



**Interim Committee Week: County Lobbyist Call
Monday, February 13, 2017**

Welcome & Opening Remarks

Davin Suggs, FAC's Director of Public Policy, made the following announcement:

Scott Shalley, FAC's executive director, tendered his resignation last week and the Executive Committee has appointed Ginger Delegal as the Interim Executive Director. Ginger has served the association as General Counsel / Deputy Director prior to this appointment.

2017 Priorities Update

Opioid Abuse – Lisa Hurley, Esq.

There was a stakeholders meeting with Senator Passidomo (SB 588) and Rep. Rommel (HB 249) on their mandatory drug overdose reporting bills where we considered ways to mitigate any fiscal impact to local communities by using existing reporting systems and discussed the removal of the criminal penalties for failing to report.

Medical Marijuana –Susan Harbin, Esq.

- DOH held five rulemaking workshops last week to take public comments on the proposed rule.
- **SB 406 (Bradley)**
 - SB 406 provides a proposed framework for the implementation of medical marijuana. The proposed bill does extend local government authority to regulate land use activity with regard to dispensing facilities. The bill preempts regulation of cultivation and processing to the state.
 - Additionally, the bill maintains the vertical integration requirement for Medical Marijuana Treatment Centers (currently known as “dispensing organizations”). The DOH is directed to register additional MMTCs as the number of active qualifying patients in the compassionate use registry grows.
 - SB 406 has not yet been heard, and the first committee of reference is Senate Health Policy.
- **SB 614 (Brandes)**
 - Contrary to Sen. Bradley's bill, SB 614 does away with the requirement that medical marijuana growers, processors, and distributors be vertically integrated, and instead allows for businesses to obtain separate licenses for different aspects of the industry.

- SB 614 does preempt local regulation, including determining location, of cultivation and processing facilities, although the bill itself specifies that such facilities be located at least 1,000 feet from schools, child care facilities, and substance abuse treatment facilities.
- The bill also limits the number of dispensaries in a county to one per 25,000 residents. Dispensaries would be required to obtain operating permits from DOH.
- The bill does allow a county or city to levy a local business tax on dispensaries, and would allow a county or city to refuse to allow dispensaries within its boundaries.
- SB 614 has not yet been referred to committees.

Tax Reform / Local Revenue Enhancement – Laura Youmans, Esq.

Sen. Brandes filed **SB 90** to implement Amendment 4 to exempt solar and renewable energy devices from property taxes. The bill was passed out of its first committee of reference, however FAC expects the bill to be significantly amended to address the application of the exemption to existing facilities developed before the passage of the constitutional measure. It is anticipated that House Majority Leader Rep. Ray Rodrigues file a similar bill in the Florida House.

Rep. Ahern has filed **HB 223**, relating to an exemption on sales taxes for commercial leases, however FAC does not support this version of the concept. FAC does expect other versions of this concept (similar to the Governor’s proposal) to be filed that we may be able to support.

Sen. Lee has filed **SB 76** (Joint Resolution) to continue the existing 10 % increase limit on assessments for non-homestead property.

SB 330 by Sen. Stuebe was filed on 1/10/17. The bill proposes restrictions and limitations on local governments with regards to local business taxes. **HB 487** by Rep. Renner has filed similar legislation in the Florida House.

HB 49 (Rep. Eagle) Relating to Ad Valorem Taxation proposes to provide ad valorem tax abatements or relief for victims of natural disasters.

Economic Development – Eric Poole

Last week the House Careers and Competition Committee held a two-hour hearing on a proposed bill (**CCS 17-01**) to eliminate Enterprise Florida and Visit Florida, along with nearly all of the state's economic incentive programs. The hearing was attended by nearly 250 individuals representing both sides of the issue. The committee voted to approve the proposed committee bill by a vote of 10 to 5.

Meanwhile, the Senate Appropriations Committee heard from the state's top economist, Amy Baker, on the impact of the state’s investment in these programs. According to Ms. Baker, Visit Florida returns \$3.20 cents for every dollar spent on advertising, while Enterprise Florida’s international offices program its export assistance program return \$4 and \$1.90, respectively. Expressing disapproval of the House measure, Committee Chairman Jack Latvala, stated that the programs "... all produce a net increase in tax revenue, over and above what we invest in them. And all five of them are included in the bill the House passed out of committee yesterday to abolish."

