

2025

Florida League of Cities

Legislative Action Agenda



**T**he Florida League of Cities is the champion of home rule in Florida. Florida's constitution empowers citizens with the right of local self-government, or home rule. Cities are the embodiment of this right. Cities are formed by citizens and are governed by citizens. They administer the local affairs of the community for the special benefit of the city's residents. The form of government and level of services a city provides are fundamental expressions of home rule. Home rule is why no two cities are alike. Florida's city residents take pride in this diversity and responsibility. Strong home rule powers ensure that government stays close to the people it serves. Intrusion on home rule from the state or federal government undermines the constitutional right of local citizens to govern themselves.

The Florida League of Cities opposes unfunded mandates from any level of government. An unfunded mandate is when one government forces another level of government to take some action that spends or reduces revenue, without providing any resources to offset the impact. Unfunded mandates are the antithesis of government transparency. Mandates conceal the connection between the taxes city residents pay and the services they receive. Unfunded mandates cause local city leaders to be held accountable for decisions made by others who live far away and who are not accountable for the fiscal impact on local taxpayers. The Florida Constitution prohibits unfunded mandates from state government except under certain conditions. This provision was added to the constitution in 1990 after Floridians became fed up with being forced to pay for state programs with local tax dollars. Yet in spite of the clear preference of Florida's residents, unfunded mandates have continued to be passed onto cities by the Legislature.

# 2014 Florida League of Cities Legislative Action Agenda

## MUNICIPAL PENSION REFORM

### LEGISLATIVE PRIORITY

The Florida League of Cities continues to **SUPPORT** legislation that protects municipalities' home rule powers to set and fund municipal employee benefit levels and specifically provides comprehensive pension reform, disability presumption reform and a mechanism for municipalities to revoke their election to participate in the Florida Retirement System. The League also supports legislation that provides municipalities with flexibility in the use of insurance premium taxes, as currently interpreted by the Florida Department of Management Services.

### BACKGROUND

#### Municipal Police and Firefighter Pension Plans

Prior to 1999, cities were largely free to bargain with local police and fire unions, or provide for non-unionized police and firefighters, pension benefits that best fit the priorities and needs of the city and its police and firefighters. In 1999, the Legislature amended Chapters 175 and 185, Florida Statutes, relating to city



PHOTO©ISTOCKPHOTO.COM/DIETER SPEARS

police/fire pensions to require additional insurance premium tax revenues (taxes on property and casualty insurance premiums) over a base amount be used to provide only “extra” pension benefits to police officers and firefighters. In aggregate numbers, this mandate has required cities to provide more than \$520 million in new, “extra” pension benefits to police officers and firefighters since 1999. This mandate to keep providing “extra” pension benefits is not sustainable; rather, cities need the flexibility to use insurance premium tax revenues for the current or decreased level of police/fire pension benefits to meet city budget constraints.

Beginning in August 2012, the Department of Management Services (DMS) issued a letter to the City of Naples that reflects a fundamental change in the department’s interpretation on the use of insurance premium tax revenues. Prior to this letter, the DMS had taken the position that if a city reduced any pension benefit below the statutory minimum benefits or below the plan benefits in effect in 1999, the city would be ineligible for future premium tax revenues. In the Naples letter, the DMS’ Division of Retirement acknowledges that its prior interpretation “appears inaccurate.” Since that point, more than 33 municipalities have received similar letters from the DMS.

## **DISABILITY PRESUMPTION**

Currently in Florida, there is a disability presumption for firefighters, law enforcement officers and correctional officers relating to health conditions from heart disease, hypertension or tuberculosis. This means that disability claims under workers’ compensation and disability pension for these health conditions are presumed to be job-related.

## **FLORIDA RETIREMENT SYSTEM**

Municipal participation in the Florida Retirement System (FRS) has been voluntary since 1970.



Approximately 150 municipalities participate in various membership classes, but they make up less than 5 percent of the participants/members of the FRS. FRS membership classes include: Special Risk (Police and Fire), General Employees, Elected Officials and Senior Management. After opting in, current and future employees are compulsory members of the FRS. The last “opt out” for municipalities occurred in 1996 “and was authorized for new employees only.” Approximately 50 municipalities and independent special districts opted out during this window.

## **CURRENT STATUS**

SB 246 (Ring and Bradley) has been filed for the 2014 legislative session. This bill is similar to SB 458 (Ring), which was considered by the Senate during the 2013 session.

