



**Regular Session: County Lobbyist Call
Monday, March 20, 2017**

Welcome & Opening Remarks

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

- County Weeks this week include, Volusia, Citrus and St. Lucie
- The Constitutional Revision Commission will hold its first meeting on Monday, 3/20/2017 from 2 p.m. to 4 p.m. in the Senate Chambers
- Indian River County Commissioner Bob Solari has been appointed to the CRC.
- Please refer to previous editions of County Lobbyists notes and FAC Legislative Bulletins for information on bills not discussed this week.
- **Red** - means an upcoming event, bill hearing, etc...
- **Green** - refers to last action on a bill from the previous week.

2017 Priorities Update

Opioid Abuse – Lisa Hurley, Esq.

[HB 249](#) (Rep. Rommel) related to the mandatory reporting of drug overdoses was heard in its first of three committees last week and was substantially amended to shift the responsibility of the collection and distribution of overdose incident data away from local government and to the Department of Health. As amended, the bill requires first responders to report certain overdose incident data to the Department within 120 hours of the incident through the existing state Emergency Medical Service Tracking and Reporting System (or other appropriate method) and requires the Department to make the information available to local government agencies no later than 120 hours after receipt. It also removed the criminal penalty provisions for failing to report overdose incident data. It is expected that a similar strike-all will be filed on its Senate companion [SB 588](#) (Sen. Passidomo).

[HB 61](#) (Rep. Lee, Jr) related to Emergency Services to Overdoses was also heard in its first of three committees and was substantially amended to remove provisions related to services hospitals were required to provide persons admitted for an overdose. Now the bill requires hospital emergency room departments to develop best practices seeking to reduce readmissions for unintentional overdoses. This bill may get amended onto [HB 249](#).

A committee substitute amendment was adopted for [HB 477](#) (Rep. Boyd) - related to controlled substances, and passed out of the House Criminal Justice Subcommittee by a vote of 13-1 on 3/15/17. It's next committee of reference is the House Justice Appropriations Subcommittee.

[SB 788](#) (Sen. Clemens) – related to marketing practices for substance abuse services is scheduled to be heard on Tuesday, 3/21/17 at 4:00 p.m. by the Senate Children, Families, and Elder Affairs committee.

[HB 807](#) (Rep. Hager) – related to marketing practices for substance abuse services is scheduled to be heard on Tuesday, 3/21/17 at 12:30 p.m. in the House Criminal Justice Subcommittee.

Medical Marijuana –Susan Harbin, Esq.

Sen. Dana Young will hold a workshop on Wednesday, 3/22/2017 during the Senate Health Policy Meeting. The workshop will provide a legislative forum to discuss all of the potential legislative concepts filed to date in the senate. Staff has prepared a side by side analysis of the major components of the filed bills. The analysis can be found [here](#).

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

Implementing Solar Amendment #4 - The House released version of implementing legislation for the recently passed constitutional amendment #4 [HB 1351](#) (Rep. Rodrigues) will be heard on Tuesday, 3/21/2017 at 1:00 p.m. in the House Energy and Utilities Subcommittee.

Communications Services Taxes - [SB 378](#) (Sen. Flores) Taxation - will be heard in the Senate Appropriations Subcommittee on Finance and Tax on 3/21/17 at 9:00 a.m. and it 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.

10% Assessment Limit on Non-Homestead Property - [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 “Special Order” (2nd Reading) calendar for Wednesday, 3/22/2017.

Additional Homestead Exemption - [SJR 1774](#) (Sen. Lee) – Limitations on Property Tax Assessments – will be heard in the Senate Community Affairs Committee on Wednesday, 3/22/2017 at 1:30 p.m. 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.

Local Business Taxes - [SB 330](#) by Sen. Stuebe will be heard on Tuesday, 3/21/2017 in the Senate Community Affairs Committee meeting at 1:30 p.m. The bill proposes restrictions and limitations on local governments with regards to local business taxes. Likewise, [HB 487](#) by Rep. Renner will be heard on Tuesday 3/21/2017 in the House Local, Federal and Veterans Affairs Subcommittee meeting at 12:30 p.m.

