

10. **OLD BUSINESS**

a. Legislative Issues

i. Updated Legislative Matrix

City of Sanibel
2011 Legislative Watch List
(As of 4/26/2011)

Description: **SB 0088 - Public Employee Compensation;** Revises provisions relating to the prohibition against the payment of extra compensation. Prohibits provisions in contracts that provide for severance pay. Allows for severance pay under specified circumstances. Deletes a provision that allows a municipality to pay extra compensation. Repeals provisions relating to a prohibition against severance pay for officers or employees of water management districts, etc.

Compare/Related Bill: **HB 0043 - Public Officers;** Prohibits severance pay for nonelected public officers except under specified circumstances. Prohibits certain limitations on discussing an employment dispute or settlement.

Sponsors: Senator Gaetz and Representative Smith

Effective Date: July 1, 2011

Current Status: **11/29/2010 SENATE** - Referred to Community Affairs; Judiciary; Governmental Oversight and Accountability
1/10/2011 HOUSE - Referred to Government Operations Subcommittee; Appropriations Committee; State Affairs Committee
3/7/2011 SENATE - CS by Community Affairs: YEAS 9 NAYS 0
3/8/2011 SENATE - Now in Judiciary
3/29/2011 HOUSE - CS by Government Operations Subcommittee; YEAS 9 NAYS 3
4/4/2011 SENATE - CS Judiciary; YEAS 6 NAYS
4/14/2011 SENATE - Government Oversight and Accountability, YEAS 12 NAYS 0
4/18/2011 SENATE - Pending reference review - under Rule 4.7(2) - (Committee Substitute)
4/20/2011 SENATE - Placed on Calendar, 2nd reading.

Description: **SB 0174 - Growth Management;** Reenacts provisions relating to the definition of "urban service area" and "dense urban land area" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act. Reenacts provisions relating to certain required and optional elements of a comprehensive plan, concurrency requirements for transportation facilities, a required

notice for a new or increased impact fee, the process for adopting a comprehensive plan or plan amendment, etc.

Identical Bill: **HB 7001** Growth Management; Reenacts provisions of law relating to growth management, portions of which were amended, created, or repealed by ch. 2009-96, Laws of Florida; provides for retroactive operation with respect to such portions.

Sponsors: Senator Rich and Representative Workman

Effective Date: Upon becoming law.

Current Status: **12/16/2010 SENATE**- Referred to Community Affairs; Governmental Oversight and Accountability; Budget
1/11/2011 SENATE – Favorable by Community Affairs; YEAS 7 NAYS 2. Now in Governmental Oversight and Accountability
1/31/2011 HOUSE – Referred to Economic Affairs Committee
2/8/2011 SENATE - Favorable by Governmental Oversight and Accountability; YEAS 12 NAYS 1
2/25/2011 HOUSE - Favorable by Economic Affairs Committee; YEAS 12 NAYS 5
3/15/2011 SENATE – Favorable by Budget; YEAS 17 NAYS 3
3/16/2011 HOUSE – Read 3rd Time HJ243 Passed; YEAS 79 NAYS 36. RECONSIDERED HJ245 Passed; YEAS 80 NAYS 39
3/29/2011 SENATE – Substituted HB7001 – Laid on Table, refer to HB 7001
3/29/2011 SENATE – Laid on Table, refer to HB 7001 – SJ 298

Description: **HB 0303 – Public Retirement Plans;** Limits benefits available under public retirement systems or plans; revises definitions relating to compensation; limits factoring of overtime, unused leave, & other such compensation into pension benefit; reduces service credit prospectively; revises applicability of ch. 175, F.S., to firefighters who are eligible for FRS; revises applicability of ch. 185, F.S., to police officers who are eligible for FRS; provides membership requirements for special fire control district & municipality board of trustees, etc.

Compare/Related Bill(s): **SB1128 and SB1130 (Senator Ring)**

Sponsors: Representative Costello and Senator Ring

Effective Date: Upon becoming law.

Current Status: **1/27/2011 HOUSE** – Withdrawn prior to introduction (House)

Description: **HB 0457 – Fertilizer;** Deletes authority for certain counties & municipalities to adopt fertilizer management practices more stringent than standards of specified model ordinance; requires DOACS to regulate sale of fertilizer, including composition, formulation, packaging, use, application, & distribution of fertilizer; preempts such regulation of fertilizer to state & DOACS; specifies that such regulation of fertilizer by counties, municipalities, & other political subdivisions is void.

