



April 12, 2019

## Finance, Tax & Administration

### *HB 5 (Discretionary Sales Surtaxes) Passes Off House Floor*

[HB 5 \(Discretionary Sales Surtaxes\)](#) by Rep. Diceglie passed off the House floor on Thursday, April 11. This bill increases the thresholds to adopt local option surtaxes authorized under 212.055. For those levies required to be adopted by referendum, the bill would require a two-thirds vote of the county governing body to place the surtax on the ballot, the referenda could only be on the general election ballot, and would be required to be approved by 2/3 (66.66%) of the electors voting on the question.

An amendment to the bill adopted by the committee would make procedural changes to the performance audit requirement adopted in 2018. These changes would require the county or school board to notify OPPAGA of the pending referendum at least 180 days before the referendum is held. As amended, the bill would render any referendum that does not comply with the performance audit requirements invalid. The 2018 law was silent as to a notification timeline and penalty for non-compliance. The bill as amended also creates a process for citizen-initiated referenda to undergo the performance audit and be placed on the ballot.

The new provisions related to the performance audit would apply to referenda held after January 1, 2020. The remaining portions of the bill take effect upon becoming law (10 days from approval by the Governor).

It's Senate companion, [SB 336 \(Local Tax Referenda\)](#) by Sen. Brandes, would allow local tax referenda be held only at a general election. This bill has been amended to allow referenda currently scheduled to be held prior to July 1, 2019. FAC is working to extend this date to allow all currently scheduled referenda to proceed in 2019. This bill was heard in Senate Finance & Tax, its second of three committees, on March 20.

### *Regional Rural Development Grants on Senate Floor on 2nd Reading*

[SB 596 \(Regional Rural Development Grants\)](#) by Sen. Albritton was placed on the Special Order Calendar for a second reading in the Senate on Wednesday, April 10. It has one more hearing by the Senate before being sent to the House to consider.

The bill would increase the annual grant awards for regional economic development organizations, which are defined in the bill to be those economic organizations located within a designated rural area of opportunity. It would also reduce the local match requirement. The bill would increase the maximum allowable expenditure from the Regional Rural Development Grant Program from \$750,000 to \$1 million. The bill would have no fiscal impact on state funds, however, because the appropriation for the Rural Community Development Revolving Loan Fund, which funds the grant program, remains unchanged. The bill would also increase the percentage of the project costs that could be covered by the Rural Infrastructure Fund and clarifies that eligible infrastructure projects include access to broadband internet service. Finally, the bill would require contracts associated with funding from both programs include certain provisions and be posted online at least 14 days prior to execution.

The House companion, [HB 671 \(Regional Rural Development Grants\)](#) by Reps. Clemons and Polsky, is still in the House Transportation & Tourism Appropriations Subcommittee.

## MOBILE APP LAUNCH

NACo has partnered with the Local Initiatives Support Corporation (LISC) and the Rural Community Assistance Partnership (RCAP) to develop a mobile app designed to identify areas with low or no connectivity to help ensure adequate funding for broadband infrastructure is provided.



[Click here to learn more!](#)

### *Ban of Plastic Straws Removed from Senate Preemption of Local Regulations Bill*

[SB 588 \(Preemption of Local Regulations\)](#) by Sen. Hutson passed its second committee of reference, Rules, on Tuesday, April 9. The bill was amended to allow for local governments to ban plastic straws but would still preempt local governments from adopting or enforcing a local ordinance regulating sunscreen or establishing requirements for generated power sources, including transfer switches.

## NEWS ARTICLES ON PREEMPTION

[Ban certain sunscreens? Florida Senate committee blocks cities, counties from doing it](#)

**Orlando Sentinel**

### *Hurricane Recovery Package Passes Second Senate Committee*

[SB 1610 \(Emergency Mitigation and Response\)](#) by Sen. Montford is scheduled to be heard in its second committee of reference, the Appropriations Subcommittee on Transportation, Tourism, and Economic Development, on Tuesday, April 16. The bill provides a plan for the response to and recovery from Hurricane Michael. Specifically:

Section 1: Creates the Hurricane Michael Recovery Task Force to make recommendations on response, recovery, and mitigation of effects of Hurricane Michael. The Task Force shall review local, state, and federal activities and resources provided, effectiveness of such efforts, and any additional assistance necessary. Membership is a member from each of the following: business community, agricultural interests, fishing industry, emergency response, and housing interests. The findings are to be reported to the Senate President, House Speaker, and Governor by Dec. 15, 2019.

Section 2: DEM to prepare after-action report on shelter operations to be reported to the Speaker, President, and Governor by December 15, 2019.

Section 3: DEO to include a program to retrofit or repair hurricane evacuation shelters in any action plan submitted to HUD under Grant Number B-18-DP-12-0002.

Section 4: \$200,000 appropriated to DEM to procure a consultant to conduct a study of facilities used as emergency operations centers. Should look at operations and also whether there should be multi-county operations centers or upgrades to existing centers.

