



**Session Week 5: County Lobbyist Call
Monday, April 1, 2019**

Welcome & Opening Remarks

Susan Harbin Alford, FAC's Deputy Director of Public Policy gave the following updates:

- Thanks to everyone that came to Tallahassee last week for FAC's Legislative Day, Water Policy Committee meeting and educational programming.
- Welcome to Miami-Dade County for their county days this week in Tallahassee. Please stop by the FAC office to check your email, hold meetings in the conference room or to grab a cup of coffee, as this is your home away from home.

PRIORITIES

- **HB 3 (M. Grant) - Preemption of Local Professional and Occupations Regulations and Licensing**
Last action March 25, 2019 - Placed on Calendar, on 2nd reading. The bill was heard in House Commerce Committee, its final committee stop, on Thursday, March 21. An adopted amendment deleted much of the language concerning preemption of business regulations and the bill no longer includes any requirements for a reauthorization process for business regulations or the extensive economic analysis. However, the bill as amended includes a broad preemption of any local government licensing requirements that are not expressly authorized by law and most special licenses.
- **HB 5 (DiCeglie) - Discretionary Sales Surtaxes**
Increases the thresholds to adopt local option surtaxes authorized under 212.055. For those levies required to be adopted by referendum, the bill would require a two-thirds vote of the county governing body to place the surtax on the ballot, the referenda could only be on the general election ballot, and would be required to be approved by 2/3 (66.66%) of the electors voting on the question.

An amendment to the bill adopted by the committee would make procedural changes to the performance audit requirement adopted in 2018. These changes would require the county or school board to notify OPPAGA of the pending referendum at least 180 days before the referendum is held. As amended, the bill would render any referendum that does not comply with the performance audit requirements invalid. The 2018 law was silent as to a notification timeline and penalty for non-compliance. The bill as amended also creates a process for citizen-initiated referenda to undergo the performance audit and be placed on the ballot.

The new provisions related to the performance audit would apply to referenda held after January 1, 2020. The remaining portions of the bill take effect upon becoming law (10 days from approval by the Governor). The bill passed favorably out of its final House committee, State Affairs, on Thursday March 28, 2019.

The Senate companion, SB 336 (Local Tax Referenda) by Sen. Brandes would allow local tax referenda be held only at a general election. This bill has been amended to allow referenda currently scheduled to be held prior to July 1, 2019. FAC is working to extend this date to allow all currently scheduled referenda to proceed in 2019. This bill was heard in Senate Finance & Tax, its second of three committees, on Wednesday, March 20.

- **HB 693 (Fischer) – Communications Services/5G**

Expands the 2017 Advanced Wireless Infrastructure Deployment Act. Among the bill's provisions, HB 693 places all new utility poles under the 60-day "shot clock"; prohibits local governments from applying any regulatory standard regarding the placement of wireless facilities on private property; restricts administrative remedies by allowing wireless providers to access courts sooner; prohibits local governments from requiring communications facilities location maps within certain distances; and, prohibits local governments from requiring undergrounding of wireless facilities, even in areas where existing utilities are required to be placed underground.

- **SB 1140 (Hutson) - Attorney Fees and Cost**

The bill would mandate that courts award attorneys' fees and damages in actions where an aggrieved party has brought an action against a local government alleging that a proposed or adopted local government ordinance is expressly preempted by state law. Fees and damages could also be sought in cases brought against existing ordinances. The bill does not enumerate statutes that constitute express preemptions for purposes of awarding fees and damages.

As amended, only the prevailing party may be granted fees and damages. If the local government "withdraws" an ordinance from consideration or repeals the ordinance within 21 days from a court determining it was preempted, attorneys' fees cannot be granted. This bill is scheduled to be heard in its second of three committees, Community Affairs, Tuesday, April 2 at 2:00 pm.

