



! ACTION ALERT !

CALL CRC Members, **E-MAIL** CRC Members,
or **COME** to Tallahassee & share your local story



What: CRC Proposal 95

When: Friday, January 26, 9:00 a.m.

Where: CRC Local Government
Committee

Action Needed: Call/Email Committee
Members

Messages:

1. Reverses Home Rule
2. Bad for Business

[CLICK HERE FOR MORE INFO](#)

Proposal 95 would eliminate home rule and swell the ranks of Tallahassee bureaucracies, forcing locals to Tallahassee for all local issues. Fundamental local decision making such as zoning, animal control, tree protection and traffic flows would fall to politicians in Tallahassee. Critical decisions such as ensuring strip clubs and pot stores aren't located near our schools or churches would be left to Tallahassee. These are just a few examples of the types of decision making that would be taken from our local communities under Proposal 95.

Proposal 95 is bad for our local communities and businesses. Local employers should not be forced to navigate the state legislative process for minor matters easily addressed at the local level. This is particularly problematic for small businesses, which may lack the resources to pursue matters legislatively. Local governments are the most accessible venue to resolve business concerns because they are closest to the people and most familiar with their communities. Tallahassee is not equipped to address every problem in every community.

Please visit flcrc.gov and ask the members of the Constitutional Revision Commission to vote for localism and against Proposal 95.

QUESTIONS? CONTACT LAURA YOUMANS OR BRIAN SULLIVAN

Dockless Bicycle Sharing Causing Potential Problem for Counties

Dockless bike share companies are up-and-coming in a handful of Florida cities, and are similar to existing bike share programs except that bikes are not required to be returned to a specific dock location after use. [HB 1033](#) (Dockless Bicycle Sharing) by Rep. Toledo passed its first committee, House Careers & Competition.

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 last provision appears to be aimed at some exclusive agreements between dockless bike share companies and a handful of south Florida cities. This bill could potentially limit local government authority to regulate these entities operating in our rights-of-way. The Senate companion, [SB 1304](#) by Sen. Young, has not yet been heard.

FAC CONTACT:

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

Impact Fees & Affordable Housing

[HB 697](#) (Impact Fees) by Rep. Miller passed its second committee. Along with its companion, SB 324 by Sen. Young, the bills address the timing of the 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 have been amended 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, HB 697 was further amended to allow for optional prepayment. FAC will work with the sponsors to clarify that the language does not apply to utility connection fees, and anticipate additional changes to address this concern at the next committee stop.



Orlando Sentinel Lawmakers loot trust fund for affordable housing

The Florida Legislature is cutting short its help for affordable housing, diverting tens of millions of dollars each year from a trust fund meant to aid such housing developments.

[READ MORE](#)

[HB 987](#) (Affordable Housing) by Rep. Cortes passed its first committee, House Local, Federal, & Veterans affairs.

Along with its companion, [SB 1328](#) by Sen. Perry, the bill is aimed at expediting and incentivizing affordable housing, and includes provisions specifically aimed at hurricane recovery housing needs.

The bill also includes a potentially problematic section prohibiting counties and cities from imposing mobility fees or impact fees for affordable housing development for a five-year period, beginning July 2018.

Sen. Perry filed the companion bill, SB 1328, which has not yet been heard.

FAC CONTACT:

Senate and House Bills Aimed at Solving Opioid Epidemic

The Senate Health Policy Committee unanimously adopted **SB 8** relating to Controlled Substances.

This bill: 1) requires opioid prescriptions for acute pain be limited to a three-day supply, or seven days if a doctor determines it is medically necessary, 2) allows doctors to share the state database of opioid prescriptions with other states, 3) requires doctors to check the database before prescribing opioids and 4) requires doctors to be trained on proper prescribing techniques.

Both **HB 21** and SB 8 have two remaining committees before a floor vote.

FAC CONTACT:

To learn more about this issue and related legislative information, contact Robert Brown via email at rbrown@fl-counties.com.



Palm Beach Post Palm Beach County legislators hopeful on bills to combat opioid crisis

Battling the opioid epidemic is getting lots of attention during the 2018 legislative session – and that's good news for Palm Beach County.

[READ MORE](#)

Updates on Juvenile Diversion Bill & Drone Bill

The House Criminal Justice Subcommittee approved Representative Larry Ahern's (Seminole) **HB 1197** – Diversion Programs. This bill creates a model prearrest diversion program that local entities may, but are not mandated to, adopt. The model program incorporates several components of the juvenile civil citation program and existing adult prearrest diversion programs. The bill explicitly 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. The bill has two more committee stops. There is a similar bill being sponsored by Senator Jeff Brandes (St. Petersburg) **SB 1392** – Prearrest Diversion Programs that will be heard next week in its first (of three) committee stops.

