



## Tourist Development Tax Bill Passes the House Floor

**HB 585**, Tourist Development Taxes, by Rep. Fine passed off the House floor last week.

The bill would allow for the use of tourist development tax dollars to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance capital improvements, if those facilities are needed to increase tourist-related business activities if:

- The county generated over \$10 million in tourist development tax revenue in the previous year;
- The use is approved by 2/3 vote of county commission;
- Tourist Development Tax funds pay for no more than 70 percent of the cost of the public facilities;
- An independent professional analysis is performed at the expense of the Tourist Development Council (TDC) that demonstrates the positive impact of the infrastructure on tourist-related business in the county.

The bill would also add a requirement that any use of the Tourist Development Tax (TDT) dollars must be supported by an analysis of the return on investment of the expenditure to tourism revenue.

The Senate companion, SB 658, is in its final committee of reference, Appropriations. Currently, the bill would allow the expenditure of TDT dollars for infrastructure if the facilities are needed to increase tourist-related business activities and are recommended by the 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 was at least \$20 million and only if approved by 2/3 vote of the Board of County Commissioners.

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.

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Orlando Sentinel

### House passes bill allowing bed taxes to be used for roads

The Florida House on Wednesday passed a bill allowing hotel taxes to be spent on roads, sewers and other infrastructure projects, as long as they are related to attracting more tourists.

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## In-State Travel Requirements

# to be Removed from SB 1180

**SB 1180**, County and Municipal Officers, by Sen. Stuebe was heard in the Senate Ethics & Elections Committee last week. Sen. Stuebe filed the bill with initial language virtually mirroring the initial House language.

Prior to its first committee hearing this week in the Ethics & Elections Committee, Sen. Stuebe offered a strike-all amendment which (1) subjects all in-state travel to approval by the Board of County Commissioners; (2) subjects all out-of-state travel to approval by the Board of County Commissioners either before such travel takes place or retroactively if good cause is shown, similar to the House version; (3) subjects all foreign travel to the same approval process as in-state travel and out-of-state travel; and (4) removed the \$120 cap on overnight lodging expenses.

During the Ethics and Elections Committee, members raised concerns that subjecting in-state travel to approval by the Board of County Commissioners would be over burdensome and unnecessary. An example was brought by a city mayor who stated such a provision would require him to get gas receipts approved for traveling 20 miles away to the county seat for BoCC meetings.

In response to these concerns from members of the committee, a commitment was made to remove in-state travel from the bill. The bill passed the Ethics and Elections Committee and is now in the Senate Community Affairs Committee.

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## Senate's Opioid Bill Passes Its Last Committee

The Senate Rules Committee passed the Chair's opioid legislation this week. Senator Lizbeth Benacquisto's **SB 8**, Controlled Substances, was voted yes unanimously and will now be heard on the floor by the full Senate.

The Florida Medical Association (FMA) is seeking changes to the prescription limits and urged lawmakers to allow exceptions in situations such as when patients undergo major surgery or are in cancer or hospice care. Senator Benacquisto said the Senate is working with FMA to address their concerns and is working with the House and the Governor's office.

Representative Jim Boyd's **HB 21**, Controlled Substances, has not been put on agenda in the House Health and Human Services Committee, its last stop before the floor.

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

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## Vacation Rental Bill Temporarily Postponed

**HB 733**, Vacation Rentals, by Rep. La Rosa was temporarily postponed in its first committee, House Government Accountability.

This has been a highly contentious issue and adamantly opposed by FAC for the past several years. The bill sponsor likely did not have enough votes to pass it in committee; however, FAC staff anticipates he and other proponents will continue to pressure committee members and the bill is likely to be placed back on the House Government Accountability agenda this week.

