



**Session: County Lobbyist Call
Monday, February 19, 2018**

Welcome & Opening Remarks

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

- 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

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- 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

Urban Caucus

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Administration

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

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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.

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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 2/19/18

FINANCE, TAX, & ADMINISTRATION

SB 1180/HB 815 (Steube/Avila): County and Municipal Public Officers and Employees

- Last week, a strike all amendment was adopted in the Senate Ethics and Elections Committee and the bill currently:
 - (1) subjects all in state travel to approval by the BoCC;
 - (2) subjects all out of state travel to approval by the BoCC either before such travel takes place or retroactively if good cause is shown, similar to the House version; and
 - (3) subjects all foreign travel to the same approval process as in state travel and out of state travel.
- During the Ethics and Elections Committee, members raised concerns that subjecting in state travel to approval by the BoCC would be over burdensome and unnecessary. An example was brought by a city mayor who stated such a provision would require approval for traveling 20 miles away to the county seat for BoCC meetings. In response to these concerns, a commitment was made to work on the in-state travel requirements currently contained in the bill.
- SB 1180 will be heard by the Senate Community Affairs Committee on Tuesday, February 20th at 1:30pm.

HB 227/SB 376 (Willhite/Book) – Workers’ Compensation Benefits for First Responders

- These bills provide for indemnity benefits under workers’ compensation for a mental or nervous injury of a law enforcement officer, a firefighter, an emergency medical technician, or a paramedic, whether or not such injury is accompanied by a physical injury requiring medical treatment.
- A first responder who entered service before July 1, 2018 is entitled to receive such indemnity benefits if:
 - The mental or nervous injury resulted from the first responder acting within the course of his or her employment and he or she witnessed a murder, suicide, fatal injury, child death, or mass killing or treated or transported a deceased child or the victim of a murder, suicide, or fatal injury; and

- The mental or nervous injury is demonstrated by clear and convincing medical evidence by a licensed psychiatrist within two years of when the individual witnessed the event.
- A first responder who entered service after July 1, 2018 is entitled to receive such indemnity benefits if the individual meets the above requirements and also passed a pre-employment mental health examination that fails to reveal any diagnosis of PTSD, if the prospective employer provided such examination.
- The bill would also require an employing agency of a first responder to provide educational training related to mental health awareness, prevention, mitigation, and treatment.
- Both bills have passed their first two committees.

SB 900: Firefighters (Flores)

- Requires fire service employers of full-time firefighters to offer cancer insurance coverage to its firefighter employees.
- Provides that upon a diagnosis of cancer, a firefighter is entitled to certain benefits if the firefighter has been employed by his or her employer for at least 5 continuous years, has not used tobacco products for at least the preceding 5 years, and has not been employed in any other position in the preceding years which is proven to create a higher risk for cancer. The benefits include:
 - Cancer treatment, at no cost to the firefighter, covered within an employer-sponsored health plan or through a group health insurance trust fund, or a rider added to such policy. The firefighter may not be required to contribute toward any deductible, co-payment, or coinsurance amount for the treatment of cancer. The employer may timely reimburse the firefighter for out-of-pocket deductible, copayment, or coinsurance costs incurred by the firefighter.
 - A one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer.
- SB 900 has passed its first two committees; the House companion, HB 695 by Rep. Latvala, has not been considered this Session.

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 has been temporarily postponed twice in Senate Judiciary; it likely does not have the votes to pass that committee, and was not placed back on the agenda this week. HB 273 passed the full House and is now in Senate messages.

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 is the Senate companion to HB 3. In its first committee stop, the sponsor filed two amendments that were supporting by FAC. The first amendment resolved the major concerns raised by FAC and the tourism industry with the tourist development portion of the bill. The second amendment exempts fiscally constrained counties from the requirement that meeting of the board of economic development agencies be video recorded and placed on the county's website. FAC still has considerable concerns regarding the provisions related to local government economic development activities and will continue to work with the sponsor as the bill moves through the process.
- HB 3 passed the House 87-20. SB 1714 has three more committee stops, but is not on any agenda this week.

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 passed its first committee and has two stops remaining.

