



**Session Week 9: County Lobbyist Call
Monday, April 29, 2019**

Welcome & Opening Remarks

Susan Harbin Alford, FAC's Acting Director of Public Policy gave the following bill and calendar updates going into the final week of legislative session.

PRIORITY

- **SB 1140 (Hutson) / HB 829 (Sabatini) - Attorney Fees and Cost**
HB 829 (Attorney Fees and Costs) passed off the House floor on Thursday, April 25. However, as is the bill differs slightly from its Senate companion, SB 1140 (Attorney Fees and Costs) by Sen. Hutson, and is therefore expected to be bounced back. SB 1140 was heard and passed in its final committee, Rules, on Tuesday, April 23rd.

At their core, HB 829 / SB 1140 would subject every local law to endless lawsuits, simply by would-be plaintiffs claiming a law is "expressly preempted" by state law. Yet, the bill provides no enumerate list of statutes that constitute express preemptions.

Essentially, if passed, this legislation could become a golden goose for lawyers seeking to make a quick buck, while leaving local governments stuck in court and local taxpayers stuck with the bill.

FAC has created a [resource webpage](#) designed to provide counties with additional background information on these bills and with more detailed examples.

HB 829 placed on Third Reading, 05/01/19.

WATCHING CLOSELY

- **HB 1299 (Roach) - Governmental Powers**
Passed out of House 4/29/19. Language preempting counties and cities from regulating the marketing of tobacco and nicotine products as well as dispensing devices is now in two separate House bills, HB 1299 (Governmental Powers) by Rep. Roach and HB 7119 (Use of Regulated Substances) by Rep. Duran and the House Health & Human Services Committee.

Several counties and cities have ordinances that address marketing and product placement of tobacco/nicotine products. For example, an ordinance might prohibit nicotine marketing, such as Juul, near candy aisles. The majority of such ordinances are aimed at keeping products away from children and teens.

- **HB 771 (Overdorf) - Environmental Regulation**
Last Action Passed, Ordered Enrolled 4/30/19. Residential recycling contamination bill; The plastic straw moratorium plus OPPAGA study was amended onto this bill in the House, which the Senate accepted.
- **SB 1618 (Simmons) - Tobacco and Nicotine Products**
Last Action Passed, In Messages 4/30/19. An amendment was filed adding the tobacco/nicotine marketing language on the floor, but a second amendment was added to remove that preemption, making FAC neutral.
- **HB 107 (Slosberg, Toledo) - Texting While Driving**
Passed and is headed to the Governor. Requires law enforcement officer to inform motor vehicle operator of certain rights; prohibits certain actions by officer; requires officer to record race & ethnicity of violator when issuing citation; requires law enforcement agencies to report such information to DHSMV; requires DHSMV to annually report certain data to Governor & Legislature; removes requirement that enforcement be accomplished as secondary action.
- **SB 1000 (Hutson) - Communications Services**
Last action Placed on Special Order Calendar, 04/30/19. Under the 2017 law, small cell facilities were required to be approved or denied within 60 days, or otherwise deemed approved. This bill will extend this so-called “shot clock” to all communications infrastructure in the public rights-of-way. The bill also changes the ability of local governments to require place requirements on communications services providers to protect the public’s rights-of-way from damage.

Calendar: Week Of 4/29/19

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

Monday, April 29, 2019

10:00 a.m. Senate Session

- SB 302 (Brandes)/HB 411 (Perez) - Nonemergency Medical Transportation Services
- SB 536 (Brandes) / HB 441 (DuBose) - E911 Services
- SB 816 (Perry) / HB 771 (Overdorf) - Environmental Regulation
- SB 1618 (Simmons) - Tobacco Products
- SB 642 (Brandes) - Public Safety

10:30 a.m. House Session

- HB 253 (Gottlieb) - Independent Living Task Force
- HB 1299 (Roach) - Governmental Powers
- HB 7125 (Judiciary Committee) - Public Safety

Tuesday, April 30, 2019

10:00 a.m. Senate Session

- SB 542 (Brandes) - Mobility Devices and Motorized Scooters
- SB 1140 (Hutson) / HB 829 (Sabatini) - Attorney Fees and Costs