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May 22, 2024

To: Mayor, Vice Mayor, and Members of the Town Council

From: Leonard G. Rubin, Town Attorney

Re: 2024 Legislative Update

Below please find a brief update on bills passed during the 2024 legislative session that could impact the Town.

BILLS ENACTED INTO LAW

HB 1365 – Unauthorized Public Camping and Public Sleeping

This bill prohibits local governments from authorizing or allowing persons to regularly engage in public camping or sleeping on public property. The phrase “public camping or sleeping” is defined as: (1) lodging or residing overnight in a temporary outdoor habitation used as a dwelling or living space and evidenced by the erection of a tent or other temporary shelter, the presence of bedding or pillows, or the storage of personal belongings; or (2) lodging or residing overnight in an outdoor space without a tent or other temporary shelter.

Further, it allows counties to establish and operate designated sleeping areas for persons experiencing homelessness. Such areas would have to meet basic health and safety requirements and would be overseen by the Department of Children and Families. If a county elects to designate such an area within the boundaries of a municipality, it can only do so with a majority vote of the municipality’s governing body. This bill does not require a municipality to establish or operate a designated sleeping area.

Beginning January 1, 2025, municipalities and counties can be sued by their residents, local business owners, or the Attorney General for authorizing or otherwise allowing public camping or sleeping. Before initiating a lawsuit, a plaintiff must give written notice of the alleged violation and five business days to cure it. If a resident or business owner prevails in a civil action, the court may award them court costs, attorneys' fees, investigative costs, witness fees, and deposition costs.

This bill is codified at section 125.0231, Florida Statutes, and has an effective date of October 1, 2024.

SB 1526 – Local Regulation of Nonconforming and Unsafe Structures

This bill, also known as the “Resiliency and Safe Structures Act,” restricts, with limited exceptions, local governments from prohibiting the demolition of nonconforming or unsafe structures, including historical structures, that are seaward of the coastal construction control line. The bill also authorizes the automatic replacement of the structure without requiring the new structure to have historical features or characteristics and prohibits local governments from imposing additional redevelopment restrictions that depart from existing requirements for a similarly situated parcel.

This bill is codified at section 553.8991, Florida Statutes, and took effect upon being signed into law on March 22, 2024.

HB 377 – License or Permit to Operate a Vehicle for Hire

This bill provides that a person who holds a valid, active license or permit issued by a county or municipality to operate a vehicle for hire may operate a vehicle for hire in any other county or municipality without being subject to additional licensing or permitting requirements and without paying additional license or permit fees so long as certain requirements are met.

This bill is codified at section 320.0603, Florida Statutes and has an effective date of July 1, 2024.

SB 676 – Food Delivery Platforms

This bill concerns the regulation of food delivery platforms, defined as a business that acts as a third-party intermediary for the consumer by taking and arranging for the delivery or pickup of orders from multiple food service establishments. This bill expressly preempts the regulation of food delivery platforms to the state.

This bill is codified at section 509.103, Florida Statutes, and took effect upon being signed into law on April 2, 2024.

HB 1451 – Identification Documents

This bill prohibits counties and municipalities from accepting as identification any identification card or document issued by any person, entity, or organization that knowingly issues such identification cards or documents to individuals who are not lawfully present in the United States, except when the documentation is issued by or on behalf of the federal government.

This bill is codified at sections 125.0156 and 166.246, Florida Statutes, and has an effective date of July 1, 2024.

HB 271 – Motor Vehicle Parking on Private Property

This bill makes several changes to the regulation of private parking lot operations and explicitly allows private parking lot signage to be regulated by the municipality in which the property is located.

This bill is codified at section 715.075, Florida Statutes and has an effective date of July 1, 2024.

HB 463 – Lights Displayed on Fire Department Vehicles

This bill authorizes certain government-owned fire department vehicles to show or display blue lights if authorized in writing by the fire chief of the government agency and if shown or displayed only on the rear of such vehicles.

This bill is codified at section 316.2397, Florida Statutes, and has an effective date of July 1, 2024.

SB 1628 – Local Government Actions

This bill provides that if a bond issue amount is greater than \$500 million, the bond referendum must be held at a general election. Further, it eliminates the exception from the requirement to complete a business impact estimate for ordinances concerning a comprehensive plan amendment or land development regulation, including zoning, initiated by a county or municipality. Comprehensive plan amendments and land development amendments initiated by a private party remain exempt.

This bill is codified at sections 100.261 and 166.041, Florida Statutes, and has an effective date of October 1, 2024.

HB 433 – Employment Regulations

This bill prohibits municipalities from establishing, mandating, or otherwise requiring an employer (other than the municipality itself) to meet or provide heat exposure requirements not otherwise required under state or federal law. Further, this bill provides that a municipality may not, through its purchasing or contracting procedures, seek to control or affect the wages of employee benefits

provided by its vendors or use wage or employment benefits as an evaluation factor. It also preempts local governments from regulating scheduling, including predictive scheduling, by a private employer except as required by state or federal law, or pursuant to federal grant requirements.

