for clients before various state and political subdivisions. Effective December 31, 2022. (O'Hara)

Limitations on Political Contributions (Opposed)

CS/CS/HB 921 (Drake) imposes additional restrictions on expenditures by local governments relating to any that is subject to a vote of the electors (e.g., charter amendment or constitutional amendment) and imposes additional restrictions on contributions to political committees relating to proposed constitutional amendments. It prohibits a local government from expending public funds for any communication that is sent to electors concerning an issue that is subject to a vote of the electors. The prohibition applies to any communication initiated by the local government, regardless of whether the communication is limited to factual information. The prohibition does not preclude any of the following: a local government from reporting on official actions of the governing body in an accurate and impartial manner; posting factual information on a government website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law. The bill prohibits direct or indirect contributions or expenditures by a foreign national in connection with any election held in the state. In addition, the bill revises limitations on contributions to political committees that are the sponsor of a constitutional amendment proposed by initiative. Contributions to such political committees by persons who are not Florida residents and by political committees that do not maintain an office within the state are capped at \$3,000. The cap applies until the Secretary of State has issued a certificate of ballot position for the proposed amendment. Effective July 1, 2022. Chapter No. 2022-56. (O'Hara)

FINANCE AND TAXATION

Additional Homestead Property Tax Exemption (Opposed)

CS/CS/HJR 1 (Tomkow) proposes an amendment to the Florida Constitution to authorize the Legislature to create an additional \$50,000 homestead exemption on the property's assessed value greater

than \$100,000 and up to \$150,000 to certain public employees. The homestead property must be owned by a classroom teacher, a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, a paramedic, a child welfare service provider, an active-duty member of the United States Armed Services or a member of the Florida National Guard. The joint resolution limits the additional exemption to non-school property taxes. If approved by at least 60% of electors at the November 2022 general election, the constitutional amendment will take effect on January 1, 2023. (Hughes)

Implementing Bill: Additional Homestead Property Tax Exemption (Opposed)

CS/CS/HB 1563 (Tomkow) creates an additional homestead exemption for certain public employees if CS/CS/HJR 1 is approved by the voters at the 2022 general election. The bill provides for an additional homestead exemption up to \$50,000 on the assessed value greater than \$100,000 and up to \$150,000 for properties owned by a classroom teacher, a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, a paramedic, a child welfare service provider, an active-duty member of the United States Armed Services or a member of the Florida National Guard. A homestead property owner who qualifies for this exemption must be employed full-time on January 1 and must annually submit an application, including proof of employment, to the property appraiser. The additional homestead exemption only applies to non-school property taxes. The bill directs the Legislature to appropriate funds to offset reductions of ad valorem revenues in fiscally constrained counties attributable to the reduction in property tax base caused by the additional homestead exemption. If CS/CS/HJR 1 is approved by 60% of the voters, this bill will take effect on January 1, 2023, and the additional homestead exemption will first apply to the 2023 tax roll. (Hughes)

Agritourism (Neutral)

SB 1186 (Albritton) removes the requirement that agritourism be a secondary stream of revenue for a bona fide agricultural operation. The bill prohibits the denial or revocations of a property's agricultural classification due solely to the conduct of agritourism or the construction, alteration or maintenance of a nonresidential structure on a bona fide farm that is used to conduct agritourism activities. However, the buildings, structures or facilities must be an integral part of the agricultural operation. The nonresidential structures and other improvements to the land must

be assessed at their just value and added to the agriculturally assessed value of the land. Effective July 1, 2022. (Hughes)

Local Tax Referenda Requirements (Opposed)

CS/CS/HB 777 (Robinson) requires referenda elections related to tourist development taxes, tourist impact taxes, increases in municipal and county ad valorem tax millages, children's services and independent special district property taxes, ninth-cent fuel tax, local option fuel taxes and certain school millages to be held at the state general election. Effective October 1, 2022. (Hughes)

Taxation (Neutral)

CS/HB 7071 (Ways and Means Committee) is the tax package for the 2022 Legislative Session. The bill provides for multiple tax reductions and other tax-related modifications. Several provisions in the bill are related to property taxes, including increasing the value of property exempt from ad valorem taxation for residents who are widows, widowers, blind or totally and permanently disabled from \$500 to \$5,000. The bill provides property tax abatement for residential properties rendered uninhabitable for 30 days or more due to a catastrophic event and provides relief from property taxes and non-ad valorem assessments to owners affected by the sudden and unforeseen collapse of a residential building in 2021. The bill clarifies how the start date is calculated relating to the 15-year waiting period for an affordable housing exemption. The bill also modifies the assessment methodology for land used in the production of aquaculture products. The bill includes the "Florida Motor Fuel Tax Relief Act of 2022," which is a one-month holiday reducing certain motor fuel taxes. The bill includes numerous sales tax holidays, sales tax exemptions and a reduction in the sales tax on new mobile homes. Except as otherwise expressly provided, the bill is effective July 1, 2022. (Hughes)

GENERAL GOVERNMENT

Business Damages Against Local Government

CS/SB 620 (Hutson) allows a business that has been engaged in a lawful business in a municipality for at least three years to claim business damages from the municipality if it enacts or amends an ordinance or charter provision that will cause a reduction of at least 15% of the business' profit as applied on a per location basis of a business operated within the jurisdiction. The bill provides three ways for a municipality to cure the business' claim and avoid paying damages:

repeal the ordinance or charter provision; amend the ordinance or charter provision; or grant a waiver to the business from enforcement of the ordinance or charter provision. The bill provides exemptions from business damages claims for various ordinances and charter provisions: ordinances required to comply with, or expressly authorized by, state or federal law; emergency ordinances, declarations or orders adopted pursuant to the state Emergency Management Act; a temporary emergency ordinance that remains in effect for no more than 90 days; ordinances or charter provisions enacted to implement Part II of Chapter 163 (including zoning, development orders and development permits); the Florida Building Code; the Florida Fire Code; a contract or an agreement, including contracts or agreements relating to grants or other financial assistance; debt issuance or refinancing; procurement; budgets or budget amendments, including revenue sources necessary to fund the budget. The bill specifies that in action to recover damages, the courts may award attorney fees and costs to the prevailing party. The bill is prospective and applies to ordinances and charter provisions enacted or amended after the legislation becomes law. Effective upon becoming law. (O'Hara)

HOUSING

Mixed-Use Residential Development Projects for Affordable Housing (Neutral)

CS/CS/SB 962 (Bradley) allows a municipality or county, regardless of zoning or a comprehensive plan, to approve mixed-use residential development projects if 10% of the units included in the project are used for affordable housing. Effective upon becoming law. (Branch)

LAND USE AND COMPREHENSIVE PLANNING

Floating Solar Facilities (Neutral)

CS/CS/HB 1411 (Avila) promotes the expanded use of floating solar facilities (FSF) by requiring local governments to amend development regulations. Under the bill, FSFs are required to be a permitted use in appropriate land use categories in each local government's comprehensive plan. An FSF is defined as a solar facility located on a wastewater treatment pond, abandoned limerock mine area, stormwater treatment pond, reclaimed water pond or other water storage reservoir. Under the bill, counties and municipalities are authorized to specify buffer and landscaping requirements. Such requirements may

not exceed those for similar uses involving solar facility construction permitted in agricultural land use categories and zoning districts. The bill requires the Office of Energy within the Department of Agriculture and Consumer Services to develop and submit recommendations to the Legislature by December 31, 2022, providing a regulatory framework for private and public sector entities that implement FSFs. Effective on July 1, 2022. (Cruz)

Real Property Rights (Neutral)

CS/SB 1380 (Rodriguez, A.) amends laws regarding restrictions on the use of real property. The bill limits how certain older real estate covenants or restrictions apply in a manner that protects real property rights and honors zoning requirements and conditions of a building or development permit. The bill also allows a property owner the right to establish parking rules and rates applicable to the owner's property.

The Marketable Record Title Act (MRTA) simplifies property transactions and modernizes land use by eliminating property rights that are more than 30 years old and predate the root of the title of the property in question. There are, however, numerous exceptions to MRTA whereby a property right is not extinguished by MRTA. The bill amends MRTA to:

- ▶ Modify an exception to extinguishment to require that a general reference to a prior right must include an affirmative statement of intent to preserve such property right
- ▶ Specify that MRTA may extinguish a covenant or restriction related to a zoning requirement, building permit or development permit; however, this will not extinguish the underlying zoning or building codes or ordinances, nor will it extinguish a covenant or restriction that says on its first page that it was required by local codes
- ▶ Allow revitalization of a covenant or restriction that had been required by a government agency as a condition of a development permit.

Additionally, the bill provides that the owner or operator of a private property used for motor vehicle parking may establish rules, rates and fines that govern private persons parking motor vehicles on such private property. A county or municipality may not enact an ordinance or a regulation restricting or prohibiting a right of a private property owner or operator to establish rules, rates and fines governing parking on the private property. (Cruz)

School Concurrency (Neutral)

CS/CS/CS/SB 706 (Perry) requires that school concurrency is deemed satisfied when the developer tenders a written legally binding commitment, rather than actually executes such commitment, to provide mitigation proportionate to the demand created by the development. A district school board must notify the local government that capacity is available for the development within 30 days after receipt of the developer's commitment. The bill also provides that such mitigation paid by a developer, rather than being immediately directed toward a school capacity improvement, may be set aside and not spent until an appropriate improvement is identified. Effective July 1, 2022. (Cruz)

OTHER

Emergency Orders Prohibiting Religious Services or Activities (Neutral)

CS/SB 254 (Brodeur) provides that an emergency order may not expressly prohibit a religious institution from regular religious services or activities. Effective July 1, 2022. (Branch)

Emergency Preparedness and Response (Neutral)

SB 98 (Burgess) creates the Emergency Preparedness and Response Fund within the Executive Office of the Governor. The bill is effective upon becoming law (February 17, 2022). Chapter No. 2022-002.

