



House Increases Requirements on Tourism and Economic Councils

An Update on Finance, Tax, and Administration

HB 9: Federal Immigration Enforcement (Metz)

Speaker Corcoran vowed that the House pass HB 9, designated the “Rule of Law Adherence Act”, during the first week of Session. The bill 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 The bill also requires any sanctuary policies currently in effect to be repealed within 90 days of the Act becoming law.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 passed the House on 3rd Reading, with a 71 to 35 vote. HB 9 is similar to SB 308, filed by Senator Bean. FAC has been monitoring the SB 308, which has been referred to Judiciary and Rules Committees but not yet placed on any agenda.

HB 7: Local Government Fiscal Transparency (Burton)

After being heard during one of the first committee weeks, HB 7 Fiscal Transparency, passed the House on 3rd Reading this Friday. 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 SB 1426.

HB 11: Government Accountability (Metz) passed the House on 3rd Reading on Friday. The bill places additional requirements on local governments, including participation in a state-wide travel reporting system to be acquired by the Department of Management Services. Its companion is SB 0354 by Sen. Stargel.

HB 7003: Local Government Ethics Reform (Metz) creates several additional ethics requirements for local government officials and requires local government participation in a state-wide lobbyist registration system to be created and managed by the state Ethics Commission. This bill has passed the House by a 100 to 2 vote. It has no Senate companion.

FAC CONTACT:

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



Tampa Bay Times Richard Corcoran to cities: Drop dead

As he plots a possible run for governor, Florida House Speaker Richard Corcoran is aggressively using the Legislature as a bully pulpit to court conservative voters and restrict powers of cities and counties.

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Winter Haven News Chief All eyes on confrontational Fla. House speaker as legislative session kicks off

With more lofty language about bringing “transformational” change to the state Capitol and disrupting the status quo, Florida House Speaker Richard Corcoran once again marked himself as the leader to watch as Florida’s two-month legislative session kicked off Tuesday.

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The Battle Over Customary Use

Bills filed in the House and Senate that could affect ability to protect long-standing customary use by the public of beaches behind homes

Bills related to Possession of Real Property moved in both chambers this week. [HB 631](#) by Rep. Edwards, and [SB 804](#) by Sen. Passidomo.

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. Of interest to counties is the final section of the bill, which could preempt local customary use ordinances that have been used to establish a right of public access to beaches in a handful of counties.

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. The bill is targeting a recent Walton County customary use ordinance which was upheld in federal court but is now on appeal.

After much debate in the Senate Judiciary Committee, the bill passed 7-3, with Rules Chair Benacquisto and Appropriations Chair Bradley both voting no.

FAC CONTACT:

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



St. Johns County again combats bills that could curb public use of beaches

For the second year in a row, St. Johns County is contending language in property rights bills filed in the Florida House and Senate containing language that could affect local governments’ ability to protect long-standing customary use by the public of

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Will there be changes to the Florida Constitution?

An Update from the Constitution Revision Commission

On Thursday, January 12th, the CRC General Provisions Committee heard **Proposal 51** ("P 51"), which would deregulate the electric utility industry in Florida. While not taking a position on the policy of whether the industry should be de-regulated, FAC was concerned that P 51 would restrict the ability of counties to collect fees from franchise agreements as well as revenues from public service utility taxes. After working with the sponsor of P 51, Commissioner Newsome, as well as the League of Cities and other interested parties, an amendment was submitted which alleviated FAC's concerns and preserved the ability of counties to retain revenues which they currently receive from the aforementioned sources. During the General Provisions Committee, FAC spoke in support of the amendment. If the amendment passed, FAC would return to a neutral position on P 51 as amended. However, the amendment received a vote of 3 to 3, which resulted in it being reported unfavorably. Accordingly, FAC returned to the position of opposing P 51 in its original form and the General Provisions Committee ultimately voted against the proposal.

Proposal 13 ("P 13"), sponsored by Commissioner Timmann, has advanced to the full CRC Commission. P 13 would prohibit a county charter from abolishing specified county officers, transferring duties of a county officer to another officer or office, and from establishing the length of terms of county officers. FAC is opposed to P 13 and has been working with many counties which are immediately affected as well as with CRC Commissioners to represent the Counties' opposition to P 13.