Other Property Taxes - [HB 49](#) (Rep. Eagle) will be heard on Tuesday, 3/21/2017 during the Ways and Means Committee meeting at 4:00 p.m. The bill proposes to provide ad valorem tax abatements or relief for victims of natural disasters.

Sales Taxes on Commercial Leases - [SB 704](#) (Sen. Garcia) related to exempting ad valorem tax charges from the sales and use tax on commercial leases will be heard in the Senate Community Affairs Committee on Wednesday, 3/22/2017 at 1:30 p.m.

Economic Development – Eric Poole

The Senate Commerce and Tourism Committee addressed one of FAC priorities for Economic Development with the passage of [SB 936](#) on 3/13/2017. The bill, sponsored by state Sen. Bill Montford, overhauls the Regional Rural Development Grants Program. Specifically the bill removes the local match requirement; increases the amount of funds that can be expended by the program to \$1 million; specifies that the maximum amount that can be awarded in rural areas of opportunity is to be awarded to Opportunity Florida, Florida's Heartland REDI, Inc., and the North Florida Economic Development Partnership; increases the maximum amount that can be awarded to \$250,000 from \$150,000; and provides that grants used for technical assistance can be used to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses.

Beach Nourishment – Susan Harbin, Esq.

[HB 1213](#) (Rep. Peters) will be heard on Monday, 3/20/2017 during the House Natural Resources & Public Lands Subcommittee meeting at 12:00 p.m. [SB 1590](#) (Sen. Latvala) will be heard on Wednesday, 3/22/2017 during the Senate Environmental Preservation and Conservation committee meeting at 4:00 p.m. Both bills propose to revise 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.

Comprehensive Water – Susan Harbin, Esq.

On 3/14/2017 [HB 285](#) (Rep. Fine) passed its first committee of reference, the House Agriculture and Property Rights Subcommittee by a 9-6 vote. The bill Relating 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.

[SB 874](#) (Sen. Young) passed its first committee of reference, the Senate Environmental Preservation and Conservation committee by a unanimous vote on 3/14/2017. The bill 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.

[SB 532](#) (Sen. Galvano) will be heard in its second committee of reference, the Senate Environment and Natural Resources Appropriations committee on Tuesday, 3/21/2017 at 9:00 a.m. The bill would require the 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.

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.

[HB 143](#) (Rep. Fitzenhagen) was workshopped this week with testimony from medical professionals and firefighters over the increased changes of contracting certain cancers in this line of work. It was reported that studies show that the identified cancers occur more often as a result of chemicals/agents being absorbed through the skin as opposed to inhalation which triggered a great deal of discussion over the quality of the gear firemen wear. There is still no fiscal attached to the bill and no vote was taken.

2. **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](#) (Sen. Brandes) was heard on 3/13/17 during a meeting of the Senate Criminal Justice Committee and passed unanimously.

3. **Criminal Justice Reform Task Force** – Lisa Hurley (lhurley@fl-counties.com)
[SB 458](#) (Sen. Stuebe) / [HB 387](#) (Rep. Peters)- Florida Criminal Justice Task Force:

The bills create a 28 member Task Force to conduct a comprehensive review of the state's criminal justice system, court system, and corrections system; FAC has two appointments. The Task Force is directed to report its finding and recommendations to the President and Speaker by January 9, 2018.

[SB 458](#) is scheduled to be heard on Wednesday, 3/22/2017 during the Senate Appropriations Subcommittee on Criminal and Civil Justice at 9:00 a.m.

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) / [SB 880](#) (Sen. Stargel) - 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.

[SB 880](#) (Sen. Stargel) passed Senate Community Affairs unanimously on 3/14/2017

4. **Public Records** – Laura Youmans (lyoumans@fl-counties.com)
[SB 80](#) (Sen. Stuebe) / [HB 163](#) (Rep. Burgess) - 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. As amended in Senate Judiciary on 3/14/17, [SB 80](#) (Sen. Stuebe) would require the court to award attorney’s fees against a public agency if it is determined that the agency unlawfully failed to produce a public record, and if the requestor provides written notice of the request to the agency’s custodian of public records at least 5 days prior to the filing of the action. Requestor is not required to provide written notice if contact information of the records custodian is not prominently posted. Reasonable costs and fees are not to be awarded by the complainant but are recoverable by the agency if the court determines that the purpose of the request was for an “improper purpose.”