Section 5: (1) Hurricane Housing Recovery Program is created to be administered by FHC similar to SHIP. Resources shall be allocated to local governments according to a need-based formula that reflects housing damage estimates and population effects resulting from hurricanes. (2) creates Rental Recovery Loan Program to provide funds to build additional housing due to impacts to the affordable housing stock and changes to population resulting from hurricanes similar to State Apartment Incentive Loan Program.

Section 6: DEO to include program to repairs, renovate, or replace single-family housing in any action plan submitted to HUB for use of the grant funds appropriated in response to Hurricane Michael.

Section 7: Florida Building Commission to review effects of Hurricane Michael and make recommendations to strengthen and enhance the design, construction, and life safety provisions of Florida Building Code.

Section 8 and 9: For 2019-2020 FY \$300 million is appropriated to create the Public Facilities Hurricane Restoration Cash Flow Loan Program created for counties, cities, and school boards to be able to make timely payments to contractors and suppliers.

Section 10 and 11: Appropriates \$15 million in nonrecurring funds for the Agricultural Economic Development Program disaster loan and grant program and expands the program to allow timber producers to be eligible.

Section 12: For school boards in affected counties, waives standardized assessments for certain students, requires school grades to be released for informational purposes only.

**FAC Contact:**

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## Health & Safety

### *Needle Exchange Program Heads to House Floor*

[HB 171 \(Infectious Disease Elimination Programs\)](#) by Rep. Jones is heading to the House floor after successfully moving through its three committees of reference. Its last stop was Health & Human Services on Tuesday, April 9.

The bill allows county commissions to establish sterile needle and syringe exchange programs through the adoption of a county ordinance and satisfaction of the specified program requirements. Exchange programs must cooperate with the Department of Health (DOH) and the local county health department.

The Senate companion, [SB 366 \(Infectious Disease Elimination Programs\)](#) by Sen. Braynon successfully passed in the Senate on Wednesday, April 3.

### *Homelessness Bill Pass Second Committee in House & Senate*

[HB 1353 \(Homelessness\)](#) by Rep. Altman passed its second committee of reference, Health Care Appropriations, on Tuesday, April 9 and is now in its last committee of reference, Health & Human Services.

HB 1353 revises the state's method to homelessness by adopting the federal definition for "homeless" and aligning other state requirements with HUD requirements. The bill amends sections of law outlining two approaches to housing services, Rapid Re-Housing and Housing First. It requires that individuals and families being considered for Rapid Re-Housing assistance be assessed and prioritized through the continuum of care's coordinated entry system. The bill also removes the program element indicating a benefit for an individual to have a background check and complete rehabilitation for any addiction to substances when participating in Housing First services.

Similar bill, [CS/SB 1218 \(Homelessness\)](#) by Sen. Book unanimously passed its second committee of reference, Appropriations Subcommittee on Health and Human Services, on Tuesday, April 9 as well.

### *Firefighters Bill Passes Last Senate Committee*

[CS/SB 426 \(Firefighters\)](#) by Sen. Flores passed its last committee of reference, Appropriations, on Thursday, April 11. The bill allows firefighters who are diagnosed with certain cancers eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter is entitled to cancer treatment and a one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer.

To be entitled to such benefits, the firefighter must:

- Be employed full-time as a firefighter
- Be employed by the state, university, city, county, port authority, special district, or fire control district

- Have been employed by his or her employer for at least five continuous years
- Not have used tobacco products for at least the preceding five year
- Have not been employed in any other position in the preceding five years which is proven to create a higher risk for cancer

In addition, the employer must provide coverage within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for any out-of-pocket deductible, co-payment, or coinsurance costs incurred due to the treatment of cancer.

### *Amendment Expected to be Filed on 911 Services Bill*

[HB 441 \(911 Services\)](#) passed its second committee of reference on Tuesday, April 9. Rep. DuBose accepted amendment language that would add a degree of rationality to the bill. The amendment language is expected to be filed next week in the bill's last committee of reference, Commerce.

The bill requires each county to develop a plan to implement countywide text-to-911 service and, by January 1, 2022, to enact a system that allows for text-to-911 service. To date, 25 counties currently provide text-to-911 service, 26 counties expect to implement the service by the end of 2019, and the remaining 6 counties expect to implement the service by 2022.

### *Courthouse Security Bill Passes Final House Committee, One More Committee Stop in Senate*

[HB 639 \(Security in Trial Court Facilities\)](#) by Rep. Perez was heard in its last committee of reference, Judiciary, this week and has now been paced on the Calendar for 2nd reading in the House.

The bill requires each sheriff to coordinate with specified entities to develop a comprehensive plan for security of trial court facilities; specifies that sheriffs & chief judges retain certain authority; specifies that sheriffs & their deputies, employees, & contractors are officers of court under specified circumstances. The bill also requires each county sheriff to coordinate with the board of county commissioners and the chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities. The sheriff retains authority over the implementation and provision of law enforcement services under the plan. The chief judge retains decision making authority to protect due process rights, such as in the scheduling and conduct of judicial proceedings. The bill explains that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for court facilities.