HB 829 (Sabatini) - Attorney Fees and Cost passed favorably through its second of three committees, House Local Affairs, on Tuesday, March 26. As amended, HB 829 only grants attorneys' fees and damages against local governments, and would not allow the local government to recover fees and damages if it is the prevailing party.

WATCHING CLOSELY

- **HB 735 (Santiago) - Blockchain Technology**

Creates the Florida Blockchain Working Group to study the ways in which state, county and municipal governments can benefit from a transition to a blockchain-based system for recordkeeping, security and service delivery. The Working Group is directed to submit recommendations to the governor and the Legislature concerning the implementation of blockchain-based systems that promote government efficiencies and better services for citizens.

- **HB 987 (J. Grant) - Vacation Rentals**
 Requires all vacation rental rules to apply uniformly to all residential properties; adds occupancy limits, inspections, and licensing to list of prohibited local laws. Requires applicant for license at DBPR to make person available to register complaints and must put this info on DBPR website. Removes grandfathering provisions.
- **SB 1636 (Lee) – Workers’ Compensation**
 Increases temporary total disability benefits and partial disability benefits from 104 weeks to 260 weeks; retains statutory fee schedule for attorney fees paid by an employer to claimant’s attorney. Allows alternative minimum attorney fee cap on medical-only claims to \$150/hour not to exceed \$1500 in all medical only claims rather than only once per accident. Limits appellate fees to \$150/hour in certain circumstances.
- **SB 1720 (Lee) – Property Rights/Bert Harris**
 Would require local government to treat similar property in the same way for settlements of Bert Harris claims. Would have to offer ‘similarly situated’ residential property within the same political subdivision the same terms. Shortens timeframe under which the claimant must notify government from 150 days to 90 days. Allows factfinder to consider business damages. Changes process for attorney’s fees awards by making it easier for claimants to receive fees and removing ability for government to receive fees.
- **SB 1024 (Gruters) – Blockchain Technology**
 Creates the Florida Blockchain Working Group to study the ways in which state, county and municipal governments can benefit from a transition to a blockchain-based system for recordkeeping, security and service delivery. The Working Group is directed to submit recommendations to the governor and the Legislature concerning the implementation of blockchain-based systems that promote government efficiencies and better services for citizens.
- **HB 1135 (M. Grant) – Florida Red Tide Mitigation and Technology Development Initiative**
 Creates the Florida Red Tide Mitigation and Technology Development Initiative and establishes a Technical Advisory Council for the Initiative. The council will be made up of: a private sector appointee by the Gov; a University appointee by the Senate President; a marine environmental stakeholder appointed by the Speaker; DEP; and FWC. The bill contains a \$3M appropriation to FWC to be awarded to Mote to fund the initiative.
- **HB 49 (Jones) - Incarcerated Women**
 The bill requires state correctional facilities to provide incarcerated women with certain healthcare products (tampons); provides requirements for male correctional employees in certain circumstances; requires documentation of certain incidents involving male correctional employees; requires working group on standards for county & municipal detention facilities to adopt certain model standards for female prisoners.
- **HB 639 (Perez) – Security in Trial Court Facilities**
 Requires each sheriff to coordinate with specified entities to develop a comprehensive plan for security of trial court facilities; specifies that sheriffs & chief judges retain certain authority; specifies that sheriffs & their deputies, employees, & contractors are officers of court under specified circumstances. The bill also requires each county sheriff to coordinate with the board

of county commissioners and the chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities. The sheriff retains authority over the implementation and provision of law enforcement services under the plan. The chief judge retains decision making authority to protect due process rights, such as in the scheduling and conduct of judicial proceedings. The bill explains that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for court facilities.

