



## Super preemption bill (HB 17) has one more committee stop

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Legislation (HB 17) which proposes to PREEMPT the home rule powers of local governments with regards to the regulation of businesses, professions, and occupations unless it is EXPRESSLY AUTHORIZED by the State. The PREEMPTION is extended to associated regulatory, licenses, and/or permit fees. The bill will be heard next in the [House Commerce Committee](#) although it has not been scheduled yet nor was it heard last week.

Please contact members of the [House Commerce Committee](#) to share your local perspective and the impacts HB 17 will have on your county.

For more information on this legislation, talking points, and a sample resolution please visit [FAC's HB 17 resource webpage](#)

### FAC Contact

To learn more about this issue and related legislative information contact [Laura Youmans, Esq.](#)



- [Bill sponsor pens oped: Bill would ease glut of regulations that stifle businesses](#)
- [Orlando Sentinel / South Florida Sun-Sentinel: Don't stiff local control, Tallahassee](#)
- [WGCU: Bill to restrict rights of cities, counties backed by Speaker](#)
- [Florida Today: No one will win if HB 17 becomes law](#)
- [Lakeland Ledger: Legislature looks to overrule home rule](#)

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## Senate 'almost' super preemption receives committee assignments

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Although not identical or a companion to [HB 17](#), [SB 1158](#) is very similar in that it proposes to also preempt the home rule powers of local governments with regards to the regulation of commerce, trade and labor. The bill would prevent counties from adopting ordinances that have an adverse impact on commerce, trade or labor, unless it is expressly authorized by the State.

Thepreemption specifically prevents counties from:

1. Banningthe sale of a good or service;
2. Imposinga penalty on the sale of a good or service;
3. Requiringan employer to pay any or all of its employees a wage rate not otherwiserequired under a special, general, or federal law; or extended to associatedregulatory, licenses, and/or permit fees.

Thebill's first stop will be the [Senate Commerce and Tourism Committee](#). FAC staff is asking formembers to express their beliefs of the impact that this legislation would haveon their local communities.

A website with information and resources has been established, [click here](#).

Formore information on this legislation, and talking points, contact [Laura Youmans](#).



- [Naples Daily News: Brett Batten - Business restrictions concern State Senator Passidomo of Naples](#)

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## Bill altering county budgeting & taxing authority passes first committee

On Wednesday, a committee bill ([HB 7063](#)) which would severely alter the ability of counties to develop their budget's and assess taxes narrowly passed the House Ways and Means Committee. Amongvarious provisions, the bill provides for:



Indian River County Attorney Kate Cotner testifies against HB 7063.

1. Localgovernments, except schools, can't adopt over millage rolled-back rate unless they spend down "excess unencumbered fund balances" in special funds below 10%.In effect, this prohibits property tax increases unless excess fund balances are spent down.
2. Prohibitscities and counties (exempts schools) from enacting, extending or increasinglocal option taxes other than property taxes, if they had adopted a millagerate in excess of the rolled-back rate (with certain specified exceptions) inany of the three previous years.
3. Requiresany local option or property tax (including special districts) that requirevoter approval to be on a general election ballot with a 60% threshold forpassage. Forexample- CST, local business tax, local option surtaxes, TDT, public servicetax, gas taxes.
4. Requiresvoter approval for any new tax-supported debt (beyond 5 years) and must be on a general election ballot with a 60% threshold for passage.
5. Except, in an emergency (defined by ch. 252–Emergency Management) the governing board, by a 4/5 vote, can authorize avote at an election other than the general election, while still requiring 60%voter approval with the proceeds only being used for said emergency.

Currently, there is no Senate companion to [HB 7063](#). FAC strongly opposes the legislation and will continue to advocate against its passage.

### FAC Contact

To learn more about this issue and relatedlegislative information contact [Laura Youmans, Esq.](#)



- [News Service of Florida: House looks to clamp down on local taxes](#)

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## FAC Priority: Opioid Epidemic

Last week, two new bills ([SB 788](#) (Sen. Clemens) [HB 807](#) (Rep. Hager)) were filed that seek to implement recommendations of the 15TH Judicial Circuit Grand Jury report and Sober Home Task Force prohibiting recovery residences from engaging in deceptive, fraudulent marketing practices; marketers or referral agencies must license with DBPR and have an office in Florida; prohibits commissions or kickbacks for placing patients. Both bills were heard in their first committees last week and both passed unanimously.