Proposal 95 ("P 95"), sponsored by Commissioner Lee, is expected to be heard during the Local Government Committee meeting during the week of January 22nd. P 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, P 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. FAC has provided its analysis of P 95 to the staff of the CRC Local Government Committee and has been working with interested groups and members of the Local Government Committee to represent the Counties' opposition to P 95.

FAC CONTACT:

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



Other Legislative Issues of Note

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

HB 733 (Contraband in County Detention Facilities) - The House Criminal Justice Subcommittee approved Representative Jennifer Sullivan's (Eustis) HB 733. It has two more committee stops before reaching the floor. Senator Jeff Brandes (St. Petersburg) has filed SB 1886, Contraband in County Detention

Facilities, as the companion bill in the Senate. It has not been referred to committees yet.

HB 33/SB 90 (Texting While Driving/Use of Communication Devices While Driving) - Both chambers moved texting while driving legislation closer to the finish line this week. The House Transportation & Infrastructure Subcommittee approved Representative Jackie Toledo's (Tampa) HB 33 and the Senate Transportation Committee approved Senator Keith Perry's (Gainesville) SB 90. Both bills have two more committee stops before reaching the floor.

HB 575 (Metropolitan Planning Organizations) - HB 575 would reduce the size of MPO boards, passed its second committee, House Local, Federal & Veterans Affairs. Specifically, MPOs in urbanized areas with populations less than 500,000 would be required to have boards with between 5 and 11 members; in larger urbanized areas, the MPO boards would be required to have 5 to 15 members. The bill also prohibits MPOs from adopting a weighted voting structure. The Miami-Dade TPO is exempt from this bill.

HB 697 (Impact Fees) - HB 697 passed its first committee, House Local, Federal & Veterans Affairs, this week. As originally filed, the bill would have prohibited counties from collecting impact fees prior to the issuance of the certificate of occupancy for the property subject to the fee. Like its Senate companion (SB 324 by Sen. Young), the bill was amended to instead provide that impact fees cannot be collected prior to the issuance of a building permit, which is in line with most county practices. The amendment also added language to codify existing case law on the validity of impact fees. We are continuing to work on a handful of issues in the bill, but are encouraged by the progress that's been made thus far.

HB 53 (Coral Reefs) - It would establish the Southeast Florida Coral Reef Ecosystem Conservation Area, including areas offshore Broward, Martin, Miami-Dade, and Palm Beach Counties, passed its final committee unanimously and is now headed to the House floor. FAC adopted a Guiding Principle in support of this initiative at the request of GATE Committee Vice-Chair Levine Cava, with support of the Committee Leadership.

SB 370 (Land Acquisition Trust Fund) - It passed its final committee unanimously. The bill establishes a \$100 million annual appropriation from the LATF to the Florida Forever Trust Fund. It was amended to clarify that LATF funds may not be used to cover administrative overhead costs.

HB 3 (Local Economic Development and Tourism Development Agencies) - It places requirements on county economic development and tourist development functions and those of entities that contract with counties to provide services related to tourism development and economic development. The bill passed its first and only committee, Ways and Means, on Tuesday. Its companion, SB 1714, was filed on 1/5 in the Senate and has not been referenced.

HB 725 (Permit Fees) - It would require local governments to place building permit fees online and creates a Building Permit and Inspection Utilization Report to be placed on websites. The Report requires a reporting of costs and expenditures related to reviewing and enforcing the building code. The bill was passed through the Local, Federal, & Veterans Affairs Subcommittee on Wednesday and goes to Careers & Competition Subcommittee.

HB 765 (Truth in Millage Notices) - HB 765 would allow TRIM notices to be provided via email under certain conditions. The bill passed through Local, Federal, & Veterans Affairs subcommittee and goes next to Ways & Means. There is currently no companion in the Senate.

SB 0170 (Rural Economic Development Initiative) - SB 0170 passed through Senate Agriculture committee. It would change the duties and membership of the Rural Economic Development Initiative and removes a provision limiting the number of REDIs. HB 1403 is its companion in the House.

HB 585 (Tourist Development Tax) - The bill would allow for tourist development tax revenue to be spent on infrastructure needed to expand tourism-related businesses. The bill had its first hearing in the House and moved through the Tourism & Gaming committee on a 9-4 vote and has two more committee stops. Its companion, SB 658, has two more committee stops.

SB 560 (Public Meetings and Records/Imminent Litigation) - SB 560 was reported favorably by the Senate Governmental Oversight & Accountability Committee on Wednesday by a unanimous vote. 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.