HB 1019 (La Rosa): Financial Reporting (La Rosa)

- HB 1019 requires counties, municipalities, special districts, water management districts, and school districts to:
 - Post annual budgets to the website for 5 years;
 - Provide an electronic copy of their budgets to EDR on specified forms
 - Provide a copy of their budget and a certification of timely filing to the clerk of the court;
 - File annual financial reports and audit reports within 6 months of the end of the fiscal year.
- If a local government entity or school district fails to file required reports with the clerk of the court, the clerk shall notify the appropriate fiscal officer to withhold salary payments from the head of the local government entity or the superintendent of the school district until the reports are filed.
- HB 1019 passed its second committee, House Appropriations, by a 20-7 vote. It will be heard next in House Government Accountability, but the agenda for that committee meeting is not yet out.

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 was on the agenda in Senate Judiciary on 1/30, but was temporarily postponed.

SB 1828 (Rodriguez): Employment Discrimination

- SB 1828 prohibits an employer from taking any retaliatory personnel action against an employee who leaves his or her place of employment due to a mandatory evacuation order issued by the President of the United States, the Governor, or a political subdivision of the state. Employers are prohibited from discharging, suspending, demoting, or taking other adverse action against an employee who:
 - Left the employee's place of employment to evacuate under a mandatory evacuation order.
 - Evacuated because the employee's residence or place of employment was included in the mandatory evacuation zone.
 - Returns to work within 14 days after the mandatory evacuation order is lifted, or another time agreed upon between the employee and employer (NOTE: Senator Rodriguez has offered an amendment to decrease this time frame from 14 days to 72 hours after the mandatory evacuation order is lifted)
- SB 1828 was temporarily postponed in its first committee.

HB 79/SB 192 (Roth/Baxley) – Public Meetings

- These bills codify judicial interpretation of Florida's Sunshine law. Specifically, the bills provide definitions for the terms "de facto meeting", "discussion", "meeting", "official act", and "public business". The bills also provide that notice is not required when two or more members of a board are gathered if no official acts are taken and no public business is discussed.
- SB 192 has passed the full Senate and is now in House messages. HB 79 has passed its first two committees.

HB 7079 (Oversight, Transparency, and Administration/Burgess) – Disaster Response

- Provides a public records exemption for the name, address, and telephone number of a person which is collected by a public shelter during an emergency.
- Provides a public records exemption for the name, address, and telephone number of a homeowner or a tenant which is held by an agency for the purpose of providing damage assessment data following a disaster.
- The bill has passed its first committee.

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 Rep. Donalds.
- SB 560 has passed all of its committees of reference and is awaiting approval in the full Senate; HB 439 has one committee remaining.

GROWTH, AGRICULTURE, TRANSPORTATION, & ENVIRONMENT

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

- As originally filed, 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.
- HB 521 passed its first committee with a strike-all amendment that changes the substance of the bill significantly. As amended, the bill provides that in rights-of-way owned or maintained by the state, water management districts, or certain other special districts, local governments may not prohibit, restrict, condition, or require a permit, fee, or mitigation for tree trimming or removal. HB 521 passed with a commitment from the sponsor to address the local concerns and ensure that the trimming and removal prohibition would be limited to drainage and flood control purposes.
- SB 574 passed its first committee, Senate Community Affairs, on Tuesday (2/13) by a 3-2 vote. A strike-all amendment containing the below provisions was adopted:
 - Preempt local government regulation of pruning, trimming, or removal of trees or vegetation at single-family residential properties during declared states of emergency; Florida is frequently under a declared state of emergency (i.e. hurricanes, Zika, opioids) and therefore this section is essentially a perpetual preemption for single family residential properties.
 - Make a local government liable to an electric utility if a local vegetation management plan, practice, or ordinance adversely impacts electric reliability; local governments would be responsible for the utility’s restoration costs attributable to damages or outages caused by vegetation.
 - Eliminate the exemption that allows for protection of historic and specimen trees in electric line rights-of-way.
- While SB 574 did pass its first committee by a very close vote, it was not placed on the calendar for its second committee of reference 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.
- Senate Community Affairs approved a PCS combining the substance of SB 1400 and SB 1640.

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.
- HB 773 was temporarily postponed in its first committee of reference, House Governmental Accountability, on Tuesday (2/13); the bill likely did not have enough votes to pass that committee, although we anticipate that it will be back on the agenda this week (2/22).

