

Agenda Memorandum

To: Honorable Mayor and City Council Members
Prepared By: Patrick Kelly, Assistant City Manager
From: Bryan Cobb, City Manager
Date: June 24, 2024
Subject: State Lobbyist Legislative Session Wrap-Up, Service Review, and Open Container Discussion

Introduction: This is a request for Gray Robinson, the City's State Lobbying firm, to update the City Council regarding the 2024 State Legislative Session, discuss the services provided by Gray Robinson, and discuss perusing a Local Bill during the 2025 Legislative Session regarding open containers and consumption off premises.

Discussion: During the 2024 State Legislative Session, the State House and State Senate considered various types of legislation that may impact City operations, as well as, the City's ability to administer the City's Comprehensive Plan and Land Development Code. The Legislature deliberated over legislation affecting, among other things, mobility fees, land use, building permits, public records, government finances, and public camping. Mr. Chris Carmody of Gray Robinson, the City's State Lobbyist, will provide an update on legislation adopted during the 2024 Legislative Session and the status of impending legislation and the potential impacts on the City's budget and operations. The 2024 Legislative Session Final Report from Gray Robinson is provided in Attachment 1.

Below are several identified legislative acts passed during the 2024 Legislative Session that may have an effect on the City of Oviedo.

House Bill 3 (Tramont): Online Access to Materials Harmful to Minors

Requires social media platforms to prohibit certain minors from creating new accounts; requires social media platforms to terminate certain accounts and provide additional options for termination of such accounts; provides conditions under which social media platforms are required to prohibit certain minors from entering into contracts to become account holders; authorizes the Department of Legal Affairs to bring actions under the Florida Deceptive and Unfair Trade Practices Act for knowing or reckless violations; authorizes the department to issue and enforce civil investigative demands under certain circumstances, etc.

House Bill 49 (Chaney): Employment and Curfew of Minors

Removes certain employment restrictions for minors 16 and 17 years of age; revises the age at which certain employment restrictions apply; provides for the waiver of a specified restriction by specified persons; restricts the amount of continuous hours certain minors may work without a break for a minimum specified time period; authorizes the department to grant a waiver of the restrictions imposed under the act; provides penalties, etc.

Senate Bill 184 (Avila): Impeding, Threatening, or Harassing First Responders

Prohibits a person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, from violating such warning and approaching or remaining within a specified distance of the first responder with specified intent, etc.

House Bill 103 (Arrington): Public Records/County and City Attorneys

Provides exemption from public records requirements for personal identifying & location information of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, & deputy city attorneys & names & personal identifying & location information of spouses & children of such attorneys; provides for future legislative review & repeal; provides statement of public necessity.

House Bill 113 (Maney): Tax Collections and Sales

Removes specified processing fee; revises information to be included in certain report; revises calculation of interest for canceled tax deed applications.

House Bill 149 (Alvarez): Continuing Contracts

Revises maximum estimated construction cost of construction projects for which governmental entity may enter into continuing contract; requires DMS to annually adjust maximum amount allowed under specified contracts using specified index & publish adjusted amount on DMS's website.

House Bill 151 (Cabrera): Florida Retirement System

Authorizes certain retirees to be reemployed after terminating employment; prohibits such retirees from receiving both a salary from the employer and retirement benefits for a specified period after his or her retirement; removes provisions authorizing the reemployment of certain law enforcement officers as school resource officers; revises employer contribution rates to the Florida Retirement System, etc.

House Bill 179 (Bell): Towing and Storage

Revises provisions relating to towing & storing of vehicles & vessels, including establishing maximum rates for certain cleanup & disposal; excluding or failing to designate certain wrecker operators; authorizes fees; revises requirements relating to removal of vehicles or vessels; revises requirements for liens, notices of lien, sale, notices of sale, & types of payment; requires operator to accept & maintain certain documents, rate sheets, & invoices; revises criminal penalties.