In addition, [HB 61](#) by Rep. Lee, Jr which pertains to the treatment one should receive if hospitalized for an unintentional overdose is scheduled to be heard in the House Health Innovation Subcommittee on Tuesday.

### FAC Contact

To learn more about this issue and related legislative information visit the [FAC Opioid Epidemic web page](#) or contact [Lisa M. Hurley, Esq.](#)



FAC President Kathy Bryant's personal family loss is highlighted in Sun-Sentinel Editorial calling on the state to apply more resources to the opioid epidemic

- [South Florida Sun-Sentinel: Heroin epidemic needs Gov. Rick Scott, Pam Bondi fix](#)

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## FAC Priority: Medical Marijuana



The House offering of legislation to implement the medical marijuana amendment was filed last week. [HB 1397](#) (Rep. Rodrigues) preempts the regulation of cultivation, processing, and delivery to the state. The bill itself specifies that cultivation and processing facilities may not be located within 500 feet of schools. However, The bill allows

cities and counties to determine the location, number, as well as other criteria for retail dispensaries; however, dispensaries cannot be located within 500 feet of schools unless the local government approves the location per s. 125.66(4). Additionally, the bill provides that a county or city ordinance regulating location of retail dispensaries may not be less restrictive than the county or city ordinance regulating the location of entities that sell alcoholic beverages.

Furthermore, an additional senate bill has been filed related to medical marijuana. [SB 1758](#) (Sen. Grimsley) contains similar language to [SB 406](#) (Sen. Bradley) in that it uses the framework provided by existing law regarding local authority to regulate dispensing organizations; specifically, it preempts regulation of cultivation and processing to the state, but would allow counties and cities to regulate the location, number, and other criteria for the retail dispensing facilities. [SB 1758](#) also maintains the existing vertical integration requirement for cultivators, processors, and dispensers. The bill also specifically states that counties and cities may not ban dispensing facilities within their boundaries, or adopt ordinances that have the effect of banning the facilities.

Finally, Sen. Braynon and Sen. Ariles have filed [SB 1666](#) and [SB 1388](#) as their offerings into the policy debate

on the implementation of medical marijuana. These bills are still being reviewed by FAC staff for the appropriate analysis.

FAC staff anticipates that Sen. Dana Young will hold a workshop during the third week of session to discuss all of the potential legislative concepts. Staff is in the process of preparing a side by side analysis of the major components of the filed bills.

For a complete analysis of medical marijuana legislation or more information please visit our [webpage](#).

**FAC Contact:**

To learn more about this issue and related legislative information contact Susan Harbin, Esq. via email @ [sharbin@fl-counties.com](mailto:sharbin@fl-counties.com)



- [GateHouse Florida: Florida officials haggle over medical marijuana](#)
- [FloridaPolitics.com: Senate medical marijuana restricted to seven distributors](#)

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## FAC Priority: Economic Development

The bill ([HB 7005](#)) to eliminate Enterprise Florida passed out of its final committee on Monday and off the House floor on Friday.

As originally filed, the bill also took aim at Visit Florida – which operates as a direct support organization to Enterprise Florida – by placing it under the auspices of the Department of Economic Opportunity. In previous weeks, House leadership signaled a willingness to



Rep. Renner answers questions on the House floor re HB 7005

provide some funding to Visit Florida, but conditioned such funding with new accountability standards. These new standards, along with the transfer of Visit Florida, are provided for in [HB 9](#) (Rep. Renner). The bill also eliminates the State Economic Enhancement and Development Trust Fund, The Tourism Promotional Trust Fund, and The Florida International Trade and Promotion Trust Fund. All proceeds from the trust funds (approximately \$186 million) are transferred to the General Revenue Fund.

[HB 7005](#) passed the Committee by 15 to 3 vote and was subsequently placed on the Special Order calendar for Thursday, March 9. The bill was successfully passed off the house floor on Friday, March 10, 2017 and now awaits senate action. [HB 9](#) passed the Committee (its only committee reference) and rolled to third reading on Thursday as was also successfully passed off the House floor and now awaits senate action.

