



**Regular Session: County Lobbyist Call
Monday, March 13, 2017**

Welcome & Opening Remarks

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

- County Weeks this week include, Broward, Polk and Manatee
- Please refer to previous editions of County Lobbyists notes and FAC Legislative Bulletins for information on bills not discussed this week.

2017 Priorities Update

Opioid Abuse – Lisa Hurley, Esq.

Both [SB 788](#) (Sen. Clemens)/ [HB 807](#)(Rep. Hager)) – **Marketing Practices for Substance Abuse Services** were heard in their first committees last week and both passed unanimously.

[HB 61](#) (Rep. Lee, Jr) pertaining to treatment one should receive if hospitalized for an unintentional overdose will be heard in the House Health Innovation Subcommittee on Tuesday, 3/14/17.

Medical Marijuana –Susan Harbin, Esq.

The House offering of legislation to implement the medical marijuana amendment has been filed. [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. Artiles 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.

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

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 cst revenues, harmless or without any negative fiscal impact.

****[SB 378](#) will be heard in the Senate Appropriations Subcommittee on Finance and Tax on 3/15/17.**

Economic Development – Eric Poole

[HB 7005](#) passed the House Rules 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 House Rules 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.

Beach Nourishment – Susan Harbin, Esq.

No Update

Comprehensive Water – Susan Harbin, Esq.

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 532](#) passed unanimously in its first committee of reference, Senate Environmental Preservation and Conservation.

** [HB 755](#) passed unanimously in Natural Resources & Public Lands on 3/7/17, and is now in the Appropriations Committee.

** [HB 285](#) will be heard on 3/14/17 by the House Agriculture and Property Rights Subcommittee at 10:00 a.m.

** [SB 874](#) will be heard on 3/14/17 by the Senate Environmental Preservation and Conservation committee at 2:30 p.m.

2017 Emerging Issues Update

Health & Human Services / Public Safety

1. **Firefighters** – Lisa Hurley (lhurley@smithbryanandmyers.com)
[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.

2. **Civil Citation Program for Juveniles** – Lisa Hurley (lhurley@smithbryanandmyers.com)
[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 cc 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.

3. **Prearrest Diversion Programs** – Lisa Hurley (lhurley@smithbryanandmyers.com)
[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.

Finance, Tax & Administration

1. **SUPER PREEMPTION** – Laura Youmans (lyoumans@fl-counties.com)
[HB 17](#) (Rep. Fine) - Relating to local Regulation Preemption

In summary, the legislation 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's next stop will be the [House Commerce Committee](#). It was not heard last week. Please continue to:

- CALL MEMBERS of the [House Commerce Committee](#) and share your local perspective.
- E-MAIL MEMBERS of the [House Commerce Committee](#) and share your local perspective.

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

2. **Almost SUPER PREEMPTION - Regulation of Commerce, Trade and Labor**– Laura Youmans (lyoumans@fl-counties.com)

[SB 1158](#) (Sen. Passidomo) - Relating to local Regulation Preemption

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.

The PREEMPTION specifically prevents counties from:

- a) Banning the sale of a good or service;
- b) Imposing a penalty on the sale of a good or service;
- c) Requiring an employer to pay any or all of its employees a wage rate not otherwise required under a special, general, or federal law; or extended to associated regulatory, licenses, and/or permit fees.

The bill's first stop will be the [Senate Commerce and Tourism Committee](#). FAC staff is asking for members to express their beliefs of the impact that this legislation would have on their local communities. Please:

- CALL MEMBERS of the [Senate Commerce and Tourism Committee](#). and share your local perspective.
- E-MAIL MEMBERS of the [Senate Commerce and Tourism Committee](#). and share your local perspective.

For more information on this legislation, and talking points, contact Laura Youmans (lyoumans@fl-counties.com) or 850.922.4300.

3. **Ethics** - Laura Youmans (lyoumans@fl-counties.com)

[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.**

4. **Local Government Fiscal Transparency** – Laura Youmans (lyoumans@fl-counties.com)

[HB 7065](#) (House Ways & Means Comm.)

Among various provisions, the bill provides for:

- a) Voting records related to Board actions to increase taxes and the issuance of tax supported debt.
- b) The provision of online access to historical TRIM notices by parcel.
- c) Additional requirement for public meetings and notice for local option tax increases and tax-supported debt issuances.
- d) The requirement for local governments to conduct a debt affordability analysis prior to approving new long-term tax-supported debt.
- e) The 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.**

5. **Local Government Fiscal Responsibility** – Laura Youmans (lyoumans@fl-counties.com)
[HB 7063](#) (House Ways & Means Comm.)