HB 267 (ESPOSITO): Building Regulations

Requires the Florida Building Commission to modify provisions in the Florida Building Code relating to replacement windows, doors, or garage doors; provides requirements for such modifications; revises the timeframes in which local building officials must issue permits or provide certain written notice if certain private providers affix their professional seal to an

affidavit; provides requirements for such written notices; deems a permit application approved under certain circumstances; prohibits local building code enforcement agency's from auditing the performance of private providers until the local building code enforcement agency creates a manual for standard operating audit procedures; provides requirements for such manual; requires the manual to be publicly available online or printed; requires certain audit results to be readily accessible; specifies when a permit application is deemed complete and approved; requires the commission to review and consider certain provisions of law and technical amendments thereto and report its findings to the Legislature by a specified date, etc.

House Bill 275 (Canady): Intentional Damage to Critical Infrastructure

Provides criminal penalties for improperly tampering with critical infrastructure resulting in specified monetary damage or cost to restore; provides for civil liability upon conviction for such violations; provides criminal penalties for trespass upon critical infrastructure; provides notice requirements; provides criminal penalties for unauthorized access to or tampering with specified electronic devices or networks of critical infrastructure.

Senate Bill 280 (DiCeglie): Vacation Rentals

Requires advertising platforms or operators listing a vacation rental with an advertising platform to collect and remit specified taxes for certain vacation rental transactions; defines the term "advertising platform"; adding licensing to the regulated activities of public lodging establishments and public food service establishments which are preempted to the state; requires advertising platforms to require that persons placing advertisements or listings for vacation rentals include certain information in the advertisements or listings and attest to certain information; authorizes the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances, etc.

House Bill 321 (Chaney): Release of Balloons

Revises prohibition on release of certain balloons to delete specified timeframe & number of balloons; deletes exemption from such prohibition for certain biodegradable or photodegradable balloons; provides that person who violates prohibition commits noncriminal infraction of littering; revises penalty for such violation; deletes provision authorizing petitions to enjoin release of balloons.

Senate Bill 328 (Calatayud): Affordable Housing

Prohibits counties and municipalities, respectively, from restricting the floor area ratio of certain proposed developments under certain circumstances; authorizes counties and municipalities, respectively, to restrict the height of proposed developments under certain circumstances; requires counties and municipalities, respectively, to maintain a certain policy on their websites; revises conditions for when multifamily projects are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption, etc.

House Bill 433 (Esposito): Employment Regulations

Prohibits political subdivisions from maintaining a minimum wage other than a state or federal minimum wage; prohibits political subdivisions from controlling, affecting, or awarding preferences based on the wages or employment benefits of entities doing business with the political subdivision; revises and provides applicability; etc.

House Bill 479 (Robinson): Alternative Mobility Funding System

Authorizes local governments to adopt alternative mobility plan & fee system; provides requirements for application of adopted alternative system; prohibits alternative system from imposing responsibility for funding existing transportation deficiency upon new development; prohibits local governments that do not issue building permits from charging for transportation impacts associated with development; requires local governments that issue building permits to collect for extrajurisdictional impacts; prohibits local governments from assessing multiple charges for same transportation impact; revises requirements for calculation of impact fees by local governments & special districts.

House Bill 601 (Duggan): Complaints Against Law Enforcement and Correctional Officers

Authorizes county sheriffs to establish civilian oversight boards to review the policies and procedures of the sheriff's office and its subdivisions; prohibits a political subdivision from adopting or attempting to enforce certain ordinances relating to the receipt, processing, or investigation of complaints against law enforcement officers or correctional officers, or relating to civilian oversight of law enforcement agency investigations of complaints of misconduct by such officers; revises the base salary for sheriffs; authorizes the chief of a municipal police department to establish a civilian oversight board to review the policies and procedures of the chief's department and its subdivisions.

Senate Bill 674 (Boyd): United States Produced Iron and Steel

Requires governmental entities to include a requirement in certain contracts that certain iron or steel products be produced in the United States; authorizes the minimal use of foreign steel and iron materials in certain circumstances; exempts specified products from the requirement, etc.