Broadly speaking, the bill allows cities to reduce pension benefit levels all the way down to the statutory minimum benefit levels (if the city has a police or fire union this action would have to occur through the collective bargaining process). While the bill provides



very limited flexibility relating to the use of insurance premium tax revenues, it also creates a fairly complex process regarding the use of these tax revenues. Under SB 246, the use of these funds depend on when the amount of insurance premium tax revenues was generated and if the underlying defined benefit plan has either an over or under 80 percent assets-to-liabilities ratio.

In addition, an immediate and problematic effect of the bill is that it would void the current DMS interpretation on the use of insurance premium tax revenues, as reflected in the “City of Naples”- type letters. This DMS interpretation is very favorable to cities, providing them with broad flexibility in negotiating pension benefit levels and use of insurance premium tax revenues. However, a concern with the current DMS interpretation is that it could be challenged, and, under a new governor, the DMS could once again change its interpretation. As noted, a statutory change as reflected in the bill would remove the current DMS interpretation but it would also prevent the DMS from developing a less favorable interpretation of the law in the future.

The police and firefighter unions argue that their members rely on the revenues from the insurance premium taxes to fund the additional pension benefits and, given the 1999 law change, those revenues were promised to them. The League has long maintained those mandated benefit levels required under current law are unsustainable.

# COMMUNICATIONS SERVICES AND LOCAL BUSINESS TAX PROTECTION

## LEGISLATIVE PRIORITY

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

## BACKGROUND

### Communications Services Tax

In 2001, the Florida Legislature restructured taxes on telecommunications, cable, direct-to-home satellite and related services. This change was called the Communication Services Simplifications Act, which replaced and consolidated seven different state and



local taxes and fees into a single tax that has two centrally administered parts, the state and the local communications services tax (CST). The CST is one of the main sources of general revenue for municipalities. Local governments collect nearly \$800 million every year. These revenues may be used for any public purpose, including pledging the revenues to secure bonds.

## **Local Business Tax**

Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession or occupation within its jurisdiction. The amount of the tax, as well as the occupations and businesses on which the tax is imposed, is determined by the local government. Local business tax revenues collected by local governments are used to assist funding of services critical to businesses, such as zoning, permitting, code enforcement, and police and fire. Local governments may also use business tax revenues to help fund other vital services, such as economic development programs, presenting a direct benefit to businesses through the marketing of local areas. Many municipalities use the business tax as general revenue funds and have pledged these revenues to secure debt. Collections for municipal local business tax revenues are more than \$120 million every year.

## **CURRENT STATUS**

In 2013, Gov. Rick Scott promised to cut taxes by \$500 million during the 2014 session. Included in that promise is a proposal to reduce the state CST rate. SB 266 (Hukill) would reduce the state CST rate and the direct-to-home satellite rate by 2 percent. It does not include a reduction of the local CST rate, but the bill could have a negative fiscal impact on municipalities due to the distribution formula of some of the state CST and direct-to-home satellite revenues.

Supporters of this proposal say a rate reduction would be beneficial to consumers because the current combined rate of the gross receipts, state and local CST rates is so high.



# WATER QUALITY & QUANTITY

## LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation addressing water quality and quantity issues that affect the economies of local communities. Specifically, the League supports efforts to revitalize and protect Florida's springs, aquifers, surface waters and estuaries.

## BACKGROUND

Florida's water policy has evolved significantly as science and technical data have dramatically improved the ability to study groundwaters, surface waters and the sources of pollution in these water bodies. With the evolution of science also inevitably comes revision to the decades old regulatory framework that has evolved into Florida water law. The Florida Water Resources Act of 1972, Chapter 373, Florida Statutes, established a form of administrative water law that brought all waters of the state under regulatory control. The act included provisions for (1) the establishment of a state water regulatory agency and five water management districts (WMDs) that, taken together, encompass the entire state; (2) water planning requirements and (3) a permit system administered by the WMDs regulating water use, well construction, and the storage and management of surface water.

Currently, Florida faces a number of water quality and quantity conundrums. In North Florida, the continued and projected excessive water uses by the State of Georgia threaten entire fishing communities that have built their way of life around the flows of the Apalachicola River. In South Florida, an extraordinary rainy season has highlighted the polluted condition of the waters in Lake Okeechobee and the impact of releasing that impaired water from the lake. Releases of that impaired water to the Caloosahatchee River, the St. Lucie River and the Indian River Lagoon contribute to reduced tourism and have a negative impact on the economies of those cities in close proximity to them.



