



CALL NOW: Preemption in House Tax Cut Package

FAC expects that **HB 7087** will be heard on the House floor this week. The bill as a whole provides back-to-school and disaster preparedness tax holidays and tax relief for Floridians impacted by hurricanes.

An amendment put in at the last committee would prevent local governments from regulating goods subject to sales tax.

For example, with this amendment, counties could not:

- Regulate the sale of septic tanks in certain areas
- Enact zoning regulations that prohibit retail establishments in residential zones
- Prohibit the sale of adult materials broadly or in certain areas
- Determine exclusivity requirements in utility franchise agreements

This broad preemption has not been vetted in any substantive committee and is not germane to the main bill. Because of the lack of transparency in the process, this bill will have significant unknown and unintended consequences for local governments statewide.

Please contact your House Delegation Members and ask them to remove Section 2, 4 and 20 from the tax package. These section include the following language:

"Except as otherwise provided by law, a county, municipality, or other entity of local government may not prohibit the sale of or offering for sale of tangible personal property subject to the tax imposed by chapter 212 which may lawfully be sold in the state. Any such ordinance or rule is void."

FAC CONTACT:

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



Wink News

Dozens of puppies heading to local Petland found in filthy conditions

Lee County Domestic Animal Services seized 24 puppies from a Petland store on College Parkway right as they were dropped off last week. Many were disgusted by the filthy conditions these puppies endured on their way to Fort Myers.

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Governor Scott Announces Action Plan to Address Stoneman Douglas Tragedy

Parkland visited Tallahassee last week in the wake of the February 14 shooting that left 17 students and faculty dead at their school. On Friday, Governor Rick Scott and the Florida State Legislature responded with comprehensive proposals that would see close to \$500 million in funding for school safety improvements and enhanced mental health counseling. Major changes in gun laws are also in the proposals.



Governor Scott's plan creates a "violent threat restraining order" allowing a court to prevent a violent person from having a gun when family members or law enforcement officers present evidence of a threat. Scott's plan also calls for school resource officers in every Florida public and charter school at a ratio of one for every 1,000 students; a Department of Children and Families case manager assigned to all 67 sheriffs; active shooter drills in every school; and state-approved school safety plans to be submitted from every school district by the Fall 2018.

House and Senate leadership introduced a similar proposal. It includes a three-day waiting period for all gun purchases. The legislative plan also sets up a "marshal" program that would allow school employees trained and screened by law enforcement to carry guns on school grounds.

Under current law, a person deemed "mentally defective" by a court or committed to a mental institution is banned from buying a firearm. The House and Senate plan would strengthen that measure by prohibiting possession of any firearm as well.

The changes must be approved in the next two weeks of the annual legislative session that's scheduled to end on March 9.

You can see both proposal below:

[Governor Scott's Major Action Plan](#)

[House and Senate Leadership's School Safety Proposal](#)

FAC CONTACT:

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

Opioid Bills Pass Both Chambers

The House Health and Human Services Committee passed Representative Jim Boyd's **HB 21**, Controlled Substances.

Many medical professional advocates testified on the bill and expressed concerns regarding the three day prescription limits and urged lawmakers to allow exceptions in specific situations such as cancer patients and individuals in hospice care.

Both the House and Senate measures have made it through all their committees and now will be voted on by the full chambers.

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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Counties Included in Operation Control for Trial Court Facilities in SB 1218

Last week, there was a bill (**HB 7089**) in the House Judiciary committee that would require the county sheriffs to provide security for trial court facilities.

That language appeared on the Senate side this week as an amendment to Senator Jeff Brandes' **SB 1218**, Persons Awaiting Trial.

FAC staff offered the sponsor an amendment that would include the counties in any consultation regarding security matters for trial court facilities due to the counties' obligation to provide funding for courthouse security pursuant to s. 14 of Article V of the Florida Constitution. The sheriffs and counties would share operational control over how security is provided.

The amendment was accepted and the bill passed through Senate Appropriations Subcommittee on Criminal and Civil Justice.

FAC staff is working with the House to match this language in the companion bill, HB 7089, Public Safety. It was approved last week in the House Appropriations Committee.

FAC CONTACT:

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

La Rosa's Vacation Rental Bill Passes Committee by a Narrow Vote

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.

The bill would allow counties with vacation rental ordinances in place prior to June 1, 2011, to amend their ordinances, as long as the amendment makes the regulation of vacation rentals less restrictive.