Beach Nourishment – Susan Harbin, Esq.

No update.

Comprehensive Water – Susan Harbin, Esq.

HB 285 (Fine) – Septic Tank Inspections

- HB 285 would remove the prohibition on local governments requiring evaluations of a septic systems at the point of sale in real estate transactions, and would instead require inspection of a septic tanks at the point of sale. The bill does not specify which entity or entities are responsible for the costs of inspection. Failing septic systems are known to contribute to water quality problems and excessive nutrients in the state’s water bodies.

SB 874 (Young) and HB 551 (Stone) – Septic Tank Remediation Plans

- HB 551 and SB 874 would appropriate \$20 million annually to offset property owner costs incurred by retrofitting septic systems that are determined by DEP to be contributing excess nutrient pollution to the Indian River Lagoon and Caloosahatchee and St. Lucie estuaries, or connecting properties to sewer systems, and for muck dredging and stormwater improvements in the northern Indian Lagoon.
- The bills direct DEP (as lead), along with DOH, local governments, and wastewater utilities, to develop septic system remediation plans, as part of a basin management action plan (BMAP), if DEP determines that such is necessary to achieve a total maximum daily load. The DEP is permitted to identify priority geographic focus areas, in order to promote cost-effectiveness.
- Remediation plans must identify “cost-effective and financially feasible” projects.
- HB 551’s first committee of reference is the Natural Resources & Public Lands Subcommittee. SB 874 was recently filed and has not yet been referred to committees.

SB 10 (Bradley)/HB 761 (Altman) – Water Resources

- SB 10 outlines a plan for the South Florida Water Management District to purchase 60,000 acres of land for a water storage reservoir south of Lake Okeechobee to reduce freshwater discharges into the St. Lucie and Caloosahatchee estuaries. The bill directs SFWMD to seek out willing property sellers within the Everglades Agricultural Area; however, if willing sellers do not come forward by December 2017, the SFWMD, in coordination with the US Army Corps of Engineers, must begin a planning study for the project by October 1, 2019.
- SB 10 passed unanimously in the Senate Environmental Preservation and Conservation Committee. HB 761 was recently filed and has not yet been referred to committees.

2017 Emerging Issues Update

SB 90 (Amendment 4) – Renewable Energy – Laura Youmans

First hearing in Senate Tuesday. Sen. Brandes filed SB 90 to implement Amendment 4 to exempt solar and renewable energy devices from property taxes. The Revenue Estimating Conference has not yet determined the fiscal impact of the bill to local government. Leader Rodrigues will have in the House. The bill would expand the definition of “renewable energy source device” to include power storage devices and wiring and structural supports. The current prohibition against property appraisers considering renewable energy devices in determining the assessed value of real property only applies to

residential property installed on or after January 1, 2013. SB 90 expands the exclusion to *all* property and would apply *without regard to when the installation occurred*.

FAC staff spoke in committee and Sen. Brandes acknowledged the county concerns and expressed a willingness to work on this issue in future committee stops.

PIE 3: Ethics – Laura Youmans

A continuation of local government ethics reforms bills that have been in play the past couple of years, this bill will be heard on Tuesday morning in the Public Ethics and Integrity Committee.

The state-wide lobbyist registration would resolve an issue that we raised with requiring counties to maintain a lobbyist database on their website. Some of our small and mid-side counties do not expend a lot of resources on their website making sure that it is maintained would be a challenge. A few counties already have lobbyist registration processes place that are more comprehensive than what is proposed at the state-level. They will want to make sure they are able to retain those processes and making the two processes work together will be something that we'll need to address in implementation.

The last draft would have prohibited local government officials from participating (defined as any attempt to influence the decision) in any discussion related to a matter that would inure to his/her private gain/loss or that of a relative or business associate. We were concerned that a complete prohibition would prevent a local elected official from fully representing the interests of his/her constituents. FAC conveyed these concerns to Chair Metz and staff who have modified the language in this version. The current version would allow for them to participate in the discussion but require disclosure of his/her interest. We think this a good fix. We don't have any issues to raise with the revised standards for ethics training.