CS/SB 96 (Burgess) authorizes the Legislative Budget Commission (LBC) to convene to transfer or appropriate funds to the Emergency Preparedness Response Fund. Under the bill, after approval from the LBC, the Governor could transfer, expend and request additional money into the fund. The bill is effective upon becoming law (February 17, 2022). Chapter No. 2022-001. (Branch)

Immigration Enforcement (Neutral)

CS/SB 1808 (Bean) expands the definition of "sanctuary policy" to include any law, policy, practice, procedure or custom of any state or local governmental entity that prohibits a law enforcement agency from providing to any state entity information on the immigration status of a person in the custody of the law enforcement agency. The bill requires law enforcement agencies operating county detention facilities to enter into an agreement with U.S. Immigration and Customs Enforcement and would require such agencies to report specified information concerning such agreement quarterly to the Florida Department of Law Enforcement. The bill

prohibits state and local governmental entities from contracting with common carriers or contracted carriers that willfully transport a person into the state knowing the person is an unauthorized alien, except to facilitate the detention, removal or departure of the person from the state or the United States. The bill also specifies that contracts, including a grant agreement or economic incentive program payment agreement, must include certain provisions requiring the common carrier or contracted carrier to attest that it is not and will not transport an unauthorized alien into this state. Effective upon becoming law. (Cruz)

Legal Notices (Supported)

CS/HB 7049 (Judiciary Committee) gives a governmental agency the option to publish legal notices on a publicly accessible website of a county instead of a print newspaper. If a government chooses to make this change, they must show it results in a cost savings. Notices must be published in a searchable format and indicate the date it was first published. Also, a local government that chooses to switch to online notice publication must run at least annually in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners within the government's jurisdiction with a notice indicating that those individuals may elect to receive public notices from the governmental agency by first-class mail or email upon registering their information with the agency. The agency must also maintain a list of the individuals who opt to directly receive notices. The bill requires governmental agencies located within a county that has a population under 160,000 to first hold a public hearing and determine that there is sufficient internet access in the area before public notice changes can be made. Effective January 1, 2023. (Taggart)

Workers' Compensation Benefits for Post-Traumatic Stress Disorder (Neutral)

CS/HB 689 (Giallombardo) specifies that the time for notice of an injury or death in a compensable post-traumatic stress disorder (PTSD) claim must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later. Current law requires a claim to be filed within 52 weeks after the qualifying event. The bill expands workers' compensation coverage for PTSD for first responders to also include correctional officers. The portion of the bill that impacts local governments will be effective October 1, 2022. The bill is effective July 1, 2022. (Cruz)

PARKS AND RECREATION

Regulation of Smoking by Counties and Municipalities (Supported)

CS/HB 105 (Fine) authorizes cities and counties to restrict smoking within the boundaries of any public beach or park they own. The bill specifies that municipalities can 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. The bill prevents cities and counties from restricting unfiltered cigars. Effective July 1, 2022. (Taggart)

PERSONNEL

Fire Investigators (Neutral)

CS/SB 838 (Wright) expands the eligibility for certain cancer treatment benefits to include full-time, Florida-certified fire investigators. Effective July 1, 2022. (Hughes)

Firefighter Inquiries and Investigations (Neutral)

HB 31 (Busatta Cabrera) extends certain provisions of the Firefighters' Bill of Rights to questioning conducted under an informal inquiry. The bill specifies that an informal inquiry does not include routine work-related discussions, such as safety sessions or normal operational fire debriefings. The bill requires an informal inquiry of a firefighter to be of reasonable duration with permitted periods for rest and personal necessities and not subject the firefighter to offensive language or offer any incentive as an inducement to answer any questions. During an informal inquiry or interrogation, a firefighter may not be threatened with a transfer, suspension, dismissal or other disciplinary action. Effective July 1, 2022. (Hughes)

FRS Employer Contribution Rates (Neutral)

HB 5007 (Appropriations) establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2022. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. The bill also modifies DROP to allow a member of the Special Risk Class who is a law enforcement officer to participate for up to 36 calendar months beyond the 60-month period if he or she enters DROP on or before June 30, 2028. Effective July 1, 2022. (Hughes)

Individual Freedom (Neutral)

CS/HB 7 (Avila) makes subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing or passing an examination, to training, instruction or any other required activity that espouses, promotes, advances, inculcates or compels such individual to believe specific concepts constitutes discrimination based on race, color, sex or national origin. The bill clarifies that discussion of the specified concepts is allowed as part of a course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts. Effective July 1, 2022. (Hughes)

Law Enforcement Officer, Benefits, Recruitment and Training (Supported)

CS/HB 3 (Leek) provides multiple new and expanded benefits and training for first responders. Of note to municipalities, the bill creates the Florida Law Enforcement Recruitment Bonus Payment Program within the Department of Economic Opportunity. The program is a one-time, up to \$5,000, bonus payment to newly employed officers within the state to aid in the recruitment of officers. Bonus payments are contingent upon legislative appropriations. For the 2022-23 state fiscal year, the Legislature appropriated \$20 million for this program. Effective July 1, 2022. Chapter No. 2022-23. (Hughes)

Law Enforcement Vehicles (Neutral)

CS/SB 266 (Diaz) requires an agency that employs law enforcement officers and allows those officers to take home an agency-owned vehicle to maintain motor vehicle insurance, including bodily injury, death and property damage liability coverage that covers the time an officer spends while going to or coming from work or any other agency assignment in an official law enforcement vehicle. The bill provides specific instances when the motor vehicle insurance would not have to provide coverage. Effective July 1, 2022. (Hughes)

Records of Physical Examination (Neutral)

CS/HB 453 (Duggan) requires employers to maintain records of pre-employment physical examinations for firefighters and law employment officers at least five years after the employee's separation from the agency. If the employing agency fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption. The bill provides that if a firefighter

did not undergo a pre-employment physical examination, the medical examination required for firefighter certification is deemed to satisfy the medical examination requirement if the medical examination failed to reveal any evidence of tuberculosis, heart disease or hypertension. (Hughes)

PROCUREMENT**Evidence of Vendor Financial Stability (Neutral)**

CS/CS/HB 1057 (Andrade) states that agencies who require vendors to demonstrate financial stability during the competitive solicitation process must accept any of the following as evidence of such stability: audited financial statements, documentation of an investment-grade rating from a credit rating agency, or for vendors with annual revenues exceeding \$1 billion, a letter issued by the Chief Financial Officer or Controller of that vendor. Effective upon becoming law. (Taggart)

PUBLIC RECORDS AND PUBLIC MEETINGS**OGSR/Campus Emergency Response (Supported)**

SB 7006 (Education) saves from repeal the public records exemption relating to any portion of a campus emergency response held by a public postsecondary institution, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System or the Division of Emergency Management, as well as that portion of a public meeting which would reveal information related to a campus emergency response. Effective October 1, 2022. (Taggart)

Public Records/Crash Reports and Traffic Citations (Neutral)

CS/CS/SB 1614 (Harrell) revises an exemption from public records adding an exemption related to personal information in written crash reports. Crash report data in computerized databases are now confidential and exempt. Crash reports held by an agency may be made available 60 days after the report is filed to any person or entity eligible to access crash reports. Effective March 1, 2023. (Taggart)

Public Records/Law Enforcement Geolocation Information (Supported)

CS/SB 1046 (Hooper) exempts from public records requirements law enforcement officers and law

enforcement vehicle geolocation information. The bill specifies that the exemption would be applied retroactively. Effective upon becoming law. (Taggart)

PUBLIC SAFETY

Boating Safety (Neutral)

CS/SB 606 (Garcia) creates additional safety provisions and requirements for boat liveries or privately owned boat rental companies. Of importance to local governments, the bill requires livery owners to notify local law enforcement if a vessel is unnecessarily overdue more than four hours after the contracted time. Effective July 1, 2022. (Taggart)

Care for Retired Law Enforcement Dogs (Supported)

CS/SB 226 (Powell) creates the Care for Retired Law Enforcement Dog Program within the Florida Department of Law Enforcement (FDLE). The bill requires that the FDLE contract with a nonprofit corporation to administer and manage the program. To qualify, a dog must have served at least five years with an agency or three years if the dog was injured in the line of duty. Effective July 1, 2022. (Taggart)

Code and Traffic Enforcement (Supported)

CS/HB 1435 (Leek) authorizes the Sheriff or Chief Administrative Officer of a municipality to designate a special event zone in response to a special event that takes place or is reasonably anticipated to take place on a roadway, street or highway within their jurisdiction. The bill defines "special event" as an unpermitted temporary activity or event organized or promoted via social media that is attended by 50 or more people and substantially increases or disrupts the normal flow of traffic on those roadways. The bill requires the Sheriff or Chief Administrative Officer to enforce the special event zone in a manner that causes the least inconvenience to the public. Special event zones must also be designated with a warning sign at each point of ingress or egress and remain in effect as long as reasonably necessary to protect the public but not after the special event has dissipated. The bill authorizes law enforcement to enforce occupancy limits on private or public property in a special event zone. Finally, the Sheriff or Chief Administrative Officer may recover all fees and costs associated with designating and enforcing the special event zone from the event promoter or organizer. The bill requires clearly visible signage designating the special event zone that states all fines are doubled, and vehicles are subject to impoundment for traffic infractions and violations. The signage must be posted 24 hours

before enforcement of the special event zone can commence. Effective upon becoming law. (Taggart)

School Safety (Neutral)

CS/CS/CS/HB 1421 (Hawkins) requires the Department of Education to work with local emergency management and law enforcement personnel to create a model reunification plan for use by child care facilities, K-12 schools and public postsecondary educational institutions for schools that are unexpectedly evacuated due to a disaster. Each school district will be required to adopt a district-specific plan by working with local law enforcement. School districts will be required to annually certify, beginning July 1, 2023, that at least 80% of school personnel have received mandatory youth mental health awareness and assistance training. The bill also requires law enforcement officers responsible for responding to specific schools in the event of an active assailant emergency to be physically present on campus during the execution of active assailant emergency drills. The bill also requires the State Board of Education to adopt rules for emergency drill policies relating to the timing, frequency, participation, training, notification, accommodations and responses to threat situations by incident type, as well as to school level and characteristics. The bill specifies that these drills be conducted at least annually. Finally, the bill requires each safe-school officer to complete a mental health crisis intervention training. Effective July 1, 2022. (Taggart)

Telecommunicator Cardiopulmonary Resuscitation (Neutral)

HB 593 (Trabulsy) requires an employee of a public safety agency who answers emergency medical service calls to provide direct telephonic assistance in administering cardiopulmonary resuscitation or transfer calls to a dedicated telephone line, call center or other public safety agency with which the transferring public safety agency has a reciprocal agreement. The bill also requires all 911 public safety telecommunicators who take telephone calls and provide dispatch functions for emergency medical conditions to complete telecommunicator cardiopulmonary resuscitation training and continuing education as deemed appropriate by the Department of Health. Effective July 1, 2022. (Taggart)

Two-Way Radio Communication Enhancement Systems (Neutral)

CS/SB 1190 (Boyd) authorizes the use of two-way radio communication enhancement systems to comply

with certain radio signal strength requirements in the Florida Building Code. The bill exempts apartment buildings that are 75 feet or less in height with the exterior components constructed of wood frame from requiring two-way radio communication systems. Effective July 1, 2022. (Branch)

UTILITIES AND NATURAL RESOURCES

Golf Course Best Management Practices Certification (Neutral)

CS/CS/CS/HB 967 (Truenow) requires the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS), in coordination with the Florida Department of Environmental Protection (DEP), to administer a certification for golf course best management practices (BMPs) to ensure compliance with fertilizer BMPs. It requires UF/IFAS to provide training and testing certification programs and to issue certifications demonstrating completion of such programs. Certification expires four years after the date of issuance, with recertification available upon completion of additional continuing education. Persons certified in golf course BMPs are exempt from additional local government training and testing and exempt from local ordinances relating to water and fertilizer use, blackout periods or restrictions, unless a state of emergency is declared. The bill also encourages UF/IFAS to create an online registry of certified persons. Effective July 1, 2022. (O'Hara)

Grease Waste Removal and Disposal (Neutral)

CS/SB 1110 (Rouson) requires grease waste haulers to dispose of grease waste at disposal facilities and prohibits haulers from returning grease waste and graywater to certain grease interceptors and traps and from disposing of grease waste at locations other than disposal facilities. The bill requires the haulers to document grease waste removal and disposal with service manifests and require inspecting entities to verify certain contracts and service manifests. Effective July 1, 2022. (O'Hara)

