



LEGISLATIVE BULLETIN

January 24, 2020

Week 2 of Legislative Session Wraps Up as FAC Legislative Day Approaches

Next week is FAC's Legislative Day! If you haven't registered, do so now! The FAC Legislative Day is a great opportunity to show legislators the impact you are having at home and remind them of the importance of preserving and strengthening home rule!

This year, FAC has an outstanding lineup with both Governor Ron DeSantis and Agriculture Commissioner Nikki Fried scheduled to speak before attendees. Attendees will also hear from the Secretaries of FDOT and DEP, the Directors of DEO and DEM, and Florida's Chief Resiliency Officer. To register, please [click here](#).

we keep track
so you don't have to



2020 FLORIDA LEGISLATION TRACKER

Thank you to all the commissioners in town for your participation in the state legislative process!



Indian River County Commissioner, Peter O'Bryan, testifying on vacation rentals in House committee.



Palm Beach County Commissioner and FAC President-Elect, Melissa McKinlay, participating on a panel regarding the opioid epidemic and local government's involvement.



Bill Raising Smoking and Vaping Age to 21 Passes First Committee

[SB 810 \(Tobacco & Nicotine Products\)](#) by Senator Simmons was heard for the first time in the Senate Health Policy Committee. The bill would classify vaping as tobacco which would require vapor retailers to be licensed as a tobacco seller. Furthermore, it would raise the smoking and vaping age to 21, apply more stringent selling standards to prevent underage use, and allow for law enforcement to cite civil infractions for underage users and those who provide products to underage users. The bill passed unanimously. A comparable bill, [HB 151 \(Use of Regulated Substance\)](#) by Representative Toledo, has not been heard yet in the House.

Securities in Trial Court Facilities Closer to Both Chamber Floors

[SB 118 \(Security in Trial Court Facilities\)](#) by Senator Gruters was heard for the second time in the Senate Appropriations Subcommittee on Criminal & Civil Justice. The bill 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. FAC waived in support. The bill passed unanimously. The bill's companion, [HB 131 \(Security in Trail Court Facilities\)](#) by Representative McClain is at its second committee of reference.

New Emergency Reporting Requirements Pass First Legislative Stop

[SB 538 \(Emergency Reporting\)](#) by Senator Diaz was heard in its first committee, the Senate Infrastructure & Security Committee. The bill would require counties and municipalities to notify the State Watch Office within the Department of Emergency Management of any incidents listed in the State Watch Office Reportable Incidents List, like major fires, natural hazards, and military events as soon as practicable. The Division of Emergency Management must provide a list of reportable incidents to local governments each year, and alert them whenever it is amended. FAC supported the legislation during committee. The bill passed unanimously. The bill's companion, [HB 865 \(Emergency Reporting\)](#) by Representative Rodriguez (Ant.), has not been heard.

What else happened this week relating to Community, Health & Safety?

Bills dealing with mental health and substance abuse, public records exemptions for 911 and E911 infrastructure, patient brokering, and micro-chipping dogs and cats were also heard this week. To view updates about these bills and relevant legislation, please visit the [Community, Health & Safety](#) subsection on the [Policy Action Center](#).

FAC Contact:

For additional information, please contact Tonnelle Graham at tgraham@flcounties.com.



Resiliency Legislation Passes First House Committee

[HB 1073 \(Office of Resiliency\)](#) by Representative Stevenson was heard for the first time during the House Agriculture & Natural Resources Subcommittee. The bill codifies the Governor's Executive Order that established the Statewide Office of Resiliency (SOR) within the Executive Office of the Governor, headed by a Chief Resilience Officer appointed by and serving at the pleasure of the Governor. The proposed bill creates the Statewide Sea-Level Rise Task Force adjunct to the SOR for the purpose of recommending consensus projections of the anticipated sea-level rise and flooding impacts along the state's coastline. The bill authorizes technical advisory groups to inform its decision making and directs DEP to assist in developing baseline projections. Recommended projections will be submitted to the Environmental Regulatory Commission for adoption or rejection by 1/1/2021.

FAC adopted a Guiding Principle to support a comprehensive state climate change action plan, with

energy policies and other initiatives to reduce greenhouse gases and to address ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic prosperity.

The bill passed unanimously. A companion legislation, [SB 7016 \(Statewide Office of Resiliency\)](#) by Senator Lee, was on the agenda for the Senate Appropriations Committee but did not receive a hearing this week.

Vacation Rentals Passes First Committee in the House

[HB 1011 \(Vacation Rentals\)](#) by Representative Fischer had its first committee stop in the House Workforce & Tourism Subcommittee. While maintaining the grandfather clause for ordinances adopted before 2011, the bill preempts vacation rental regulation to the state. The preemption includes the regulation of licensing and inspections, which would fall under the Department of Business & Professional Regulation (DBPR). Furthermore, nuisance ordinances would be allowed but only if applied to all residential properties uniformly. Licensing and tax information would be required by online provider platforms, as well as the ability for DBPR to instruct the website to remove particular listings. Concerns were raised including DBPR being unable to handle the added responsibilities due to a lack of manpower, as well as the legislation not distinguishing between live-in rentals and investment properties. The bill passed 10 - 5 (Ausley, Brown, Daley, Davis, Polo). Its companion, [SB 1128 \(Vacation Rentals\)](#) is in its second committee.

