

## VILLAGE OF ESTERO END OF 2024 SESSION REPORT

### SESSION ENDS

The 2024 Florida Legislature Regular Session came to an official end on Friday. The Legislature adjourned sine die at 2:25 p.m. with the traditional hanky drop in the rotunda between the two chambers. Legislators filed 1,957 bills, with 325 enrolled.

### BUDGET

On Friday, after the required 72 hour “cooling off period”, the Legislature officially approved the agreed upon Fiscal Year 2024-2025 budget (HB 5001 – General Appropriations Act). The legislative budget totals \$117.46 billion, which is comprised of \$49.4 billion in general revenue, and \$68.1 billion in trust funds.

At some point before the effective date of July 1st, the General Appropriations Act will be presented to the Governor for his consideration. He will have 15 days to take action once he receives it, meaning the latest the Legislature can send it to him is June 15th. The Governor has a line-item veto privilege.

#### Items of Interest to the Village include:

Live Local funding:

State Housing Initiatives Partnership (SHIP) Program - \$174 million

Affordable Housing (SAIL) Program - \$84 million

Community Development Block Grant - Disaster Recovery Grant Funding (CDBG-DR) - \$396 million

Transportation Work Program - \$13.98 billion

Open Federally Declared Disasters:

Funding to Communities - \$1.02 billion

State Operations - \$155 million

Resilient Florida Grant Program - \$100 million

Water Quality Grant Program - \$79 million

Wastewater Grant Program - \$135 million

Water Supply Grant Program - \$25 million

Water Projects - \$410.4 million

Flood and Sea-Level Rise Program - \$125 million

Land and Water Conservation Grants - \$16.9 million

Local Parks - \$17.9 million

### APPROPRIATION REQUESTS

Prior to the start of the 2024 Regular Session, we were tasked by Estero to secure funding for the following items.

PROJECT	ORIGINAL REQUEST	SENATE FUNDED	HOUSE FUNDED	BUDGET CONFERENCE	ADDITIONAL FUNDING	FINAL FUNDING
Estero Phase 2 Septic-to-Sewer Project	\$12,099,000 (modified by Estero to \$4,600,000)	\$4,600,000	\$ -	\$4,600,000		\$4,600,000
Broadway Avenue West Improvements	\$1,300,000	\$650,000	\$650,000		\$650,000	\$1,300,000
River Oaks Preserve Improvements	\$2,500,000	\$2,500,000	\$ -	\$4,600,000		\$2,500,000

Senate President Kathleen Passidomo and Representative Adam Botana agreed to sponsor and shepherd the requests through the budget process. On January 26<sup>th</sup>, the Senate released their proposed budget bill and on February 1<sup>st</sup>, the House unveiled their proposal. The chart illustrates the projects, and amounts, each chamber funded.

The budget conference, wherein the two chambers would work out their differences to finalize an agreed upon budget, began on February 26<sup>th</sup>. It was during this period that we worked on behalf of Estero with the conference chairs to ensure additional funding for the remaining two projects.

It was not until Sunday evening that the conference released their agreed upon water projects to be funded. Upon release, Estero's two projects were FULLY funded; Estero Phase 2 Septic-to-Sewer Project and River Oaks Preserve Improvements. In addition, the Broadway Avenue West funding was increased by \$650,000 to \$1,300,000. The additional funding for the Broadway Avenue West project came from the Senate Supplemental Funding Initiative pot of money.

Taken together, Estero's state funding is \$8,400,000 for Fiscal Year 2024-2025.

## **LEGISLATIVE ACTION**

### **BILLS OF INTEREST**

Outlined below are bills tracked this session by JEJ & Associates that have an impact on Estero. The following bills were approved by the Legislature (bill summaries are condensed). These bills will be sent to the Governor in due time and their final action with either be they will become law with his signature, become law without his signature or be vetoed. The top bill number is the passed bill.

#### **HB 149 - Continuing Contracts**

#### **SB 656 - Continuing Contracts**

Raises the maximum construction cost for projects under a governmental continuing contract from \$4 million to \$7.5 million and mandates annual adjustments based on the Consumer Price Index.

- Allows governmental entities to select construction or program management entities responsible for project scheduling, coordination, and completion.
- Permits these entities to retain necessary design professionals and, if required, to offer a guaranteed maximum or lump-sum price and completion date.
- Authorizes entering into continuing contracts for construction projects where each project's estimated cost does not exceed \$7.5 million.
- Requires the Department of Management Services to adjust the maximum project cost annually based on the Consumer Price Index and publish it on its website.
- Defines "continuing contract" and updates procedures and definitions related to acquiring professional services, including the new maximum project cost.

#### **HB 267 - Building Regulations**

#### **SB 684 - Residential Building Permits**

Amends the Florida Building Code to simplify the process for installing replacement windows, doors, and garage doors by exempting the need for sealed drawings by design professionals, requiring installations to follow manufacturer's instructions, and submitting these instructions with permit applications.