Senate Bill 812 (Ingoglia): Expedited Approval of Residential Building Permits

Requires certain governing bodies, by a date certain, to each create a program to expedite the process for issuing residential building permits before a final plat is recorded; requires a governing body to create certain processes for purposes of the program; authorizes a governing body to issue addresses and temporary parcel identification numbers for specified purposes; prohibits a governing body from making substantive changes to a preliminary plat without written consent, etc.

House Bill 705 (Shoaf): Public Works Projects

Revises the definition of the term "public works project"; revises applicability of a provision that prohibits the state or a political subdivision that contracts for a public works project from taking certain actions under specified circumstances, etc.

House Bill 781 (Clemons): Unsolicited Proposals for Public-Private Partnerships

Authorizes, rather than requires, responsible public entity to publish notice of unsolicited proposal for qualifying project in specified manner & that other proposals for same project will be accepted; authorizes responsible public entity to proceed with unsolicited proposal for qualifying project without public bidding process if responsible public entity holds public meeting that meets certain requirements & holds a subsequent public meeting at which responsible public entity makes certain determination; requires responsible public entity to consider certain factors; requires responsible public entity to publish certain report in Florida Administrative Register for certain period in certain circumstances; revises certain determinations that responsible public entity must make before approving comprehensive agreement.

House Bill 7013 (Local Admin., Federal Affairs & Special Districts Subcommittee): Special Districts

Prohibits the creation of new neighborhood improvement districts after a date certain; provides term limits for members of governing bodies of independent special districts elected by the qualified electors of the district; provides the method for changing boundaries of an independent special district; requires special districts to establish performance measures to assess performance; etc.

Senate Bill 1142 (Hooper): Occupational Licensing

Extends the date on which certain local government occupational licensing requirements expire; extends the date by which the Construction Industry Licensing Board within the Department of Business and Professional Regulation is required to establish by rule specified certified specialty contractor categories for voluntary licensure; requires the board to issue registrations to eligible persons under certain circumstances; provides that the board is responsible for disciplining such licensees, etc.

House Bill 1365 (Garrison): Unauthorized Public Camping and Public Sleeping

Prohibits counties & municipalities from authorizing or otherwise allowing public camping or sleeping on public property without certification of designated public property by DCF; authorizes counties to designate public property for such uses for specified time period; requires counties to establish specified standards & procedures relating to such property; authorizes DCF to inspect such property & to issue notice; provides exception during specified emergencies.

Senate Bill 1526 (Avila): Local Regulation of Nonconforming and Unsafe Structures

Designates the "Resiliency and Safe Structures Act"; prohibits local governments from prohibiting, restricting, or preventing the demolition of certain structures and buildings unless necessary for public safety; prohibits local governments from imposing additional local land

development regulations or public hearings on permit applicants; requires a local government to authorize replacement structures to be developed in accordance with certain regulations, etc.

Senate Bill 1628 (Collins): Local Government Actions

Requires that certain bond referenda called by a county, district, or municipality be held at a general election; revises applicability provisions for the enactment or adoption of county and municipal ordinances, respectively, etc.

House Bill 1555 (Giallombardo): Cybersecurity

Exempts state chief technology officer from career service; revises purposes for which Florida Digital Service is established; requires state CIO, in consultation with Secretary of Management Services, to designate state chief technology officer; authorizes chairs of certain legislative committees or subcommittees to attend exempt portions of meetings of Florida Cybersecurity Advisory Council if authorized by President of Senate or Speaker of House of Representatives, as applicable; requires state agency & local government to report ransomware & cybersecurity incidents; requires Cybersecurity Operations Center to provide notifications & reports; requires DMS to preserve data & provide aid in certain circumstances; requires DLE to coordinate incident responses; revises membership of Florida Cybersecurity Advisory Council; revises mission & goals of Florida Center for Cybersecurity.

