



ACTION ALERT

Preemption in Vacation Rentals Bill, HB 773

What: HB 773

When: Tuesday, February 13
at 3:00 pm

Where: House Government
Accountability Committee

Action Needed: Call/Email Committee
Members

For more information, [click here](#).

On Tuesday, February 13th at 3:00 pm, the House Government Accountability Committee is meeting to consider HB 773, Vacation Rentals, by Rep. La Rosa.

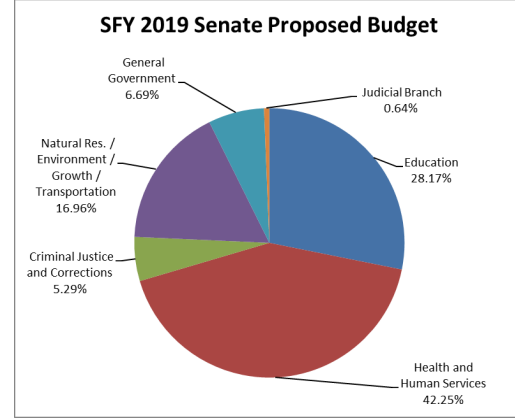
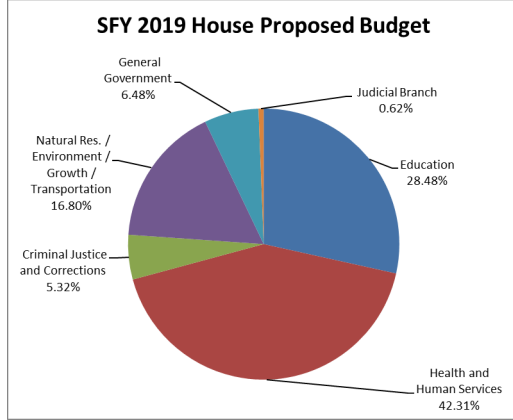
HB 773 prohibits counties and cities from establishing ordinances specific to short-term vacation rentals and would instead require that local regulations of activities associated with vacation rentals be applied uniformly to all residential properties.

Contact Eric Poole via email at epoole@fl-counties.com for more information!

House and Senate Proposed Budget Analysis

The House and Senate proposed budgets for State Fiscal Year (SFY) 2019 total approximately \$87.2 billion and \$87.3 billion, respectively. While the total amounts are similar, the chambers differ significantly on funding levels for numerous priorities. However, aligning the two chambers' priorities may have been made somewhat easier on Friday, when the Revenue Estimating Conference revised the State's revenue estimate upwards by \$465 million.

[MORE INFO](#)



FAC CONTACT:

For additional information, please feel free to contact Laura Youmans at lyoumans@fl-counties.com.

Tourist Development Tax Bill Moves Forward in Senate

SB 658, Tourist Development Taxes, by Sen. Brandes passed the Senate Finance and Tax Subcommittee on February 5. Currently, the bill would allow the expenditure of Tourist Development Tax (TDT) dollars for infrastructure if the facilities are needed to increase tourist-related business activities and are recommended by the Tourist Development Council (TDC).

As amended in this committee, the bill would limit the counties who could use the TDT dollars for infrastructure to those whose TDT revenues in the previous year were at least \$20 million (TDT revenues by county attached) and only if approved by 2/3 vote of the BCC.

Additionally, no more than 70 percent of the cost of the public facility could be paid for with TDT dollars and an independent professional analysis, performed at the expense of the county, must demonstrate the positive impact of the project on tourism-related businesses.

The bill now moves on to Senate Appropriations, its final committee stop.

The House companion (HB 585) will be heard on the House floor on Wednesday, February 14th. Several amendments have been filed:

- Amendment 232015 would repeal the ability to use TDT revenues for infrastructure on July 1, 2023;
- Amendment 630329 would amend the allowable uses of TDT dollars to include construction beach groins, channels, estuaries and lagoons;
- Amendment 865275 would allow for the construction of improvements to channels, estuaries and lagoons (but not beach groins);
- Amendment 246187 (sponsored by Fine) would require that the recommendation to use TDT dollars be accompanied by an analysis of the anticipated impact of the public facilities, which must be prepared and signed by an individual possessing a terminal degree in economics or other relevant field who is not currently employed or contracted by any public or private entity involved in proposing, approving, construction, or operating the public facilities

FAC CONTACT:

For additional information, please feel free to contact Laura Youmans at lyoumans@fl-counties.com.



Palm Beach Post Palm Beach County leaders question bed tax for infrastructure

If a legislative proposal to let counties use local tourism dollars to fix roads and sewers becomes Florida law, some Palm Beach County commissioners aren't so sure the commission would take advantage of it.

