



**Session: County Lobbyist Call
Tuesday, January 16, 2018**

Welcome & Opening Remarks

Davin Suggs, FAC's Director of Public Policy, gave the following updates:

- County lobbyist calls during session are on Mondays @ 3:00 p.m.
- FAC Legislative Days are February 7-8, 2018, in Tallahassee. Please [click here](#) for more information and to register.
- FAC's Federal Fly-In is April 17-18, 2018, in Washington D.C. Please [click here](#) for more information and to register.

FAC Public Policy Staffing, Roles and Responsibilities are as follows:

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Growth Management, Agriculture, Transportation & Environmental

- Development, Planning and Zoning
- Affordable Housing
- State and Regional Transportation
- Strategic Intermodal System Issues
- Water Quantity and Water Quality
- Mosquito Control
- Waste and Pollution
- Utilities and Energy
- Climate Change
- Agritourism

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Finance and Tax

- Taxation
- Local Revenue
- State Shared Revenue
- Economic Development
- Local Fiscal Administration
- Appropriations

Rural Caucus

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Health and Safety

- Behavioral and Mental Health
- Healthcare and Human Services Funding
- Healthcare and Human Services Policy
- Emergency Medical Services
- Law Enforcement and Corrections
- Substance Abuse Prevention and Treatment
- Emergency Management
- Emergency Communications

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Administration

- Intergovernmental Relations (Constitutional Officers)
- Public Records
- Elections
- Judiciary – Article V
- Ethics
- Florida Retirement System

ERIC POOLE
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Eric will continue to work with the Public Policy team to provide advocacy and policy development services based on his areas of expertise and experience at the State and Federal level.

CASEY PERKINS
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Casey will provide research and analytical support to the Public Policy Division related to State and Federal policy issues to augment the team's advocacy efforts

Emerging Issues: Week of 1/16/18

FINANCE, TAX, & ADMINISTRATION

HB 3/SB 1714 (M. Grant/Perry): Economic Development and Tourism Promotion Accountability

- HB 3, as drafted, would place additional procedural requirements and expense on county tourism development and economic development operations- both internal and external. This bill is a House leadership priority and looks to be quickly poised for the floor. SB 1714 by Sen. Perry has been filed in the Senate.
- HB 3 passed its final committee, House Ways & Means, by a 15-5 vote. The bill is ready to be considered by the full House.

HB 7/SB 1426 (Burton/Lee): Local Government Fiscal Transparency

- After being heard on 2nd reading during one of the first committee weeks, HB 7 is likely to be passed off the House floor this week. The bill creates additional voting and notice requirements when counties issue debt. The bill would require the creation of a “debt affordability analysis” to be published in a newspaper prior to the consideration of the issuance of new debt, would require that two public hearings be held prior to issuance of debt or increases in local option sales taxes, and would require that vote counts be maintained for tax increases or issuance of tax supported debt for 5 years on the county’s website, and would require additional auditing and remedial measures. FAC will continue to voice concerns related to the additional costs the bill will required to be incurred compared to the value of the information provided. Sen. Lee has filed the companion, SB 1426.
- HB 7 passed the full House during the first week of Session, by a 91-12 vote. SB 1426 has not yet been heard.

SB 560/HB 439 (Steube/Donalds): Public Meetings and Records/Imminent Litigation

- SB 560 expands an exemption from public meetings requirements to allow a county board to meet privately with its attorney to discuss imminent litigation. “Imminent litigation” is defined to be imminent when the county board has received notice of a claim or demand by a party threatening litigation before a court of administrative agency. For the meeting to be legal, the attorney must

identify the name of the potential claimant or litigant at a public meeting, in addition to other existing requirements. If the imminent litigation does not begin, the transcript of the private meeting must be made part of the public record after a reasonable time or when the underlying statute of limitations expires. SB 560 is similar to HB 439, sponsored by Representative Donalds.

- SB 560 has passed its first two committees of reference; HB 439 will be heard in its first committee this week.