Inventories of Critical Wetlands (Neutral)

CS/CS/SB 882 (Brodeur) directs water management districts to work with local governments to develop a list of critical wetlands to be acquired through the Land Acquisition Trust Fund. The bill provides a list of criteria to assist in determining whether a wetland is critical. The district must notify the owner of any property that it contemplates including on the list

and authorizes removal of such property from the list. Effective July 1, 2022. (O'Hara)

Municipal Solid Waste-to-Energy Program (Neutral)

CS/CS/SB 1764 (Albritton) creates the Municipal Solid Waste-to-Energy Program within the Department of Agriculture and Consumer Services and requires the department to provide financial assistance grants to municipal solid waste-to-energy facilities that have entered into power purchase agreements with electric utilities that include capacity payments, and the facility will no longer receive capacity payments under the agreement. Eligible facilities are defined in the bill. The bill also directs the department to provide incentive grants to waste-to-energy facilities to assist with constructing, upgrading or expanding a facility. Grant funds may not be used for a residential collection system that does not separate solid waste from recovered materials. Effective July 1, 2022. (O'Hara)

Net Metering (Neutral)

CS/CS/HB 741 (McClure) revises current law relating to net metering by investor-owned utilities (IOUs). Net metering allows customers who own on-site renewable energy systems, typically solar systems, to interconnect with the electric grid and be compensated for excess electricity generated on-site that is subsequently transferred to the electric grid. Under Florida's current net metering framework for IOUs, the credit customers receive on their bill equals the value of the excess energy to the utility's retail rate. The bill modifies the current net metering framework for IOUs, establishing a graduated schedule for crediting excess energy delivered to the electric grid by a customer. The schedule is based on the date a customer's net metering application is approved. For applications approved between January 2024 and December 2025, the customer's energy usage will be offset by 75% of the amount credited. For applications approved between January 2026 and December 2026, the customer's energy usage shall be offset by 60% of the amount credited. For applications approved between January 2027 and December 2028, the customer's energy usage shall be offset by 50% of the amount credited. Customers for which a net metering application is approved before January 2029 pursuant to a standard interconnection agreement will be given 20 years to continue to use the net metering rates that applied at the time the application was approved. The bill further provides that if customer-owned renewable generation in the

state exceeds a certain threshold, the Public Service Commission must initiate rulemaking to adopt a new rule for net metering. The bill authorizes an IOU to petition the Public Service Commission after January 2024 for approval to impose any combination of charges to ensure that the IOU recovers the fixed costs of serving customers who own or lease renewable generation and that the general class of ratepayers does not subsidize customer-owned or leased generation. The bill directs the Public Service Commission to establish a new program to become effective January 2029, for customers for which a net metering application is approved after that date. The new program must ensure that: IOU customers who own renewable generation pay their full cost of electric service and are not cross-subsidized by the general class of ratepayers; all energy delivered by the IOU is purchased at its applicable retail rate; and all energy delivered by the customer-owned renewable generation to the IOU is credited to the customer at the IOU's full avoided costs. Effective July 1, 2022. (O'Hara)

Pollution Control Standards and Liability (Neutral)

CS/HB 909 (Payne) provides the Secretary of the Department of Environmental Protection has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on lands classified as agricultural land pursuant to Section 193.461, Florida Statutes, and being converted to a nonagricultural use. The bill prohibits the Secretary from delegating this authority to a county, a municipality or another unit of local government. The bill does not preempt the enforcement authority of a county, a municipality or another unit of local government through a local pollution control program. The bill does not apply to former agricultural land for which a permit has been approved by a local government to initiate development or for which development was completed on or before July 1, 2022. Effective July 1, 2022. (O'Hara)

Private Property Rights to Prune, Trim and Remove Trees (Supported)

CS/SB 518 (Brodeur) clarifies current law, Section 163.045, Florida Statutes, which provides that a local government may not require a notice, application, permit, fee or mitigation for pruning, trimming or removing a tree on a residential property if the owner obtains documentation from an arborist or licensed landscape architect that the tree presents a danger to persons or property. The bill

defines "documentation" as an on-site assessment performed in accordance with tree risk assessment procedures outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida-licensed landscape architect and signed by the arborist or landscape architect. It defines "residential property" as a single-family, detached building located on a lot actively used for single-family residential purposes and that is either a conforming use or a legally recognized non-conforming use. The bill removes reference to the term "danger" and replaces it with the phrase "unacceptable risk." It specifies a tree presents an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in the Best Management Practices – Tree Risk Assessment, Second Edition (2017). Effective July 1, 2022. (O'Hara)

Private Provider Inspections of On-site Sewage Treatment and Disposal Systems (Neutral)

CS/CS/SB 856 (Brodeur) authorizes the owner of an on-site sewage treatment and disposal system (OSTDS) to hire a private provider to inspect the OSTDS. It specifies that an inspection of an OSTDS may not be conducted by the person or entity that installed the OSTDS. The bill lists the qualifications to be a private provider. It requires an owner using a private provider for the inspection to notify the Department of Environmental Protection within certain timeframes before the first scheduled inspection by the department. The bill authorizes the department to audit up to 25% of private providers each year to ensure accurate performance by a private provider. The owner may proceed with work on a building, a structure or an OSTDS after inspection and approval by a private provider if the owner has given notice of the inspection to the department. Subsequent to such inspection, work may not be delayed for completion of an inspection audit by the department unless deficiencies are found in the audit. Effective July 1, 2022. (O'Hara)

Soil and Groundwater Contamination – PFAS (Supported)

CS/HB 1475 (McClure) provides that if the U.S. Environmental Protection Agency has not finalized its standards for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) in drinking water, groundwater, and soil by January 2025, the Department of Environmental Protection (DEP) must adopt by

rule statewide cleanup target levels for PFAS in drinking water, soil and groundwater, with priority given to Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS). The DEP rules may not take effect until ratified by the Legislature. In addition, until the department's rule for a particular PFAS constituent has been ratified by the Legislature, a governmental agency or private water supplier may not be subject to any administrative or judicial action under Chapter 376, Florida Statutes, brought by any state or local governmental entity to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent. Effective upon becoming law. (O'Hara)

Statewide Flooding and Sea Level Rise Resilience (Supported)

CS/HB 7053 (Environment, Agriculture & Flooding Subcommittee) establishes the Office of Resiliency within the Executive Office of the Governor and provides for the appointment of a Chief Resilience Officer. The bill requires the Department of Transportation to develop a resilience action plan for the State Highway System. The bill makes various revisions to current law relating to statewide resiliency funding and planning, including: authorizing the use of Resilient Florida Grant Program funds for preconstruction activities for projects in municipalities and counties meeting certain population thresholds; extending by one year the dates by which the Comprehensive Statewide Flood Vulnerability and Sea-Level Rise Data Set and the assessment must be completed; requiring the Florida Flood Hub to provide tidal and storm surge flooding data to cities and counties for vulnerability assessments; and requiring the Department of Environmental Protection (DEP) to rank and include in its annual Statewide Flooding and Sea Level Rise Resilience Plan all eligible projects that were submitted and to include a detailed overview describing how the plan was developed; specifying that the DEP plan submitted in 2023 must be an update to the preliminary plan submitted in 2021; and authorizes drainage districts, erosion control districts, regional water supply authorities and certain special districts to submit proposed projects for the plan under certain circumstances. Effective July 1, 2022. (O'Hara)

Temporary Underground Power Panels (Neutral)

CS/HB 481 (Duggan) prohibits counties and municipalities from enacting regulations that prevent electric utilities from installing temporary underground power panels that meet the requirements of the National Electrical Code and prevents counties and municipalities from requiring permanent inspections if the local government has already performed a temporary inspection. If residential construction is going to ultimately receive power through an underground service line, temporary underground power panels are used in lieu of temporary power poles to provide power during the residential construction process. Effective July 1, 2022. (O'Hara)

Vessels/Fish and Wildlife Conservation Commission (Neutral)

CS/CS/SB 494 (Hutson) revises laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement bodies. Among other things, the bill modifies current law provisions relating to derelict, at-risk and abandoned vessels. It specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure. It outlines the circumstances in which law enforcement may destroy or dispose of a vessel, and it adds vessels declared a public nuisance to the definition of "abandoned property." It clarifies that the additional time given for an owner to remove a derelict vessel or to repair the vessel in the event of an accident or event does not apply if the vessel was already derelict at the time of the accident or event. The bill reorganizes current law provisions authorizing FWC to establish a program to provide grants to local governments for removal, storage, destruction and disposal of derelict vessels and vessels declared a public nuisance. It directs FWC to adopt rules for local governments to submit grant applications and criteria for allocating available funds. The grant award criteria must consider, among other things, the number of derelict vessels within the applicant's jurisdiction, the threat posed by such vessels to health and safety, the environment, navigation or aesthetics, and the degree of commitment of the local government to maintain waters free of derelict vessels and to seek legal action against those who abandon vessels. The bill specifies that a certificate of title may not be issued for a public nuisance vessel and it adds public nuisance vessels to the definition of abandoned property. In addition, the bill provides that a local government cannot create a public bathing beach or swim area in the marked channel

of the Florida Intracoastal Waterway or within 100 feet of the marked channel. Effective July 1, 2022, except as otherwise provided. (O'Hara)

Water Quality Enhancement Areas/Environmental Management (Neutral)

CS/CS/CS/HB 965 (Truenow) provides for the construction, operation, maintenance and long-term management of off-site, regional, compensatory water treatment areas called "water quality enhancement areas." These areas will be used to offset impacts to water quality caused by increases in nutrient loading from development projects and are intended to assist governmental entities in satisfying the "net improvement" standard under Section 373.414(1)(b)3., Florida Statutes. The bill provides a mechanism whereby water quality enhancement credits could be purchased from a water quality enhancement area to offset pollutant loads caused by development. The bill specifies that water quality enhancement areas must be regulated through permits issued by the Department of Environmental Regulation, and it directs the department to adopt implementing rules. While the bill allows governmental entities to use water quality enhancement areas to

address their water quality needs, it specifies that governmental entities may not act as sponsors to construct, operate, manage, maintain or market enhancement credits to third parties. In addition, the bill provides that local governments may not require a permit or impose regulations governing the operation of an enhancement area. A water quality enhancement area permit applicant must provide reasonable assurances that an enhancement area will achieve defined performance criteria, benefit water quality and assure long-term pollutant reduction. The bill specifies requirements for enhancement areas and provides that enhancement credits may be withdrawn and used only to address adverse impacts in the "enhancement service area." The bill specifies requirements for the generation of enhancement credits and provides that a local government may not deny the use of credits due to the location of the enhancement area being outside the jurisdiction of the local government. Lastly, the bill provides that whether a dwelling is owner-occupied is not an eligibility criterion for a developer or homebuilder to receive density or intensity bonuses for implementing graywater technologies. Effective July 1, 2022. (O'Hara)

BILLS THAT FAILED

in alphabetical order by subject area

BUILDING CODES/CONSTRUCTION

Building Plan Changes (Neutral)

SB 1020 (Perry), **SB 976** (Perry) and **CS/CS/HB 635** (Maggard) would have prohibited local building code administrators, inspectors and fire safety marshals from making changes to certain building plans under specified circumstances once the local building department has approved and sealed the plans.