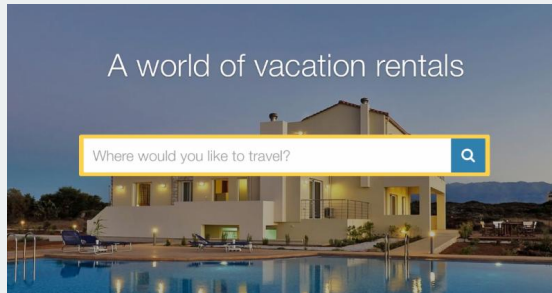
HB 773 prohibits counties and cities from establishing ordinances specific to short-term vacation rentals and would instead require that local regulations of activities associated with vacation rentals be applied uniformly to

all residential properties.

If your county has a vacation rental ordinance and is concerned with this bill, please continue to put pressure on your delegation members in preparation for this week.

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## Orlando Sentinel Vacation rentals preemption bill stalls in Florida House

A move to preempt local regulations for vacation rentals stalled in the House on Tuesday, weakening its chances of becoming law in the final weeks of the legislative session.

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## Compromise Between Sheriffs and Trial Judges with Public Safety Bill

The House Judiciary Committee approved their proposed committee bill titled Public Safety. It appears to represent a compromise between the sheriffs and the trial judges over courthouse security. This language is different than what was included in Proposal 26 in the Constitutional Revision Commission.

The bill amends state law and requires the county sheriffs to provide security for trial court facilities. The Proposed Committee Bill (PCB) clarifies that county sheriffs and their deputies, employees, and contractors are officers of the court when providing security for court facilities. The PCB gives sheriffs the operational control over the manner in which security is provided. The sheriff must coordinate with the chief judge on all matters of security for trial court facilities.

During committee, FAC shared concerns that counties should also be brought into such consultation due to the counties' obligation to provide funding for courthouse security pursuant to s.14 of Article V of the Florida Constitution.

Going forward, FAC will be working with committee members, staff and interested stakeholders to alleviate those concerns.

To view the staff analysis, [click here](#).

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## Statewide Special Needs Registry Raises Some Concerns for Counties

The House Health and Human Services Committee approved their proposed committee bill titled Health Care Disaster Preparedness and Response. The bill requires Department of Health, rather than the Division of Emergency Management, to establish a uniform statewide special needs shelter registry, mandates local emergency management agencies to use it, rather than using their local registries.

It also requires local emergency management agencies to establish eligibility criteria for local special needs shelter and procedures to allow health care facility staff to travel to and from work during declared curfews.

Much of the feedback we have received so far revolves around the argument that local emergency managers are NOT public health professionals and that the Department of Health (DOH) in coordination with their local county health departments are more qualified to establish eligibility requirements for a local special needs

shelter.

FAC is setting up a meeting with the Chair of the Health and Human Services Committee for this week.

To view the staff analysis, [click here](#).

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## Tree Trimming Bill Slows Down

**SB 574**, Tree and Timber Trimming, Removal, and Harvesting, by Sen. Steube passed its first committee of reference, Senate Community Affairs, by a close 3-2 vote.

As amended in committee, the bill contains problematic language that would make counties and cities financially liable to electric utilities in certain situations if trees or vegetation maintained by the local government adversely affected electric reliability.

Additionally, the strike-all amendment added language preempting local tree trimming, pruning or removal regulations at single family residences during declared states of emergency. Florida is frequently under a declared state of emergency, often for several months or even years (i.e. for the opioid epidemic, Zika, etc.), and therefore this section would essentially impose a perpetual preemption.

While FAC has major concerns with this bill, it was not placed on the agenda next week in its second committee of reference, Senate Environmental Preservation & Conservation; this is the committee's last scheduled meeting, so the bill will hopefully not receive another hearing this session.

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## House Hears This Year's Tax Cut Package

The initial hearing for this year's tax cut package was heard in the House Ways & Means Committee on Wednesday. Of significance to counties is a proposed reduction in the business rent tax from 5.8 percent to 5.5 percent which is projected to cost counties \$7 million statewide on a recurring basis.

Also included in the package is a proposed reduction in the aviation fuel tax, which is tentatively projected to cost the State Transportation Trust Fund roughly \$9 million annually.