This bill is codified at sections 448.106, 448.077, and 218.077, Florida Statutes, and has an effective date of July 1, 2024.

HB 1557 – Department of Environmental Protection

This bill would allow municipalities to use the Resilient Florida Grants Program to update their inventory of critical assets and for the cost of permitting projects designed to achieve reductions in the risks or impacts of flooding and sea level rise using nature-based solutions. It further requires a vulnerability assessment to make use of the best available information through the Florida Flood Hub as certified by the Chief Science Officer. This bill also expands the types of projects that can be submitted for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

This bill is codified at section 380.093, Florida Statutes, and has an effective date of July 1, 2024.

HB 601 – Law Enforcement and Correctional Officers

This bill prohibits municipalities from adopting or attempting to enforce any ordinance relating to the investigation of complaints of misconduct by law enforcement or correction officers, or authorizing civilian oversight of law enforcement agencies' investigation of complaints of misconduct by law enforcement or correctional officers.

This bill is codified at section 112.533, Florida Statutes, and has an effective date of July 1, 2024.

HB 267 – Building Regulations

This bill would amend regulations relating to building permits in numerous ways, including,

- Amending the Florida Building Code to state that sealed drawings by a design professional are not required for the replacement of windows, doors, or garage doors in an existing one-family or two-family dwelling or townhouse if certain conditions are met.
- Providing that a local government must approve, approve with conditions, or deny a complete and sufficient building permit application within the following time frames, unless the applicant waives such timeframes in writing:
 - 30 business days for residential units less than 7,500 square feet,
 - 60 business days for residential units 7,500 square feet or more,
 - 60 business days for signs on nonresidential buildings that are less than 25,000 square feet,
 - 60 business days for multifamily residential, not exceeding 50 units; site plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration,

- 12 business days for an applicant using a master building permit consistent with section 553.794, Florida Statutes, to obtain a site-specific building permit, and
 - 10 business days for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce.
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- Requiring a local government to provide written notice to the applicant within 5 business days after receipt of the application of what additional information is needed or the application is automatically deemed to be properly completed and accepted.
 - Providing an applicant has 10 business days for submitting revisions when an application fails to meet applicable regulations, and providing the local enforcement agency has 10 business days after receiving the revisions to approve or deny the building permit, unless the applicant agrees to a longer period in writing.
 - Allowing local governments to use certain fees to upgrade technology hardware and software systems to enhance service delivery.
 - Adopting a new section concerning thermal efficiency standards for unvented attic and unvented enclosed rafter assemblies.
 - Providing that when an applicant utilizes the alternative plans review and inspection procedures in section 553.791, Florida Statutes, by utilizing a private provider who is licensed as an engineer or architect, the local building official must issue a permit or provide written notice regarding plan deficiencies within 10 business days, otherwise, the permit application is deemed approved as a matter of law.
 - Prohibiting local code enforcement agencies from auditing the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard audit procedures for the agency's internal inspection and review staff. The audit procedures must be publicly available online and in print versions, and the audit results for the prior two quarters must also be publicly available.

This bill is codified in various sections of the Florida Statutes and has an effective date of January 1, 2025.

SB 328 – Affordable Housing

This bill amends various provisions of the Live Local Act including:

- Clarifies that the phrase “currently allowed” density, height, and floor ratio does not include any bonus, variance, or other special exemption provided for in the local government's regulations.
- Provides that a municipality may not restrict the floor area ratio of a proposed development below 150 percent of the highest currently allowed floor area ratio on any land in the municipality where development is allowed.

- Provides that if the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150% of the tallest building on any property adjacent to the proposed development, the highest currently allowed height in the municipality's regulations, or 3 stories, whichever is higher.
- Modifies parking reduction requirements for developments near a major transportation hub or within a transit-oriented development or area.
- Requires municipalities to maintain on their websites a policy containing procedures and expectations for certain administrative approvals.

This bill is codified at section 166.04151, Florida Statutes, and took effect upon being signed into law on May 16, 2024.

SB 1084 – Department of Agriculture and Consumer Services

This bill, among other things, preempts the regulation of electric vehicle charging stations to the state and prohibits municipalities from enacting or enforcing any regulation relating to electric vehicle charging stations.

This bill is codified at section 366.94, Florida Statutes, and has an effective date of July 1, 2024.

PROPOSED CONSTITUTIONAL AMENDMENTS

HJR 7017 – Annual Adjustment to Homestead Exemption Value

This bill proposes a constitutional amendment to require an annual adjustment to the value of certain homestead exemptions (applicable to all taxes, except school taxes) each year for inflation using the percent change in the Consumer Price Index, if such percent change is positive. The constitutional amendment must be approved by at least 60% of voters during the November 2024 election.

If approved, this constitutional amendment would take effect on January 1, 2025.

BILLS THAT HAVE PASSED THE HOUSE AND SENATE

HB 7019 – Exemption of Homesteads

This bill would implement HJR 7017 if it is approved by the voters by requiring an annual adjustment to the value of certain homestead exemptions each year for inflation using the percentage change in the Consumer Price Index, if such percent change is positive. The bill would also require the Legislature to appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties.