HB 1281 (DiCeglie) and **SB 976** also would have prohibited any governmental entity from requiring participation in a paid subscription service to access solicitations of competitive bids or proposals that must be publicly advertised. (Branch)

Community Associations' Building Inspections (Neutral)

SB 1780 (Pizzo) and **HB 1391** (Geller) would have addressed inspection requirements for community associations. Of interest to municipalities, the bills would have required each association to include in their

bylaws the following: for a building that is four stories or more and located within a one-half mile radius of the Gulf of Mexico or the Atlantic Ocean, the Board must have the building inspected by a licensed architect or engineer once the building reaches 30 years of age and every five years thereafter, and provide that report to the local authority having jurisdiction. (Branch)

Condominium and Cooperative Associations (Neutral)

SB 1942 (Pizzo) and **HB 1393** (Geller) would have addressed inspection and reserve requirements for community associations. Of interest to municipalities, the bill would have:

- ▶ Required the local jurisdiction to issue a notice or required recertification inspection to the association when the condominium building is 20 years of age or older
- ▶ Required the architect or engineer who performed the inspection to submit a sealed copy of the report to the local authority within seven days after the Board receives the completed report

- ▶ Required the Condominium Board to complete any repairs or modifications within six months after receipt of the recertification report according to the Florida Building Code
- ▶ Required the Board, under a seal signature of a licensed architect or engineer and within seven days of the completion of repairs or modifications, to provide the local authority a copy affirming that the remedial action has been completed
- ▶ Required the Board of Directors to provide a copy of the reserve study or financial statement to the local authority having jurisdiction within a specified time
- ▶ Authorized the local authority having jurisdiction to order a mandatory evacuation of the residential condominium under certain circumstances. (Branch)

Condominium and Cooperative Associations Building Safety (Neutral)

CS/HB 7069 (Pandemics & Public Emergencies Committee) would have done the following:

- ▶ Created a statewide structural inspection program for aging multifamily residential buildings
- ▶ Defined the term "milestone inspection" to mean a structural inspection of a building by a licensed architect or engineer authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components
- ▶ Made known that the cost associated with the inspections are the responsibility of the condominium owner or association
- ▶ Required multifamily residential buildings that are greater than three stories in height to have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age and every 10 years thereafter
- ▶ Required multifamily residential buildings located within 3 miles of a coastline and are greater than three stories in height to have a milestone inspection performed by December 31 of the year in which the building reaches 25 years of age and every 10 years thereafter
- ▶ Required local enforcement agencies to provide certain written notice to condominium associations and cooperative
- ▶ Required the condominium association to complete the milestone inspection report within 180 days after receiving written notice
- ▶ Required any multifamily residential building whose certificate of occupancy was issued on or before July 1, 1992, to have their initial milestone inspection performed before December 31, 2024

- ▶ Required the architect or engineer who performed the inspection to submit a sealed copy of the report to each condominium unit owner and to the building official of the local government of jurisdiction
- ▶ Allowed the local enforcement agency the ability to prescribe timelines and penalties with respect to compliance with the above section
- ▶ Allowed a board of County Commissioners to adopt an ordinance specifying when repairs must commence. If the association failed to commence repairs within 365 days, the local enforcement agency would be required to review and determine if the building is unsafe for human occupancy
- ▶ Required the Florida Building Commission to develop comprehensive structural and life safety standards for maintaining and inspecting all building types and structures by December 31, 2022. (Branch)

Powers of the Florida Building Commission (Neutral)

SB 1604 (Perry) and **HB 771** (Andrade) would have required the Florida Building Commission to develop uniform standards for the maintenance and periodic inspections of existing building structures and facilities across the state. (Branch)

Repeal of Developer Incentive Requirements (Supported)

HB 6057 (Eskamani) would have removed provisions requiring counties and municipalities to provide incentives to fully offset the costs of certain affordable housing contributions or linkage fees. (Branch)

Road Construction (Neutral)

HB 1365 (Maggard) and **SB 1784** (Burgess) would have created the Rural Roads Initiative Pilot Program within the Florida Department of Transportation with the purpose of paving state, county or municipal roads within East Pasco County that are currently unpaved. (Branch)

Standards for Buildings and Firesafety (Neutral)

HB 626 (Wright) and **SB 659** (Harding) would have changed the effective date of the Florida Fire Prevention Code so the Code would have taken effect no sooner than six months after the latest occurrence of the publication of the updated Florida Building Code. (Branch)

CYBERSECURITY

Critical Infrastructure Standards and Procedures (Neutral)

CS/SB 828 (Hutson) would have required local governments when procuring automation and control system components, services or solutions or entering into a contract for the construction, reconstruction, alteration or design of a critical infrastructure facility that such components, services and solutions conform to the ISA 62443 series of standards as referenced by the National Institute of Standards and Technology Cybersecurity Framework (NIST CSF), beginning July 1, 2022. The bill would have also required local governments to ensure that all contracts for the construction, reconstruction, alteration or design of a critical infrastructure facility require that installed automation and control system components meet the minimum standards for cybersecurity as defined in the ISA 62443 series of standards as referenced by NIST CSF.

HB 1147 (Giallombardo) was similar to CS/SB 828 but had different implementing requirements and timelines. HB 1147 would have required local governments, when procuring automation and control system components, services or solutions, or when contracting for facility upgrades for critical infrastructure, to only utilize those systems or services if they complied with the ISA/IEC 62443 standards. The bill also encouraged asset owners to annually conduct a risk assessment and create a risk mitigation plan. (Taggart)

Cyber Florida - Local Government Infrastructure and Technical Assistance (Supported)

HB 9241 (Giallombardo) would have provided a nonrecurring sum of \$5 million to fund the Cyber Florida - Local Government Infrastructure and Technical Assistance. This funding would have created a program for Cyber Florida to offer threat assessments and grant funding to help local governments update their information technology. These initiatives were implemented in HB 7055; refer to page 2 for more information. (Taggart)

Public Records and Public Meetings/Certain Information Held by a Utility (Supported)

SB 1740 (Wright) and **CS/CS/HB 1287** (Botana) would have provided an exemption from public records information related to threat technology and operational technology systems of a utility owned or operated by a unit of local government, including but not limited to plans and actions made or taken in

response to a ransomware attack or other cyberattack. The bills also exempted from public records information related to insurance or other risk mitigation products or coverages, including but not limited to deductible or self-insurance amounts, coverage limits and policy terms and conditions. (Taggart)

ECONOMIC DEVELOPMENT

Agreements with Professional Sports Teams (Neutral)

HB 499 (Gregory) and **SB 1298** (Gruters) would have required agreements between a governmental entity and a professional sports team or sporting event entered into after July 1, 2022, to include a requirement that the U.S. National Anthem be played at the beginning of each sporting event if the agreement included a financial commitment from the governmental agency. The government that entered into the agreement would have been responsible for enforcing this requirement. The bills also specified penalties for the sports entity for failure to comply. (Taggart)

Economic Development (Supported)

CS/SB 800 (Albritton) would have authorized municipalities to exempt by ordinance the public service tax on electrical energy for qualified purchasers determined by the Department of Revenue (DOR). The bill also provided a sales tax exemption for building materials being used to revitalize real property located within an opportunity zone. Applications for a sales tax refund would have been required to be submitted to DOR within six months of the real property being deemed "substantially completed" by the local building inspector. Applicants would have been limited to one application per property, and the amount must have exceeded \$500. Additionally, the bill would have expanded this tax exemption to include electrical energy being used by a business that operates in an opportunity zone for up to 50% of the tax imposed if the municipality chooses to adopt an ordinance. The bill would have also modified some parameters of the Rural Job Tax Credit Program by removing the minimum number of employees and increasing the tax credit per employee from \$1,000 to \$2,500. The bill would have also created the Rural Opportunity Tax Refund Program intended to provide tax relief for new, qualified targeted businesses that bring economic diversity and high-wage jobs to rural areas. Under the bill, in order for a qualified targeted business to have received this tax benefit, the municipality where

the business would have been located must have adopted a resolution recommending the applicant be approved. (Taggart)

Rural Development (Supported)

CS/HB 685 (Drake) would have reduced the required non-state match amount for the Regional Rural Development Grants Program from 25% to 15% and allowed in-kind contributions to count toward this threshold. The bill would have removed the requirement that repaid funds from the Rural Community Development Revolving Loan Fund be matched to be retained to fund future loans. Finally, the bill would have revised the uses of the Rural Infrastructure Fund to remove the requirement that grants be linked to financing specific projects. It would have increased the proportion of an infrastructure project that could have been covered by the grant from 50% to 75% and increased the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects. The bill would have removed the local match requirement for surveys, feasibility studies and other activities related to the identification and preclearance review of land that is suitable for preclearance review and removed the requirement that a grant for an employment project creates a minimum number of jobs. (Taggart)

ETHICS AND ELECTIONS

Campaign Finance (Neutral)

HB 1359 (Roach) would have provided that a political committee or electioneering communications organization that over a 24-month period does not make or receive expenditures or contributions exceeding \$5,000 in the aggregate is dissolved and must dispose of surplus funds in accordance with the Florida Elections Code. (O'Hara)

Campaign Finance (Supported)

HB 6109 (Eskamani) would have removed provisions that preempt local governments from enacting or adopting limitations and restrictions involving certain contributions and expenditures or establishing contribution limits different than those established in the Florida Election Code. (O'Hara)

Ethics (Neutral)

CS/HB 7067 (Public Integrity & Ethics Committee) would have amended various provisions of the Code of Ethics for Public Officers and Employees. The bill updated the conflicting employment or contractual interest

provision in the Code by deeming a contractual interest in certain businesses in which a public officer or employee holds an interest to be a contractual interest of such officer or employee. It revised the local government voting conflict law by requiring all affected officers, including municipal elected officials, to disclose conflicts prior to participation in public discussions on such issues. (O'Hara)

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

SB 508 (Diaz) would have established standards of conduct and a mandatory five hours of training relating to the "fiduciary duty of care" for appointed local public officers and executive officers of local government entities. In addition, the bill imposed restrictions on legal representation by government attorneys. The fiduciary duty and training requirements applied to appointed officials of various local boards and committees, including code enforcement boards, planning and zoning boards, land use boards and community redevelopment agency boards. The requirements did not apply to pension board members. (Cruz)

Financial Disclosures for Elected Local Officers (Opposed)

CS/HB 301 (Roach) and **CS/CS/SB 510** (Brodeur) would have required all municipal elected officials and all municipal managers to file an annual full disclosure of financial interests (Form 6) with the Florida Commission on Ethics. (O'Hara)

Municipal Contraction Procedures (Supported)

CS/HB 1401 (Persons-Mulicka) and **SB 1876** (Perry) would have specified that if more than 70% of land in an area proposed for contraction is owned by individuals, corporations or legal entities that are not registered electors, the area may only be contracted if the owners of more than 50% of the parcels of land in the area consent to the contraction. If the area did not have any registered electors on the date the ordinance was adopted, a vote of electors of the area was not required. (Cruz)

FINANCE AND TAXATION

Abatement of Taxes for Residential Dwellings Rendered Uninhabitable by Catastrophic Event (Neutral)