The state faces a growing water quantity problem due to the withdrawals from the Floridan aquifer and the lack of investment in storage and stormwater infrastructure investment. The Floridan aquifer is one of the largest and most productive aquifer systems in the world. Due to a population surge in the Central Florida region, recent studies show the current amount of water pumped each day from the aquifer can be increased only by approximately 6 percent. Consumptive uses throughout the state have left the aquifer depleted and unable to recharge.

Local governments play an important role in the planning of future water resources by working in cooperation with each of the five WMDs during the regional water supply planning process. Local governments also establish stormwater utilities that manage activities such as flood control, pollution control, permitting, maintenance, inspection and capital construction. Furthermore, cities across the state have adopted a host of ordinances designed to prevent pollution and increase alternative water supplies. While



PHOTO@THINKSTOCK.COM

cities have many “tools in their toolbox” to ensure a clean and sustainable water resource for their communities, the Legislature continues to pass laws that chip away at local government authority.

### **CURRENT STATUS**

On July 10, 2013, Senate President Don Gaetz announced the creation of the Select Committee on Indian River Lagoon and Lake Okeechobee. The committee, chaired by Sen. Joe Negron, is investigating public policy, funding and other governmental activities affecting the water management of Lake Okeechobee. The committee has held a number of well-attended public meetings to date. Sen. Negron has tasked the South Florida and Southwest Florida Water Management Districts, as well as the general public, to come up with short-term projects that will improve water quality coming from the lake and ensure that the water released will flow through the Everglades as originally intended. Unfortunately, the State of

Florida is at the mercy of the federal government and U.S. Army Corps of Engineers in some regard. The Army Corps of Engineers has federal oversight of the water releases from Lake Okeechobee and the dam that surrounds it.

In 2013, the State of Florida committed \$10 million for springs protection programs. Local government matching funds have increased the amount available for springs protection initiatives to \$37 million. The Florida Department of Environmental Protection (DEP) is using these funds to mitigate the damage from point source pollution from wastewater treatment facilities, to remove wastewater spray fields that are close to spring sheds, and for other strategies that will reduce phosphorus and nitrogen in impaired water bodies. Recently, the DEP requested a budget allocation of \$15 million for springs protection for fiscal year 2014-15.

The Florida League of Cities supports legislation that protects Florida's water bodies through increased funding for the Total Maximum Daily Load program, as well as the Basin Management Action Plan program. The League will continue to fight to protect the home rule authority of cities to adopt local fertilizer ordinances and other regulatory measures to protect the water quality of local waterways. 2014 is likely to be a busy year with multiple pieces of legislation filed that deal with water quality, water quantity and springs protection.

# SEPTIC TANKS

## LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** financial and regulatory initiatives that prioritize and encourage properties with septic tanks to connect to centralized sewer systems, especially in areas that impact rivers, estuaries, first magnitude springs and impaired water bodies.

## BACKGROUND

Onsite sewage treatment and disposal systems, commonly referred to as septic tanks, are a means of wastewater disposal for roughly 30 percent of Florida's population. Properly designed, constructed and maintained systems protect Florida's ground water, which provides 90 percent of Florida's drinking water. The general problem with septic tanks in Florida is that a large number of these systems are out of date and not inspected or cleaned frequently enough to prevent leaks. In 2002, the U.S. Environmental Protection Agency released a study based on the



PHOTO@THINKSTOCK.COM

estimates for the per person release of nitrogen a day into residential wastewater systems. The study found that approximately 11.2 grams of nitrogen per person per day were released. Of the 11.2 grams, roughly 70-80 percent originated from toilet wastes, 10-15 percent is from food preparation, and the rest originates from a wide range of ordinary household products.

Increased amounts of nitrogen in surface water bodies can cause eutrophication, which can have detrimental effects to sensitive aquatic ecosystems. Nitrogen sources to the environment include atmospheric deposition, fertilizer from both agricultural and residential land uses, livestock wastewater, municipal wastewater treatment systems, onsite sewage treatment and disposal systems, and stormwater. The combination of these sources adds up to a nitrogen load that could pose a risk to the health of Florida's water bodies.