- Removes requirements for building permits for specific residential dwellings.
- Defines "private provider firm" and revises timeframes and procedures for issuing permits involving private providers, including specifics on when a permit application is deemed approved and limiting the frequency of private provider audits by local building code enforcement agencies.
- Revises procedures and timelines for approving or denying building permits, prohibiting local governments from requiring waivers of these timeframes, and specifying circumstances under which permit applications are deemed complete and approved.
- Allows local governments to use certain fees for technology upgrades.
- Standards for unvented attic and unvented enclosed rafter assemblies are established, contingent on meeting specific requirements, including insulation levels and ventilation systems.
- Reports on the review and consideration of thermal efficiency standards for these assemblies are to be delivered to the Legislature.

### SB 328 - Affordable Housing

### HB 1239 - Affordable Housing

Streamlines affordable housing development by amending various Florida statutes to provide more flexibility regarding zoning, density, and parking requirements for affordable housing projects.

- Authorizes multifamily and mixed-use residential developments in areas zoned for commercial, industrial, or mixed-use if at least 40 percent of units are affordable.
- Prohibits counties and municipalities from requiring zoning changes or land use amendments for such developments and from restricting the density, floor area ratio, or height of these developments below certain thresholds.
- Allows for administrative approval of developments meeting affordability and zoning criteria, except when located near military installations.
- Requires counties and municipalities to maintain a policy for administrative approvals on their websites and to consider reducing or eliminating parking requirements for developments near major transportation hubs or within transit-oriented developments.
- Mandates mixed-use residential developments within designated transit-oriented areas to comply with specific requirements, except for use, height, density, floor area ratio, and parking.
- Provides applicants with an opportunity to submit revised applications or notices to account for changes made by the act.
- Updates the definition of "newly constructed" for affordable housing property exemptions and revises criteria for multifamily projects to receive ad valorem property tax exemptions.
- Specifies conditions under which developments can be treated as conforming or nonconforming uses.
- Excludes certain airport-impacted areas from these provisions and revises the Florida Housing Finance Corporation's powers to preclude applicants from programs under certain conditions.
- Appropriates \$100 million to the State Housing Trust Fund for the Florida Hometown Hero Program.

### HB 473 - Cybersecurity Incident Liability

### SB 658 - Cybersecurity Incident Liability

Limits liability for cybersecurity incidents for compliant Florida counties, municipalities, other political subdivisions, covered entities, and third-party agents.

- Defines "covered entities" and "third-party agents" involved in handling personal information.
- Exempts counties, municipalities, and other voluntary political subdivisions from liability if they substantially comply with specific state cybersecurity requirements.
- Exempts covered entities and third-party agents from liability if they substantially comply with certain state laws, align their cybersecurity programs with recognized standards or if regulated, align with applicable state or federal laws.
- Requires covered entities and third-party agents to update their cybersecurity programs within one year of any revision to relevant frameworks, standards, or laws to retain liability protection.
- Clarifies that the act does not establish a private cause of action, and failure to comply is not considered evidence of negligence or negligence per se.
- Specifies the burden of proof lies with the defendant to demonstrate substantial compliance in cybersecurity-related actions.

### HB 479 - Alternative Mobility Funding Systems

### SB 688 - Alternative Mobility Funding Systems and Impact Fees

Revises Florida's transportation funding systems and impact fee calculations for new developments.

- Redefines and introduces "mobility fee" and "mobility plan" in the Community Planning Act.
- Allows local governments to adopt alternative, mobility-plan, and fee-based transportation systems, ensuring new developments are not held responsible for existing transportation deficiencies.
- Requires interlocal agreements between counties and municipalities when charging developers transportation impact fees, with detailed provisions to prevent double charging and coordinate impact mitigation.
- Mandates local governments provide full benefit of intensity and density to holders of impact fee credits when transitioning to alternative transportation systems.
- Updates the requirements for the calculation of impact fees to include utilizing the most recent data and ensuring any contributions by developers are credited against impact fees collected.

### HB 705 - Public Works Projects

### SB 742 - Public Works Projects

Expands the definition of "public works project" and revises the applicability of prohibitions on restrictive bidding practices by the state or its political subdivisions.

- Defines "public works project" as an activity paid for with local or state funds involving construction, maintenance, or improvement of various facilities owned by any political subdivision.
- Excludes services incidental to the public works project, such as security, janitorial, landscaping, maintenance, transportation services, and others that do not require a construction contracting license from the definition of "public works project."

- Prohibits the state or political subdivisions from preventing a contractor from participating in the bidding process based on geographic location, with an exception for projects solely funded by a county or municipality.

### **DEAD BILLS**

#### **The following bills died in either committee or on the calendar:**

SB 122 Trees on Residential Property  
HB 171 Homestead Exemptions for Totally and Permanently Disabled First Responders  
SB 242 Cost-of-living Adjustment of Retirement Benefits  
SB 472/HB 569 Suits Against the Government  
SB 734/HB 735 Government Accountability  
SB 104/SB 1088/SB 1510/HB 47/HB 1277 Municipal Water and Sewer Utility Rates  
SB 1150/HB 791 Development Permits and Orders  
SB 1110/HB 1177/HB 1419 Land Development  
SB 1184/HB 1221 Land Use and Development Regulations  
SB 406/SB 738/HB 789 Statewide Environmental Resource Permitting Rules  
SB 1144/HB 609 Local Business Taxes  
HB 759 Solicitation of Contributions Act  
SB 1202/SB 1322/HB 1195/HB 1141 Millage Rates