



**Interim Committee Week: County Lobbyist Call
Monday, March 6, 2017**

Welcome & Opening Remarks

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

- County Managers will have a conference call every Friday at 2:00 p.m. during session. The call will be modeled after the County Lobbyist calls.
- 2017 Legislative Session Preview Webinar
Tuesday, March 7, 2017
10:00 a.m. EST / 9:00 a.m. CST

The call will include a summary of the interim committee weeks and what counties can expect during the 2017 Legislative Session. We will cover the status of the Association's priority issues as well as any new legislation that has been filed that will effect local governments such as the super preemption bill, HB17.

The PowerPoint presentation will be linked to our website after the call and emailed to registrants.

2017 Priorities Update

Opioid Abuse – Lisa Hurley, Esq.

FAC staff has added the following bills under the "Opioid Abuse" watch list.

SB 788 (Sen. Clemens)/ HB 807(Rep. Hager) – Marketing Practices for Substance Abuse Services

Seeks 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

Medical Marijuana –Susan Harbin, Esq.

Please refer to previous editions of county lobbyists' notes for information regarding **SB 406 (Sen. Bradley)** and **SB 614 (Sen. Brandes)**. The House bill has not been released from bill drafting yet, but FAC staff still anticipates that Rep. Rodrigues will file the House implementation legislation.

- **The following bills have been filed, but have not received committee references yet; SB 1388 (Sen. Artiles), SB 1666 (Sen. Braynon), SB 1758 (Sen. Grimsley).** FAC staff will provide an analysis of these bills for next week's lobbyist call.

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

No Update

Economic Development – Eric Poole

The House Rules and Policy Committee will take up two bills on Monday, February 6.

The first, HB 7005, is the House initiative to eliminate Enterprise Florida and nearly all of the state's economic incentive programs. 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.

Last week, House leadership signaled a willingness to 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 HB 9.

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.

Beach Nourishment – Susan Harbin, Esq.

SB 1590 (Latvala)/HB 1213 (Peters) – Relating to Coastal Management

These bills 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.

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 preservation and restoration projects pursuant to s. 161.091(3), F.S.

Comprehensive Water – Susan Harbin, Esq.

Please refer to previous editions of county lobbyists' notes for information on **SB 10 (Sen. Bradley) / HB 761 (Rep. Altman); SB 816 (Sen. Simmons)/ HB 1211 (Roth); and SB 532 (Sen. Galvano) / HB 1065 (Peters).**

The following bills have now been filed and will be placed under FAC's priority update watch list for the comprehensive water priority:

SB 1738 (Perry)/HB 715 (Clemons) – Stormwater Management – Susan Harbin

These bills require all local government stormwater plans, programs, and ordinances to include best management practices (BMPs) adopted by DEP, as well as any other local stormwater management measures adopted by DEP rule pursuant to the chapter.

HB 715 provides that local governments that implement stormwater BMPs are presumed to be in compliance with local water quality standards governing stormwater discharges.

SB 1738 provides that an application submitted by developer that implements stormwater BMPs is presumed to be in compliance with local government water quality standards governing direct and indirect stormwater discharges.

Both bills prohibit local governments from adopting or enforcing any measures that require more stringent water quality standards for stormwater discharges than are included in the chapter; however, the bills grandfather in ordinances adopted as of January 1, 2017.

SB 1438 (Broxson)/HB 755 (Albritton) – Relating to Aquifer Replenishment – Susan Harbin

SB 1438/HB 755 adds additional conditions to underground injection permits intended to augment, protect or replenish groundwater, including establishing of a zone of discharge and any controls necessary to promote conservation, reclamation and sustainability of groundwater resources. The bill:

- It creates s. 403.0878, F.S., entitled "Criteria for Sustainable Water Resources," which recognizes that communities are providing advanced water treatment in order to promote availability of sufficient water for existing and future uses and natural systems.
- Provides incentives for advanced water treatment, the bill allows DEP to develop by rule criteria for operation permits for advanced water treatment facilities, which must consider the intended water use, conditions that may be specifically applicable to the appropriate water treatment, and requirements for monitoring, augmenting or replenishing state water resources.

The bills provide that authorized use of reclaimed water by advanced water treatment facilities pursuant to this new section of law satisfies any other requirement to implement a reuse project, and that water management districts must give significant consideration in an analysis of the economic, environmental, and technical feasibility of providing reclaimed water for reuse.

SB 1748 (Stewart)/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 1748 also requires septic system inspections, but only allows local governments to mandate inspections on certain properties. The bill also specifies what actions must be included in an inspection done pursuant to the inspection, as well as outlines the process and timelines for repairing a failing system.

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.

2017 Emerging Issues Update

SB 390 – Reimbursement of Certain Taxes (Sen. Hutson) -Authorizes the Department of Revenue to reimburse a portion of taxes paid for certain property rendered uninhabitable by hurricane or tornado during 2016. Provides appropriation of \$6+ million.