SB 532 (Galvano) – Public Notice of Pollution – Susan Harbin

The bill requires DEP to establish and publish a list of substances that, at a quantity determined by DEP, pose an immediate and substantial risk to public health, safety, and welfare. An owner of operator of an installation where a reportable release of a listed substance occurs must provide notice to DEP within 24 hours of discovery. The notice must include specific details about the nature of the release, as outlined in the bill. The bill also directs DEP to publish all notices within 24 hours of receipt, as well as maintain e-mail lists to notify the public. The bill creates a \$10,000 per day fine for installation owners and operators in violation of the notice requirements. SB 532 has not yet been referred to committees.

HB 17 (Fine) - Relating to Local Regulation Preemption – Laura Youmans

The bill proposes that as of January 1, 2017, no local government would be able to adopt or impose a new regulation on a business, profession, or occupation, unless expressly authorized by general law, by preempting regulation of businesses to state. Regulation includes rule or regulations, licenses, permits, and fees. Existing regulations would expire January 1, 2020. The bill also requires that any change to an existing regulation would be to repeal or reduce the regulation.

SB 340 (Brandes)/HB 687 (Sprowls)Uber – Eric Poole

The bill provides for the preemption of the regulation of transportation network companies to the State. The House bill passed its first committee of reference almost unanimously (1 no vote). It is expected for the bill to pass and we are working to get amendments so the bill matches local ordinances.

SB 596 (Hutson)/HB 687 (La Rosa) Cell Towers – Eric Poole

The bill, among other technical provisions, prohibits DOT & local governmental entities from regulating/prohibiting collocation of small wireless facilities in public rights-of-way.

SB 158/HB 143 Firefighters – Lisa Hurley

No update.

SB 196/HB 205: Civil Citation Program for Juveniles – Lisa Hurley

No update.

SB 516 (Perry) - Relating to Workers' Compensation Benefits for First Responders – Lisa Hurley

Workers' Compensation Benefits for First Responders; Deleting provisions that limit certain workers' compensation benefits for first responders; providing that mental or nervous injuries of law enforcement officers, firefighters, emergency medical technicians, or paramedics are compensable under the Workers' Compensation Law under specified conditions, etc.

We anticipate that NCCI will evaluate the bill for potential rate increases and we will keep you updated.

Week Ahead Calendar

Tuesday

9:00 a.m. (H) Public Integrity & Ethics Committee

PIE 3 Local Government Ethics Reform

PIE 4 Local Government Lobbyist Registration Trust Fund

12:30 p.m. (H) Ways & Means Committee

Workshop on Local Government Fiscal Transparency Concepts

Wednesday

9:00 a.m. (H) Criminal Justice Subcommittee

HB 157 (Burgess) – Sentencing bill which permits a court to sentence certain felony offenders to jail for up to 24 months if the county's chief correctional officer has contracted with DOC to house such inmates at a predetermined per diem rate not to exceed \$60/day. The bill is contingent upon state appropriation.

9:00 a.m. (H) Local, Federal & Veterans Affairs Subcommittee

-HB 49 (Eagle) – Ad Valorem Taxation

-Presentation on Office of Programs Policy Analysis & Government Accountability on Recent Research relating to Community Redevelopment Assessment.

9:00 a.m. (S) Approps Subcommittee on Transportation, Tourism, and Economic Development

-Florida State University, Office of Urban and Regional Planning – Autonomous Vehicles and the Environment

- Review of Local Initiatives Evaluations
- South Florida Regional Transportation Authority – Discussion on Authority’s Operations
- Other related meeting documents

9:30 a.m. (S) Appropriations Subcommittee on Transportation

Presentation by Enterprise Florida CEO, Chris Hart.

9:30 a.m. (S) Appropriations Subcommittee on the Environment and Natural Resources

Presentation on the Governor’s FY 17-18 Budget Recommendations.

Thursday

9:00 a.m. (H) Children, Families & Seniors Subcommittee

State Attorney Dave Aronberg will present on the findings of the Sober Homes Task Force.

Q&A

There were no questions.