



Constitutional Revision Commission



The 2017-2018 Constitution Revision Commission re-convened in Tallahassee last week. While the full Commission did not meet, various committee meetings were held.

During the October 31, 2017 meeting of the Bonding & Investment Committee, JoLinda Herring, of Bryant Miller Olive, presented on behalf of FAC about county bonding and investment issues.

During the November 1, 2017 meeting of the Local Government Committee, Bob Nabors (pictured above), of Nabors Giblin & Nickerson, presented on behalf of FAC about county home rule authority under the Florida Constitution.

Also during the November 1, 2017 meeting of the Local Government Committee, Proposal 13 was heard. Proposal 13, sponsored by Commissioner Timman would remove the authority of charter counties to abolish the offices of constitutional county officers and remove the authority of a charter county to transfer the powers and duties of constitutional county officers. Although FAC and multiple counties testified in opposition to Proposal 13, the Proposal was reported favorably out of the Local Government Committee by a vote of 6-1. FAC will continue to meet with interested parties and strategically approach Proposal 13 as it moves through the process. The next Committee reference for Proposal 13 is the Ethics and Elections Committee.

FAC worked with Commissioner Bob Solari and the Florida League of Cities to submit an Unfunded Mandates proposal. **CRC Proposal 92** would require heightened Legislative procedures in order for the Legislature to enact any unfunded mandate. Specifically, the proposal would require the Legislature to hold a public hearing after at least 24 hours notice has been given to the public that an unfunded mandate will be considered at the hearing; prepare a fiscal analysis made available at the time of the hearing; and pass any unfunded mandate by at least three-fourths affirmative vote of the membership in each house of the Legislature.

Additionally, Commissioner Lee recently filed **Proposal 95**, which would limit the power of a county to regulate commerce, trade, or labor unless the regulation is applied exclusively within the county's own boundaries and in a manner not prohibited by law. Construed very broadly, this proposal could effectively preempt a county from regulating virtually any aspect of commerce, trade, or labor. FAC is currently working on a strategic plan to oppose Proposal 95.

The CRC will re-convene in Tallahassee during the week of November 27th.

FAC CONTACT:

For additional information, please feel free contact Laura Youmans via email at lyoumans@fl-counties.com or Brian Sullivan via email at bsullivan@fl-counties.com.

NEWS ARTICLES ON THE CRC

FINANCIAL NEWS &

Daily Record

Constitution Revision Commission reviewing proposals

Immigration

HB 9, relating to federal immigration enforcement, passed the House Judiciary Committee on Tuesday. HB 9 (the "Rule of Law Adherence Act") would require county governments and law enforcement agencies, including their officials, agents, and employees, to support and cooperate with federal immigration enforcement.

Specifically, the bill would prohibit a county government or law enforcement agency from having a law, policy, practice, procedure, or custom which impedes a law enforcement officers from communicating or cooperating with a federal immigration agency. The bill also requires any sanctuary policies currently in effect to be repealed within 90 days of the Act becoming law. If found in violation of the Act, a county or law enforcement agency could be fined by the State or be subject to a suspension of state grant funding eligibility for 5 years.

FAC has been communicating with the Florida Sheriffs Association to strategize in opposition of HB 9. The Judiciary Committee was the only committee reference for HB 9. Senator Bean has filed a similar bill in the Senate, SB 308.

FAC CONTACT:

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PIE Bills

PCB PIE 18-01, relating to State Ethics Reform passed the House Committee on Public Integrity and Ethics on Tuesday. The proposed committee bill would prohibit a county, a person acting on behalf of a county, or an elected official from using or authorizing the use of an elected official's name, image, likeness, uniform, badge, or other symbol of office in a public service announcement from the date that the public official becomes a candidate for reelection or election to public office to the date of the general election if such announcement is paid with public funds or if the time or space of the announcement was donated to the media.

PCB PIE 18-02, relating to Local Government Ethics Reform, passed the House Committee on Public Integrity and Ethics on Tuesday. The proposed committee bill would require county commissioners that must abstain from voting on a measure due to a conflict of interest to disclose the conflict prior to participating in the measure. Additionally, the bill would require the Commission on Ethics to create a Local Government Lobbyist Registration System to register lobbyists who wish to lobby governmental entities. This Registration System would preempt any county government rule or ordinance that requires lobbyist registration. However, a county would still be able to adopt rules or ordinances regulating

lobbyist conduct, requiring compensation reporting and disclosure of contacts, or any other activity related to lobbyist conduct other than registration. The bill prohibits a county from charging any fee for registration of lobbyists and principals or from charging other fees in the enforcement of lobbyist regulation except as may be reasonable and necessary to cover the cost of such enforcement.

PCB PIE 18-03, relating to a Local Government Lobbyist Registration System Trust Fund, passed the House Committee on Public Integrity and Ethics on Tuesday. The proposed committee bill would create a trust fund within the Commission of Ethics for the purpose of administering the local government lobbyist registration system created by PCB PIE 18-02. Additionally, the bill would require annual lobbyist registration fees collected pursuant to the local government lobbyist registration program to be deposited into the trust fund.

FAC CONTACT:

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Government Accountability

SB 354, relating to Government Accountability, passed the Senate Community Affairs Committee on Tuesday. The bill would require a county to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse. Specifically, the bill would require every county's audit committee to consist of each county officer elected pursuant to the Florida Constitution or the county charter, or their respective designees, and one member of the board of county commissioners or its designee. A county employee, chief executive officer, or chief financial officer would not be permitted to serve as a member of the audit committee.