It's Senate companion, [SB 762 \(Duties and Obligations of Sheriffs\)](#) by Sen. Gruters, is in its third of four committees of reference. It is scheduled to be heard next week on Tuesday, April 16 in the Senate Appropriations Subcommittee on Criminal and Civil Justice.

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## **PREEMPTION TRACKER**

### **Growth Management, Agriculture, Transportation, and Environment**

#### *Vacation Rentals Bill Likely Dead*

It appears that this year's Vacation Rental legislation is dead. [SB 824 \(Private Property Rights of Homeowners\)](#) by Sen. Diaz was scheduled to be heard in the Senate Innovation, Industry, and Technology Committee on Wednesday, April 10 but was temporarily postponed by the Committee's Vice Chair. This committee is not expected to meet again this legislative session, hopefully killing the bill for this year.

This action follows what was an unusual meeting in the House Commerce Committee that same

day. [HB 987 \(Vacation Rentals\)](#) was presented by Rep. Grant and followed by 30 minutes of public testimony, most of which opposed the legislation. Following public comments, the Chairman of the Committee, Rep. LaRosa, recessed the meeting for approximately 45 minutes so amendments could be drafted. When the committee reconvened, it approved four out of eight hastily hand-written amendments. HB 987 eventually passed by a measure of 13 to 11.

## NEWS ARTICLES ON VACATION RENTALS

[Senate, House measures to take control of vacation rentals appear to be in trouble](#)

**Tallahassee Democrat.**  
PART OF THE USA TODAY NETWORK

### *FAC Continues to Negotiate Changes to Small Cell Preemption Bill*

Small cell legislation had a minor setback this week. While [SB 1000 \(Communications Services\)](#) by Sen. Hutson passed the Finance and Tax Committee on Tuesday, April 9, the House companion, [HB 693 \(Communication Services\)](#) by Rep. Fischer, was temporarily postponed in the House Commerce Committee. Postponement of the bill was in response to concerns by FAC and the Florida League of Cities (FLC) that insufficient time was given to the organizations to review a proposed strike-all amendment to be heard on April 10.

In the interim, FAC and the FLC have been negotiating changes to the bill that would allow local governments to retain appropriate regulatory control over the siting of new utility poles, as well as collocations. Perhaps the most significant issue that remains to be negotiated is a provision that allows all “utility poles” to receive the benefit of streamlined review process under the so-called “shot clock” time frame.

SB 1000 has one more committee stop, Senate Appropriations, while the House bill is expected to be heard in House Commerce next week.

### *Tree Trimming Bills Face One More Committee Stop in House & Senate*

[SB 1400 \(Private Property Rights\)](#) by Sen. Albritton passed its second committee, Senate Judiciary, this week, after being amended last week in an attempt to address some of the local government concerns with the bill as filed.

The bill now creates a March 1 – June 1 time period during which local governments are prohibited from enforcing ordinances regulating the trimming or pruning of specimen, heritage, or patriarch trees or ordinances requiring a permit, fee, or notice for tree trimming or removal of trees on residential properties. The amended bill also states that local governments may not authorize the removal of specimen, heritage, or patriarch trees during the specific period. Additionally, the bill would allow local governments to require replanting of trees removed per the new provisions. The bill’s provisions would not apply to local governments with delegated mangrove protection authority. While this bill is moving in the right direction, additional changes and clean-up language are necessary. Additionally, Sen. Albritton added language back to his bill requiring each property appraiser to post a “Property Owner Bill of Rights” on its website.

SB 1400 has one more committee stop before heading to the Senate floor. The House companion, [HB 1159 \(Private Property Rights\)](#) by Rep. LaRosa, was not heard this week and also has one more committee stop.

### *House Scooter Bill Passes Final House Committee, Providing Far Less Regulatory Authority Than Senate Companion*

[HB 453 \(Micromobility Devices\)](#) by Rep. Toledo passed its final committee this week. The bill would preempt regulation of micromobility devices (scooters), except that local governments would be able to regulate the operation of such devices provided that the regulations are not more restrictive than the local governments’ regulation of traditional bicycles.

HB 453 affords counties and cities far less regulatory authority than the companion bill, [SB 542 \(Mobility Devices and Motorized Scooters\)](#) by Sen. Brandes, which was amended to strip the

preemption language at its last stop. SB 542 has one final committee stop in Senate Appropriations.

## *Zoning Restriction on Affordable Housing Passes Final House Committee, Senate Companion Has One More Stop*

[HB 7103 \(Property Development\)](#) by Rep. Fischer passed its final committee this week by a 14-8 vote and is now heading to the House floor.

The bill contains many problematic changes to current growth management law, including restricting local governments' ability to enforce inclusionary housing ordinances and imposing a 120-day shot clock for local governments to review applications for development orders and permits. The bill also expands the scope of work for private providers who review site plans and inspect buildings.

The companion bill, [SB 1730 \(Community Development and Housing\)](#) by Sen. Lee, does not include the private provider sections. SB 1730 also passed its second committee this week with language addressing some of the local concerns about the restrictions on inclusionary housing.

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