CS/HB 71 (Woodson) and **SB 568** (Polsky) would have created an abatement of property taxes for residential dwellings that are uninhabitable due

to a catastrophic event. If a residential dwelling is rendered uninhabitable for at least 30 days due to a catastrophic event, taxes originally levied for the tax year in which the catastrophic event occurred could have been abated if certain conditions were met. The bills required the tax collector to notify each affected local government of the reduction of property taxes due to this bill. Similar language passed in CS/HB 7071. (Hughes)

Ad Valorem Tax Exemption for Nonprofit Homes for the Aged (Neutral)

SB 362 (Rodriguez) and **CS/HB 401** (Smith) would have expanded options allowing a nonprofit home for the aged to qualify for an exemption from ad valorem taxation. The bills allowed the sole general partner to be another entity wholly owned by a not-for-profit corporation. (Hughes)

Aquaculture (Neutral)

CS/HB 149 (Tuck) and **CS/SB 404** (Rodriguez) specified the methodology for the property tax assessment of the structures and equipment used in aquaculture. Similar language passed in CS/HB 7071. (Hughes)

Constitutional Amendment: Homestead Exemption (Opposed)

SJR 1266 (Brandes) and **CS/HJR 923** (Fischer) proposed an amendment to the Florida Constitution to provide for the periodic increase of the \$25,000 exemption on a homestead property's assessed value that is greater than \$50,000. (Hughes)

Implementing Bills: Homestead Exemption (Opposed)

SB 1264 (Brandes) and **CS/HB 1503** (Fischer) would have provided for the periodic increase in the additional property tax exemption on a homestead property if SJR 1266 or a similar constitutional amendment was approved by the voters at the 2022 general election. The bills would have provided for recalculations of the additional homestead every five years and indexed the exemption amount to the House Price Index for Florida. (Hughes)

Government Property Tax Exemption (Neutral)

SB 1890 (Hutson) would have revised the types of lessees whose purpose and functions are deemed to be governmental, municipal or public purpose in determining the exemption from ad valorem taxes for certain real property. These changes were intended to clarify existing law. (Hughes)

Homestead Assessments Following a Change in Ownership (Opposed)

HB 283 (Duran) and **SB 460** (Rodriguez) would have provided for an exception from assessment of homestead property at just value upon transfer of property if the property was transferred to a child or a grandchild of the deceased owner. (Hughes)

Homestead Property Tax Assessment Limitation and Exemptions for Low-Income Seniors (Neutral)

HJR 973 (Borrero) and **SJR 1278** (Diaz) would have proposed amendments to the Florida Constitution to authorize the Legislature to prohibit increases in the assessed value of homestead property owned by low-income seniors. (Hughes)

Implementing Bills: Homestead Property Tax Assessment Limitation and Exemptions for Low-Income Seniors (Neutral)

HB 975 (Borrero) and **SB 1280** (Diaz) would have created an additional assessment limitation for certain low-income seniors if HJR 973, SJR 1278 or a similar constitutional amendment was approved by the voters at the 2022 general election. This additional assessment limitation applied to assessed values of homestead properties with a just value of \$300,000 or less owned by a person at least 65 years old whose annual household income does not exceed \$20,000. The assessment limitation is carried over to a surviving spouse who uses the property as a homestead, who has attained age 65 and meets the household income limitations. The bills also modified the current local option low-income senior property tax exemption to increase the just value requirement from \$250,000 to \$300,000. (Hughes)

Property Appraisers (Opposed)

CS/HB 417 (Fernandez-Barquin) and **SB 572** (Garcia) would have increased the variance percentages that must be met in order for a property appraiser to challenge a Value Adjustment Board decision in the circuit court. SB 572 revised factors that a property appraiser must consider in deriving just valuation for a property. (Hughes)

Property Tax Discounts (Opposed)

HB 839 (Fischer) and **SB 1152** (Rodriguez) would have increased the property tax discount percentage rates for early payment of all property taxes assessed on the county tax rolls. (Hughes)

Property Tax Exemptions (Neutral)

CS/HB 13 (Gottlieb) and **SB 154** (Rodriguez) would have increased the property tax exemption for homesteaded residents who are widows, widowers, blind or totally and permanently disabled. SB 154 increases the exemption from \$500 to \$5,000. Similar language passed in CS/HB 7071. (Hughes)

Property Tax Exemption for Affordable Housing (Supported)

CS/SB 1150 (Rodriguez, A.) and **HB 495** (Rodriguez, Ant.) would have authorized municipalities and counties to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for governmental or public purpose of providing affordable housing. (Hughes)

Property Taxation of Construction Equipment (Neutral)

HB 751 (Clemons) revised the definition of the term "inventory" to include construction equipment by a heavy equipment rental dealer for sale or short-term rental in the normal course of business on the annual assessment date. This change would have only applied to non-school levies. (Hughes)

Property Tax Exemption for Educational Properties (Neutral)

HB 243 (Roth) and **SB 1126** (Harrell) would have exempted, from property taxation, property used by educational institutions that hold a leasehold interest in certain leases that exceed 98 years. (Hughes)

Public Deposits (Supported)

SB 1318 (Hutson) and **HB 1559** (Harding) would have allowed the state's Chief Financial Officer to designate credit unions as qualified public depositories after meeting certain criteria. (Hughes)

Rental of Homestead Property (Opposed)

SB 1056 (Hutson) and **CS/HB 1345** (McFarland) would have revised the criteria of the homestead property tax exemption to state that the rental of a portion of a dwelling claimed to be a homestead while the dwelling is physically occupied by the owner does not constitute the abandonment of the dwelling as a homestead. (Hughes)

Tax on Rental of Real Property (Opposed)

HB 6093 (Gregory) and **SB 1558** (Gruters) would have repealed Section 212.031, Florida Statutes, which subjects the renting, leasing, letting or granting a license for the use of any real property to sales and use tax. (Hughes)

GENERAL GOVERNMENT**Local Ordinances**

CS/CS/SB 280 (Hutson) and **CS/CS/HB 403** (Giallombardo) would have imposed new substantive requirements on municipalities for adopting and enforcing ordinances. First, the bills required a municipality to prepare a business impact estimate before adopting an ordinance (except specified exempt ordinances) and specified the minimum content to be included in the statement. Second, the bills required a municipality to suspend enforcement of an ordinance that was the subject of a civil action challenging the ordinance's validity on grounds that it was arbitrary or unreasonable or expressly preempted by state law. The bills authorized courts to consider lifting the stay on ordinance enforcement if the government prevailed and an appeal was taken. Third, the bills authorized the award of attorney fees, costs, and damages to a prevailing plaintiff in a civil action commenced after October 1, 2022, in which an ordinance was alleged to be arbitrary or unreasonable. (O'Hara)

Preemption to the State (Supported)

HB 6113 (Eskamani) and **SB 1900** (Torres) would have repealed numerous provisions of current law that operate as preemptions of municipal and county authority on a variety of subjects. (O'Hara)

Supermajority Vote for Legislative Preemption (Supported)

SB 152 (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)

HOUSING**State Housing Assistance Programs (Opposed)**

SB 1170 (Brandes) and **HB 1553** (Plakon) would have created a State Housing Initiatives Partnership (SHIP) Block Grant Program. Instead of entitlement municipalities receiving direct SHIP funding, the bills would have distributed all the monies to counties. A county would not have been required to share any of the funding with any of the municipalities within their boundaries. (Branch)

LAND USE AND COMPREHENSIVE PLANNING

Impact Fee Credits (Neutral)

HB 681 (Rodriguez) and **SB 1030** (Taddeo) would have clarified that impact fee credits are assignable and transferable any time after establishment from one development or parcel to any other as long as it falls within the same impact fee zone or district, or that it is within the same impact fee zone in the county or municipality. (Cruz)

Local Government Land Development Actions (Opposed)

CS/HB 739 (Borrero) and **SB 1248** (Gruters) would have specified that a county or municipality must review applications for development permits or orders within 30 days of receiving the application and issue a letter indicating that all required information is submitted or specifying any areas that are deficient. In an attempt to make a more uniform process for future developments, the bills would have required that each local government adopt residential infill development standards in its land use regulations by October 1, 2022. (Cruz)

Mobility Funding System (Support)

SB 1824 (Brodeur) and **HB 1415** (Robinson, W.) would have revised the requirements and best practices for local governments applying mobility plans rather than impact fees. The bills required a local government adopting a mobility plan to evaluate appropriate levels of service and potential impacts of development by using the elements of its comprehensive plan. (Cruz)

OTHER

Acceptance of Cash Payments by Businesses (Neutral)

HB 233 (Willhite) and **SB 408** (Jones) would have required businesses to accept cash payments for any good or service if the customer was physically present at the place of business. The bills exempted transactions above \$5,000. Of interest to local governments, the bills exempted parking facilities owned by a municipality regardless of who operates the parking facility. (Taggart)

Communicable and Infectious Diseases (Neutral)

HB 117 (Fetterhoff) and **SB 774** (Gruters) would have added COVID-19 and infectious diseases to the list of conditions that, if suffered by an emergency rescue

or public safety worker, are presumed to have been contracted while at work for purposes of workers' compensation. (Cruz)

Criminal Justice (Supported)

SB 450 (Jones) and **HB 857** (Nixon) would have repealed multiple provisions from HB 1, which passed in the 2021 Legislative Session, including allowing specified elected officials to appeal a municipal law enforcement operating budget that contains a funding reduction. (Hughes)

First Responder's Employment-Related Accidents and Injuries (Neutral)

HB 49 (Bartleman) and **SB 200** (Rodriguez) would have expanded the eligibility for first responder post-traumatic stress disorder (PTSD) workers' compensation benefits to also include certain correctional officers, 911 public safety telecommunicators and all volunteer law enforcement officers and firefighters. (Cruz)

Home Kitchen Operations (Neutral)

CS/HB 707 (Learned) and **CS/SB 1158** (Jones) defined "home kitchen operations" as a person or business entity that sells directly from their home to the consumer any food product (excluding raw milk and raw oysters). The bills would have exempted these operations from the requirements imposed on traditional public food service establishments. Additionally, the bills specified that local governments would be preempted from directly regulating these operations; however, they must comply with any applicable home-based business regulations. A home kitchen operation would not be permitted to exceed annual gross sales of \$250,000 and would have been limited to producing 10 individual meals per day. (Taggart)

Incorporation of Municipalities (Opposed)

CS/HB 1035 (Williamson) and **SB 1554** (Diaz) would have required communities to reach a 60% approval in a local nonbinding referendum before presenting an incorporation bill to the state Legislature. This referendum requirement would have been in addition to the already required feasibility study and city charter. (Branch)

Local Districting (Neutral)

SB 1142 (Hutson) and **HB 827** (Barnaby) would have prohibited the drawings of districts from favoring or disfavoring an incumbent county commissioner, municipal official or school board member. The bills would have required municipalities to fix the

boundaries of their districts in only odd-numbered years to keep them as nearly equal in proportion to the population as possible. (Branch)

Outdoor Kitchen Equipment Preemption (Neutral)

CS/SB 714 (Hooper) and **CS/HB 667** (McClain) were a broad agency package for the Department of Business and Professional Regulation. Of importance to municipalities, CS/HB 667 was amended to add provisions that state outdoor kitchen equipment is not required to be separately covered, have overhead protections or hoods or be enclosed. The amendment would have also prohibited local governments from prohibiting, or have the effect of prohibiting, the use of outdoor kitchen equipment. These provisions were not included in CS/SB 714. (Taggart)

Pet Protection (Opposed)

CS/SB 994 (Diaz) and **HB 849** (Fernandez-Barquin) would have created a statewide regulatory scheme for the licensure, regulation and inspection of retail pet stores by the Department of Business and Professional Regulation. The bills specified that local governments could have adopted ordinances that regulate but do not prohibit the operation of retail pet stores or the breeding, purchase or sale of household pets, provided that the ordinance is not in conflict with the statewide regulations specified in the bills. The bills clarified that ordinances adopted prior to June 1, 2021, were "grandfathered" in addition to ordinances adopted prior to June 1, 2022, which imposed a moratorium on new pet stores or are solely regulatory in nature. The bills would have also preempted local governments from regulating a person who offers for sale, directly to the public, certain types of dogs for sporting or agricultural purposes.