SB 750/HB 273 (Perry/Rodrigues): Public Records

- These bills would prohibit a county that receives a request to inspect or copy a record from responding to such request by filing a civil action against the individual or entity making the request. Currently, certain public records are exempt; certain public records are exempt and confidential; and certain public records are exempt, confidential, and bring criminal penalties for improper disclosure. If a county receives a public records request for records that may be subject to the criminal penalty for disclosure, these proposed changes may put the county in a bind: if the county takes the position the records are exempt, the county faces civil and potentially criminal penalties if the county is wrong. If the county release the records, it may face criminal penalties for improper disclosure. The county can avoid this trap by filing a declaratory action; however, these bills appear to prohibit such a filing.
- SB 750 will be heard in its second committee, Senate Judiciary, on Thursday. HB 273 has passed all of its committees and is ready to be considered by the full House.

SB 308/HB 9 (Bean/Metz): Federal Immigration Enforcement

- HB 9 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 officer 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 subject to a suspension of state grant funding eligibility for 5 years. HB 9 is similar to SB 308 by Senator Bean.
- HB 9 passed the House on a 71-35 vote during the first week of Session. SB 308 has not yet been heard.

GROWTH, AGRICULTURE, TRANSPORTATION, & ENVIRONMENT

SB 1304/HB 1033 (Young/Toledo): Dockless Bicycle Sharing

- The bill preempts regulation of dockless sharing companies to the state, and specifically prohibits local governments from imposing taxes or requiring business licenses. The bill also prohibits private agreements that would prohibit or limit the operation of dockless bike share companies within a local government's jurisdiction; any such existing agreements would be unenforceable after July 1, 2018. This provision appears to be aimed at some exclusive agreements between dockless bike share companies and a handful of south Florida cities. We are concerned about this bill potentially impairing existing contracts as well as limiting local government authority to regulate these entities operating in our rights-of-way.
- HB 1033 is up in House Careers & Competition, its first of two committees, on Tuesday.

SB 1328/HB 987 (Perry/B. Cortes): Affordable Housing

- These bills are aimed at expediting and incentivizing development of affordable housing. FAC does have concerns about the provision which prohibits local governments from imposing mobility fees or impact fees for affordable housing development for a five-year period beginning July 2018.

SB 874/HB 191 (Passidomo/Shaw): State Housing Trust Fund

- These bills would prohibit sweeps of the Housing Trust Funds (specifically, the State Housing Trust Fund and the Local Government Housing Trust Fund)
- SB 874 will be considered in its first committee on Tuesday.

SB 324/HB 697 (Young/Miller): Impact Fees

- These bills address the timing of collection of impact fees. As originally filed, they would amend the impact fee statute to clarify that local governments cannot collect impact fees prior to the issuance of a certificate of occupancy for the property subject to the fee. SB 324 was amended in its first committee to instead provide that impact fees cannot be collected prior to the issuance of a building permit; this change is favorable to local governments and in line with common practices.
- Both bills have made it through their first committees. HB 324 will be considered in its second committee on Wednesday.

SB 1400 (Steube): Vacation Rentals

- SB 1400, the “Florida Vacation Rentals Act,” would preempt regulation and control of vacation rentals to the state, conferring exclusive regulatory authority over such rentals to DBPR’s Division of Hotels and Restaurants. Vacation rentals would be required to obtain annual, non-transferrable licenses from the Division. The bill would invalidate existing local regulations, including those grandfathered in under the 2011 law and adopted pursuant to the 2014 change. SB 1400 does not yet have a House companion.

HB 773 (La Rosa): Vacation Rentals

- HB 773 prohibits counties and cities from establishing ordinances specific to short-term vacation rentals and would instead require that local regulations of activities associated with vacation rentals be applied uniformly to all residential properties. The bill would allow counties with vacation rental ordinances in place prior to June 1, 2011, to amend their ordinances, as long as the amendment makes the regulation of vacation rentals less restrictive.

SB 804/HB 631 (Passidomo/Edwards): Possession of Real Property

- These bills specify the process by which a property owner with a superior right of possession can use a cause of action to recover possession of the property. The bill includes a brief, sentence-long section which could preempt local customary use ordinances which have been used to establish a right of public access to beaches. Specifically, the bill states that a common law claim of customary use for the public use of private property must apply to a particular parcel and must be determined by the court.
- Both bills passed their first committees during the first week of Session.