### **CURRENT STATUS**

Although no bills that directly address septic tanks have been filed, Sen. David Simmons released a draft springs protection bill that, among other things, requires communities within the springshed of 21 predetermined springs to hook septic tank owners into central sewer at no cost to the resident. The bill provides a reimbursement for the local government through the documentary stamp tax revenues.



# ECONOMIC DEVELOPMENT

## LEGISLATIVE PRIORITY

Recognizing that 89 percent of all businesses in Florida have 12 or fewer employees, the Florida League of Cities **SUPPORTS** legislation that dedicates state economic development resources to small businesses, with an emphasis on technical assistance, access to capital, public infrastructure and urban infill.

## BACKGROUND

According to the U.S. Bureau of Labor and Statistics, as of October 2013, Florida's unemployment rate is 6.7 percent, compared to 3.2 percent in 2006. While this rate of unemployment is an improvement from last year's 8.9 percent, Florida's economy has still not fully recovered. These high unemployment figures have motivated the Florida Legislature to focus intensely on economic development as a way to restart Florida's economic engine and create more jobs for Floridians. Getting Florida back to work continues to be a major focus of Gov. Rick Scott, who pledged to create 700,000 permanent Florida jobs during the seven-year period from 2010-2017. One of the measures enacted to achieve this job creation goal was the creation of a new agency,



PHOTO@THINKSTOCK.COM

the Florida Department of Economic Opportunity. This agency is charged with coordinating economic development efforts to ensure Florida has a thriving climate for businesses that seek to start, relocate or expand in Florida.

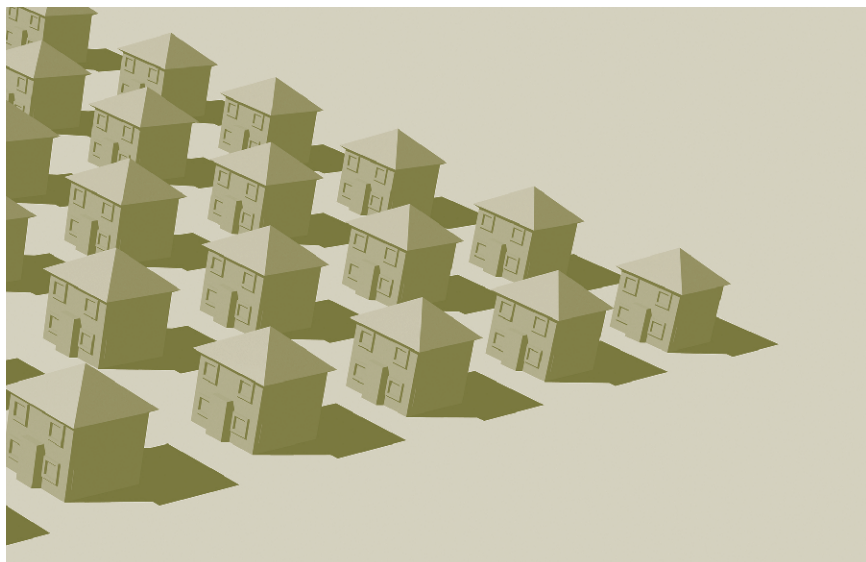
In 2013, Gov. Scott's agenda focused on stimulating economic growth by streamlining business permitting, providing tax relief for manufacturers, reforming Florida's unemployment system, offering stability to Florida's businesses by balancing the budget without raising taxes, and prioritizing science, technology, engineering and mathematics (STEM) education in the state. Legislative efforts relating to economic development have also focused on creating greater accountability and transparency of taxpayer-funded incentives.

There is significant evidence showing that the bulk of job opportunities are created by small- to medium-size businesses, not large corporations. According to the U.S. Small Business Administration (SBA), 89 percent of all businesses in Florida have 12 or fewer employees. Not every city in Florida is the base of operations for a large corporation, but every city in Florida is the home to a host of small businesses.

Small-business owners are the backbone of Florida's economy, but they are often overlooked or do not qualify for existing economic development incentives. Rebuilding Florida's economy should be a "bottom up" process that starts with local economic development and efforts to retain and grow small businesses.

## **CURRENT STATUS**

Economic development continues to be an important focus for the Florida Legislature, the governor and other important and influential stakeholders. Florida's cities will continue to work with these entities by developing partnerships and collaborations and providing counsel on how best to accomplish the task of rebounding Florida's economy.