CS/SB 996 (Diaz) would have set the initial and renewal fee for a retail pet store license by the Department of Business and Professional Regulation at \$25 per licensed location. (Taggart)

Post-Traumatic Stress Disorder Workers' Compensation for Law Enforcement, Correctional and Correctional Probation Officers (Neutral)

CS/HB 425 (Fischer) and **CS/SB 664** (Bradley) would have expanded workers' compensation coverage for post-traumatic stress disorder (PTSD) for first responders to also include correctional officers, part-time correctional officers, part-time law enforcement officers and auxiliary law enforcement officers. PTSD is an occupational disease compensable by workers' compensation benefits. In order to receive benefits

under the bills, PTSD must have been demonstrated by clear and convincing medical evidence. (Cruz)

Preemption of the Regulation of Tobacco and Nicotine Products (Supported)

SB 1022 (Ausley) and **HB 6081** (Hunschofsky) would have repealed the state preemption on the regulation of tobacco and nicotine products. Current law preempts local governments from regulating the marketing, sale or delivery of tobacco products. (Taggart)

Retail Sale of Domestic Dogs and Cats (Neutral)

HB 253 (Killebrew) would have prohibited a for-profit business from selling domestic cats and dogs. The bill did not prohibit a city or county from adopting an ordinance on the sale of animals that is more stringent than the bill. (Taggart)

Tethering of Domestic Dogs and Cats (Neutral)

HB 1075 (Slosberg-King) and **SB 1508** (Taddeo) would have created the "Penny Bautista Act." The bills prohibited a person from tethering a domestic dog or domestic cat unless the person is physically present with and attending to the dog or cat and the dog or cat remains visible to the person at all times while tethered. (Taggart)

PERSONNEL

Financial Disclosures (Opposed)

CS/HB 301 (Roach) and **CS/CS/SB 510** (Brodeur) would have required all municipal elected officials and all municipal managers to file an annual full disclosure of financial interests (Form 6) with the Florida Commission on Ethics. These individuals are currently required to file only a Limited Disclosure of Financial Interests (Form 1). (Hughes)

Law Enforcement Death Benefits (Opposed)

HB 645 (Gottlieb) and **SB 992** (Book) would have required employers of full-time law enforcement, corrections and corrections probation officers to extend employer-paid health insurance benefits to the officer's surviving spouse and each dependent child if the officer dies in the line of duty as a result of exposure to a pandemic disease that is the subject of a public health emergency. (Hughes)

Preemption of Local Government Wage Mandates (Opposed)

CS/SB 1124 (Gruters) and **CS/HB 943** (Harding) would have created the "Wage Mandate Preemption Act," which revised prohibitions relating to political subdivisions, including municipalities. The bills prohibited a political subdivision from enacting a wage mandate on an employer in an amount greater than the state minimum wage. The bills did not apply to employees of the political subdivision or if federal law requires the payment of a minimum wage to persons working on projects funded by federal funds. (Hughes)

Racial and Sexual Discrimination (Neutral)

HB 57 (Fine) and **SB 242** (Gruters) would have prohibited municipalities and other governmental entities from including in any mandatory employee training "divisive concepts" as defined by the bills. The bills also required that each municipality ensure that all diversity and inclusion efforts encourage employees not to judge each other on color, race, ethnicity, sex or any other characteristic protected by federal or state law. (Hughes)

Wage and Employment Benefits (Supported)

SB 446 (Taddeo) and **HB 6047** (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)

PROCUREMENT

Acquisition of Professional Services (Supported)

HB 6091 (Gregory) and **SB 1520** (Gruters) would have removed a provision in the Consultants' Competitive Negotiation Act (CCNA) that requires a municipality to consider an equitable distribution of contracts among all qualified firms during the competitive selection process. (Taggart)

Energy (Neutral)

CS/CS/SB 954 (Brodeur) and **CS/HB 1139** (Drake) would have revised the vehicle procurement requirements for the state purchasing plan. Specifically, the bills required vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs rather than the greatest fuel efficiency. (Taggart)

PUBLIC RECORDS AND PUBLIC MEETINGS

Personal Information Protection (Neutral)

HB 1547 (Overdorf) and **SB 1848** (Gruters) would have prohibited public agencies from requiring an individual to provide personal information. The bills also prohibited agencies from releasing, publishing or otherwise publicly disclosing personal information. "Personal information" was defined as any compilation of data that directly or indirectly identifies a person as a member, supporter, volunteer or donor of a financial or nonfinancial support to any nonprofit entity. The bills specified how an impacted party may have filed a lawsuit, set fees for each violation and allowed for a judge to award attorney's fees to the complaint bringing the action. (Taggart)

Public Meetings During Declared States of Emergency (Supported)

SB 674 (Cruz) would have suspended the physical quorum requirement for local governmental bodies during a declared state of emergency. The bill 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 Records (Opposed)

SB 1472 (Stewart) would have required agencies to respond to a public records request within five business days by a) making the records available, b) denying the request or c) providing a statement of how long the request will take and the reason for the delay. (Taggart)

Public Records/County and City Attorneys (Supported)

CS/SB 1420 (Burgess) and **HB 1213** (Arrington) would have created a public records exemption for the personal identifying and location information of current and former county and city attorneys and assistant county and city attorneys, as well as information regarding the spouses and children of those attorneys. (Taggart)

Public Records Exemption for Animal Adoption (Neutral)

HB 307 (Hawkins) and **SB 716** (Bradley) would have provided a public records exemption for the personal information of individuals who adopted an animal

from an animal shelter or animal control agency operated by a local government. (Taggart)

PUBLIC SAFETY

Active Shooter Alert System (Neutral)

SB 1672 (Berman) and **HB 1271** (Morales) would have provided for the development and implementation of an active shooter alert system by the Florida Department of Law Enforcement (FDLE). The bills authorized FDLE to partner with local governments to assist in the development and implementation of the alert system. (Taggart)

Authorization of Restrictions Concerning Dangerous Dogs (Neutral)

SB 614 (Garcia) and **CS/HB 721** (Buchanan) would have authorized public housing authorities to adopt rules or policies imposing restrictions on owners of dogs deemed dangerous. The bills allowed local governments to adopt ordinances addressing the safety and welfare concerns stemming from dog attacks on people or domestic animals, placing restrictions and additional requirements on owners of dangerous dogs, provided that no such regulations may be breed-specific. However, ordinances adopted prior to October 1, 1990, are exempt from these statutory requirements. (Branch)

First Responder Roadway Safety (Neutral)

HB 127 (Slosberg) would have prohibited the use of handheld wireless devices while operating a motor vehicle where first responders are actively working. 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. (Branch)

Florida Hometown Hero Housing Program (Neutral)

SB 788 (Hooper) would have created the Florida Hometown Hero Housing Program to assist frontline emergency workers, certain medical and health care personnel and educators in purchasing a home as their primary residence. (Branch)

Human Trafficking Public Awareness Signs (Neutral)

CS/SB 652 (Cruz) would have required the employer of each athletic venue, entertainment venue and

convention center capable of accommodating 5,000 persons or more to display a human trafficking public awareness sign. (Taggart)

Impeding, Provoking or Harassing Law Enforcement Officers (Neutral)

HB 11 (Rizo) and **SB 1872** (Bean) would have prohibited a person from approaching a law enforcement officer after receiving a warning with intent to impede, provoke or harass. (Taggart)

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

SB 1494 (Bracy) would have required each law enforcement agency in this state to mandate that its law enforcement officers wear body cameras and use vehicle dash cameras. (Taggart)

Offenses Against Firefighters (Supported)

SB 370 (Hooper) and **HB 351** (Duggan) would have added service as a firefighter as grounds for increased criminal penalties for certain criminal offenses. (Taggart)

Photographic Enforcement of School Zone Speed Limits (Neutral)

HB 189 (Duran), **CS/SB 410** (Rodriguez) and **HB 797** (Overdorf) would have authorized a county or municipality to contract with a vendor to install cameras in school speed zones to enforce speed limits. (Branch)

Repeal Preemption of Firearms and Ammunition (Supported)

SB 496 (Taddeo) and **HB 6049** (Daley) would have repealed the current statutory preemption prohibiting cities and counties from regulating firearms and ammunition. (Taggart)

Statewide Police Misconduct Registry (Neutral)

SB 1482 (Bracy) would have required the Department of Law Enforcement to establish and maintain a statewide police misconduct registry by June 30, 2023. The bill would have also set reporting requirements as part of the registry. (Taggart)

Traffic Infraction Detectors (Opposed)

HB 6029 (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, 2025. (Branch)

SHORT-TERM RENTALS

Local Regulation of Vessels (Supported)

HB 1265 (Caruso) would have authorized local governments to regulate the anchoring of vessels used for short-term rental purposes in violation of a local ordinance or regulation. (Taggart)

Preemption of the Regulation of Vacation Rentals (Supported)

HB 6033 (Grieco) would have repealed all preemption provisions in current law relating to the local regulation of vacation rentals. (Taggart)

Vacation Rentals (CS/SB 512 – Neutral; CS/HB 325 – Opposed)

CS/SB 512 (Burgess) and **CS/HB 325** (Fischer)

Impact on Local Governments

The bills would have maintained the current preemption on local governments from adopting zoning ordinances specific to short-term rentals, as well as regulating the duration of stays and the frequency in which the properties are rented. The bills would have expanded this preemption to include local regulations on advertising platforms. For cities that adopted ordinances prior to June 1, 2011, the bills would have maintained the “grandfather” currently in place but clarified that those cities may have amended their ordinances to be less restrictive or to comply with a local registration program. For cities that did not have “grandfathered” protections, the bills would have preempted cities from licensing short-term rentals; however, they authorized local governments to have a local registration program.

Under the bills, as a condition of the local registration program, a local government could only require a property owner to:

- ▶ Pay a fee of no more than \$50 for processing the registration application
- ▶ Renew their registration no more than once per year unless the property has a change in ownership
- ▶ Submit identifying information about the owner or the property manager and the short-term rental being registered
- ▶ Obtain a license as a transient public lodging establishment by the Department of Business and Professional Regulation (DBPR) within 60 days of local registration
- ▶ Obtain all required tax registration, receipts or certificates issued by the Department of Revenue,

a county or a municipal government

- ▶ Maintain all registration information on a continuing basis so it is current
- ▶ Comply with parking and solid waste handling requirements; these requirements cannot be imposed solely on short-term rentals
- ▶ Designate and maintain a property designee who can respond to complaints and other immediate problems related to the property, including being available by phone
- ▶ Pay in full all municipal or county code liens against the property being registered.