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### Sunshine State News House Readies 'Across the Board' Tax Package

Farmers, nursing homes and property owners impacted by Hurricane Irma could receive tax relief as part of a \$332.7 million package that will be introduced Wednesday in the Florida House.

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# Coming Up This Week:

## **SB 1646 (Montford): Regional Rural Development Grants**

Consistent with FAC's action Plan, SB 1646 by Senator Montford 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. SB 1646 has passed through its first committee and is scheduled to be heard in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development this Wednesday.

Representative Albritton is sponsoring HB 1103, its House Companion, which passed the House Commerce Committee last week. This is the second of three committee stops in the House. Amendments were added to require that use of grant funds to expand broadband be available only for telecommunications providers that are registered providers of communications services with the state Department of Revenue. Another amendment will place the SITES program under the auspices of DEO. This was its final committee stop on the floor.

## **SB 1886 (Brandes): Contraband in Detention Facilities**

SB 1886 will be heard this week in the Senate Criminal Justice Committee. As a refresher, the bill adds cellular telephones and other portable communication devices to the current definition of contraband in a county detention facility.

The bill makes the definition of contraband for county detention facilities similar to the definition of contraband in a state correctional institution, which prohibits any cellular telephone or other portable communication device intentionally and unlawfully introduced inside the secure perimeter of the facility without prior authorization or consent.

HB 733, its House companion, passed the House Judiciary Committee last week. This was its final committee before a floor vote.

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## Other Legislative Issues of Note:

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

**SB 1304 (Young): Dockless Bicycle Sharing** - SB 1304 was not considered in its second committee, Senate Community Affairs, due to timing constraints. The bill is not on the agenda again for the committee's next meeting, which will likely be its final meeting. 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.

**HB 987 (Cortes): Affordable Housing** - HB 987 passed its second committee, House Transportation & Tourism Appropriations Subcommittee. The bill is aimed at expediting and incentivizing development of affordable housing, with focus on hurricane recovery housing. As originally filed, the bill would have prohibited local governments from imposing mobility fees or impact fees for affordable housing development for a five-year period beginning July 2018. The sponsor amended this section out of the bill altogether, and FAC was supportive of that measure during the committee.

**SB 1392 (Brandes): Prearrest Diversion Programs** - The Senate Appropriations Subcommittee on Criminal and Civil Justice approved SB 1392. It will now move to its last committee, Senate Appropriations. The legislation requires 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. The House has a bill similar to the Senate version that has one more stop as well. Representative Larry Ahern's (Seminole) HB 1197 – Diversion Programs is now in House Judiciary, which has not come out with an agenda for next week.

**SB 462 (Young): Advanced Well Stimulation Treatment** - SB 462 passed its second committee, Senate

Appropriations or Environment and Natural Resources. The bill would prohibit advanced well stimulation treatments (i.e. “fracking”) in Florida. Many counties have adopted resolutions supporting a statewide ban and/or ordinances banning the practices within their jurisdictions. The House companion is not moving this Session, although the proposal has significant support in the Senate.

**HB 1057 (DuBose): E911 Systems** - The House Government Operations & Technology Appropriations Subcommittee approved HB 1057. The bill requires Department of Management Services (DMS) to develop and implement a plan (by January 1, 2019) to require a 911 public safety telecommunicator be able to transfer an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. The bill has \$200,000 in funds appropriated to DMS to implement this plan. The Senate E911 vehicle has additional language that requires counties to implement a Text-To-911 program. Last week, Senator Steube’s (Sarasota) SB 190 - E911 Systems picked up an amendment that requires all counties to develop a plan for implementing a Text-to-911 system, and to have a system in place to receive E911 text messages by January 1, 2021. FAC obviously favors the House bill and will work with Rep. Debose to hold firm on his language. Both bills have one more committee stop.

**SB 1606 (Taddeo): Film and Television Production** – This bill creates the Florida Motion Picture Capital Corporation to encourage development of scripted productions in the State. The bill was temporarily postponed due to concerns by committee members, but has been brought back up for next week in the Senate Commerce and Tourism Committee.

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