House Bill 7017 (Ways & Means Committee): Annual Adjustment to Homestead Exemption Value

Proposes amendment to State Constitution to require an annual adjustment for inflation to the value of current or future homestead exemptions that apply solely to levies other than school district levies & for which every person who has legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another person legally or naturally dependent upon the owner is eligible.

House Bill 7019 (Ways & Means Committee): Exemption of Homesteads

Enacts legislation of HB 7017; should the Constitutional Amendment garner greater than 60% of the vote. Requires value of homestead exemption be adjusted annually; requiring Legislature appropriate funds for specified purpose; requires funds be distributed in specified manner; requires specified counties provide certain documentation.

House Bill 919 (Giallombardo): Cybersecurity Incident Liability

Provides county, municipality, other political subdivision of state, covered entity, or third-party agent that complies with certain requirements is not liable in connection with cybersecurity incident; requires covered entities & third-party agents to adopt revised frameworks, standards, laws, or regulations within specified time period; provides private cause of action is not established; provides certain failures are not evidence of negligence & do not constitute negligence per se; specifies defendant in certain actions has certain burden of proof.

House Bill 1557 (Chaney): Department of Environmental Protection

Revises, creates, & repeals various provisions under jurisdiction of DEP relating to aquatic preserves; preservation & regeneration of seagrass; Southeast Florida Coral Reef Ecosystem Conservation Area; use of reclaimed water; Resilient Florida Grant Program; comprehensive statewide flood vulnerability & sea level rise data set & assessment; Statewide Flooding & Sea Level Rise Resilience Plan; regional planning councils & estuary partnerships; transfer of regulation of Onsite Sewage Program from DOH to DEP; domestic wastewater treatment facilities; & basin management action plans.

Senate Bill 7040 (Enviro. and Natural Resources): Ratification of The Department of Environmental Protection's Rules Relating to Stormwater

Ratifying a specified rule relating to environmental resource permitting for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; ratifying rule 62-330.010, Florida Administrative Code, with specified changes; requiring that specified future amendments to such rule be submitted in bill form to, and approved by, the Legislature, etc.

Senate Bill 1420 (Burgess): Department of Commerce

Provides that amendments are deemed withdrawn if the local government fails to transmit the comprehensive plan amendments to the department, in its role as the state land planning agency, within a certain timeframe; revising the maximum length of a loan term under the Local Government Emergency Revolving Bridge Loan Program; requires the department to establish a direct-support organization; specifies that the organization is a direct-support organization of the department and a corporation not for profit; authorizes the organization to take certain actions regarding administration of property and expenditures, etc.

Gray Robinson also assisted the City of Oviedo in requesting two (2) Legislative Appropriation Requests:

1. Round Lake Park Community Center - \$500,000.

This appropriation is intended to augment the \$500,000 African-American Historical and Cultural Grant for Round Lake Park. If approved in the adopted budget, this funding will assist staff in completing enhanced improvements to the OCIA Building at Round Lake Park.

2. Oviedo West Mitchell Hammock Water Treatment Facility - \$900,000.

This appropriation partially funds the 2.5-million-gallon potable water storage tank at the West Mitchell Hammock Water Treatment Facility. The tank will increase potable water service resiliency by increasing the supply capacity for emergency situations or natural disasters.

Both requests were included in the final state budget but were vetoed by Governor DeSantis on June 12, 2024.

Discussion of Services Provided by Gray Robinson

At its May 6, 2024, meeting, City Council discussed Gray Robinson's State Lobbying Services and the likelihood of conflicts of interest occurring between various Gray Robinson clients and the interests of the City of Oviedo. The May 6, 2024 Discussion Item Agenda Memorandum and attachments are provided in Attachment 2. During the discussion, Council Members expressed concern over Gray Robinson's ability to fully advocate for the City of Oviedo in light of recent articles in the Orlando Sentinel highlighting the conflicts of interest. The City Council requested that Gray Robinson representatives attend a work session to discuss the City Council's expectations of services provided by Gray Robinson, and how the City and Gray Robinson may guard against such occurrences. Mr. Carmody will be available to answer any questions by the City Council on the subject.