**FAC Contact**

To learn more about this issue and related legislative information visit the [FAC Tax Reform / Economic Development web page](#) or contact [Eric Poole](#).



- [Politico: House gives final ok to bill killing Enterprise Florida, reigning in Visit Florida](#)
- [Politico: Corcoran tells Democrats he needs them to override expected Scott veto of Enterprise Florida, Visit Florida bills](#)

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## FAC Priority: Tax Reform

The House released its version of implementing legislation for the recently passed constitutional

amendment#4. [HB 1351](#) (Rep. Rodrigues) is similar to [SB 90](#) (Sen. Brandes) except that it applies the assessment exemption to devices installed after 1/1/2018. The house bill also offers language providing for greater protections for consumers of solar installations.

[HJR 21](#) (Rep. Burton)—Limitations on Property Tax Assessments—Passed through its last committee in the House last week, the bill has now been placed on the house floor calendar for 2nd and 3rd reading and awaits scheduling on special order.

[SJR 1774](#) (Sen. Lee) has been filed and proposes a constitutional amendment to increase the current homestead exemption of \$50,000 (on the first \$75,000 of value) to \$75,000 (on the first \$100,000 of value). Although there has not been a house version filed yet, FAC staff expects that the House will offer a similar version of the proposed constitutional amendment.

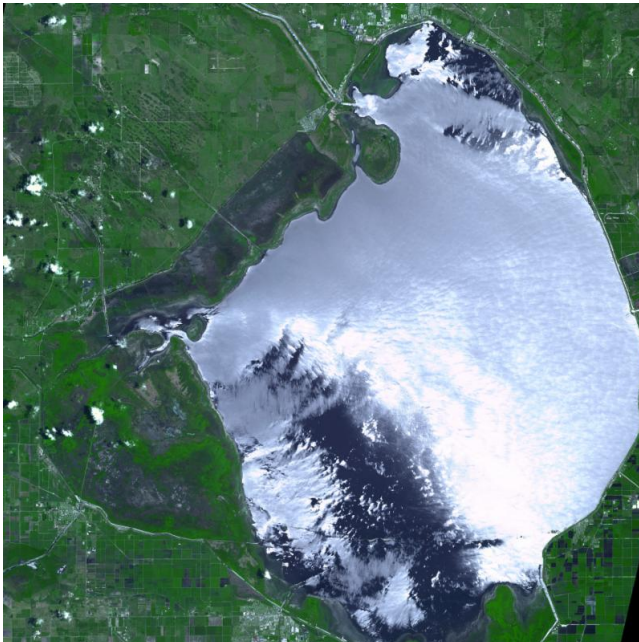
[SB 378](#) (Sen. Flores) Taxation - has been filed and proposes to repeal existing insurance premium tax credits and utilize corresponding cost savings to reduce the state communications services tax (cst) rate by 2%. The proposal also includes enough funding to hold local governments, who share in state revenues, harmless or without any negative fiscal impact. The bill is scheduled to be heard in the Senate Appropriations Subcommittee on Finance & Tax on Wednesday, March 15.

#### FAC Contact

To learn more about this issue and related legislative information visit the [FAC Tax Reform / Economic Development web page](#) or contact [Eric Poole](#).

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## FAC Priority: Comprehensive Water Reform



A strike-all amendment adopted in Senate Environment and Natural Resources Appropriations significantly expanded the scope of [SB 10](#) (Sen. Bradley) to create the “Coast-to-Coast Comprehensive Water Resources Program.” The amended version encompasses a \$3.3 billion bonding program to fund water projects across the state. [SB 10](#) was heard and passed by the Appropriations Subcommittee on the Environment and Natural Resources on 3/8/17 and is now in full Senate Appropriations. [SB 10](#) has passed its first two committees and is now in full Senate Appropriations.