Compare/Related Bill: **SB 0606 - Fertilizer;** Deletes legislative findings relating to the implementation by local governments of certain fertilizer management practices. Deletes authority for certain counties and municipalities to adopt fertilizer management practices more stringent than standards of a specified model ordinance. Requires the Department of Agricultural and Consumer Services to regulate the sale of fertilizer, including the composition, formulation, packaging, use, application, and distribution of fertilizer, etc.

Sponsors: Senator Evers, Representatives Ingram and Nelson

Effective Date: July 1, 2011

Current Status: **2/7/2011 HOUSE** - Referred to Agriculture and Natural Resources Subcommittee; Community and Military Affairs Subcommittee; Rulemaking and Regulation Subcommittee; State Affairs Committee
2/9/2011 SENATE - Referred to Agriculture; Community Affairs; Budget
2/22/2011 HOUSE- CS by Agriculture and Natural Resources Subcommittee; YEAS 10 NAYS 3
2/28/2011 SENATE - On Committee agenda - Agriculture 3/7/11, 3:15 p.m., 37 Senate Office Building - Temporarily Postponed.
3/14/2011 SENATE - CS by Agriculture; YEAS 4 NAYS 0
3/22/2011 SENATE - Now in Community Affairs
3/23/2011 HOUSE - CS/CS by Community and Military Affairs Subcommittee; YEAS 8 NAYS 7
3/29/2011 HOUSE - Referred to State Affairs Committee
3/29/2011 HOUSE - Now in State Affairs Committee
4/05/2011 HOUSE - Added to State Affairs Committee Agenda
4/07/2011 HOUSE - Co-sponsorship withdrawn; Favorable with CS by State Affairs committee.
4/08/2011 HOUSE - Reported out of State Affairs Committee; Laid on table under Rule 7.19(a); CS Filed; 1st Reading
4/10/2011 HOUSE - Bill referred to House Calendar; Added to second reading calendar

4/11/2011 HOUSE – Bill added to Special Order Calendar (4/14/2011)

4/12/2011 HOUSE – Amendment 709897 filed

4/13/2011 HOUSE – Amendment 233965 filed; Amendment 709897 withdrawn

4/14/2011 HOUSE – Read 2nd time; Amendment 233965 adopted; Added to Third Reading calendar

4/15/2011 HOUSE – Read 3rd time, CS passed as amended; YEAS 113, NAYS 0; Passage on third reading

4/20/2011 SENATE – Message sent to Senate; In Messages

Description: **SB 0526 Beach Waters;** Requires a report to the Governor and Legislature by a certain date with certain recommendations. Requires the Department of Health to investigate the sources of contamination of beach waters. Requires the department to develop and implement a public education program regarding human actions that affect the water quality of beach waters.

Sponsors: Senator Sobel

Effective Date: July 1, 2011

Current Status: **2/9/2011 – SENATE** – Referred to Environmental Preservation and Conservation; Health Regulation; Budget
3/8/2011 SENATE – Introduced SJ44

Description: **HB 421 Exemptions to Water Management Requirements;** Revises exemption for agricultural-related activities to include certain impacts to surface waters & wetlands & provides retroactive application; provides exclusive authority to DACS to determine whether certain activities qualify for agricultural-related exemption under specified conditions; requires memorandum of agreement between DACS & water management districts; provides exemption from mitigation requirements for converted agricultural lands under certain conditions, etc.

Identical Bill: **SB 1174 – Exemptions to Water Management Requirements;** Revises an exemption for agricultural-related activities to include certain impacts to surface waters and wetlands. Provides for retroactive application of the exemption. Provides exclusive authority to the Department of Agriculture and Consumer Services to determine whether certain activities qualify for an agricultural-related exemption under specified conditions. Requires a specified memorandum of agreement between the department and each

water management district. Authorizes the department to adopt rules, etc.