[SB 80](#) (Sen. Stuebe) was passed unanimously on 3/14/17 during the Senate Judiciary Committee meeting. It now awaits to be placed on the “Special Order” calendar on the Senate Floor.

[HB 163](#) (Rep. Burgess) has been calendared in House Civil Justice and Claims for 3/20/17. An amendment has been filed to confirm this version to the [SB 80](#).

5. **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 187](#) Relating to Property Appraisers was heard in the House Judiciary committee meeting on 3/16/17 and it was passed. This bill would require all property appraisers to be elected and require that they be constitutional officers, rather than charter officers with administrative functions supported by the Board of County Commissioners.

[SB 136](#) relating to Property Appraisers will be on the Senate Community Affairs agenda on 3/21/17.

[HB 271](#), and [HB 1129](#) will be heard on Tuesday, 3/21/2017 during the House Local, Federal and Federal Affairs Subcommittee meeting at 12:30 p.m.

6. **Worker's Compensation** – Laura Youmans (lyoumans@fl-counties.com)

[SB 1582](#) (Sen. Bradley) / [PCB IBS 17-01](#) (House Insurance and Banking) - Worker's Compensation

[SB 1582](#) (Sen. Bradley):

- Requires insurers to authorize/decline requests for authorization from health care providers within three business days or request is deemed authorized.
- Claimant must state with specificity amount of each requested benefit in petition or Judge of Compensation Claims (JCC) is required to dismiss.
- Puts into statute Supreme Courts extension of partial disability benefits at 260 weeks (from 104 weeks prior to *Westphal* decision)
- Deletes prohibition against attorneys receiving fees unless approved by JCC (in keeping with Supreme Court decision in *Miles*).
- Would make Florida a "loss cost state" which means that a rating agency recommends rates needed to cover losses and insurers file separately for remaining components of the rates needed to cover expenses and profits ("loss costs multipliers")
- Would retain the statutory fee schedule for setting claimants' fees but would direct the JCC to increase fees up to an hourly rate of \$250 based on case-specific factors
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The House Insurance and Banking Committee agreed to move forward with a bill seeking to address several Supreme Court cases that invalidated certain portions of the Workers' Compensation program. [PCB IBS 17-01](#) (Insurance and Banking Committee), which has not yet been referred to committee would:

- Retain statutory fee schedule tied to benefits received but would allow workers to pay attorneys directly (in keeping with the Supreme Court's *Miles* decision).
- Allow Judges of Compensation Claims (JCC) when the statutory fee would be less than 40 percent or more than 125 percent of the jurisdiction's customary rate.
- If award doesn't cover full amount agreed to in retained agreement, allow claimant to pay remainder.
- Put into statute Supreme Courts extension of partial disability benefits at 260 weeks (from 104 weeks prior to *Westphal* decision)

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.

While [SB 596](#) passed Senate Communications, Energy, and Public Utilities Committee last week (by a 7 to 1 vote), the House companion ([HB 687](#)) passed the House Communication, Energy, and Utilities Subcommittee on Wednesday by a vote of 12 to 2. While the final vote had only two detractors, some committee members expressed concern that the bill reached too far in preempting county regulations. There was even a suggestion that the legislation should include a model ordinance that all parties could agree to. [HB 687](#) has one additional committee stop (Commerce) before it heads to the floor. FAC continues to work with the bill sponsors and the stakeholders to address county concerns.

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.

[SB 340](#) was passed by a vote of 7-2 on 3/14/17 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](#) is scheduled to be heard on Wednesday, 3/22/2017 during the Senate Governmental Oversight and Accountability committee meeting.

4. **Vacation Rentals** - Eric Poole (epoole@fl-counties.com)
[SB 188](#) (Sen. Stuebe) / [HB 425](#) (Rep. LaRosa) - Relating to Vacation Rentals

In 2011, the Florida Legislature passed HB 883, which blocked local governments from "regulating, restricting, or prohibiting" vacation rental properties. Recognizing that the 2011 legislation went too far in removing local authority to regulate vacation rentals, the Legislature passed SB 356 in 2014, restoring partial Home Rule authority to counties. In effect, current law allows counties to

enact certain regulations (parking, occupancy standards, local registration) but prohibits them from passing regulations that prohibit vacation rentals or limit the duration and frequency of stays.