Impact on Advertising Platforms and DBPR

Advertising platforms would have been required to include in all listings the property's state license number and, if applicable, the local registration number. After July 1, 2023, the advertising platform would have been required to check and verify the license number of all listings with the Department of Business and Professional Regulation (DBPR). Additionally, by that date, DBPR would have been required to maintain all short-term rental license information in an electronic format to ensure prompt compliance. Advertising platforms would have been required to remove unlicensed listings within 15 days after notification by DBPR, as well as collect and remit all required taxes.

Termination/Denial of License

DBPR would have been able to revoke, refuse to issue or renew a short-term rental license or suspend the license for up to 30 days under several circumstances:

- ▶ The property owner violated the terms of any lease or applicable condominium, coop or homeowner's association restrictions
- ▶ The owner failed to provide proof of local registration if one is required
- ▶ The local registration was terminated by a local government for violating any of the registration requirements described above
- ▶ The property and property owner were subject to a final order or judgment directing termination of the property's short-term rental status
- ▶ DBPR could have also suspended the license for up to 30 days if a short-term rental had been cited for two or more code enforcement violations during a 90-day period. CS/SB 512 was amended to specify that these violations must be brought by a code enforcement board. (Taggart)

TELECOMMUNICATIONS

Broadband (Supported)

SB 1726 (Ausley) would have established the Broadband Deployment Task Force to support and provide recommendations to the Florida Office of Broadband for the deployment of internet throughout the state. The task force included a member from the Florida League of Cities as a representative of underserved or unserved rural communities. (Hughes)

Communications Services (Supported)

HB 6045 (Eskamani) and **SB 1752** (Torres) would have repealed the Advanced Wireless Infrastructure Deployment Act that relates primarily to the installation of small wireless facilities in public rights of way. (Hughes)

TORT LIABILITY

Sovereign Immunity (Opposed)

CS/CS/CS/SB 974 (Gruters) and **CS/CS/HB 985** (Beltran) would have revised the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities). The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. **CS/CS/HB 985** would have increased statutory limits for claims to \$400,000 per person and \$600,000 per incident. **CS/CS/CS/SB 974** would have changed the current statutory limits to a tiered system based on a population threshold. A city or county whose population is 50,000 or less would have maintained the current limits of \$200,000 per person and \$300,000 per occurrence. For a city or county whose population is between 50,001-250,000, the limits would have increased to \$300,000 per person and \$400,000 per occurrence. Lastly, for a city or county whose population is greater than 250,001, the limits would have been increased to \$400,000 per person and \$600,000 per occurrence. (Cruz)

TRANSPORTATION

Advanced Air Mobility (Supported)

CS/SB 728 (Harrell) and **CS/HB 1005** (Fischer) would have created the Advanced Air Mobility Study Task Force adjunct to the Florida Department of Transportation (FDOT) with the FDOT Secretary, or the Secretary's designee, serving as Chair. The bills directed the task force to hold public hearings in locations throughout the state to assess and describe

the current state of development of the advanced air mobility industry as well as collaborate with local governments to evaluate the potential integration of advanced air mobility into transportation plans. The bills listed the Florida League of Cities as a member of this task force. (Branch)

Electric Vehicle Charging Infrastructure (Supported)

SB 918 (Brandes) 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 bill would have authorized the Department of Transportation to develop and publish criteria for the grant application. (Branch)

Fees/Electric Vehicles and Plug-In Hybrid Electric Vehicles (Supported)

SB 908 (Brandes) would have created additional fees and a licensing tax for electric and hybrid vehicles. The bill provided criteria and timeframes for the collection and disbursements of fees. This bill was linked to **SB 918**. (Branch)

Tampa Bay Area Regional Transit Authority (Neutral)

SB 426 (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. (Branch)

Transportation Network Companies (Neutral)

SB 696 (Perry) and **CS/HB 445** (Botana) would have limited the pickup fees that an airport or seaport may charge a transportation network company to \$2 per pickup. (Branch)

UTILITIES AND NATURAL RESOURCES

Agricultural Practices (Neutral)

SB 904 (Farmer) and **HB 807** (Rayner) would have required the Department of Agriculture and Consumer Services to develop and adopt rules for interim measures, best management practices or other measures to achieve certain levels of pollution reduction statewide. (O'Hara)

Bottled Water Excise Tax (Neutral)

HB 473 (Casello) and **SB 798** (Taddeo) would have imposed an excise tax on bottled water operators and directed the tax proceeds to be used to provide grants and loans to local governmental agencies for water projects. (O'Hara)

Caloosahatchee River Watershed (Neutral)

HB 585 (Botana) would have prohibited the land application of septage from on-site sewage treatment and disposal systems within the Caloosahatchee River watershed. It would have prohibited within the watershed new domestic wastewater disposal facilities, except for those facilities that meet advanced wastewater treatment standards, and new septic systems on lots of less than one acre, if the addition of a specific system would conflict with the remediation plan. (O'Hara)

Certified Pile Burning (Opposed)

HB 6027 (Sabatini) would have amended current law relating to the open burning of debris from agricultural, silvicultural, land-clearing or tree-cutting activities, which is regulated and authorized by the Florida Forest Service. (O'Hara)

Discharge and Use of Firefighting Foam (Neutral)

HB 1257 (Casello) and **SB 1666** (Polsky) would have prohibited the use of Class B firefighting foam (contains PFAS) beginning in 2023, except as specified. (O'Hara)

Energy (Neutral)

SB 548 (Polsky) and **HB 491** (Skidmore) would have addressed a variety of energy and renewable energy issues, including: a tax credit for electricity produced from a renewable energy source located on a farm operation, an authorization for the state to lease manmade stormwater systems for floating solar energy systems and a requirement that the state adopt rules for a renewable and energy efficiency portfolio standard. (O'Hara)

Everglades Protection Area/Comprehensive Plan Amendments (Neutral)

SB 932 (Rodriguez) and **HB 729** (Aloupis) would have required comprehensive plans and plan amendments that apply to any land within, or within two miles of, the Everglades Protection Area to follow the state-coordinated review process for state agency compliance review under Part II, Chapter 163, Florida Statutes, and required the Department of Environmental Protection to coordinate with the affected local governments on mitigation measures for plans or plan amendments that would impact Everglades restoration. (O'Hara)

Greenhouse Gas Emissions (Neutral)

SB 380 (Rodriguez) and **HB 403** (Melo) would have prohibited state and regional agencies from adopting

or enforcing state and regional programs to regulate greenhouse gas emissions without specific legislative authorization. (O'Hara)

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

SB 832 (Stewart) and **HB 561** (Goff-Marcil) would have required on-site sewage treatment and disposal systems to be inspected once every five years and required the Department of Environmental Protection (DEP) to administer the inspection program and requirements. (O'Hara)

Infrastructure Project Funding/Transfers of Utility Revenues (Opposed)

HB 621 (Fine) and **SB 1162** (Broxson) would have prohibited specified state agencies and water management districts from disbursing state funds (including grants) for local government infrastructure, water and resiliency projects if the local government transferred its utility revenues (other than the costs of administrative and support services under a cost allocation plan) for use in providing general government functions and services. (Branch)

Land Acquisition Funding (Supported)

CS/HB 1377 (Roth) and **SB 1816** (Stewart) would have extended the retirement date of bonds issued to fund the Florida Forever Act from 2040 to 2054. The bills would have required the annual appropriation from the Land Acquisition Trust Fund (LATF) to Florida Forever to be \$100 million. **SB 1816** would have prohibited LATF monies from being used for state agency executive direction and support services. (O'Hara)

Legal Rights of the Natural Environment (Neutral)

HB 6003 (Eskamani) and **SB 1854** (Farmer) would have repealed provisions of current 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)

Licensure for Tree Care Services (Supported)

SB 1448 (Ausley) would have established the Florida Board of Tree Experts within the Florida Department of Agriculture and Consumer Services and required the board to develop or designate a licensure examination for licensed Florida arborists. (O'Hara)

Local Government Solid Waste and Recycling Collection Services (Opposed)

SB 1944 (Baxley) and **CS/CS/HB 1241** (Hawkins) would have limited local governments' contractual remedies against a solid waste or recycling vendor if the vendor fails to perform under the contract with the local government. SB 1944 prohibited local governments from seeking liquidated damages, administrative fees or other similar charges against a solid waste management or recycling entity for action or inaction during a local, state or federal emergency. SB 1944 also capped the amount of liquidated damages, administrative fees or other similar charges that may be sought against a waste or recycling company to 50% of the amount billed to the customer for collection services at the daily rate. CS/CS/HB 1241 prohibited a local government from assessing liquidated damages against a vendor that misses a scheduled collection during a declared emergency, so long as the vendor provides the missed collection service within 36 hours of the scheduled service. If the vendor failed to provide the collection service after 36 hours, the local government would not be required to pay for that service. The bill's restrictions did not apply to missed collections due to the fault of the vendor and did not apply to contracts or contractual provisions for the collection of storm-generated yard trash. Both bills applied to contracts executed or renewed on or after July 1, 2022. (O'Hara)

Municipal Water and Sewer Utility Rates (Opposed)

SB 886 (Jones) and **HB 515** (Robinson, F.) would have required a municipal water or sewer utility that serves customers in another recipient municipality using infrastructure located in the recipient municipality to charge consumers in the recipient municipality the same rates, fees and charges as it does the consumers inside its own municipal boundaries. (O'Hara)

Office of the Blue Economy (Neutral)

SB 1454 (Ausley) and **HB 1081** (Skidmore) would have established the Office of the Blue Economy within the Department of Economic Opportunity and provides duties of the office. The term "blue economy" was defined as the economic uses of ocean and coastal resources with a focus on sustainable practices and the competitive positioning of the state in a global economy affected by climate change. (O'Hara)

On-site Sewage Treatment and Disposal System Inspections (Supported)

HB 1125 (Caruso) directs the Department of Environmental Protection (DEP) to administer an on-

site sewage treatment and disposal system periodic inspection program. It requires owners of certain systems to have periodic inspections of such systems every five years and to pay for the costs of such inspections, as well as any repairs or replacements. It authorizes local governments to create grant programs for homeowners' replacement costs. It directs DEP to submit program reports to the Governor, Legislature, Chief Science Officer and the Blue-Green Algae Task Force. (O'Hara)

Per- and Polyfluoroalkyl Substances (PFAS) Task Force (Neutral)

HB 1151 (Sirois) would have created a 15-member task force within the Department of Environmental Protection to develop recommendations for enforceable regulatory standards, a mechanism for identification and cleanup of contaminated areas, methods to address liability for contamination and responsibility for cleanup, appropriate methods and technologies for cleanup, funding sources for cleanup and remediation, methods to manage PFAS waste, appropriate testing for PFAS, and methods to eliminate workforce exposure. (O'Hara)

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

HB 6019 (Eskamani) 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)

SB 320 (Stewart) and **HB 6063** (Grieco) would have removed the current statutory preemption of local laws regarding the regulation of auxiliary containers, wrappings or disposable plastic bags. In addition, the bills removed the statutory preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture. (O'Hara)