Sponsors: Representatives Bembry, Nelson and Van Zant

Effective Date: July 1, 2011

Current Status: **2/7/2011 HOUSE** - Referred to Agriculture and Natural Resources Subcommittee; Rulemaking and Regulation Subcommittee; Agriculture and Natural Resources Appropriations Subcommittee; State of Affairs Committee
2/22/2011 HOUSE - Favorable by Agriculture and Natural Resources Subcommittee; YEAS 12 NAYS 1
3/1/2011 SENATE - Referred to Agriculture; Environmental Preservation and Conservation; Budget
3/16/2011 HOUSE - Favorable by Rulemaking and Regulation Subcommittee; YEAS 12 NAYS 0. Now in Agriculture and Natural Resources Appropriations Subcommittee.
3/21/2011 SENATE - CS by Agriculture; YEAS 4 NAYS 0
3/25/2011 SENATE - On Committee Agenda for Environmental Preservation and Conservation 3/30/2011
4/06/2011 SENATE - Added to Agriculture and Natural Resources Appropriations Subcommittee
4/08/2011 SENATE - Favorable with CS by Agriculture and Natural Resources Appropriations Subcommittee
4/11/2011 SENATE - Reported out of Agriculture and Natural Resources Appropriations Subcommittee; Laid on Table under Rule 7.19(a); CS Filed; 1st Reading
4/12/2011 SENATE - Referred to State Affairs Committee; Now in State Affairs Committee; Added to state Affairs Committee agenda
4/14/2011 SENATE - Favorable with CS by State Affairs Committee
4/18/2011 SENATE - Laid on table under Rule 7.19(a); CS Filed; Bill referred to House Calendar; 1st Reading; Added to Second Reading Calendar

Description: **HB 4195 Local Business Taxes;** Repeals ch. 205, F.S., "Local Business Tax Act."

Related Bill: **HB 5005 – Deregulation of Professions and Occupations;** Deletes provisions establishing Florida Board of Auctioneers & Motor Vehicle Repair Advisory Council, deletes provisions for regulation of yacht & ship brokers, auctioneers, talent agencies, athlete agents, persons practicing hair braiding, hair wrapping, or body wrapping, interior

designers, professional fundraising consultants & solicitors, water vending machines & operators, health studios, ballroom dance studios, commercial telephone sellers & salespersons, movers & moving brokers, certain outdoor theaters, certain business opportunities, motor vehicle repair shops, sellers of travel, contracts with sales representatives involving commissions, & television picture tubes; revises name & membership of Board of Architecture; revises license classifications of public lodging establishments.

Sponsors: Representative O'Toole

Effective Date: July 1, 2011

Current Status: **4/1/11 HOUSE** – Added to Finance and tax Committee Agenda.

Description: **HB 311 Local Business Taxes;** Defines term "independent contractor"; exempts individual engaging in or managing business as employee from local business tax requirements; specifies individual licensed & operating as broker associate or sales associate is employee; specifies that independent contractor is not employee; prohibits local authorities from holding exempt employee liable for failure of principal or employer to comply with local business tax obligations or requiring exempt employee to take certain actions; prohibits local authorities from requiring principal or employer to provide personal or contact information for exempt individuals; provides exemption does not apply to business taxes imposed by municipalities or counties on individual employees pursuant to resolution or ordinance adopted before October 13, 2010; requires person applying for or renewing local business tax receipt to engage in or manage business or occupation regulated by Florida Supreme Court or state agency to exhibit certain documentation; authorizes online renewals as means of providing electronic certifications that meet such requirement; deletes requirement that DBPR provide certain professional regulation information to local officials issuing receipts; deletes provision prohibiting official issuing business tax receipts from renewing license.

Related Bill: **HB 582 – Local Business Taxes;** Repeals ch. 205, F.S., "Local Business Tax Act."

Sponsors: Representatives Caldwell, Gaetz, Kreegel, and Van Zant

Effective Date: July 1, 2011

Current Status: **4/19/2011 HOUSE** – Added to Economic Affairs Committee agenda.
4/21/2011 HOUSE – Favorable with CS by Economic Affairs Committee

Additional Legislative Items Filed in the Senate
(As of 3/30/11)

- **SB 0082 Onsite Sewage Treatment and Disposal Systems;** Eliminates provisions directing the Department of Health to create and administer a statewide septic tank evaluation program. Eliminates procedures and criteria for the evaluation program. Eliminates provisions authorizing the department to collect an evaluation report fee. Eliminates provisions relating to disposition of fee proceeds and a revenue-neutral fee schedule, etc.
- **SB 0090 Financial Emergencies;** Requires a plan of a county or municipality to improve the efficiency, accountability, and coordination of the delivery of local government services to include a plan for the consolidation of all administrative direction and support services if the county or municipality is subject to review and oversight by the Governor. Authorizes a financial emergency review board for a local government entity or district school board to consult with other governmental entities for the consolidation of all administrative direction and support services, etc.
- **SB 0118 Bicycle Safety;** Revises safety standard requirements for bicycle helmets that must be worn by certain riders and passengers. Provides for enforcement of requirements for bicycle lighting equipment. Provides penalties for violations. Provides for dismissal of the charge following a first offense under certain circumstances.
- **SB 0130 Onsite Sewage Treatment and Disposal Systems;** Eliminates provisions directing the Department of Health to create and administer a statewide septic tank evaluation program. Eliminates procedures and criteria for the evaluation program. Repeals a provision to terminate the grant program for repair of onsite sewage treatment disposal systems identified pursuant to the evaluation program, to conform, etc.
- **SB 0168 Onsite Sewage Treatment and Disposal Systems;** Deletes legislative intent relating to onsite sewage treatment and disposal systems. Eliminates provisions directing the Department of Health to create and administer a statewide septic tank evaluation program. Eliminates procedures and criteria for the evaluation program. Eliminates provisions authorizing the department to collect an evaluation report fee. Eliminates provisions relating to disposition of fee proceeds and a revenue-neutral fee schedule, etc.
- **SB 0450 Emergency Management;** Cites this act as the "Post disaster Relief Assistance Act." Provides immunity from civil liability for providers of temporary housing and aid to emergency first responders and their immediate family members following a declared emergency. Provides nonapplicability. Provides definitions.
- **SB 0466 Tourist Development Tax;** Provides additional bonding authority for a certain additional tourist development tax. Provides a limitation on tax revenues received from such tax and used