Among various provisions, the bill provides for:

- a) Local governments, 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.
- b) Prohibits cities and counties (exempts schools) from enacting, extending or increasing local option taxes other than property taxes, if they had adopted a millage rate in excess of the rolled-back rate (with certain specified exceptions) in any of the three previous years.
- c) Requires any local option or property tax (including special districts) that require voter approval to be on a general election ballot with a 60% threshold for passage.
- d) For example- CST, local business tax, local option surtaxes, TDT, public service tax, gas taxes.
- e) Requires voter approval for any new tax-supported debt (beyond 5 years) and must be on a general election ballot with a 60% threshold for passage.
- f) Except, in an emergency (defined by ch. 252 --Emergency Management) the governing board, by a 4/5 vote, can authorize a vote 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 bill to [HB 7063](#)

****The bill was heard in the House Ways and Means Committee meeting on 3/8/17 and it was passed by a 9 to 7 vote. FAC opposes this legislation.**

6. **Public Records** – Laura Youmans (lyoumans@fl-counties.com)
[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.**

7. **Constitutional Officers** – Laura Youmans (lyoumans@fl-counties.com)
[SJR 134](#) (Sen. Artiles) / [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.**

Growth Management and Transportation

1. **Cell Towers** – Eric Poole (epoole@fl-counties.com)
[SB 596](#) (Sen. Hutson) / [HB 687](#) (Rep. La Rosa) - Relating to Utilities:

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 596](#) was heard and passed on 3/7/17 by the Senate Communications, Energy and Utilities Committee.**

**** It is anticipated that [HB 687](#) will be heard on 3/15/17 by the House Energy and Utilities Subcommittee.**

2. **UBER** - Eric Poole (epoole@fl-counties.com)
[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.**

3. **Public Works Contracting** - Eric Poole (epoole@fl-counties.com)
[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.

4. **Community Redevelopment Agencies** - Susan Harbin (sharbin@fl-counties.com)
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.

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.

****HB 13** was heard in the Local, Federal and Veteran Affairs Subcommittee meeting on 3/8/17 and it was passed.

5. **Vacation Rentals** – Eric Poole (epoole@fl-counties.com)
SB 188 (Sen. Stuebe) / **HB 425** (Rep. La Rosa) - Relating to Vacation rentals:

HB 425 prevents local governments from enacting any new law, ordinance, or regulation that prohibits, restricts the use of, or regulates vacation rentals based on classification, use, or occupancy. The bill keeps the grandfather provision relating to local regulations enacted prior to June 1, 2011. However, any local regulation adopted after June 1, 2011, including those adopted pursuant to the standards under the 2014 law, will be preempted, and will be void and unenforceable.

HB 425 will be heard Tuesday in the House Agriculture and Public Rights Subcommittee.

6. **Recovered Materials** - Susan Harbin (sharbin@fl-counties.com)
SB 1288 (Sen. Baxley) / **HB 1133** (Rep. Toledo) - Relating to Recovered Materials



Current law exempts certain wastes and activities from solid waste regulations. The bill would exempt wood, asphalt, concrete, and organic materials and facilities that store, process, resale, or reuse them from solid waste regulations.

HB 1133 will be heard Tuesday in the House Natural Resources & Public Lands Subcommittee.

Week Ahead Calendar



Monday

H **Oversight, Transparency & Administration** 17 H 1:00PM-6:00PM **Subcommittee**





HB 0789 	Procurement of Professional Services	Stone
HB 0143 	Firefighters	Fitzenhagen

Tuesday

H **Agriculture & Property Rights** 12 H 9:00AM-1:00PM **Subcommittee**

HB 0285 	Onsite Sewage Treatment and Disposal System Inspections	Fine
HB 0425 	Vacation Rentals	La Rosa







S **Banking and Insurance** 110 S 10:00AM-12:00PM [SB 0340](#) Transportation Network Companies [Brandes](#)

<u>S</u> <u>Community Affairs</u> 301 S 10:30AM-12:00PM		
SB 0068 	Tourist Development Tax	Grimsley
SB 0880 	Government Accountability	Stargel
SB 0190 	Low-voltage Electric Fences	Artiles
SB 0948 	Assessment of Properties Affected by Imported or Domestic D...	Stewart

H **Health Innovation** 306 H 2:00PM-5:00PM **Subcommittee**

HB 0061 	Emergency Services for an Unintentional Drug Overdose	Lee Jr. (L)
---	---	-----------------------------

H **Insurance & Banking** 404 H 2:00PM-7:00PM **Subcommittee**

IBS1	Workers' Compensation	Insurance & Banking Subcommittee	
H Natural Resources & Public Lands Subcommittee	12 H	2:00PM-7:00PM	
HB 0573 	Water Protection and Sustainability	Burton	
HB 1133 	Recovered Materials	Toledo	
S Judiciary	110 S	2:00PM-4:00PM	
SB 0080 	Public Records	Steube	
S Transportation	401 S	2:00PM-4:00PM	
SB 0654 	Transportation	Latvala (J)	
S Environmental Preservation and Conservation	37 S	2:30PM-4:00PM	
SB 0874 	Nutrient Pollution from Onsite Sewage Treatment and Disposa...	Young	
Wednesday			
S Appropriations Subcommittee on Finance and Tax	401 S	9:30AM-11:30AM	
SB 0378	Taxation	Flores	
S Appropriations Subcommittee on General Government	110 S	4:00PM-6:00PM	
SB 7000 	Florida Building Commission	Community Affairs	