[SB 816](#) (Sen. Simmons) / [HB 1211](#) (Rep. Roth) relating to Central and Southern Florida Project for Flood Control and Other Purposes. The proposed legislation provides

an alternative plan to the Senate President’s priority which is represented in [SB 10](#) (Bradley) / [HB 761](#) (Rep. Altman)— Relating to Water Resources, which 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 Okechobee. The alternative plan would include expediting current projects by the Army Corp of Engineers to fix the Herbert Hoover Dike so that it can hold up to 2 more feet of water, thereby lessening the need for harmful discharges south of the lake.

[SB 532](#) (Sen. Galvano) / [HB 1065](#) (Rep. Peters)— Relating to Public Notice of Pollution passed its first committee of reference, the Senate Environmental Preservation and Conservation Committee last week.

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 or 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.

The House bill will be heard on Tuesday in the House Agriculture and Property Rights Subcommittee. The bill ([HB 285](#)) and its Senate Companion [SB 1748](#) (Sen. Stewart)– Relating to Septic Tank Inspections would remove the prohibition on local governments requiring evaluations of septic systems at the point of sale in real estate transactions, and would instead require inspection of 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](#) (Sen. Young) is scheduled to be heard at 2:30pm Tuesday, March 14 in the Senate Environmental Preservation & Conservation Committee. The Senate Bill and [/HB 551](#) (Stone)– Relating to Septic Tank Remediation Plans 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 bill directs DEP, 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. The DEP is the lead agency in coordinating the preparation and adoption of a plan.

**FAC Contact:**

For more information on comprehensive water reform legislation, please [click here](#).

To learn more about this issue and related legislative information contact [Susan Harbin, Esq.](#)



- [Times / Herald: Negron's water bill expands to \\$3.3 billion and clears another committee as opposition continues](#)

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## FAC Priority: Beach Re-nourishment

The long-awaited Beach ReNourishment legislation has finally been filed. [SB 1590](#) (Sen. Latvala) [HB 1213](#) (Rep. Peters) – Relating to Coastal Management revises the criteria that DEP uses to allocate funding for beach management and erosion control projects, creating a scoring system that uses weighted tiers to determine annual project funding priorities. Additionally, the bills would increase the program's focus on inlet management.



Sen. Latvala & Rep. Peters unveil beach renourishment \$50 million plan

The bills also specify that a minimum of the lesser of 7.6 percent of \$50 million in available Land Acquisition Trust Funds shall be appropriated annually to fund beach ReNourishment and inlet management projects. The bills also direct DEP to establish a three-year work plan for beach management. FAC is supportive of this legislation

FAC has prepared a webpage with information regarding the background and history on beach re-nourishment. To view that information, please [click here](#).

**FAC Contact:**

To learn more about this issue and related legislative information visit our [beach re-nourishment web page](#) or contact [Susan Harbin, Esq.](#)

- [Orlando Sentinel: Lawmakers propose \\$50 million to restore beaches](#)



- [FloridaPolitics.com: Jack Latvala, Kathleen Peters, file beach renourishment bill](#)

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## Other Legislative Issues of Note

The following provides information regarding legislation that may significantly impact Florida's counties.

### Growth Management & Transportation:

[Eric Poole](#) / [Susan Harbin](#)

**Cell Towers** – [SB 596](#) (Sen. Hutson) / [HB 687](#) (Rep. LaRosa) - Relating to Utilities

SB 596 passed the Senate Communications, Energy & Utilities Committee last week. It is anticipated that HB 687 will be heard on Wednesday, March 15 in the House Energy and Utilities Subcommittee.

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



- Tallahassee Democrat: Ziffer-Bill could destroy character of communities

**UBER** - [SB 340](#) (Sen. Brandes) / [HB 221](#) (Rep. Sprowls) - Relating to Transportation Network

Companies: The bill provides for the preemption of the regulation of transportation network companies to the State.

- The [SB 340](#) is scheduled to be heard on 3/14/17 at 10:00 a.m. during the Senate Banking and Insurance Committee meeting.
- [HB 221](#) has passed all of its house committees and has placed on the House calendar and awaiting scheduling for 2nd and 3rd reading.

**Public Works Contracting** - [SB 534](#) (Sen. Perry) / [HB 599](#) (Rep. Williamson) - Relating to Public Works Projects. The bill prohibits the state and political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers; it also prohibits the state and political subdivisions from restricting qualified bidders from submitting bids or being awarded contracts.