Additionally, the bill would require an independent certified public accountant conducting an audit of a county to determine, as part of the audit, whether the county's annual financial report is in agreement with the county's audited financial statements. The bill would require each county's fiscal year to begin on October 1 and end on September 30 and would also require each county to follow uniform accounting practices and procedures as provided by rule of the Department of Financial Services. The bill would also require a county to keep its tentative budget posted on the county website for at least 45 days and would require a county's final budget or an adopted amendment to a county's budget to remain on the county website for at least 2 years. The bill would prohibit a county board or commission from requiring a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being given the opportunity to be heard at a meeting. Finally, the bill would require each county to report public officer and employee travel information in the Statewide Travel Management System.

SB 354 has two remaining committee stops: Appropriations and Rules. SB 354's companion bill, **HB 11** sponsored by Representative Metz, passed the House Government Accountability Committee on Tuesday as well.

FAC CONTACT:

For additional information, please feel free contact Laura Youmans via email at lyoumans@fl-counties.com.

CRA Bills

Sen. Lee's CRA bill, **SB 432**, passed its first committee, Senate Community Affairs. The bill is less extreme than the proposal that we saw last year, which would have prohibited new CRAs and phased out existing ones over the next few decades. Rather, SB 432 would increase audit, ethics, reporting and accountability measures for CRAs. The bill would require CRAs to follow the same procurement procedures as the creating city or county, and would cap administrative expenditures at 18 percent. SB 432 would prohibit tax increment expenditures for festivals and street parties, grants to entities that promote tourism, and grants to nonprofit entities that provide socially beneficial programs. SB 432 would also require the appointment of two non-elected members on a CRA board.

FAC Contact:

To learn more about this issue and related legislative information contact Susan Harbin, Esq. via email at sharbin@fl-counties.com.

Upcoming Bills

Throughout this week, there were a handful of bills that have been filed and may be heard in committee in the next few weeks, or that we expect to see filed soon:

SB 574 (Steube)/HB 521 (Edwards) – Relating to Tree Trimming, Removal, and Harvesting; these bills would prohibit local governments from regulating the trimming, removal or harvesting of trees and timber on private property or requiring mitigation for tree removal or harvesting on private property. The bills would also preempt local governments from prohibiting the burial of vegetative debris on properties larger than 2.5 acres. In sum, local tree protection ordinances would be largely preempted by the language as it is currently written. Neither bill has been heard, but the Senate bill has been referred to Community Affairs, chaired by Sen. Tom Lee.

SB 324 (Young) – Relating to Impact Fees; this bill provides that the collection of an impact fee may be “no earlier than the issuance of the certificate of occupancy for the property that is subject to the fee.” There is not yet a House companion.

SB 362 (Perry)/HB 207 (McClain) – Relating to Growth Management; this bill would require each local government to adopt a new comprehensive plan element addressing the protection of private property. The private property rights element would be required to be adopted at the earlier of the local government’s next evaluation and appraisal update review or July 2020. Local governments would have one year after the adoption of the private property rights element to adopt land development regulations consistent with the new element.

FAC Contact:

To learn more about this issue and related legislative information contact Susan Harbin, Esq. via email at sharbin@fl-counties.com.

NEWS ARTICLES ON UPCOMING BILLS



Herald-Tribune

[Steube files bill to abolish city and county tree protections](#)

Other Legislative Issues of Note

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

SB 232 (Coral Reefs)- This bill would establish the Southeast Florida Coral Reef Ecosystem Conservation Area, which would include areas offshore Broward, Martin, Miami-Dade, and Palm Beach Counties.

SB 316 (Environmental Regulation Commission) - This bill would require the Governor to fill vacancies on the ERC within 90 days, and would specify that proposed rules pertaining to air quality standards or water quality standards require four affirmative votes (rather than a simple majority) for approval.

SB 370 (Land Acquisition Trust Fund) - This bill would dedicate \$100 million annually to the Florida Forever Trust Fund.

SB 440 (Florida Veterans Care Program) - This bill increases access to health care for veterans. It authorizes the Agency for Health Care Administration to negotiate with the federal government to allow veterans to qualify for Medicaid managed care or a similar alternative. An identical House bill, **HB 403**, was filed in late October and has yet to be heard in committee.

HB 317 (Local Tax Referenda) - This bill would continue to allow for a 50% majority vote to approve the imposition or amendment of a surtax at a referendum held during a general election but require a 60% threshold to approve a surtax before the voters in any other election.

SB 12 (2016) - Sen. Rene Garcia welcomed suggestions and recommendations to SB 12 (the huge health care bill signed into law in 2016) a more robust piece of to better improve the delivery of mental health and substance abuse services in the state during the Senate Children, Families, and Elder Subcommittee.

D-SNAP - Senate Appropriations Subcommittee on Health & Human Services asked the Department of Children and Families to update the subcommittee on the implementation of the Federal Disaster Supplemental Nutrition Assistance Program (D-SNAP) in those counties impacted by Hurricane Irma.

Opioid Crisis - The House Health Quality Subcommittee had presentations by the Medical Examiners Commission on drug overdose deaths and the Department of Health gave an overview of the Prescription Drug Monitoring Program. In the House Children, Families and Seniors Subcommittee, the Department of Children and Families presented on opioid abuse and the impact it has on the child welfare system. DCF emphasized the work being done as a response to the two federal grants aimed at addressing the opioid crisis in Florida.

Tax Cut Proposal - The Governor announced his tax cut proposal on Monday. The \$180 million cut is provided by a 10-day back-to-school sales tax holiday, 3 one-week disaster preparedness sales tax holiday in May, June, and July; reduced driver's license fees; and a reduction in traffic citation fines. The Governor's proposals in past years have all been over \$600 million and this relatively meager proposal reflects the State's reduced budget projections.

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