[HB 425](#), which was heard in the House Subcommittee on Agriculture and Property Rights, would return the preemption authority to what it was before passage of the 2014 legislation. [HB 425](#) passed by a vote of 9 to 6.

[SB 188](#) is scheduled to be heard on Tuesday, 3/21/2017, during the Senate Regulated Industries committee meeting at 2:00 p.m.

5. **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.

[SB 1770](#) is scheduled to be heard on Wednesday, 3/22/2017 during the Senate Community Affairs committee meeting at 1:30 p.m.

Week Ahead Calendar

Monday

H	<u>Natural Resources & Public Lands Subcommittee</u>	12 H	12:00PM-3:00PM
	HB 1055	Linear Facilities	Ingram
	HB 1213	Coastal Management	Peters
H	<u>Civil Justice & Claims Subcommittee</u>	404 H	3:30PM-6:30PM
	HB 0163	Public Records	Burgess

Tuesday

H	<u>Transportation & Infrastructure Subcommittee</u>	102 H	8:00AM-11:00AM
	HB 1027	Unmanned Aircraft	Yarborough
H	<u>Agriculture & Property Rights Subcommittee</u>	12 H	9:00AM-11:00AM
	HB 0289	Property Taxes	Donalds
S	<u>Appropriations Subcommittee on Finance and Tax</u>	401 S	9:00AM-10:30AM
	SB 0378	Taxation	Flores
S	<u>Appropriations Subcommittee on the Environment and Natural Resources</u>	301 S	9:00AM-10:30AM
	SB 0532	Public Notification of Pollution	Galvano
H	<u>Criminal Justice Subcommittee</u>	404 H	12:30PM-3:30PM
	HB 0807	Marketing Practices for Substance Abuse Services	Hager
H	<u>Local, Federal & Veterans Affairs Subcommittee</u>	12 H	12:30PM-3:30PM
	HB 0271	Selection and Duties of County Officers	Cortes (B)

HB 0487	Local Business Tax	Renner
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HB 1129	Selection and Duties of County Officers	Drake
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H Energy & Utilities Subcommittee	212 K	1:00PM-3:30PM
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HB 1351	Renewable Energy Source Devices	Rodrigues (R)
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S Regulated Industries	110 S	2:00PM-3:30PM
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SB 0188	Vacation Rentals	Steube
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H Ways & Means Committee	17 H	4:00PM-6:30PM
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HB 0049	Ad Valorem Taxation	Eagle
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S Agriculture	301 S	4:00PM-6:00PM
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SB 1536	Agricultural Practices	Perry
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S Children, Families, and Elder Affairs	401 S	4:00PM-6:00PM
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SB 0788	Marketing Practices for Substance Abuse Services	Clemens (J)
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S Criminal Justice	37 S	4:00PM-6:00PM
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SB 0832	Drones	Young
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Wednesday

S Health Policy	412 K	1:00PM-3:30PM
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Workshop on SB 406 (Compassionate Use of low-THC Cannabis and Marijuana), and other filed Senate bills to implement Amendment 2 - Use of Marijuana for Debilitating Medical Conditions.

S Community Affairs	301 S	1:30PM-3:30PM
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SB 0704	Tax on Sales, Use, and Other Transactions	Garcia
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SB 0330	Local Business Taxes	Steube
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SB 0136	Selection and Duties of County Officers/Property Appraiser	Artiles
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SB 1770 	Community Redevelopment Agencies	Lee (T)
SB 1048 	Linear Facilities	Lee (T)
SB 1774 	Increased Homestead Property Tax Exemption	Lee (T)
§ Governmental Oversight and Accountability	401 S	1:30PM-3:30PM
SB 0534 	Public Works Projects	Perry
§ Environmental Preservation and Conservation	37 S	4:00PM-6:00PM
SB 1590 	Coastal Management	Latvala (J)
§ Ethics and Elections	412 K	4:00PM-6:00PM
SB 0278 	Local Tax Referenda	Steube
§ Judiciary	110 S	4:00PM-6:00PM
SB 0226 	Property Taxes	Artiles