## **HOUSING AND SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)**

### **LEGISLATIVE PRIORITY**

The Florida League of Cities **SUPPORTS** legislation that requires state housing trust fund monies be used exclusively for funding local government affordable housing initiatives. The League also supports improving the Community Development Block Grant program to maintain current funding categories with adequate verification safeguards to ensure grants will primarily benefit low- and moderate-income families, and supports maintenance of the CDBG advisory committee.

### **BACKGROUND**

Florida's housing market has been one of the hardest hit in the country, and Florida's cities have been at ground zero. Cities have not only had to face a record number of foreclosures, but they have also encountered a decline in funding for affordable housing programs.

In 1992, the Sadowski Act created a dedicated funding source for affordable housing programs. An increase in the documentary stamp tax paid on all real estate transactions funds the state and local housing trust funds. From those funds, 70 percent is directed to all 67 counties, and Florida's so-called "entitlement cities," to fund the State Housing Initiative Partnership (SHIP) program. The remaining 30 percent of the funds are used by the Florida Housing Finance Corporation for programs such as the State Apartment Incentive Loan (SAIL) program.

SHIP funds can be used for rehabilitation/renovation of existing vacant homes to transform neighborhoods into vibrant communities. In addition, SHIP funds can be used for down payment and closing cost assistance and may be used to rehabilitate existing low-income apartments or construct new units for very low-income families.

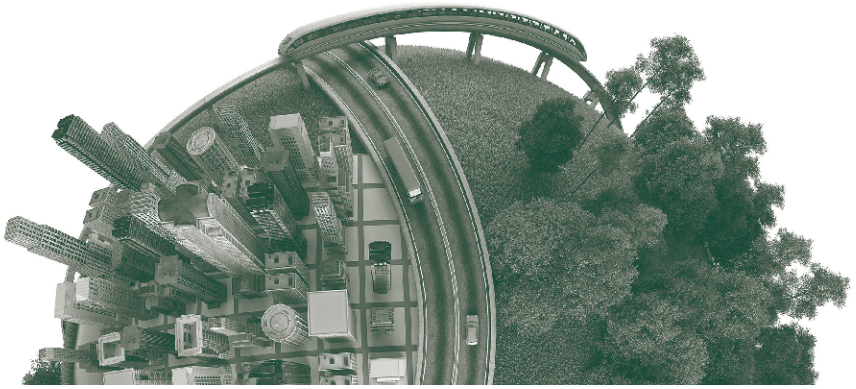
The Florida Small Cities Community Development Block Grant (CDBG) program is intended to provide the necessary means for municipalities to develop, preserve, redevelop and revitalize Florida's cities. The Small Cities CDBG program provides federally funded grants on a competitive basis to eligible municipalities in order to serve low- and moderate-income families. To be eligible for participation in the program, cities must have a population of less than 50,000. Competitive grants can be awarded to assist with housing rehabilitation, water and wastewater improvements, and economic development projects that create jobs. For fiscal year 2012-13, Florida received more than \$22 million in Small Cities CDBG funding. Florida's Department of Economic Opportunity (DEO) administers this federally funded program.

## **CURRENT STATUS**

An estimated \$261.775 million will be appropriated into the state and local housing trust fund for fiscal year 2014-15. For the last four years, the Florida Legislature has used these trust fund monies to brace budget shortfalls rather than fund the SHIP and

SAIL housing programs. For the first time since 2009, analysts are projecting a state budget surplus of three quarters of a billion dollars for the 2014-15 fiscal year. With no budget shortfalls, it is critical that the housing trust fund monies be used for their intended purpose this year. If projected housing funds are fully invested into Florida's local government housing programs, it is estimated these funds can create 26,400 jobs and have a \$2.7 billion in positive economic development impacts for Florida's cities. The Sadowski Housing Coalition, a nonpartisan coalition of 26 diverse statewide organizations, strongly supports having a dedicated revenue source for Florida's affordable housing programs.

The DEO plans to file legislation making several statutory revisions to the Small City CDBG program in order to reduce outdated, burdensome or restrictive requirements. Legislation drafted by the DEO in cooperation with the League and other stakeholders directs the DEO to maintain grant activities in four statutory categories: housing rehabilitation, economic development, neighborhood rehabilitation and commercial rehabilitation. The draft legislation was revised to retain statutory authorization for an advisory council, a compromise that was suggested by the League's Growth Management and Economic Development Policy Committee. The League believes that maintaining an active advisory council composed of municipal members is critical to allowing cities to provide feedback on future changes to the program and strengthen the relationship between cities and the DEO.