15 Percent Cap Eliminated in Contamination in Recycling Bills

HB 1149 by Rep. Payne (Environmental Regulation) passed its second committee last week. Its companion by Sen. Perry, **SB 1308**, will be considered by the Senate Community Affairs Committee on Tuesday, February 13. FAC has been working with the League of Cities and other stakeholders from the waste industry on the section that addresses 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 percent or more contamination (solid waste or non-recyclables). FAC was concerned 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 percent waste or non-recyclable material, by weight or volume.

Based on feedback from many cities and counties, 15 percent contamination is incredibly low for residential recycling and difficult to obtain for most local governments, even with intensive education programs.

Both sponsors amended their bills 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, waste composition studies, and other factors the local government deems appropriate.

The amendment removes the language establishing a 15 percent limit for contamination, and instead allows the local governments to determine the appropriate level. Additionally, the amendment language only applies to future contracts.

FAC CONTACT:

For additional information, please feel free to contact Susan Harbin at sharbin@fl-counties.com.

Dockless Bike Bill to be heard in Committee this Week

SB 1304 (Dockless Bicycle Sharing) by Sen. Young passed in its first committee, Senate Community Affairs, 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. It is up in its second committee on Tuesday, February 13.

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.

FAC is 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.

Its companion, **HB 1033**, has passed its first committee; it is not on the agenda for its second committee this week.

FAC CONTACT:

For additional information, please feel free to contact Susan Harbin at sharbin@fl-counties.com.

Opioid Bill Comes to a Halt in the Senate

The Senate Rules Committee postponed hearing Senator Lizbeth Benacquisto's **SB 8** (Controlled Substances) just as it did the week before.

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.

Senator Lizbeth Benacquisto's SB 8 does not have the full support of the committee, most likely due to the three-day cap on opioid prescriptions to patients. The medical community has expressed major concerns with that provision.

Representative Jim Boyd's HB 21 has yet been agendaed in the House Health and Human Services Committee.

FAC CONTACT:

For additional information, please feel free to contact Robert Brown at rbrown@fl-counties.com.



Associated Press
Doctors concerned Florida opioids bills would go too far

Legislation aimed at fighting opioid abuse in Florida has raised concerns among doctors over provisions to impose limits as short as three days for prescriptions of the potentially addictive painkillers.

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Additional Requirements on Travel Expenses

On Thursday, February 8, the House Public Integrity and Ethic Committee passed **HB 815/PIE Committee Bill** by Rep. Avila (County and Municipal Public Officers and Employees).

For county or municipal public officers requesting authorization to travel outside the state:

- It requires such travel to be on the official business of the county or municipality and must be approved by the governing body at a regularly scheduled meeting prior to the officer's travel, unless ratified for good cause at the next regularly scheduled meeting.
- It requires all travel approved in accordance with the bill to be posted to the county or municipality's website until the end of the next calendar quarter

HB 815/PIE Committee Bill prohibits travel expenses of county or municipal public officers for foreign travel under any circumstances. The bill exempts county constitutional officers from the aforementioned requirements.

A similar bill, **SB 1180**, by Sen. Stuebe will be heard on Tuesday, February 13 by the Senate Ethics and Elections Committee.

The proposed strike all amendment would require all county or municipal public officers seeking to travel within the state, outside the state, or internationally to:

- Have such travel heard and approved by the county or municipality's governing body at a regularly scheduled meeting before the officer's travel dates, unless such travel is ratified for good cause at the next scheduled meeting.
- Require a request for travel authorization to include an itemized list detailing all anticipated travel expenses, included but not limited to the anticipated costs of all means of travel, lodging, and subsistence.
- Require all travel approved under the bill to be posted on the county or municipality's website.

The bill also exempts county constitutional officers from the aforementioned requirements.

FAC and other stakeholders have been working to improve the proposed requirements and the sponsors have been receptive, as shown by various amendments directly related to stated concerns.

FAC CONTACT:

For additional information, please feel free to contact Brian Sullivan at bsullivan@fl-counties.com.

The CRC Travels to Hear Public Testimony

The CRC process is far from over. The full CRC will now begin traveling for the second time throughout the state to hear public input on current proposals.

Please attend one of the CRC public hearings to advocate against Proposals 13 and 26 and to ensure that Proposal 95 doesn't come back.