After being temporarily postponed, HB 773 passed its first committee last week by a 13-11 vote.

FAC CONTACT:

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Daytona Beach News Journal **OUR VIEW: Keep it local on rental rules**

State lawmakers are still looking for ways to kneecap local communities' ability to determine what goes on in residential neighborhoods. And while it looks as if Flagler Beach may be safe — this time — the rest of Flagler County, and many cities in Volusia County, would not.

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Concerns with Statewide Special Needs Registry

The House Appropriations Committee approved **HB 7085**, Health Care Disaster Preparedness and Response. This is the committee bill from last week that has recommendations from the House Select Committee on Hurricane Response and Preparedness.

The bill requires Department of Health (DOH), 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 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.

FAC staff has spoken with committee staff and expressed that these are duties for public health professionals and that the DOH and the local County Health departments should be working together on such requirements.

FAC is working with the bill sponsor on an amendment that would exclude local emergency management agencies from responsibilities outside of their purview, such as establishing eligibility requirements for a local special needs shelter.

FAC CONTACT:

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Bills to Add Requirements to Local Governments When Issuing Debt

After being heard on second reading during one of the first committee weeks, **HB 7** is likely to be passed off the House floor this week.

The bill creates additional voting and notice requirements when counties issue debt. The bill would require:

- The creation of a “debt affordability analysis” to be published in a newspaper prior to the consideration of the issuance of new debt;
- Two public hearings be held prior to issuance of debt or increases in local option sales taxes;
- That vote counts be maintained for tax increases or issuance of tax supported debt for five years on the county’s website;
- Additional auditing and remedial measures

FAC will continue to voice concerns related to the additional costs the bill will required to be incurred compared to the value of the information provided. Sen. Lee has filed the companion, **SB 1426**.

HB 7 passed the full House during the first week of Session, by a 91-12 vote. SB 1426 passed its second committee on February 22 by a 12-8 vote, and will be heard in Senate Rules on February 26.

FAC CONTACT:

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

County Travel Requirements Bills

Last week, a strike-all amendment was adopted to **SB 1180**, County and Municipal Public Officers, in the Senate Ethics and Elections Committee and the bill currently:

1. Subjects all in-state travel to approval by the Board of County Commission (BoCC);
2. Subjects all out-of-state travel to approval by the BoCC either before such travel takes place or retroactively if good cause is shown, similar to the House version; and
3. Subjects all foreign travel to the same approval process as in-state travel and out-of-state travel.

During the Ethics and Elections Committee, members raised concerns that subjecting in-state travel to approval by the BoCC would be over burdensome and unnecessary.

An example was brought by a city mayor who stated such a provision would require approval for traveling 20 miles away to the county seat for BoCC meetings.

In response to these concerns, a commitment was made to work on the in-state travel requirements currently contained in the bill.

SB 1180 passed its second committee last week with the amendment. **HB 815** is on Special Order on February 28.

FAC CONTACT:

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

Coming Up This Week:

HB 1019 (La Rosa): Financial Reporting

HB 1019 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
- 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 1019 has passed all of its substantive committees. A related bill by Sen. Stargel, SB 354, will be heard in Senate Appropriations on February 27.

SB 1328/HB 987 (Perry/B. Cortes): Affordable Housing

These bills are aimed at expediting and incentivizing development of affordable housing.

Originally, both bills contained language prohibiting local governments from collecting impact and mobility fees for affordable housing for five years.

Rep. Cortes filed an amendment to strike this section, which FAC supported. Sen. Perry has also removed that section from his bill.

Both bills are up this week. HB 987 will be heard on Special Order on February 28, and SB 1328 will be heard in Senate Appropriations on February 27.

HB 1033 (Toledo): Dockless Bicycle Sharing

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.

HB 1033 has passed both of its committees with an amendment to narrow the preemption language, and is on Special Order on February 28.

Its Senate companion, SB 1304 was not considered in its second committee of reference, Senate Community Affairs, due to timing constraints; and, it was not placed on the agenda this week, for what is likely the committee's final meeting.

SB 324/HB 697 (Young/Miller): Impact Fees

These bills address the timing of 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 were amended in their first committees 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, both bills have been amended to clarify that the new requirements do not apply to water and sewer connection fees.