Discussion of a Local Bill during the 2025 Legislative Session regarding open containers and consumption off premises.

At the April 15, 2024, City Council Meeting, Council Member Pollack requested a discussion item revisiting the creation of designated areas in the City that will allow open containers in City rights-of-way. The impetus of the request is that individuals would be able to purchase an alcoholic beverage in a specified container from an establishment within a designated area and exit the premises with the open container. In previous discussions, City Staff identified City, County and State related regulations governing open containers.

Currently, Chapter 6 of the City's Code of Ordinances governs Alcoholic Beverages. Section 6-1. Open Containers states:

"It is prohibited and unlawful for any person to purchase, use, offer for sale, display, possess, consume or carry in any cup, glass, can or other open or unsealed container, any alcoholic beverage on the city streets, sidewalks, alleys, parks, playgrounds, recreational areas, city-owned building, or other public property owned or controlled by the city without the city council issuing a permit authorizing such activity and placing such conditions on the activity as may be deemed appropriate for protection of the public health, safety and welfare. The denial of such permit shall be final action by the city which is appealable in accordance with controlling state law."

Additionally, Code of Ordinances Section 33-25(g) governs the use of alcoholic beverages in City Parks. Section 33-25(g)(1) states:

"It is unlawful for a person to possess or consume any alcoholic beverage or beverages, as defined in F.S. §§ 856.015 and 561.01, in any city park unless a permit is issued by the city for a particular event occurring in a city park."

Seminole County Code of Ordinances Chapter 15 consists of four (4) parts. Three (3) are specifically applied to unincorporated areas of the County, as noted in Part 1, Section 15.2. Part

4, known as the Seminole County Open or Unsealed Alcoholic Beverage Ordinance, is applied county-wide, including the City of Oviedo. A copy of County Code of Ordinances Chapter 15, Part 4 is provided in Attachment 3. Section 15.42(c) of the Seminole County Open or Unsealed Alcoholic Beverage Ordinance states:

“It shall be unlawful for any person to possess any container of alcoholic beverage on a public beach or a public park withing Seminole County or to Consume any alcoholic beverage in such areas”.

State Statutes are silent regarding possession of open containers outside of use inside an automobile. However, the Florida Division of Alcoholic Beverages and Tobacco (ABT) regulates the sale of alcoholic beverages through licensing. Businesses in Oviedo that sell alcoholic beverages for consumption on or off premises must possess or acquire one (1) of the following licenses to do so:

- **Consumption on Premises**
 - Licenses: 1COP and 2COP.
 - Beer or beer and wine for on premise consumption.
 - Typically, small restaurants, delis, cafés.
 - Quota license: 4COP, etc.
 - License for selling beer, wine and spirits for on premise consumption.
 - Typically, bars or nightclubs.
 - Special Food Service Establishment (SFS): 4COP, etc.
 - License for selling beer, wine and spirits for on premise consumption with a restaurant operation.
 - Must meet minimum food order, seating and service area requirements to qualify.
 - Typically, large restaurants.
- **Package Sales for Off Premises Consumption**
 - Licenses: 1APS and 2APS.
 - Beer or Beer and Wine for off-premise consumption only.
 - Typically, convenience stores, gas stations, or supermarkets.
 - Quota Licenses: 3DPS / 3CPS / 3BPS / 3APS / 3PS
 - Beer, Wine; Liquor for off premise consumption only.

There is currently no standardized ABT license that allows carte blanche alcoholic beverage sales for on and off premises consumption. However, following the Coronavirus public health emergency, the Legislature amended State Statutes to allow restaurants that meet SFS license requirements to sell sealed alcoholic beverages for off premises consumption. These beverages can be purchased on site “to go” or be delivered. They must also be sealed so as to not be consumed on premises, placed in a bag or other container, and be accompanied by a food order.