Towing Bill Receives First Hearing in Senate

[SB 1332 \(Towing and Immobilizing of Vehicles and Vessels\)](#) by Senator Hooper, passed its first committee stop, the Senate Community Affairs Committee. The bill adds vessels to statute when defining the towing of vehicles, prevents local governments from imposing fees or charges on authorized wrecker operators and towing businesses except for general administrative fees that apply universally, and would grandfather qualifying charter counties with 90% or more of their population in incorporated municipalities, or contains 38 or more municipalities within its boundaries. The bill passed unanimously. The bill's companion, [HB 133 \(Towing and Immobilizing of Vehicles and Vessels\)](#) by Representative McClain, is at its third committee stop after mixed support in prior committees.

What else happened this week relating to the GATE committee?

Other bills dealing with environmental issues included a bill regarding the energy consumption at state agencies. To view updates about this bill and relevant legislation, please visit the [Growth, Agriculture, Transportation, and Environment](#) subsection on the [Policy Action Center](#).

FAC Contact:

For additional information, please contact Eric Poole at epoole@fl-counties.com.

News Articles On Vacation Rentals

[Move to regulate short-term rentals clears House committee](#)

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Water Quality & Supply

Water Quality Overhaul Clears Second Senate Committee

[SB 712 \(Water Quality Improvements\)](#) by Senator Mayfield was heard for the second time during the Senate Appropriations Subcommittee on Agriculture, Environment and General Government. A strike-all amendment replaced the bill. Florida Department of Environmental Protection (FDEP) Secretary, Noah Valenstein, supported the legislation during committee. The legislation will serve as the Governor and DEP's "water package" legislation.

Below are some of the highlights of the legislation:

- Onsite Sewage Treatment and Disposal System (OSTDS) program transfer from Department of Health (DOH) to DEP
- Establishes requirements for adoption of wastewater treatment plans and/or OSTDS remediation plans as part of a BMAP if DEP determines that wastewater facilities or septic tanks are contributing at least 20% of the nutrient pollution, or if the DEP otherwise determines that remediation is necessary to achieve the TMDL
- Lines 1131-1156 address wastewater treatment plans
- Lines 1157-1184 address OSTDS remediation plans
- Wastewater grant program established (subject to appropriation) – projects to convert septic systems to sewer are prioritized; 50% local match required, but can be waived by the department for projects located within rural areas of opportunity
- Grants authority to DEP to proactively address issues contributing to sanitary sewer overflows

The strike-all amendment made several clarifications to the bill including specifying that local governments are not responsible for private wastewater facility compliance within BMAPs as well as made some technical changes.

Martin County Commissioner and FAC Water Policy Committee Vice Chair, Doug Smith, supported the legislation in committee. The bill passed unanimously. A companion legislation, [HB 1343 \(Water Quality Improvements\)](#) by Representatives Payne, has not been heard this session and differs significantly from the SB 712.

FAC Contact:

For additional information, please contact Jeff Scala at jscala@fl-counties.com.

News Articles On Water Quality

[New water pollution rules advance in Florida Senate](#)

The Florida Times-Union
jacksonville.com



Finance, **Tax**, & Administration

Sunscreen Preemption Clears Second House Committee

[HB 113 \(Florida Drug and Cosmetic Act\)](#) by Representative Roach was heard for a second time during the House Local, Federal & Veterans Affairs Subcommittee. The bill preempts to the state the regulation of over-the-counter proprietary drugs and cosmetics. Specifically, the bill prohibits local ordinances banning the sale of certain sunscreen products deemed harmful to marine habitats/coral reefs. The bill narrowly passed 9 - 6 (Antone, Eskamani, Jenne, Jones, Killebrew, Silvers).

Its companion, [SB 172 \(Florida Drug and Cosmetic Act\)](#) by Senator Bradley, was heard on Senate Special Order. The bill will be voting on next week on Third Reading.

Rural Broadband Access Legislation Clears First House Committee

[HB 969 \(Rural Broadband Access\)](#) by Representative Drake was heard for the first time during the House Energy & Utilities Subcommittee. The bill designates DEO as the lead state entity to facilitate the expansion of broadband and establishes the Florida Office of Broadband within the Division of Community Development. The bill encourages expansion of broadband services in underserved areas.

FAC supports enhancing programs to increase funding for rural infrastructure, job growth, and workforce development policies and efforts to reduce the digital divide and expand internet access to underserved areas through industry partnerships and collaboration with local stakeholders. The bill passed unanimously. A companion legislation, [SB 1166 \(Broadband Internet Service\)](#) by Senator Albritton, has not been heard this session.