- **HB 1029 (Beltran) – Detention Facilities**
Prohibits introduction into or possession of any cellular telephone or other portable communication device on grounds of any county detention facility.
- **SB 1140 (Hutson) – Attorney Fees and Costs**
Awards attorneys' fees for successful preemption challenges.
- **SB 588 (Hutson) – Preemption of Local Regulations**
Prohibits local governments from adopting or enforcing local ordinances or regulations relating to single-use plastic straws for 5 years; requires FDEP or a designated entity to conduct a study evaluating the environmental impact of single-use plastic straws; provides penalties for violations of the moratorium by a local government; preempts the regulation of over-the-counter proprietary drugs or cosmetics to the state (sunscreen).
- **SB 1758 (Mayfield) – Water Quality Improvements**
Contains various provisions making significant changes to current law relating to water quality improvement, wastewater facilities, septic tanks, sewage spills, and BMAPs; also transfers regulation of septic tanks from DOH to DEP.
- **SB 1400 (Albritton) – Trees/Private Property Rights**
Prohibits local governments from requiring a permit for tree trimming and removal under certain circumstances and would encourage residents to trim and remove trees before, during and after a storm, creating dangerous debris and possibly putting people in harm's way. The bill would make it impossible for local governments to protect their tree canopies and preserve heritage trees, which could have significant consequences.
- **SB 1820 (Hooper) – Moratorium on Drilling in the Gulf of Mexico**
Resolution supporting extension of the current moratorium on drilling in the eastern Gulf of Mexico.
- **HB 861 (Roach) – Local Government Financial Reporting**
Requires city and county budget officers to annually submit certain information regarding the final budget to EDR by October 15. The bills also clarify the time frames required cities and counties required to post certain budget information on their website.
- **HB 973 (Payne) – Septic Tanks**
Transfers responsibility and oversight of the Onsite Sewage Treatment & Disposal Systems (OSTDS) program from the Department of Health (DOH) to the Department of Environmental Protection (DEP).

- **SB 1572 (Albritton) - Displacement of Private Waste Companies**
Revises the process for a local government to displace a private waste company in a county or municipality; requiring a local government to announce its intent to adopt an ordinance or a resolution for organized collection service through a resolution of intent; providing requirements for the resolution of intent, etc.
- **SB 76 (Simpson) / HB 107 (Toledo) - Driving While Distracted**
This bill would make texting while driving a primary offense, authorizing law enforcement officers to stop motor vehicles to issue written warnings or citations for texting while driving. Both bills passed last week in the house and senate. The senate version (SB 76 Simpson) was amended to be more aligned with the house version – now the “Florida Ban on Texting While Driving Law.” The bill no longer includes any distracted driving components other than texting while driving (still enforceable as a primary offense). The house version (HB 107 Toledo) passed its first stop last week unanimously. The house bill is a hands-free bill and specifies a driver cannot text OR talk on while driving. This is FAC Health & Safety Committee policy priority and FAC supported both bills in committee last week.
- **HB 441 (DuBose) / SB 536 (Brandes) - E911 Systems**
Requires each county to develop a plan to implement countywide text-to-911 service and, by January 1, 2022, to enact a system that allows for text-to-911 service. All Florida counties have either fully implemented text-to-911 service or expect to implement text-to-911 service by the deadline outlined in the bill. The Energy & Utilities Subcommittee adopted three amendments to the bill and passed the bill as a committee substitute. The bill as amended provides that an important state interest is served by ensuring that text-to-911 service is available in all 67 counties and requires the development and implementation of communications systems that allow direct radio communication between each PSAP and first responders outside the PSAP’s normal service area. The bill has two remaining committees of reference. SB 536 – 911 Service by Sen. Brandes is in its last committee of reference. Some of the larger counties have a few concerns but it isn’t up again until next week.
- **SB 762 (Gruters) - Trial Court Security**
On the agenda for its second committee of reference (Infrastructure and Security) on Tuesday at 2:00pm. SB 762 requires each sheriff to coordinate with specified entities to develop a comprehensive plan for security of trial court facilities; specifies that sheriffs & chief judges retain certain authority; specifies that sheriffs & their deputies, employees, & contractors are officers of court under specified circumstances. The bill also requires each county sheriff to coordinate with the board of county commissioners and the chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities. The sheriff retains authority over the implementation and provision of law enforcement services under the plan. The chief judge retains decision making authority to protect due process rights, such as in the scheduling and conduct of judicial proceedings. The bill explains that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for court facilities. Identical bill, **HB 639 – Security in Trial Court Facilities by Rep. Perez** is currently in Justice Appropriations Subcommittee.
- **HB 1029 (Beltran) - Detention Facilities**
Passed House CJ and is on the agenda for its second committee of reference (Justice Appropriations) on Tuesday, April 2nd at 1:00pm. This bill prohibits introduction into or possession of any cellular telephone or other portable communication device on grounds of any county