# TRANSPORTATION FUNDING

## LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation that preserves local control of transportation planning and provides opportunities for additional revenue options to fund municipal transportation infrastructure projects.

## BACKGROUND

Municipalities have limited revenue options for funding transportation projects. A major portion of transportation funding flows to municipalities through the state and federal governments. Much of that funding is generated through a tax on gasoline. Recent data has shown that gas tax revenue at both the state and federal levels has decreased dramatically. A significant amount of the decrease in revenue is due to an increase in the number of fuel efficient vehicles on the road. More fuel efficient vehicles means less gas is being purchased, causing lower gas tax revenues. Unlike other tax revenue that will increase once the economy improves, as vehicles will only become more fuel efficient, gas tax revenue is forecasted to continue to decrease over time. To compound the problem, the federal gas tax was last increased in 1997, the state gas tax in 1943, the county gas tax in 1941 and the municipal gas tax in 1971. None of these taxes are indexed for inflation.

PHOTO@THINKSTOCK.COM



The lack of options for municipalities to increase revenue to fund local transportation projects further compounds the problem. For example, charter counties may hold a referendum on whether to impose up to a 1 percent sales tax to fund transportation infrastructure projects. Municipalities lack such authority. This can be problematic when there are disparities between the transportation needs of municipalities versus those of the more rural areas of the county at large. For example, a referendum was held in Hillsborough County to enact such a tax and it was defeated countywide. However, if the election results are broken down by municipality, the residents of Tampa actually voted to approve the tax. Extending such options to municipalities would allow greater flexibility to fund their unique transportation needs.

### **CURRENT STATUS**

There seems to be a general consensus that Florida's transportation infrastructure is badly in need of increased funding and modernization, or alteration, of the current tax structure. During the 2013 legislative session, both the secretary of the Florida Department of Transportation (DOT) and the executive director of the Florida Metropolitan Planning Organization Advisory Council gave a presentation to the House and Senate Transportation committees highlighting the current and future problems of transportation funding facing governments at all levels. The Florida Transportation Commission is also in the process of studying the issue and reviewing alternatives to the existing per-gallon tax on gasoline. No bills were filed during the 2013 session that would have directly affected the existing revenue stream devoted to transportation. However, the DOT work program was fully funded for the 2013-14 fiscal year. Throughout his term, Gov. Rick Scott has emphasized the importance of transportation to Florida and the state's economy. The support of the executive branch and the increasing awareness of the transportation revenue problem may lead to the issue being addressed in the 2014 session.



## **ETHICS**

### **LEGISLATIVE PRIORITY**

The Florida League of Cities **SUPPORTS** legislation that provides for a judicious code of ethics for public officials to protect and preserve the public trust; provides a reasoned and balanced manner by which public officials may identify, disclose and resolve (or otherwise avoid) conflicts between public duty and private interests; and recognizes the home rule authority of each municipality to independently adopt more stringent standards for its own public officials.

### **BACKGROUND**

The state code of ethics provides a framework for the actions and activities of state and local government officials. The code covers various areas, including conflicts of interest, gifts, financial disclosure and other standards of conduct. Failure to comply with the state code of ethics can subject an individual to civil or criminal penalties, depending upon the severity of the violation.

Many officials seek guidance on complying with ethics standards from the attorney to the officials' governmental entity. Officials who act in compliance with the attorneys' advice should be provided with a "safe harbor" from alleged ethics violations. Also, the ethics complaint process should not be used solely to further political or other unfounded purposes, and anyone filing a false ethics complaint with a malicious intent to injure the reputation of an official should be subject to a penalty.

Current law allows a political subdivision to adopt at the local level more stringent ethics standards than those provided under the state code of ethics. However, one political subdivision should not be authorized to adopt more stringent ethics standards for officials of a different political subdivision.

### **CURRENT STATUS**

To date, no bills have been filed relating to local ethics standards, but League staff expects legislation to be filed on the issue in the coming months.

# SOBER HOMES

## LEGISLATIVE PRIORITY:

The Florida League of Cities **SUPPORTS** legislation that defines and establishes statewide minimum regulatory standards for properties used for “sober home” purposes and allows for more stringent local regulation of such properties.

