



CAPITOL UPDATE

February 25, 2019

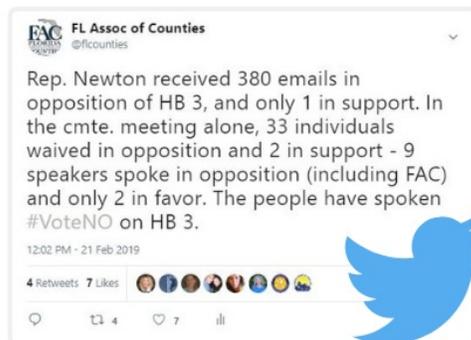
Finance, Tax, & Administration

Local Preemption Bill Passes First Committee Stop

The first of three public hearings was held on [HB 3](#) (Preemption of Local Government) on Thursday, February 21 in the House Business and Professions subcommittee. The bill's sweeping language would void any local government ordinance, requirement, guideline, or act that regulates activities regularly engaged in by a person for gain, benefit, or advantage, if that ordinance is not expressly authorized by general law. Similar to bills in past years, the legislation would constrain counties' ability to address local problems without prior legislative authorization.



Laura Youmans, Legislative Counsel at FAC, testifies in opposition of HB 3.



During the committee meeting, the bill received a strong amount of opposition with the Florida League of Cities, the Florida Stormwater Association, Equality Florida, the Sierra Club, and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) speaking in opposition alongside FAC.

Various members on the committee also spoke about their concerns with the bill, often echoing the arguments FAC presented.

Rep. Alexander spoke directly to the diversity of Florida's counties, noting that rural, urban, coastal, and inland areas have different issues and therefore a one size fits all approach would not be efficient. Also against HB 3, Rep. Willhite provided the committee with a direct example of how this legislation would negatively impact his community.

Though Rep. D. Smith decided to support the bill, he did, however, express his concerns with the bill in regards to efforts to fight animal cruelty as about 60 counties regulate or ban puppy mills. Rep. A. Rodriguez also ended up supporting the bill but expressed his desire to work with the bill sponsor on some of the unintended consequences mentioned during testimony.

Ultimately, the bill passed 9-5 along party lines, with Reps. Newton, Alexander, Casello, Gottlieb, and Willhite voting in opposition to the measure. The bill will be heard next in the Local, Federal, and Veterans Affairs subcommittee. There is currently no Senate companion, but one is expected to be filed.

FAC has created a resource web-page meant to provide members with additional information on HB 3. [Click here](#) to learn more about HB 3.



COME LOBBY AGAINST HB 3

Register for the 2019 Legislative Day now!

MARCH 27, 2019

LEON COUNTY

Regional Rural Development Grants, a FAC Finance, Tax, and Administration Priority, Passes First Committee Unanimously

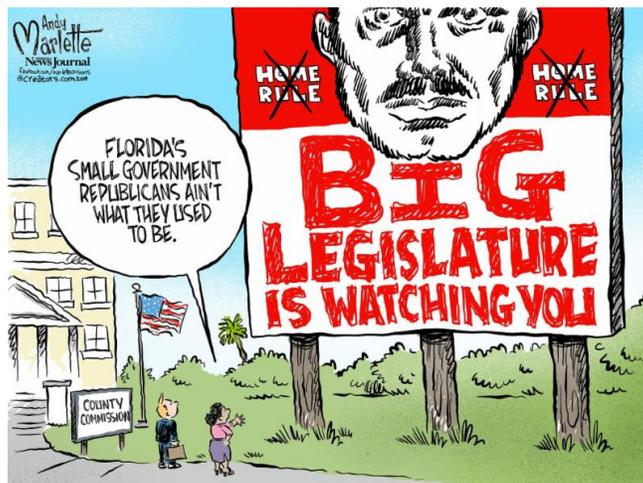
[SB 596](#) (Regional Rural Development Grants) by Sen. Albritton moved forward with the unanimous support of the Senate Commerce and Tourism Committee. The bill would expand the Regional Rural Development Grants program, decreases the local match requirement and increases the permitted amount of the grants for the Rural Infrastructure Fund. Eligible uses for the fund would be expanded to include broadband infrastructure. The bill has two more committees of reference in the Senate. The companion House bill, [HB 671](#) by Rep. Clemons, has not yet been heard in any of its three committees of reference.

The policies in this bill were adopted by the FAC membership as a Finance, Tax, and Administration Committee policy priority for 2019.

FAC Contact:

For additional information, contact Laura Youmans via email at lyoumans@flcounties.com.

NEWS ARTICLES ON PREEMPTION



Cartoon by Andy Marlette featured in the Pensacola News Journal

Also in the news....

FLAPOL

House looks to limit local regulations

pnj

Editorial: Legislature takes threat to local governance to whole new level

Growth Management, Agriculture, Transportation, and Environment

Impact Fee Bill Passes First Committee

[HB 207](#) (Impact Fees) by Rep. Donalds passed the House Local Affairs Committee on Wednesday, February 20. As drafted, the bill aims to codify in statute some of the basic provisions that are well settled in case law. Specifically, the bill requires local government impact fee ordinances to include the so-called Dual-Rational Nexus test provision. This provision was laid out in several landmark court rulings and requires impact fees to (1) be based on a reasonable connection, or nexus, between the need for additional capital facilities and the growth generated by the project, and (2) a reasonable connection, or nexus, between the expenditures of the funds collected from the impact fees and the

benefits accruing to the subdivision or project.