Preemption of Tree Pruning, Trimming and Removal (Supported)

HB 6025 (Eskamani) and **SB 316** (Stewart) would have repealed current law preempting specified local government regulations relating to tree pruning, trimming and removal on residential property. (O'Hara)

Public Bathing Places/Safe Waterways (Neutral)

HB 393 (Hinson) and **SB 604** (Berman) would have required the Department of Health to adopt and

enforce certain rules and issue health advisories for public bathing places if the results of bacteriological water sampling at the site failed to meet health standards. The bills would have required a county or municipality to place signage around public bathing places warning of the bacterial contamination until such time the bacterial contamination is resolved. (O'Hara)

Public Financing of Potentially At-Risk Structures and Infrastructure (Neutral)

CS/SB 1434 (Rodriguez) and **CS/HB 1077** (Hunschofsky) would have revised current law provisions that require certain public-financed projects and infrastructure undergo a Sea Level Impact Projection Study prior to construction. The bills expanded the types of projects and infrastructure subject to the requirement by including "potentially at-risk" projects within an area that is "at-risk due to sea-level rise," as defined in the bills. The bills also added a requirement that a public-financed constructor provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structure or infrastructure and identify the flood mitigation strategies implemented or considered as part of the structure or infrastructure design. (O'Hara)

Regulation of Single-Use Plastic Products (Supported)

HB 1145 (Mooney, Jr.) and **SB 1580** (Rodriguez) would have authorized certain coastal communities as defined in the bills to establish pilot programs to regulate single-use plastic products. The bills also required the Department of Environmental Protection to submit updated retail plastic bag reports with conclusions and recommendations to the Legislature by specified dates. (O'Hara)

Renewable Energy (Opposed)

SB 182 (Brandes) would have allowed the owner of a business or a contracted third-party to install, maintain and operate a renewable energy source device on or about the structure in which the business operates or on any property the business leases. The bill authorized the business owner or third-party to sell the electricity that was generated from the device to another business immediately adjacent to or within the same parcel as the business. (O'Hara)

Resiliency Energy Environment Florida Program (Neutral)

CS/HB 101 (Fine) and **CS/SB 228** (Rodriguez) would have amended current law relating to Property

Assessed Clean Energy programs (PACE), whereby local governments, alone or in partnership with a program administrator, may finance qualifying improvements on residential property relating to energy conservation and efficiency or renewable energy. The bills added several consumer protections to the current PACE program, including capping the total of all non-ad valorem assessments plus any mortgage debt on the property at 97% of a residential property's fair market value, requiring a determination that a property owner meets certain creditworthiness requirements, and allowing property owners to cancel a financing agreement within three days of execution. The bills also required the local government to post an online annual report. (O'Hara)

Saltwater Intrusion Vulnerability Assessments (Neutral)

CS/SB 1238 (Polsky) and **HB 1019** (Duggan) would have required coastal counties to conduct vulnerability assessments that analyze the effects of saltwater intrusion on their water supplies. The bills required water management districts, in collaboration with coastal counties, to submit to DEP an annual list of proposed projects based on the assessments. (O'Hara)

Sanitary Sewer Lateral Inspection Programs (Neutral)

HB 303 (Truenow) and **CS/SB 608** (Brodeur) would have authorized counties and municipalities to access sanitary sewer laterals within their jurisdiction to investigate, repair or replace the lateral. A sanitary sewer lateral is a privately owned pipeline connecting a property to the main sewer line. CS/SB 608 was amended to clarify that a municipality or county may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking from sanitary sewer laterals. (O'Hara)

Seagrass Mitigation Banks (Neutral)

CS/SB 198 (Rodriguez) and **CS/HB 349** (Overdorf and Sirois) would have authorized the Board of Trustees of the Internal Improvement Trust Fund to establish seagrass mitigation banks under certain conditions. (O'Hara)

Solar Photovoltaic Facility Development (Supported)

HB 745 (Alexander) and **SB 1562** (Ausley) would have directed the Department of Environmental Protection, in coordination with the Office of Energy within the Department of Agriculture and Consumer Services, to conduct a study of brownfield sites and closed landfill

sites to determine viable locations for redevelopment as solar photovoltaic facilities. (O'Hara)

State Renewable Energy Goals (Neutral)

HB 81 (Eskamani) and **SB 366** (Berman) would have prohibited the drilling, exploration or production of petroleum products in the state. In addition, the bills directed the Office of Energy within 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 2050. (O'Hara)

Study to Establish a Statewide Long-Term Recycling Goal (Neutral)

CS/SB 1156 (Stewart) and **HB 935** (Morales) would have required the Department of Environmental Protection to conduct a study on the establishment of a new long-term, statewide recycling goal. (O'Hara)

Water Resources Management (Neutral)

HB 349 (Sirois) would have authorized the Board of Trustees of the Internal Improvement Trust Fund (Board) to grant easements for mitigation banks under certain conditions. The bill also exempted certain docks on recorded easements from state permit requirements and authorized such docks to use submerged lands upon approval of the Board. (O'Hara)

Well Stimulation (Neutral)

SB 208 (Farmer) would have created the Stop Fracking Act. The bill prohibited extreme well stimulation, which was defined to include the various forms of fracking used to increase the production at an oil or gas well. (O'Hara)

FLORIDA LEAGUE OF CITIES

FIELD ADVOCACY AND FEDERAL AFFAIRS TEAM



SCOTT DUDLEY
Director, Field Advocacy
and Federal Affairs
sdudley@flcities.com



BRENDA JONES
Administrative Assistant
bjones@flcities.com



ALLISON PAYNE
Manager, Advocacy Programs
and Federal Affairs
apayne@flcities.com

FLORIDA LEAGUE OF CITIES

LEGISLATIVE AFFAIRS TEAM



CASEY COOK
Director of Legislative Affairs
ccook@flcities.com



TARA TAGGART
Legislative Advocate
Municipal Administration
ttaggart@flcities.com



JEFF BRANCH
Senior Legislative Advocate
Transportation and
Intergovernmental Relations
jbranch@flcities.com



MARY EDENFIELD
Legislative Administrator
medenfield@flcities.com



DAVID CRUZ
Legislative Counsel
Land Use and
Economic Development
dcruz@flcities.com



MICHAELA METCALFE
Legislative Policy Analyst
mmetcalfe@flcities.com



AMBER HUGHES
Senior Legislative Advocate
Finance, Taxation and
Personnel
ahughes@flcities.com



DUSTIN PAULSON
Administrative Assistant
dpaulson@flcities.com



REBECCA O'HARA
Deputy General Counsel
Utilities, Natural Resources
and Public Works
rohara@flcities.com

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 bill receive odd numbers, while 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 more 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 of calling a special session.

SPECIAL ORDER CALENDAR

A list of bills determined by the Rules Chair 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
League's legislative initiatives, please contact:

FLORIDA LEAGUE OF CITIES

P.O. Box 1757

Tallahassee, FL 32302-1757

Phone: 850.222.9684

Fax: 850.222.3806

flcities.com



CITY COUNCIL AGENDA MEMORANDUM MAY 10, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Request to Extend Concession Parking Ancillary Facility Special Exception: WD Plaza, LLC - 2200 S. Atlantic Avenue

SYNOPSIS:

This request by WD Plaza, LLC (**Exhibit A**), owner/applicant, is for a one-year extension of Special Exception SPEX12017006, originally approved in 2017. If approved, the special exception extension would permit Chuckles, LLC (tenant) to continue to utilize a commercial space on the northwest corner of the Winn Dixie Plaza (2200 S. Atlantic Avenue) as a concession parking ancillary facility. Pursuant to Sec. 14-58.1.2.D.4.I of the Land Development Code, the City Council may approve up to five (5) extensions for a period of one (1) year each. This is the fifth and final extension being requested.

Concession parking ancillary facilities are used to provide support to bona fide concession vehicles where concession parking is permitted. The facility may contain subordinate uses including, but not limited to, office, non-hazardous dry storage and minor concession vehicle maintenance and repair. Food preparation and cooking are prohibited. The Winn Dixie Plaza has a "grandfathered" beach concession parking facility on the property. Therefore, the concession parking ancillary facility is permitted on site consistent with Sec. 14-58.1.2.D.4 of the Land Development Code.

FISCAL IMPACT STATEMENT:

BACKGROUND:

Pursuant to Sec. 14-58.1.2.D.4 of the Land Development Code (LDC), concession parking ancillary facility special exception extensions may be granted for a maximum of up to one (1) year and the request shall be in writing to the City Manager at least ninety (90) days prior to termination of the original development order or renewal date. The subject application meets this requirement. If granted, the special exception would be the fifth and final extension permitted by the LDC.

All inspection (**Exhibit B**) and LDC extension standards and requirements are satisfied.

LEGAL REVIEW:

Approved as to legality.

RECOMMENDATION:

Staff recommends approval of the special exception extension request as presented.

SUGGESTED MOTION:

Approval of the special exception extension request by WD Plaza, LLC.

- ATTACHMENT:**
1. Exhibit A-WDP - Chuckles Special Exceptions Extension Request v1
4_27_22
 2. Exhibit B-Inspection Report



5025 WINTERS CHAPEL ROAD, SUITE M, ATLANTA, GEORGIA 30360
(770) 698-0403 FAX (770) 698-0406 www.mpshoppingcenters.com

April 27, 2022

VIA EMAIL

Michael T. Booker
City Manager
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

Subject: Special Exception (SPEX 12017006) WD Plaza, LLC, Chuckles LLC Concession Parking and Ancillary Facility Project – Located at 2200 South Atlantic Avenue

Mr. Booker,

Pursuant to the terms of the above referenced Special Exception, please accept this letter as a request by the Owner (WD Plaza, LLC) to extend the terms of the Special Exception for an additional year (through August 7, 2023).

This will be the fifth of the five extension requests outlined in the Ordinance (2017-01).

We appreciate your assistance with this request.

As always, please feel free to contact me at 770-698-0403 with any questions.

Thank you,

Simon Engler

A handwritten signature in blue ink, appearing to read 'Simon Engler', is written over the printed name.

Vice President
WD Plaza, LLC

*** - Please note, M&P Shopping Centers owns and manages WD Plaza, LLC

Steve

Chuckles LLC

2136 S. Atlantic Ave.

INSPECTION NUMBER:

INSPECTION TYPE

- | | | | |
|-----------------------|------------------|------------------------|---|
| 1. Footing/Foundation | 6. Electrical | 11. Final | 16. Screw - Drywall |
| 2. Lintel | 7. Plumbing | 12. Sign | 17. Walls |
| 3. Slab | 8. Mechanical | 13. Certificate of Use | 18. Erosion Control- Installed/Maintained |
| 4. Framing | 9. Columns | 14. Roof | 19. Proper Waste Controls |
| 5. Fill Cells | 10. Deck/Shoring | 15. Insulation | 20. Other _____ |

Day/Time of Inspection May 3, 2022 @ 9:00 Number of Inspections

[illegible]

Inspection Date 5 / 3 / 22

Inspector St. Edwards

Contractor/Owner _____

Re-Inspection Date _____/_____/_____

Inspector _____

Contractor/Owner