## BACKGROUND

“Sober homes” or “halfway houses” for individuals with drug and alcohol problems have been around for decades and provide needed transitional housing opportunities for people who are progressing through treatment for substance abuse problems. Several cities in Florida have been experiencing increasing problems with sober homes. These homes are marketed as places where recovering addicts can come to “sober up” and be slowly phased back into society while getting treatment for their addiction. Lately, however, cities have seen a proliferation of self-proclaimed “sober homes” that are run by unscrupulous landlords who are exploiting patients in order to make a profit. The *Tampa Bay Times* recently wrote a series of articles describing some of the problems these unregulated facilities are causing for both patients and non-patients in cities across the state.

The investigation into sober homes by *Tampa Bay Times* senior correspondent Susan Taylor Martin uncovered a multitude of problems. Without licensing requirements, state regulations or oversight setting minimum operating standards, many sober homes operate in the shadows and are often “fly-by-night”-type facilities. The *Times* article reported that “....in some homes, residents are housed two to three to a room. This is a lucrative business if each person pays \$500 per month, meaning a three-bedroom house with two residents per bedroom can bring in \$3,000 per month. But residents don’t get what they pay for.”



PHOTO@THINKSTOCK.COM

With no regulation from government agencies, setting up a sober home is as easy as renting a house to a few residents who pledge to live in sobriety and attend support groups. The operators of these illegitimate sober homes often advertise on the Internet as offering treatment onsite or providing transportation to offsite treatment facilities. Once residents arrive, they find that no treatment is offered and there is very little oversight by the owners of the sober home. Instead, residents are free to do whatever they choose, which for many means to hit the streets to find drugs or alcohol (one Delray Beach home was attached to a bar, so its residents don't have to go too far). Law enforcement officials have seen increases in crime and homelessness in neighborhoods where these sober homes have located. Residents of these neighborhoods have reported an increase in burglaries, panhandling and even some instances where the sober home operators are openly using or selling drugs out of the sober home.

As a result of the lack of uniform state standards or regulations for sober homes, there are some houses that are nothing more

than a group of individuals living together abiding by self-imposed rules of sobriety, while other houses are operating just shy of administering treatment onsite and flying under the radar of the Florida Department of Children and Families (DCF) because they are not “formally affiliated with” a “licensed service provider.” (Those houses that are affiliated with a licensed service provider are currently required to be licensed by DCF, while homes not affiliated with a licensed service provider are not required to be licensed by DCF.) Therefore, the League will be supporting efforts to clearly define sober homes in statute and allow for the regulation of these facilities. Sober homes will continue to be a problem for cities and law enforcement in Florida until the Legislature places minimum operating standards for these places into statute.

SB 738 (Clemens) and HB 1089 (Grant) were filed to address the sober home issue in 2013, but both bills died in committee. There was language inserted into SB 1500, the General Appropriations Act, requiring the DCF to study the possible licensure of sober homes in Florida. The DCF held three public hearings during the summer and submitted a report to the president of the Senate, the speaker of the House and the governor on October 1, 2013. The report listed what other states are doing in regard to sober home regulation, or the lack thereof, but ultimately concluded that further study of the issue was needed prior to making recommendations.

## **STATUS**

To date, no bills have been filed that deal with sober homes, but League staff expects legislation to be filed on the issue in the coming months.





## VACATION RENTALS

### LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation that repeals the state preemption of the regulation of vacation rental properties in order to allow local governments to regulate such properties to protect the health and welfare of their residents, visitors and businesses.

### BACKGROUND

In 2011, the Florida Legislature passed HB 883, which preempted local governments from regulating vacation rentals. Proponents of the bill claimed that city ordinances regulating vacation rentals were too restrictive, eroded private property rights and discouraged investment in the housing market. Cities throughout Florida had seen developers encroaching on residential neighborhoods with commercial development, replacing existing houses with very large houses meant only for renters. These large vacation rentals were essentially operating as hotels in residential neighborhoods. As a result, cities across the state rightfully attempted

to regulate them as such. They began regular inspections and imposing other regulations, such as parking or fire code standards. Hotels pay bed taxes and are zoned as commercial properties; vacation rentals are not. Cities mentioned that too little oversight could expose guests to dangerous situations, create unfair competition in the tourism industry, and rob the state and local governments of tax dollars.

Late in the 2011 session, provisions were added to HB 883 that allowed cities with vacation rental ordinances in place by June 1, 2011, to retain those ordinances. While this “grandfather” provision helped, new problems have emerged with vacation rentals and many cities are reluctant to amend their ordinance out of fear of voiding their existing ordinance.