detention facility. The strike-all amendment was adopted and removed the custodial interrogation portion of the bill. Similar bill, **Detention Facilities 204 by Brandes** is now in its final committee of reference (Rules).

- **HB 49 (Jones) - Incarcerated Women**

The bill is on the Justice Appropriations agenda for Tuesday at 1:00pm. The bill requires state correctional facilities to provide incarcerated women with certain healthcare products (tampons); provides requirements for male correctional employees in certain circumstances; requires documentation of certain incidents involving male correctional employees; requires working group on standards for county & municipal detention facilities to adopt certain model standards for female prisoners. **SB 332 – Incarcerated Women by Pizzo** is now in Appropriations.

- **SB 1102 (Harrell) - Defendants with Mental Illness**

Requires a jail's staff to screen each defendant booked into a jail on misdemeanor charges using a certain instrument to determine if there is an indication of a mental health disorder. The bill is in its second committee of reference (Appropriations Subcommittee on Criminal and Civil Justice). Identical bill, **HB 1005 by Fetterhoff** has yet to be heard in Criminal Justice Subcommittee. DEAD.

Calendar: Week Of 4/1/19

FAC will be attending and monitoring the following committee meetings and bills this week.

Monday, April 1, 2019

12:00 p.m. House Government Operations & Technology Approps Sub

- HB 735 (Santiago) - Blockchain Technology
- HB 987 (J. Grant) - Vacation Rentals

4:00 p.m. Senate Banking and insurance

- SB 1636 (Perry) - Workers' Compensation

4:00 p.m. Senate Judiciary

- SB 1720 (Lee) - Property Rights

Tuesday, April 2, 2019

8:30 a.m. House Ways & Means

- HB 693 (Fischer) - Communications Services

10:00 a.m. Senate Innovation, Industry and Technology

- SB 1024 (Gruters) - Blockchain Technology

1:00 p.m. House Health Care Approps Subcommittee

- HB 59 (Yarborough) - Prescription Drug Donation Repository Program

1:00 p.m. House Justice Approps Sub

- HB 49 (Jones) - Incarcerated Women
- HB 639 (Perez) - Security in Trial Court Facilities
- HB 1029 (Beltran) - Detention Facilities

1:30 p.m. House Session

- HB 7093 - School Safety (Sullivan/Education Committee) - Placed on Special Order Calendar, 04/03/19 (2nd Reading)

2:00 p.m. Senate Infrastructure and Security

- SB 762 (Gruters) - Duties and Obligations of Sheriffs

2:00 p.m. Senate Community Affairs

- SB 1140 (Hutson) - Attorney Fees and Costs
- SB 588 (Hutson) - Preemption of Local Regulations
- SB 1758 (Mayfield) - Water Quality Improvements
- SB 1572 (Albritton) - Displacement of Private Waste Companies
- SB 1400 (Albritton) - Private Property Rights

3:00 p.m. House Appropriations

- HB 861 (Roach) - Local Government Financial Reporting
- HB 973 (Payne) - Onsite Sewage Treatment and Disposal Systems

Wednesday, April 3, 2019

1:30 p.m. House Session

- HB 7093 (Education Committee) - School Safety