This bill would be codified at sections 196.031 and 218.136, Florida Statutes, and would take effect on January 1, 2025.

HB 479 – Alternative Mobility Funding Systems

This bill revises and provides additional guidance concerning the use of mobility plans and the collection of mobility fees. It provides that if a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must enter into an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts. The interlocal agreement must ensure that the developer is not charged twice for the same transportation capacity impacts, establish a plan-based methodology for determining the legally permissible fee to be charged, and provide a method for the proportionate distribution of the revenue collected or provide a method of assigning responsibility for the mitigation of the transportation capacity impacts belonging to the county and the municipality. The county or municipality issuing the building permit must collect the fee unless agreed to otherwise. This bill also provides that if by October 1, 2025, the interlocal agreement is not executed, the developer shall receive a 10 percent reduction in the total fee calculated and additional administrative requirements shall be imposed on the local government.

This bill further provides that when increasing an impact fee based on a study, a local government can only use available data within the past four years and the new study must be adopted within twelve months of its initiation.

This bill would be codified at sections 163.3164, 163.3180, and 163.31801, Florida Statutes, and has an effective date of October 1, 2024

SB 812 – Expedited Approval of Residential Building Permits

This bill requires municipalities that have 10,000 residents or more and 25 acres or more of contiguous land that the municipality has designated in its comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes to create a program to expedite approval of residential building permits. The program must include a two-step application process for the adoption of a preliminary plat and allows the applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue. At an applicant's request, the municipality must issue no less than 50% of the permits for dwellings to be built if certain conditions have been met. It also requires the municipality to establish a registry with at least three qualified contractors who may be used for processing and expediting the review of an application for a preliminary plat. To avail itself of this program, an applicant must indemnify the municipality from liability or damages resulting from the issuance of a building permit.

This bill would be codified at section 177.073, Florida Statutes, and would be effective upon enactment.

SB 1420 – Department of Commerce

This bill would amend requirements related to comprehensive plan amendments and requires local governments to adopt comprehensive plan amendments within 180 days after the receipt of agency comments, otherwise, the amendments are deemed withdrawn. Additionally, within 10 working days after adoption, a local government must transmit all comprehensive plan amendments to the state land planning agency and any other agency or local government that provided timely comments, otherwise, the amendments are deemed withdrawn.

This bill would be codified at section 163.3184, Florida Statutes, and has an effective date of July 1, 2024.

SB 280 – Vacation Rentals

This bill amends laws concerning vacation rentals. While regulation of vacation rentals is generally preempted to the state, it allows local governments to require the registration of vacation rentals with a local vacation rental registration program. In order to register a property under the local vacation rental registration program, local governments may require the operator of a vacation rental to, among other things, pay in full all recorded municipal liens against the subject vacation rental premises; designate and maintain at all times a responsible party who is capable of responding to complaints or emergencies related to the vacation rental; and comply with maximum overnight occupancy standards (no more than two people per room plus two, or at a minimum of 50 sq ft. per person).

Local governments may impose a fine of up to \$500 per day for failure to register under the local program or for failure to continue to meet registration requirements. Before issuing a fine, the local government must issue a written notice of violation and provide the vacation rental operator 15 days to cure the violation. A certified copy of an order imposing a fine may be recorded in the public records and thereafter constitute a lien against the real property on which the violation occurred. This bill further provides standards for when a local government may suspend or revoke a vacation rental registration.

This bill also includes new requirements for advertising platforms of vacation rentals including a requirement that the advertising platforms collect and remit all required taxes; require persons listing a vacation rental to include state and local registration numbers; and adopt anti-discrimination policies. The regulation of advertising platforms is preempted to the State.

This bill would be codified at numerous sections of Florida Statutes and has an effective date of July 1, 2024.

HB 473 – Cybersecurity Incident Liability

This bill exempts municipalities from liability in connection with a cybersecurity incident if the municipality substantially complies with the current training and cybersecurity standards

requirements under Section 282.3185, Florida Statutes. It further provides that failure of a municipality to substantially implement a cybersecurity program that complies with the standards of section 768.401 is not evidence of negligence and does not constitute negligence per se. If a municipality is named as a defendant in an action relating to a cybersecurity incident, the municipality has the burden of proof to establish substantial compliance.

This bill would be codified at section 768.401, Florida Statutes, and would be effective upon becoming law.

SB 674 – United States-produced Iron and Steel in Public Works Projects

This bill provides that when a governmental entity enters into a contract for a public works project or for the purchase of materials for a public works project, they must include a contract requirement that any iron or steel product permanently incorporated in the project be produced in the United States, except in limited circumstances. A “public works project” means an activity paid for with any state-appropriated funds or state funds administered by a governmental entity which consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any governmental entity.

This bill would be codified at section 255.0993, Florida Statutes, and has an effective date of July 1, 2024.

Should you have any questions or be in need any additional information any of the bills referenced above, please do not hesitate to contact me.