On its face, codifying what has been settled by the courts does not seem problematic, as likely every enacted impact fee ordinance includes this provision. However, FAC has real concerns that including this provision in law simply opens the door for standardizing other provisions in statute that should be county-specific, including: determining how the fee is calculated; what credits should be applied; what level of service standards are used; for transportation fees, what trip rate, length, and capture rates must be used; and, how construction costs are determined. In other words, while the courts have set forth the legal test for imposing impact fees – namely, satisfying the Dual Rational Nexus Test – all other provisions are locally determined following professionally accepted practices.

FAC is opposed to the bill, which will be heard next in the House Commerce Committee. The Senate companion, [SB 144](#), was originally filed by Sen. Bean and temporarily postponed in Community Affairs. The bill is now being carried by Sen. Gruters.

FAC Contact:

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Health & Safety

Nonemergency Transport Bill Passes First Committee

[SB 302](#) (Nonemergency Medical Transportation Services) passed in the Senate Health Policy committee. CS/SB 302 authorizes a transportation network company such as Uber or Lyft under contract with a Medicaid managed care plan or a referral from the Agency for Health Care Administration (AHCA) to provide Medicaid nonemergency transportation services to a Medicaid recipient, subject to compliance with state and federal Medicaid requirements.

Currently, the bill has no fiscal impact on local government. However, because of issues involving transportation network companies, county emergency medical services (EMS) and certificates of public convenience and necessity (COPCN), FAC will continue to monitor this bill.

The bill will be heard in the Banking and Insurance committee next. Rep. Daniel Perez (16-Miami Dade) has sponsored the companion bill in the House ([HB 411](#) – Nonemergency Medical Transportation Services).

Sober Homes Bill Passes First Committee Unanimously

In the Senate Children, Families, and Elder Affairs committee, [SB 102](#) (Recovery Residences) sponsored by Sen. Book, earned unanimous support and is now heading to its next committee of reference (Health Policy). Sen. Book's bill requires that all recovery residences operating throughout the state obtain certification through a credentialing entity approved by the Department of Children and Families ("DCF" or the Department).

Currently, certification of recovery residences in Florida is voluntary. Recovery residences function under the premise that individuals benefit in their recovery by residing in an alcohol and drug-free environment. Recovery residences are designed to be financially self-sustaining through rent and fees paid by residents, and there is no limit on the length of stay for those who abide by the rules.

FAC Contact:

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NEWS ARTICLES ON NONEMERGENCY TRANSPORTATION

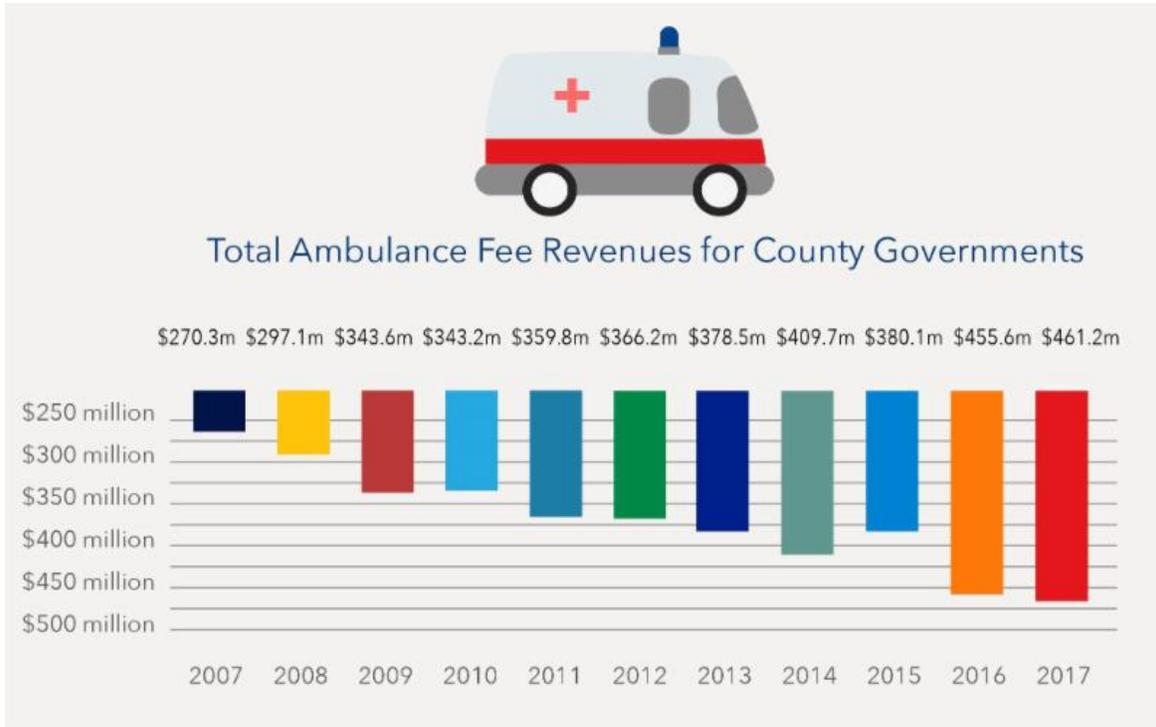
[Medicaid patients who need to get to the doctor: There should be an app for that, lawmaker says](#)



FAC Data Point

Analysis of Ambulance Fees

Among a multitude of revenues collected by county governments are charges for services performed. These payments can be received from private parties or public bodies and programs. Ambulance fees are a significant source of this type of revenue that is collected by many county governments. Ambulance fees are collected from individuals and private insurers, but also public programs such as Medicaid. Total ambulance fees collected by county governments reached an all-time high of more than \$460 million in 2017, a 70 percent increase compared to just a decade earlier.



FAC Contact:

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