SB 574/HB 521 (Steube/Edwards): Tree Trimming, Removal, and Harvesting

- These bills would prohibit a local government 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.

- Neither bill has been heard in committee.

SB 432/HB 17 (Lee/Raburn): Community Redevelopment Agencies

- These bills would increase various auditing, reporting, accountability, and ethics requirements on CRAs; the House bill would also create a process to phase out existing CRAs unless re-authorized by a supermajority vote of the board, and would only allow new CRAs to be created by special act of the Legislature
- HB 17 passed the full House by a 72-32 vote during the first week of session. SB 432 has passed the first of its four referenced committees.

HEALTH & SAFETY

SB 90/HB 3 (Perry/Toledo): Texting While Driving

- These bills strengthen the current ban on texting, emailing, and instant messaging while driving, by changing the current enforcement of the ban from secondary to primary. Any violation of the ban that causes a crash results in the addition of six points to the offender's driver license record. House Speaker Richard Corcoran praised the legislation in a press release.
- Both SB 90 and HB 33 have passed in their first committees.

SB 488/HB 285 (Grimsley/Pigman): Emergency Medical Services

- These bills would authorize governmental entities that maintain fire rescue infrastructure and provide first responders to provide advanced life support non-transport services (ALSNS) without having to obtain a COPCN from the county. The exempt governmental entity would only be required to follow an existing county medical protocol if it does not restrict or limit the entity's ability to provide ALSNS. FAC is working with Senator Grimsley and North Collier Fire District on amendment language that would alleviate many of FAC's concerns with the legislation.
- SB 488 passed its first committee of reference. HB 285 has not yet been heard.

SB 484 (Bradley): Sentencing

- SB 484 would authorize a court to sentence a person for up to twenty-four months in the county jail in the county where the offense was committed, under certain circumstances; one prerequisite would be the existence of a contractual agreement between the county and the Florida Department of Corrections.
- SB 484 has passed its first two committees and is now in full Senate Appropriations; there is not a House companion.

Weekly Calendar: Week of 1/16/18

Tuesday, January 16

10:00am: Senate Environmental Preservation & Conservation

- SB 550 (Broxson) – Gulf of Mexico Range Complex

10:00am: Senate Finance and Tax Subcommittee

- SB 272 (Brandes) – Local Tax Referenda
- SB 620 (Passidomo) – Disaster Preparedness Tax Exemption

11:30am: House Local, Federal, & Veterans Affairs Subcommittee

- HB 987 (B. Cortes) – Affordable Housing

1:30pm: Senate Commerce and Tourism

- SB 0990 (Montford) – Rural Communities

3:00pm: House Careers & Competition Subcommittee

- HB 1033 (Toledo) – Dockless Bicycle Sharing

4:00pm: Senate Community Affairs

- SB 562 (Mayfield) – Regulation of Smoking
- SB 874 (Passidomo) – State Funds
- SB 910 (Garcia) – Local Business Taxes
- SB 934 (Hukill) – Property Tax Exemptions
- SB 1144 (Perry) – Permit Fees

Wednesday, January 17

8:30am: House Oversight, Transparency & Administration Subcommittee

- HB 439 (Donalds) – Public Meetings and Records

12:30pm House Natural Resources & Public Lands Subcommittee

- PCB NRPL 18-02 – State Assumption of Federal Section 404 Dredge and Fill Permitting Authority

4:00pm: House Ways & Means Committee

- HB 585 (Fine) – Tourist Development Tax
- HB 697 (Miller) – Impact Fees
- HB 765 (Ingoglia) – Truth in Millage Notices

Thursday, January 18

10:00am: Senate Judiciary

- SB 750 (Perry) – Public Records

10:00am: Senate Transportation

- SB 852 (Brandes) – Florida Smart City Grant Program

4:00pm: Senate Appropriations

- SB 204 (Bradley) – Land Acquisition Trust Fund
- SB 232 (Book) – Coral Reefs