### **CURRENT STATUS**

The Florida League of Cities testified in opposition to the preemption bill during the 2011 legislative session and argued that the legislation would make it impossible for cities to craft solutions to local problems associated with these properties. To date, no bills have been filed dealing with vacation rentals, but Sen. John Thrasher and Rep. Travis Hutson were recently quoted in various newspaper articles as saying that they will be filing bills this year to remove the preemption from state law.

# 2014 Key Dates\*

## February

- 11-12** Federal Action Strike Team (FAST)  
Fly-in to Washington, D.C.
- 

## March

- 4** Legislative Session Convenes
  - 8-12** National League of Cities Congressional City Conference  
*Washington, D.C.*
- 

## April

- 1-2** Florida League of Cities Legislative Action Days  
*Tallahassee*
- 

## May

- 2** Last Day of Regular Session
- 

## August

- 14-16** Florida League of Cities Annual Conference  
*Hollywood, FL*
- 

## November

- 13-14** Florida League of Cities Legislative Conference  
*Orlando*

\*dates subject to change

# 2014 Florida League of Cities Lobbying Team



**C. Scott Dudley**  
Director, Legislative Affairs  
*sdudley@flcities.com*  
State and Federal Legislative Issues  
Governmental Relations



**John Thomas**  
Director, Communications  
and Political Initiatives  
*jthomas@flcities.com*  
External Communications  
Media Relations  
Research and Resources  
Florida League of Mayors



**Kraig Conn**  
Deputy General Counsel  
and Legislative Counsel  
*kconn@flcities.com*  
State and Federal Legislative Issues



**Casey Cook**  
Legislative Advocate  
*ccook@flcities.com*  
Building Code/  
Construction  
Emergency Management  
Gaming  
Homeland Security  
Housing  
Ordinance/Code  
Enforcement  
Public Records and  
Public Meetings  
Public/Highway Safety  
Purchasing



**David Cruz**  
Legislative Advocate  
*dcruz@flcities.com*  
Affordable Housing/  
Foreclosures  
Charter Schools  
Community  
Redevelopment  
Economic Development  
Growth Management  
Special Districts



**Amber Hughes**  
 Legislative Advocate  
*ahughes@flcities.com*  
 Finance and Taxation  
 Insurance  
 Personnel and Collective Bargaining  
 Retirement/Pension Issues  
 Revenues and Budgeting  
 Workers' Compensation



**Ryan Padgett**  
 Legislative Advocate  
 and Assistant General  
 Counsel  
*rpadgett@flcities.com*  
 Annexation  
 Billboards  
 Charter Counties  
 Eminent Domain  
 Ethics/Elections  
 General Utilities  
 Property Rights  
 Rights-of-Way  
 Telecommunications  
 Tort Liability  
 Transportation/  
 Highway Safety



**Kathy Till**  
 Advocacy Program  
 Coordinator  
*ktill@flcities.com*



**Lisa Dove**  
 Administrative  
 Assistant,  
 Legislative Affairs  
*ldove@flcities.com*



**Ryan Matthews**  
 Legislative Advocate  
*rmatthews@flcities.com*  
 Energy  
 Environmental  
 Solid Waste  
 Stormwater  
 Water Quality/  
 Wastewater  
 Water Supply/Policy



**Megan Sirjane-Samples**  
 Administrative  
 Assistant,  
 Legislative Affairs  
*msirjanes-samples@flcities.com*



**Allison Payne**  
 Manager, Advocacy  
 Programs and  
 Federal Affairs  
*apayne@flcities.com*  
 Advocacy Programs  
 Federal Issues

**T**his brochure reflects the priorities of 410 municipalities, as prepared by the five legislative policy committees and adopted by the full membership at the Florida League of Cities 53rd Annual Legislative Conference on November 22, 2013, in Orlando.

## **2013-2014 Officers**

### **President**

Councilman P.C. Wu, Pensacola

### **First Vice President**

Mayor Lori C. Moseley, Miramar

### **Second Vice President**

Mayor Matthew Surrency, Hawthorne

The Florida League of Cities, Inc., formed in 1922, represents the municipalities of Florida. Its mission is to concentrate the influence of all city, town and village officials upon other policymaking bodies for the purpose of shaping legislation and public policy, sharing the advantages of cooperative action, and exchanging ideas and experiences.

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

Visit the League's website at  
[www.floridaleagueofcities.com](http://www.floridaleagueofcities.com).