



**Session: County Lobbyist Call
Monday, January 22, 2018**

Welcome & Opening Remarks

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

- Constitution Revision Commission Proposal 95, sponsored by Commissioner Lee, will be heard by the Local Government Committee on Friday, January 26th at 9:00am.

FAC has been working with a coalition comprised of local government groups, animal groups, environmental groups, and human rights groups to oppose Proposal 95. Additionally, Laura Youmans of FAC will be testifying in opposition to Proposal 95 during Friday's meeting and FAC has contacted various county commissioners to attend the meeting to also testify in opposition. In the meantime, it will be helpful if members of the FAC Executive Committee are able to reach out to commissioners who sit on the Local Government Committee to voice their opposition. You can find contact information for CRC Commissioners at the end of this email.

Proposal 95 would create a constitutional prohibition against any county, municipality, or special district's regulation of any type of commerce, trade, or labor, unless such regulation operated exclusively within the respective entity's own boundaries in a manner not prohibited by law. Additionally, Proposal 95 would prohibit any regulation enacted by a county, municipality, or special district from intruding upon, or impeding, commerce, trade, or labor across the respective entity's boundaries. The language contained in Proposal 95 is incredibly broad and the Proposal provides no definition for the terms "commerce", "trade", or "labor". This could lead to numerous legal challenges brought against not only local government ordinances and regulations, but also against legislation enacted by the Legislature.

While Proposal 95 would operate as a sweeping constitutional preemption of local government regulation, specific areas of local concern which will be affected by Proposal 95 include zoning, animal control, tree protection, traffic flows, human rights ordinances, pill mill ordinances, and many others. Consequently, Proposal 95 is bad for our local communities and businesses. Local employers should not be forced to navigate the state legislative process for minor matters easily addressed at the local level. This is particularly problematic for small businesses, which may lack the resources to pursue matters legislatively. Local governments are the most accessible venue to resolve business concerns because they are closest to the people and most familiar with their communities. Tallahassee is not equipped to address every problem in every community.

Below, find contact information for members of the Local Government Committee:

Commissioner Erika Donalds (Chair)
Erika.donalds@flcrc.gov

Commissioner Chris Nocco (Vice Chair)
Chris.Nocco@flcrc.gov

Commissioner Emery Gainey
Emery.Gainey@flcrc.gov

Commissioner Bob Solari
Bob.Solari@flcrc.gov

Commissioner John Stemberger
John.Stemberger@flcrc.gov

CommissionerCarolynn Timmann
Carolyn.Timmann@flcrc.gov

Commissioner Nicole Washington
Nicole.Washington@flcrc.gov

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

DAVIN J. SUGGS
DIRECTOR OF PUBLIC POLICY
DSUGGS@FL-COUNTIES.COM

TIFFANY HENDERSON
PUBLIC POLICY COORDINATOR
THENDERSON@FL-COUNTIES.COM

SUSAN HARBIN, ESQ.
SENIOR ASSOCIATE DIRECTOR OF PUBLIC POLICY
SHARBIN@FL-COUNTIES.COM

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

LAURA YOUMANS, ESQ.
ASSOCIATE DIRECTOR OF PUBLIC POLICY
LYOUMANS@FL-COUNTIES.COM

Finance and Tax

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

Rural Caucus

ROBERT E. BROWN
ASSOCIATE DIRECTOR OF PUBLIC POLICY
RBROWN@FL-COUNTIES.COM

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

Urban Caucus

BRIAN SULLIVAN
CHIEF LEGAL COUNSEL
BSULLIVAN@FL-COUNTIES.COM

ERIC POOLE
EXECUTIVE DIRECTOR, FLORIDA COUNTIES FOUNDATION
EPOOLE@FL-COUNTIES.COM

Administration

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

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
CHIEF OF POLICY RESEARCH
CPERKINS@FL-COUNTIES.COM

Constitutional Revision Commission

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 1/22/18

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 is on the special order calendar for Wednesday.

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 passed its first committee last 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 was temporarily postponed in Judiciary last week. HB 273 is on the House special order calendar for Wednesday, January 24..

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 passed its first committee last week; SB 1304 has not been heard and is not on the agenda this week.

