



**Session: County Lobbyist Call
Monday, February 5, 2018**

Welcome & Opening Remarks

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

- 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.
- CRC Public Hearing in Fort Lauderdale - Tuesday, February 6 from 1:00 p.m. – 7:00 p.m., at Nova Southeastern University's Rick Case Arena. This will be the first public hearing held on the CRC's 2018 "Road to the Ballot" public hearing tour. [CLICK HERE](#) – to visit the CRC's website for more information.

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

Urban Caucus

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Administration

- Intergovernmental Relations (Constitutional Officers)
- Public Records
- Elections
- Judiciary – Article V

- Ethics
- Florida Retirement System

Constitutional Revision Commission

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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 2/5/18

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 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.

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.

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)

HB 1019 (La Rosa): Financial Reporting

- HB 1019 requires counties, municipalities, special districts, water management districts, and school districts to:
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 - File annual financial reports and audit reports within 6 months of the end of the fiscal year.
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HB 227/SB 376 (Willhite/Book) – Workers’ Compensation Benefits for First Responders

- HB 227 provides first responders workers’ compensation benefits for mental or nervous injuries regardless of whether such injuries are accompanied by physical injuries if the mental or nervous injury is demonstrated by clear and convincing evidence. HB 227 is similar to SB 376, which is currently in the Senate Appropriations Committee.
- SB 376 has passed its first two committees; HB 227 has passed 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.

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.

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 and has not been brought up since. HB 273 passed the full House and is now in Senate messages.

GROWTH, AGRICULTURE, TRANSPORTATION, & ENVIRONMENT

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.

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.
- Both bills have passed in their first committees; FAC is working on proposed language to address the impact fee section.

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, SB 324 was amended to clarify that the new requirements do not apply to water and sewer connection fees.
- Both bills have passed their first two committees.

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.

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. Strike-all amendments to the bills change the substance significantly, and would instead provide 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 its first committee, 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 is up in its first committee, Senate Community Affairs, with a similar amendment to the House language; additionally, the Senate amendment would remove language in s. 163.3209, F.S., that allows certain local government tree protection ordinances (i.e. for historic trees and certain specimens) to apply in electric line rights of way.

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 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.

- Both bills will be heard in their second committees this week; FAC is working with the cities and waste and recycling entities to further refine the language.

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 has passed its first committee. SB 1304 will be heard in its first committee, Senate Community Affairs, 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.
- Both bills have passed their first committees.

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.

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 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.
- HB 631 has passed its two committees of reference; SB 804 passed its first committee, but has not yet been heard again.

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 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.

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 its first two committees.

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 will be heard in its second committee this week; SB 1886 has not yet been heard.

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.

Calendar: Week of 2/5/18

Monday, February 5, 2018

4:30pm: Senate Finance & Tax Appropriations

- SB 658 – Tourist Development Tax (Brandes)
- SB 1144 – Permit Fees (Perry)

4:30pm: Senate Environmental Preservation & Conservation

- SB 462 (Young) – Advanced Well Stimulation Treatment

Tuesday, February 6, 2018

9:00am: Senate Commerce and Tourism

- SB 1606 – Film and Television Production (Taddeo)
- SB 1828 – Employment Discrimination (Rodriguez)

11:00am: Senate Banking and Insurance

- SB 1304 – Dockless Bicycle Sharing (Young)

11:00am: Senate Community Affairs

- SB 572 – Tree and Timber Trimming, Removal, and Harvesting (Steube)
- SB 1308 – Environmental Regulation (Perry)

12:30pm: House Agriculture & Natural Resources Appropriations Subcommittee

- HB 1149 – Environmental Regulation (Payne)
- HB 7063 – Natural Resources (Caldwell/Gov. Accountability)

12:30pm: House Justice Appropriations Subcommittee

- HB 733 – Contraband in County Detention Facilities (Sullivan)
- HB 1197 – Diversion Programs (Ahern)

12:30pm: House Transportation & Tourism Appropriations Subcommittee

- HB 1103 – Regional Rural Development Grants (Albritton)

2:00pm: Senate Transportation

- SB 1632 – Towing and Immobilization Fees and Charges (Mayfield)

3:00pm: House Appropriations

- HB 1019 – Financial Reporting (La Rosa)