- [SB 534](#) was heard in the Senate Community Affairs Committee meeting on 3/6/17 and it was passed after being amended to only apply to local projects where at least 50% of the funding was provided by state monies. FAC opposes this legislation.
- [HB 599](#) was heard in the House Oversight, Transparency and Administration Subcommittee meeting on 3/8/17 and it was passed after being amended to only apply to local projects where at least 50% of the funding was provided by state monies. FAC opposes this legislation.

**Community Redevelopment Agencies** - [SB 1770](#) (Sen. Lee) / [HB 13](#) (Rep. Raburn) - Relating to Community Redevelopment Agencies.

[HB 13](#) creates new reporting requirements for existing CRAs, requires CRA commissioners to complete ethics training, and changes criteria for use of redevelopment trust fund proceeds. Additionally, the bill lays out a process for phasing out existing CRAs over the next two decades and prohibits existing CRAs from initiating new projects or issuing new debt after October 1, 2017. The bill would also prohibit the creation of any new CRAs after July 1, 2017.

- [HB 13](#) was heard in the Local, Federal and Veteran Affairs Subcommittee meeting on 3/8/17 and it was passed

[SB 1770](#) contains similar language with regard to the new CRA requirements and process for terminating CRAs over the next twenty years, but differs from [HB 13](#) in that it would allow a city or county to create a new CRA after July 1, 2017 by a majority vote of the board.

## Finance, Tax & Administration:

[Laura Youmans](#)

**Local Referenda** – [HB 139](#) (Rep. Ingoglia) / [SB 278](#) (Sen. Stuebe) - Relating to Local Tax Referenda: The current version of the bill maintains the current passage threshold at 50% for general elections. However, the current draft does not include language maintaining ability to utilize non-general elections that was included in the final bill last year. Rep. Ingoglia has indicated a willingness to work with us to go back to language from last year allowing referendums during primary elections at a 60% threshold.

**Ethics** - [HB 7021](#) (Public Integrity & Ethics Committee) - Relating to Local Government Ethics: The proposed bill language would establish a statewide local lobbyist registration system. Additionally, the proposed bill language would propose further restrictions upon local public officials when conflicts of interest arise.

- The bill was heard in the House Appropriations Committee meeting on 3/8/17 and it was passed unanimously. FAC is neutral on the legislation

**Local Government Fiscal Transparency** – [HB 7065](#) (House Ways & Means Comm.) Among various provisions, the bill provides for voting records related to Board actions to increase taxes and the issuance of tax-supported debt; the provision of online access to historical TRIM notices by parcel; additional requirement for public meetings and notice for local option tax increases and tax-supported debt issuances; the requirement for local governments to conduct a debt affordability analysis prior to approving new long-term tax-supported debt; and, here requirement that local governments include compliance with transparency requirements in their annual audit.

- Currently, there is no Senate companion bill to [HB 7065](#)
- The bill was heard in the House Ways and Means Committee meeting on 3/8/17 and it was passed unanimously.

**Public Records**: [SB 80](#) (Sen. Stuebe) - Relating to Public Records. The bill would allow judicial discretion when determining whether to award attorney's fees to a requestor in a public records lawsuit. Currently the law provides that fees "shall" be awarded, this bill would say that fees "may" be awarded.

- The bill was heard in the Senate Community Affairs Committee meeting on 3/6/17 and it was amended to add criteria for judges to use when determining whether to award attorney's fees and to allow for agencies to recover fees for frivolously filed suits. The bill as amended passed.
- [SB 80](#) (Sen. Stuebe) is scheduled to be heard on 3/14/17 at 2:00 p.m. during the Senate Judiciary Committee meeting. FAC supports this legislation.

**Public Notices** – [SB 1444](#) (Sen. Stewart) / [HB 897](#) (Rep. Stark) - Relating to Public Notices by Local Government Entities. The bill authorizes counties to publish required public notice on publicly accessible websites under certain circumstances.

**Constitutional Officers** – [SJR 134](#) (Sen. Ariles) / [HJR 721](#) (Rep. Fischer) - Selection and Duties of County Officers/Sheriff. The bill proposes amendments to the State Constitution to remove authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibit a special law to provide for choosing a sheriff in a manner other than election, authorize the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer, etc.