SJR 134 (Sen. Artilles) - Selection and Duties of County Officers/Sheriff; and similar bills

– Laura Youmans

SJR 134 (Rep. Artilles) The bill moved through Senate Community Affairs, and the next stop is Senate Ethics and Elections. The post-meeting staff report ([Link](#)) identifies the following county charters as requiring amendment if the current version of SJR 134 is passed: Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia. However, the cumulative impact of the other bills has not been

determined. SJR 134 would require that Sheriffs not only be elected but also prevent Sheriffs from being made charter officers.

Language in other bills 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. SJR 134 only applies this to sheriff, but other versions would impact *all county officers*.

- SJR 130, SJR 132, SJR 136, SJR 138, HB 271, HB 721, HB 1129 provide as follows:
Notwithstanding subsection (e) of Section 6 of this article, this subsection provides the exclusive manner for the selection, length of terms, abolition of office, and transfer of duties of the sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court in each county.
- SJR 134 (as amended) only applies limiting language to sheriffs:
Notwithstanding section 6(e) of this article, this subsection provides the exclusive manner for the selection, length of terms, abolition of office, and transfer of duties of the sheriff in each county.
- [SJR 134 and associated bills](#)

SB 80 – Public Records (Sen. Stuebe) – Laura Youmans

Would allow judicial discretion when determining whether to award attorney’s fees to a requestor in a public records lawsuit. Currently law provides that fees “shall” be awarded, this bill would say that fees “may” be awarded.

SB 1444 (Sen. Stewart)/HB 897 (Rep. Stark) - Public Notices by Local Governmental Entities

– Laura Youmans

The bill authorizes counties to publish required public notice on publicly accessible websites under certain circumstances.

SB 534 (Sen. Perry)/HB 599 (Rep. Williamson) - Relating to Public Works Projects – Eric Poole

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.

The senate version of the bill was expected to be heard on Monday, March 6th, 2017 in the Senate Community Affairs committee meeting.

Other Emerging bills that did not have any substantial updates include the following:

PIE 3: Ethics – Laura Youmans

HB 17 (Rep. Fine) / SB 1558 (Sen. Passidomo) - Relating to Local Regulation Preemption – Laura Youmans

SB 340 (Sen. Brandes)/HB 687 (Rep. Sprowls) - Uber – Eric Poole

SB 596 (Sen. Hutson)/HB 687 (Rep. La Rosa) - Cell Towers – Eric Poole

SB 158 (Sen. Latvala) /HB 143 (Rep. Fitzenhagen) - Firefighters – Lisa Hurley

SB 196(Sen. Flores) /HB 205(Rep. Ahern): - Civil Citation Program for Juveniles – Lisa Hurley
 SB 516 (Sen. Perry) / HB 1019 (Rep. Miller) - Relating to Workers' Compensation Benefits for First Responders – Lisa Hurley
 SB 1068 (Sen. Brandes) /HB 157 (Rep. Burgess) - Sentencing – Lisa Hurley
 SB 448 (Sen. Brandes) / HB 367 (Rep. Plakon) – Prearrest Diversion Programs – Lisa Hurley

Week Ahead Calendar









Monday

S	<u>Criminal Justice</u>	37 S	1:30PM-3:30PM
SB 0788		Marketing Practices for Substance Abuse Services	Clemens (J)
H	<u>Rules & Policy Committee</u>	404 H	3:00PM-6:00PM
HB 0009		Florida Tourism Industry Marketing Corporation	Renner
HB 7005		Economic Programs	Careers & Competition Subcommittee
S	<u>Community Affairs</u>	301 S	4:00PM-6:00PM
SB 0390		Reimbursement of Certain Taxes	Hutson
SB 0080		Public Records	Steube
SB 0534		Public Works Projects	Perry

Tuesday

S	<u>Communications, Energy, and Public Utilities</u>	301 S	4:00PM-6:00PM
SB 0596		Utilities	Hutson
S	<u>Environmental Preservation and Conservation</u>	37 S	4:00PM-6:00PM
SB 0532		Public Notification of Pollution	Galvano
SB 0442		Advanced Well Stimulation Treatment	Young

Wednesday

<u>H</u> <u>Criminal Justice Subcommittee</u>	404 H	8:00AM-11:00AM
HB 0205 	Juvenile Civil Citation and Similar Diversion Programs	Ahern
<u>H</u> <u>Local, Federal & Veterans Affairs Subcommittee</u>	12 H	8:00AM-11:00AM
HB 0187 	Selection and Duties of County Officers	Diaz (M)
HB 0721 	Selection and Duties of County Officers	Fischer
<u>S</u> <u>Appropriations Subcommittee on Criminal and Civil Justice</u>	37 S	9:30AM-11:30AM
SB 0196 	Juvenile Civil Citation and Similar Diversion Programs	Flores
<u>S</u> <u>Appropriations Subcommittee on the Environment and Natural Resources</u>	301 S	9:30AM-11:30AM
SB 0010 	Water Resources	Bradley
SB 0234 	Land Acquisition Trust Fund	Bradley
<u>H</u> <u>Children, Families & Seniors Subcommittee</u>	12 H	12:00PM-3:00PM
HB 0807 	Marketing Practices for Substance Abuse Services	Hager
<u>H</u> <u>Oversight, Transparency & Administration Subcommittee</u>	17 H	12:00PM-3:00PM
HB 0599 	Public Works Projects	Williamson