for certain purposes. Limits the expenditure of ad valorem tax revenue for expansion of facilities by a county imposing a tourist development tax for certain purposes. Provides for nonapplication of a prohibition against levying such tax in certain cities and towns under certain conditions, etc.

- **SB 0486 Water Management District Governing Boards;** Establishes a water management district governing board nominating commission. Provides criteria for governing board member nominees. Provides for the appointment of commission members by the Governor, the President of the Senate, and the Speaker of the House of Representatives. Provides for terms and duties of commission members. Requires the Executive Office of the Governor to provide administrative support to the commission and to adopt rules, etc.
- **SB 0590 Public Employment Practices;** Prohibits a public employer from inquiring into or considering the criminal history record of an applicant for public employment until the applicant has been selected for an interview by the public employer. Provides that the restriction does not prohibit a public employer from notifying an applicant that a law or the employer's policy may disqualify the applicant from employment in a particular position with the public employer, etc.
- **SB 0800 Education/Training Opportunities/Public Employees;** Provides certain educational opportunities for specified local government employees. Authorizes the use of fee waivers for specified local government employees.
- **SB 0914 Effective Public Notices by Governmental Entities;** Authorizes a local government to use its publicly accessible website for legally required advertisements and public notices. Provides conditions for such use. Provides for advertisement on a publicly accessible website of a taxing authority's intent to adopt a millage rate and budget. Provides for advertisement of notice on such website of funding availability through a local housing assistance plan under the State Housing Initiatives Partnership Act, etc.
- **SB 1210 Counties and Municipalities;** Authorizes the board of county commissioners and the governing body of a municipality to pursue the collection of delinquent fees, service charges, fines, or costs through the use of a private attorney or a collection agent. Provides that the collection fee, including attorney's fees, may be added to the balance owed. Limits the amount of the fee.
- **SB 1234 Special Assessment for Law Enforcement Services;** Authorizes a municipality to impose a special assessment to fund the costs of providing law enforcement services. Makes the imposition of the assessment contingent upon adoption of an ordinance approved by the governing body of a municipality and a reduction in the municipality's ad valorem millage. Limits the maximum millage reduction required. Specifies the rolled-back rate for the calculation of a future increase in ad valorem millage. Provides for the construction of the act as a general law authorizing taxation by a municipality.
- **SB 1248 Enforcement of County & Municipal Codes/Ordinances;** Authorizes notices relating to a code violation to be sent by certified mail to the property owner at an address provided to the local government for the purposes of receiving notices or to the registered agent of a corporation for property owned by a corporation. Deletes a requirement for such notices to be sent by first-class mail. Authorizes a code enforcement officer to immediately issue a citation for a code violation if the violator is engaged in violations of an itinerant or transient nature, etc.
- **SB 1698 Onsite Sewage Treatment and Disposal Systems;** Defines the term "bedroom." Provides for any permit issued and approved by the Department of Health for the installation, modification, or repair of an onsite sewage treatment and disposal system to transfer with the title of the property. Provides circumstances in which an onsite sewage treatment and disposal system is not considered abandoned. Provides for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system, etc.

- **HB 883/SB476 Public Lodging and Food Service;** Provides that vacation rentals are residential property for purposes of provisions related to treatment of such properties; revises authority preempted to state with regard to regulation of public lodging establishments & public food service establishments; provides that public lodging establishments formerly classified as resort condominiums & resort dwellings are classified as vacation rentals; defines term "vacation rental"; revises penalties for public lodging establishments & public food service establishments operating without valid license, etc.