There are several other bills dealing with various aspects of this issue. SJR 134 only applies this to sheriff, but other versions would impact all county officers. Language in other bills ([SJR 130](#), [SJR 132](#), [SJR 136](#), [SJR 138](#), [HB 271](#), [HB 1129](#)) would prevent all constitutional officers from being made into charter officers, unless by special law. The new limiting language in the constitution may also be construed to supersede existing manner of election provisions in charters including term limits, non-partisan elections, recall by charter, and residency qualifications.

- [HJR 721](#) was heard in the House Local, Federal and Veterans Affairs Subcommittee meeting on 3/8/17 and it was passed. FAC opposes this legislation.



## Health & Human Services / Public Safety

[Lisa Hurley](#)

**Sentencing**— [SB 1068](#) (Sen. Brandes) / [HB 157](#) (Rep. Burgess) - Relating to Sentencing: The current version of the bill authorizes certain offenders to be sentenced to county jail for up to 24 months if the county has a contract with the Department of Corrections. The bill requires that funding for all contracts be specifically appropriated by the legislature. FAC supports this legislation in its current format.

**Workers' Compensation for First Responders** – [SB 516](#) (Sen. Perry) / [HB 1019](#) (Rep. Miller) - Relating to Workers' Compensation Benefits for First Responders: The bill removes limits to current workers' compensation benefits for first responders and provides that mental or nervous injuries are compensable under law.

**Firefighters**— [SB 158](#) (Sen. Latvala) / [HB 143](#) (Rep. Fitzenhagen) - Relating to Firefighters: The bills create a presumption that certain types of cancers causing partial or total disability to or the death of a firefighter were contracted in the line of duty unless competent evidence is shown to the contrary. It seeks to increase the FRS rate for Special Risk Class employees by 0.01 percentage point to fund the benefit change. FAC is currently working to determine the fiscal impact to local governments associated with the bill.

- [HB 143](#) will be discussed in a workshop on 3/13/17 at 1:00 p.m. during a meeting of the House Oversight, Transparency, and Administration Subcommittee

**Civil Citation Program for Juveniles** – [SB 196](#) (Sen. Flores) / [HB 205](#) (Rep. Ahern) - Relating to Juvenile Civil Citation & Similar Diversion Programs: The bill requires that every county establish either a juvenile civil citation program or other "similar diversion program" and mandates law enforcement use one of the programs in lieu of arrest for certain misdemeanor offenses (but still permits law enforcement to issue a simple warning in lieu of arrest or diversion).

- Last week, [SB 196](#) was amended to allow counties and cities to establish multi-city/county programs through interlocal agreement. It passed unanimously out of Civil and Criminal Justice Appropriations committee. Its last committee is Appropriations.
- As originally filed, [HB 205](#) was identical to SB 196 however it was substantially amended last week to remove all the provisions requiring the establishment of diversion programs and mandatory use of them and replaced it with a bill that expands the instances in which a juvenile's record can be expunged and requires the submission of data regarding participants and nonparticipants in diversion programs to the Department of Juvenile Justice (DJJ), which is required to compile and publish the data on its website. The strike-all was passed by an unanimous vote.

**Prearrest Diversion Programs** – [SB 448](#) (Sen. Brandes) / [HB 367](#) (Rep. Plakon) – Relating to Prearrest Diversion Programs. The bill encourages counties to establish prearrest diversion programs for adults for certain criminal offenses; The bill does not impact local ordinances.

- [SB 448](#) will be heard on 3/13/17 at 4:00 p.m. during a meeting of the Senate Criminal Justice Committee.

**Concealed Weapons** – [SB 626](#) (Sen. Stuebe) - Relating to Concealed Weapons or Firearms: The bill removes prohibition from carrying a concealed weapon at a BOCC meeting. The bill has not been assigned committees of reference as of yet.

[SB 908](#) (Sen. Baxley) / [HB 803](#) (Rep. Hahnfeldt) - Relating to Licenses to Carry Concealed Weapons or Firearms: This legislation would remove restrictions on places where persons could carry concealed weapons including courthouses and county commission meetings.

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