The House Justice Appropriations Subcommittee approved Representative Clay Yarborough's (Jacksonville) **HB 471** - Unmanned Aircraft. The bill prohibits drone operation over, in contact with, or near a critical infrastructure facility such as state or private correctional institutions, secure and nonsecure juvenile residential facilities and detention centers, and county jails or detention facilities. The bill also prohibits using a drone to introduce contraband into a critical infrastructure facility, making such an offense a second degree felony. The bill has one more committee references and has an identical Senate companion (**SB 624**) that has not been heard in committee yet.

FAC CONTACT:

To learn more about this issue and related legislative information, contact Robert Brown via email at rbrown@fl-counties.com.

Important Bills Coming Up This Week

Environmental Regulation

SB 1308 by Sen. Perry and **HB 1149** by Rep. Payne (Environmental Regulation) include sections aimed at addressing the issue of contamination in residential recycling. As originally 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. It’s anticipated that Rep. Payne will file the same language on his bill.

SB 1308 is up on Monday, January 22 in Senate Environmental Preservation & Conservation. HB 1149 is up on Tuesday, January 23 in House Natural Resources & Public Lands.

FAC CONTACT:

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

Constitution Revision Commission Proposal 69

CRC Proposal 69 relating to local taxes will be considered Thursday by the Finance and Taxation Committee. CRC 69, sponsored by Rep. Chris Sprowls, essentially sunsets any special district with ad valorem taxing authority in 2029, unless the voters reauthorize the district prior to that date. The district must be reauthorized by the voters every 10 years thereafter.

FAC is concerned about the loss of authority for roughly 80 dependent special districts throughout the state to levy ad valorem taxes. Additionally, the elimination of this authority for independent districts will have negative impacts on county resources since, by law, any assets or liabilities of a dissolved district become the responsibility of the county or city in which the district is located.

Some affected districts have pension plans for their employees. Like most public pension plans, the district plans have current unfunded liabilities, likely in the hundreds of millions of dollars statewide. These and other liabilities would become the responsibility of the county or city and their residents, rather than the responsibility of the district and its residents.

FAC CONTACT:

For additional information, please contact Laura Youmans at lyoumans@fl-counties.com or Chris Lyon representing the Special District Association at dlyon@llw-law.com.

Other Legislative Issues of Note

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

SB 874 (State Funds) - would prohibit sweeps of the Housing Trust Funds (specifically, the State Housing Trust Fund and the Local Government Housing Trust Fund). The bill passed its first committee unanimously with significant stakeholder support, including FAC and many individual counties. Its companion, HB 191 by Rep. Shaw, has not yet been heard.

SB 852/HB 633 (Florida Smart City Challenge Grant Program) - SB 852 passed its first committee last week. 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 by Rep. Fischer, the House version of the Smart City Challenge Grant Program, is up in its first committee. FAC will be supporting the bill.

HB 53/SB 232 (Coral Reefs) - HB 53 establishes the Southeast Florida Coral Reef Ecosystem Conservation Area, has passed all of its committees and is on the Special Order Calendar in the House on Wednesday, January 24. SB 232 (Coral Reefs) by Sen. Book passed its final committee last week and is ready to be considered by the full Senate.

SB 562 (Regulation of Smoking) - The Senate Community Affairs Committee approved Senator Debbie Mayfield's (Melbourne) SB 562. This bill authorizes municipalities and counties to further restrict smoking within the boundaries of any county owned public parks. It also allows counties to further restrict smoking within any county owned designated facility. It has two more committee stops and a house companion by Representative Thad Altman (Indian River) HB 627 that has not been heard yet.

HB 585 (Tourism Development Tax) - would allow tourist development tax revenue to be expended towards infrastructure needed to increase tourist-related business activities. The bill passed through House Tourism and Gaming last week. Companion SB 658 has passed through one committee with two remaining. The bill passed through Ways and Means 14-4, and proceeds to the Commerce Committee, its final stop.

SB 272/HB 317 (Local Tax Referenda) - Originally, it would have required 60% vote for referenda considered at any election other than a general. SB 272 was amended to prohibit holding a referendum on any election other than a general election. This was during the second of four committee stops. HB 317 was amended to match the amended Senate version and prohibit referenda on any election other than a general election. The new version passed 17-3 House Ways and Means. This was its final committee stop in the House.