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.
- HB 987 passed its first committee last week; FAC is working on proposed language to address the impact fee section.

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 passed its first committee with significant stakeholder support.

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.
- HB 697 has passed its first two committees with language that is favorable to counties. SB 324 has been through one committee, but will not be heard again this week.

SB 852/HB 633 (Brandes/Fischer) – Florida Smart City Challenge Grant Program

- The bill would establish a grant program, through FDOT, to fund innovative transportation projects. Counties and cities would be among the eligible applicants for the grant program.
- SB 852 passed its first committee last week; HB 633 will be heard this week.

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.
- SB 1400 is not up this week.

SB 1308/HB 1149 (Perry/Payne): Environmental Regulation

- The bills include sections aimed at addressing the issue of contamination in residential recycling. As original filed, the bills provide that counties and municipalities cannot require recycling of “contaminated recyclable material,” which the bill defines as material containing 15% or more contamination (solid waste or non-recyclables). FAC was concerned that this would allow the recycling company the discretion to reject a load at curbside or at the processing facility if it contained more than 15% waste or non-recyclable material, by weight or volume. Based on feedback from many cities and counties, 15% contamination is incredibly low for residential recycling and difficult to obtain for most local governments, even with intensive education programs. Sen. Perry, has filed an amendment to the section that instead requires counties and cities to address the issue of recycling contamination in their contracts with recycling haulers and processors. Specifically, the contracts must define “contaminated recycling material” in a manner

that is appropriate for the local community, taking into account available markets for recyclable materials. The amendment removes the language establishing a 15% limit for contamination, and instead allows the local governments to determine the appropriate level. Additionally, the amendment language only applies to future contracts. We anticipate that Rep. Payne will file the same language on his bill.

- SB 1308 is up on Monday, January 22 in Senate Environmental Preservation & Conservation. HB 1149 is up on Tuesday, January 23 in House Natural Resources & Public Lands.

HB 353/SB 712 (Fischer/Brandes): Autonomous Vehicles

- FAC has been monitoring these bills thus far. HB 353 is up in its second committee today (1/22/18), with a strike all amendment prohibiting local governments from imposing taxes, fees, or other requirements on autonomous technology or vehicles, including an operator of an autonomous vehicle. FAC is working with the sponsor to narrow, or eliminate, this broad preemption.

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.
- SB 90 is up in its third committee this week. HB 33 has passed its 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.

Monday, January 22, 2018

12:30pm: Senate Environmental Preservation & Conservation

- SB 1308 – Environmental Regulation (Perry)

3:00pm: House Appropriations

- CS/HB 21 – Controlled Substances (Boyd)
- HB 353 – Autonomous Vehicles (Fischer)

3:30pm: Senate Criminal Justice

- SB 1392 – Prearrest Diversion Programs (Brandes)

Tuesday, January 23, 2018

8:00am: House Careers & Competition

- CS/HB 725 – Permit Fees (Williamson)

9:00am: House Agriculture & Property Rights Subcommittee

- HB 1103 – Regional Rural Development Grants (Albritton)
- HB 1151 – Developments of Regional Impact (La Rosa)

9:00am: Senate Appropriations on Transportation, Tourism, and Economic Development

- CS/SB 90 – Use of Wireless Communications Devices While Driving (Perry)

9:00am: House Transportation & Infrastructure Subcommittee

- HB 633 – Florida Smart City Challenge Grant Program (Fischer)

12:00pm: House Natural Resources & Public Lands

- HB 1149 – Environmental Regulation (Payne)

1:30pm: House Health Innovation Subcommittee

- HB 303 – Alternative Treatment Options for Veterans Pilot Program Danny (Burgess)

3:30pm: Senate Community Affairs

- SB 1026 – Text-to-911 Service (Book)
- SB 1244 – Developments of Regional Impact (Lee)

3:30pm: Senate Health Policy

- SB 1876 – Trauma Services (Young)

Wednesday, January 24, 2018

11:30am: Senate Appropriations Subcommittee on Health and Human Services

- SB 960 – Mental Health and Substance Abuse (Baxley)

2:00pm: Senate Appropriations

- SB 8 – Controlled Substances (Benacquisto)