Staff believes ABT licensing limitations discourage the City of Oviedo from unilaterally creating a specified area in which to allow the sale of alcoholic beverages for off premises consumption,

absent the specified conditions listed above. Following additional dialogue with ABT, the Seminole County Attorney's office, and the City's State Lobbyist, staff recommends that the City create such an area through a local bill and amending the City Code of Ordinances. City staff recommends it be designated the "Oviedo Arts and Entertainment District", and it should encompass areas in and adjacent to Oviedo on the Park and the Historic Downtown. Should Council reach consensus on the subject, City staff will work with the State Lobbying firm, and the City's Legislative Delegation to write a local bill to be acted upon during the 2025 Legislative Session.

Local bills abide by different rules than the general bill process. Local bills are required to be heard and approved by the local County Legislative Delegation at a public hearing set by the Delegation. County Legislative Delegations meet prior to the Legislative Session, are comprised of each member of the State House and State Senate Representing the County, each County Legislative Delegation sets its own rules, and elects or appoints its own chair, vice chair and secretary. A local bill may be submitted by any person, nonprofit, county, municipality or special district to a House sponsor in order to be heard. Further, it is the responsibility of the requesting entity to draft the details of the bill and present it to the sponsoring member. A draft of a local bill creating the Oviedo Arts and Entertainment District is provided in Attachment 4. It is currently absent a legal description of the district, which will be added should the Council provide direction to proceed and direction on the boundaries of the district. Following the local bill's advancement from the County Legislative Delegation Meeting, the sponsor will file the bill, and it will be assigned a bill number as well as assigned to one (1) or more committees of reference. A Local Bill Certification Form, proof of advertisement, and economic impact statement are also required to be completed before the bill is heard in committee. Should the bill advance through the Committee stage, it will then move to the House for a floor vote and then to the Senate.

A draft map of the recommended Oviedo Arts and Entertainment District that will be requested in the Local Bill is provided in Attachment 5

Following passage of the Local Bill addressing any state ABT licensing issues, the City staff recommends adopting an Ordinance that will:

- Amend Code of Ordinances Chapter 6 creating the Oviedo Arts and Entertainment District boundaries, specifying a standardized branded cup for off premises consumption, establishing hours which sales of the branded cup for off premises consumption will be allowed, exempting areas within the Oviedo Arts and Entertainment District from Code of Ordinances Section 6.1, and prohibiting the possession and consumption of alcoholic beverages in certain areas of the Oviedo Arts and Entertainment District (County trails, public parking lots, etc.).
- Amend Code of Ordinances Section 2-12 adopting an Oviedo Arts and Entertainment District Logo as an official logo of the City.

- Amend Code of Ordinances Section 33-25 (g) allowing possession and consumption of alcoholic beverages within the specified container in the Oviedo Arts and Entertainment District.

Staff recommends City Council provide consensus to proceed with the local bill process and drafting the accompanying amendments to the Code of Ordinance to create the Oviedo Arts and Entertainment District on the local level.

Budget Impact: There is no Budget Impact from discussion of the Legislative update, service review or open container discussion. However, should the City Council direct staff to proceed with the local bill, additional unbudgeted funds may be required in FY24-25.

Strategic Impact: Continuing to foster high performance government; Foster redevelopment of business and commercial areas and offer a wide range of recreation, arts and culture.

Recommendation: It is recommended that the Mr. Chris Carmody of Gray Robinson provide City Council with a review of the 2024 State Legislative Session, discuss the services provided by Gray Robinson and for the City Council to provide direction regarding open containers and consumption of alcoholic beverages off premises.

Attachment(s):

1. 2024 Legislative Session Final Report
2. May 6, 2024 Discussion Item
3. Seminole County Code of Ordinances Chapter 15, Part 4
4. Draft Local Bill
5. Draft Oviedo Arts and Entertainment District