Upcoming CRC Public Hearings:

Monday, February 19, 2018 1:00 - 7:00 PM Eastern Florida State College Melbourne, Florida	Tuesday, February 27, 2018 1:00 - 7:00 PM University of West Florida Pensacola, Florida
Tuesday, February 20, 2018 1:00 - 7:00 PM University of North Florida Jacksonville, Florida	Tuesday, March 13, 2018 1:00 - 7:00 PM University of South Florida St. Petersburg, Florida

Please testify against:

1. **Vote No on Proposal 13** - *Communities should be able to choose their own government.*
2. **Vote No on Proposal 26** - *Counties need to maintain budget authority for expenditures to ensure fiscal stability and balance.*
3. **Proposal 95** - *Don't revive Proposal 95 or introduce a similar proposal.*

FAC CONTACT:

For additional information, please feel free to contact Laura Youmans at lyoumans@fl-counties.com or Brian Sullivan at bsullivan@fl-counties.com.



Coming Up This Week:

SB 574 (Stuebe): Tree and Timber Trimming, Removal, and Harvesting

SB 574 will be heard in its first committee, Senate Community Affairs, on Tuesday, February 13. Similarly to the path of the House companion, HB 521, there is an amendment to limit the preemption to trimming and removal done in rights-of-way controlled by the state or certain special districts.

Additionally, the Senate amendment would strike the language in s. 163.3209, F.S., allowing certain local government tree protection ordinances to apply in electric line rights of way.

While FAC appreciates that the sweeping preemption has been narrowed, the same concerns remain with this bill as with HB 521.

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.

FAC is working on proposed language to address the impact fee section.

SB 1328 passed its first committee but is not on the agenda for its second committee this week. HB 987 is up in its second committee on Tuesday, February 13.

HB 227 (Willhite): Workers Compensation Benefits for First Responders

HB 227 will be heard by the House Government Operations & Technology Appropriations Subcommittee agenda Tuesday, February 13. It provides for indemnity benefits under workers' compensation for a mental or nervous injury of a law enforcement officer, firefighter, emergency medical technician, or paramedic, whether or not such injury is accompanied by a physical injury requiring medical treatment.

[MORE INFO](#)

SB 900 (Flores): Firefighters

On Tuesday, February 13, the Senate Community Affairs Committee will consider SB 900. It requires fire service employers of full-time firefighters to offer cancer insurance coverage to its firefighter employees.

[MORE INFO](#)

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.

SB 1392 will be heard in its second committee on Wednesday, February 14. HB 1197 has passed its first two committees.

Other Legislative Issues of Note:

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

SB 750 (Perry): Public Records – SB 750 will be considered by the Senate Judiciary Committee agenda Tuesday, February 13 at 2:00 pm. SB 750 prohibits an agency, including a county, from responding to a request to inspect or copy a public record by filing a civil action against the individual or entity making the request. An agency would be prohibited from filing a declaratory judgment action with a court to determine whether the disclosure requirements of the public records law apply or whether the requested material is shielded from the disclosure requirements.

HB 1019 (La Rosa): Financial Reporting – HB 1019 passed House Appropriations Committee last week. It requires counties, municipalities, special districts, water management districts, and school districts to post annual budgets to the website for five 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; and file annual financial reports and audit reports within six 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 1103 (Albritton): Regional Rural Development Grants – HB 1103 previously passed the House Transportation and Tourism Appropriations Subcommittee. Consistent with FAC's Action Plan, it increases the amount each Rural Area of Opportunity may receive in state dollars to \$250,000 and decreases the local match to 25 percent of the state contribution. This is the second of three committee stops in the House. Senator Montford is sponsoring SB 1646, the Senate Companion, which passed through its first committee last week. The bill passed unanimously through this committee and is set for the Commerce Committee agenda on February 13. This will be its final committee stop in the House.

SB 624 (Young): Unmanned Aircraft - The Senate Judiciary Committee approved SB 624. It now moves to its final committee, Senate Rules. As reported last week, its companion **HB 471** has cleared all of its committee references and has been placed on calendar, on 2nd reading. These bills would prohibit operation of drones over correctional facilities and detention facilities

SB 1552 (Bracy): Juvenile Justice - The Criminal Justice Committee approved SB 1552. Similar to Senator Powell's **SB 936**, the bill is directed at the Department of Juvenile Justice (DJJ) and changes provisions in the direct file section of law. This bill would reduce the number of children transferred to the adult system, which would increase the number of beds in the DJJ population. DJJ estimates that the bill would result in 132 juveniles being ineligible for transfer to adult court and the cost for detention and treatment for these additional juveniles would be \$12,270,113. The bill is on agenda this week in Senate Appropriations Subcommittee on Criminal and Civil Justice.

TO VIEW ADDITIONAL LEGISLATIVE ISSUES, [**CLICK HERE**](#).