Both bills have also been amended to address sector planning, which has caused concern among some counties and planning groups. Sen. Bean and Rep. Byrd have filed amendments to strip this language from the bill.

SB 324 will be heard in Senate Appropriations on February 27. HB 697 is on Special Order on February 28.

SB 804/HB 631 (Passidomo/Edwards-Walpole): Possession of Real Property

The bill specifies the process by which a property owner with a superior right of possession can use a cause of action to recover possession of the property.

The bill includes a section which would preempt local customary use ordinances which have been used to establish a right of public access to beaches.

HB 631 passed the full House by a 92-14 vote. SB 804 passed its second committee last week.

Rep. Edwards-Walpole has filed the customary use preemption language as a floor amendment onto HB 1173 by Rep. Raschein, which is on Special Order on February 28.

SB 90/HB 33 (Perry/Toledo): Texting While Driving

These bills strengthen the current ban on texting, emailing, and instant messaging while driving, by changing the current enforcement of the ban from secondary to primary.

Any violation of the ban that causes a crash results in the addition of six points to the offender's driver license record.

House Speaker Richard Corcoran praised the legislation in a press release.

SB 90 has passed its first three committees. HB 33 has passed all of its committees and is on Special Order this week, February 28.

Other Legislative Issues of Note:

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

HB 521 (Edwards-Walpole): Tree Trimming, Removal, Harvesting - HB 521 passed its final committee today. A strike-all amendment to narrow the application to water management districts and drainage control districts was also adopted. While its Senate companion, SB 574, did pass its first committee by a very close vote, it was not placed on the calendar for its second committee of reference this week.

HB 1197 (Ahern): Diversion Programs - HB 1197 passed the House Judiciary Committee. The Senate companion, SB 1392 (Prearrest Diversion Programs) has very similar language and is in its last committee stop, the Senate Appropriations. These bills require the establishment of two prearrest diversion programs in each judicial circuit in the state, one for adults and one for juveniles.

SB 1886 (Brandes): Contraband in County Detention Facilities - The Senate Criminal Justice Committee approved SB 1886. The bill would add cellular telephones and other portable communication devices to the definition of contraband in a county detention facility. Senator Brandes took the language in this bill and added it to SB 1220 (Detention Facilities), that was heard and passed later in the day by the Senate Judiciary Committee. SB 1220 has a much better path to success, only having Senate Rules Committee left before a Senate floor vote. This House companion, HB 733, has been placed on the calendar, on second reading.

HB 1057 (DuBose): E911 Systems - In its last committee stop before a floor vote, HB 1057, was unanimously approved by the House Commerce Committee. As a reminder, last week an amendment was adopted that has \$200,000 in funds appropriated to DMS to implement a plan to require that a 911 public safety telecommunicator can transfer an emergency call from one local, multi-jurisdictional, or regional E911 system to another local, multi-jurisdictional, or regional E911 system in the state. The Senate companion, SB 190, would require 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, has one more committee stop.

HB 79 (Roth): Public Meetings - The bill codifies judicial interpretation of Florida's Sunshine law. Specifically, the bill provides definitions for the terms "de facto meeting," "discussion," "meeting," "official act," and "public business." The bill also provides that notice is not required when two or more members of a board are gathered if no official acts are taken and no public business is discussed. HB 79 is up in its final committee on Monday (2/26). Its Senate companion, SB 192, has passed the full Senate and is now in House messages.

SB 852 (Brandes): Florida Smart City Challenge Grant Program - 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. SB 852 will be heard in its final committee this week on Tuesday, February 27. HB 633 has passed all of its committees.

HB 227/SB 376 (Willhite/Book): Workers' Comp for First Responders - These bills provide for indemnity benefits under workers' compensation for a mental or nervous injury of a law enforcement officer, a firefighter, an emergency medical technician, or a paramedic, whether or not such injury is accompanied by a physical injury requiring medical treatment. The bill would also require an employing agency of a first responder to provide educational training related to mental health awareness, prevention, mitigation, and treatment. Both bills are up in their final committees this week.

HB 7079 (Oversight, Transparency, and Administration/Burgess): Public Records/Disaster Response - HB 7079 provides a public records exemption for the name, address, and telephone number of a person which is collected by a public shelter during an emergency. It also provides a public records exemption for the name, address, and telephone number of a homeowner or a tenant which is held by an agency for the purpose of providing damage assessment data following a disaster. HB 7079 is on Special Order for February 28.