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

- These bills are aimed at expediting and incentivizing development of affordable housing. Originally, both bills contained language prohibiting local governments from collecting impact and mobility fees for affordable housing for five years. Rep. Cortes filed an amendment to strike this section, which FAC supported.
- HB 987 has passed its first two committees. SB 1328 is up in its second committee of reference on Tuesday (2/20) at 10:00am.

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.
- Both bills have been amended to instead require 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, along with other factors. 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. FAC is working with the cities and waste and recycling entities to further refine the language.

- Both bills have passed their first two committees.

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.
- SB 1304 passed its first committee with an amendment that limits the preemption to instead clarify that local governments cannot prohibit dockless bicycle sharing companies if they are in compliance with local regulations applicable to similar companies.
- SB 1304 was not considered in its second committee of reference, Senate Community Affairs, due to timing constraints; however, it was not placed back on the agenda this week, for what is likely the committee's final meeting. HB 1033 passed its first committee early in Session, but has not been heard since.

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. Both bills were amended in their first committees 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. Additionally, both bills have been amended to clarify that the new requirements do not apply to water and sewer connection fees.
- SB 324 has passed its first two committees. HB 697 has passed all of its committees.

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.
- HB 633 has passed its first two committees; SB 852 will be heard in its second committee this week (2/21).

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 174/HB 131 (Hukill/Peters): Coastal Management

- These bills revise beach nourishment project funding criteria, and dedicate an annual appropriation from the Land Acquisition Trust Fund to beach projects. FAC is supportive of this bill and it lines up with our beaches and shores policy proposal.
- SB 174 passed its final committee with an amendment striking the dedicated funding section; however, the Senate has proposed the equivalent funding in its budget bill, SB 2500. Unfortunately, HB 131 has not yet been heard and therefore is likely dead for the Session.

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.

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 section which would preempt local customary use ordinances which have been used to establish a right of public access to beaches.
- HB 631 passed the full House by a 92-14 vote. SB 804 passed its first committee by a 7-3 vote, and will be considered in its second committee, Senate Community Affairs, this week (2/20).

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 1392/HB 1197 (Brandes/Ahern) – Prearrest Diversion Programs

- These bills require the establishment of two prearrest diversion programs in each judicial circuit in the state, one for adults and one for juveniles. The bill encourages counties, municipalities, and public or private educational institutions to participate in the prearrest diversion programs created by their judicial circuits but it does not mandate any entity to adopt. The bill does not preempt local governments from enacting noncriminal sanctions for ordinance or other violations, nor does it

preempt local entities from using a different model to establish an adult prearrest diversion program.

- Both bills have passed their first two committees.

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 all of its committees and is on second reading in the Senate.

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 has passed its first three committees. HB 33 has passed all of its committees and is on second reading in the House.

SB 1886/HB 733 (Brandes/Sullivan): Contraband in County Detention Facilities

- The bills would add cellular telephones and other portable communication devices to the definition of contraband in a county detention facility.
- HB 733 has passed all committees and is on second reading in the House; SB 1886 will be heard in its first committee, Senate Criminal Justice, on Tuesday (2/10). The sponsor has filed an amendment to change the penalty for violating the section from a third-degree felony to a first-degree misdemeanor.

Calendar: Week of 2/19/18

Tuesday, February 20, 2018

9:00am: Senate Appropriations on Finance and Tax

- SB 1608 – Agricultural Recovery (Grimsley)
- HB 7001 – Supermajority Vote for State Taxes or Fees (House Ways & Means)

11:00am: Senate Commerce and Tourism

- SB 1606 – Film and Television Production (Taddeo)

11:00am: Senate Criminal Justice

- SB 1886 – Contraband in County Detention Facilities (Brandes)

1:30pm: House Session

- HB 7043 – State Assumption of Federal Section 404 Dredge and Fill Permitting Authority
- HB 1081 – Essential Electric Utility Service (Perez)

1:30pm: Senate Community Affairs

- SB 804 – Possession of Real Property (Passidomo)
- SB 1180 – County and Municipal Public Officers (Steube)

Wednesday, February 21, 2018 (*House calendars not yet released)

1:30pm: Senate Appropriations on Transportation, Tourism, and Economic Development

- SB 852 – Florida Smart City Challenge Grant Program (Brandes)
- SB 1328 – Affordable Housing (Perry)
- SB 1646 – Regional Rural Development Grants (Montford)