Qualified Target Industry Tax Refund Bill Clears First Senate Committee

[SB 922 \(Economic Development\)](#) by Senator Gruters was heard for the first time during the Senate Commerce & Tourism Committee. The bill provides for a qualified targeted industry business program in counties impacted by Hurricane Michael. Businesses that relocate to impacted counties will be eligible to receive a tax refund payment up to \$10,000 multiplied by the number of jobs specified in agreement. FAC adopted a support statement for the re-authorization of the Qualified Targeted Industries Tax Refund, which is scheduled to sunset in June 2020, for another 10 years. The bill passed unanimously. A companion legislation, [HB 779 \(Economic Development\)](#) by Representative Roach, has not been heard this session.

Sovereign Immunity Legislation Passes First Senate Committee

[SB 1302 \(Sovereign Immunity\)](#) by Senator Flores was heard for the first time during the Senate Judiciary Committee. The bill also increases the statutory limits on liability for tort claims against the state and its subdivisions to \$500,000 and sets adjustments for limitations of liability to the Consumer Price Index annually. The state is liable to pay claims without further action of the Legislature. The bill passed unanimously. There is no companion bill at this time.

Two Bills Deregulating Professions Clear Committees

Two bills deregulating certain professions were heard in both chambers. The bills deregulate various professions and change the licensing standards for building officials as well as allowing for reciprocity with other states for certain construction licenses. Additionally, the bill increases the value of the work that needs to have a permit from \$1000 to \$2500, changes the makeup of the Florida Building Commission, and allows county code official to be one of the three local code enforcement officials on the Commission.

[HB 1193 \(Deregulation of Professions and Occupations\)](#) by Representative Ingoglia was heard for the first time during the House Business & Professions Subcommittee. The bill passed 12 - 3 (Alexander, Casello, Gottlieb).

[SB 474 \(Deregulation of Professions and Occupations\)](#) by Senator Albritton was heard for the first time in Senate Innovation, Industry, & Technology Committee. The bill was amended to include a preemption on licensing food trucks. The bill passed unanimously.

Public Records Disaster Assistance Legislation Clears First House Committee

[SB 966 \(Public Records/Disaster Recovery Assistance\)](#) by Senator Gainer was heard for the first time during the Senate Infrastructure & Security Committee. The bill exempts from public records requirements records and information related to property photographs, financial documents, or financial information provided to local or state entities on behalf of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance. The public records exemption will protect sensitive information of people impacted by a disaster. FAC supports public records exemption for information obtained by a local government in the course of providing emergency management services. The bill passed unanimously. A companion legislation, [HB 1035 \(Pub. Rec./Records and Information Provided to Specified Entities for Disaster Recovery Assistance\)](#) by Representative Raschein, has not been heard this session.

Marketable Record Title Act (MRTA) Bill Clears First House Committee

[HB 733 \(Marketable Record Title Act\)](#) by Representative David Smith was heard for the first time during the House Civil Justice Subcommittee. The bill amends s. 712.04, F.S., to include covenants or restrictions based on a zoning requirement or development permit among the types of interests extinguished by MRTA. The bill may affect older deed restrictions that depend on a zoning requirement or development permit. The bill provides that s. 712.04, F.S., may not be construed to alter or invalidate a zoning ordinance, land development regulation, building code, or other law or regulation to the extent it operates independently of matters recorded in the official records. The bill passed unanimously. A companion legislation, [SB 802 \(Marketable Record Title Act\)](#) by Senator Perry, has one more committee stop, Senate Rules.

Property Tax Exemption for Surviving Spouses of Disabled Veterans Passes First House Committee

[SB 1074](#), [SB 1076](#), [SB 1078](#) (Surviving Spouse Ad Valorem Tax Reduction) by Senator Wright was heard for the first time during the Senate Military, & Veterans Affairs, & Space Committee. The bill proposes a constitutional amendment to allow the transfer of a homestead exemption to the surviving spouse of a disabled veteran upon death as long as the spouse does not remarry. The current discount to ad valorem taxes the percentage equal to the percentage of the veteran's disability. The Revenue Estimating Conference estimated the potential fiscal impact on non-school property tax revenues to be \$600,000 in FY 2021-22 with a recurring negative impact of \$2.4 million. The bill

passed unanimously. A companion legislation, [HB 877](#) and [HB 879](#) (Surviving Spouse Ad Valorem Tax Reduction) by Representative Killebrew, has two more committee stops.

Continuing Contracts Legislation Continues to Move in Both Chambers

Two bills relating to maximum limits for continuing contracts covered by the CCNA were heard in committee. While both bills revise the maximum dollar amount for continuing contracts for construction projects and revise the maximum dollar amount for study activity, the two chambers differ in the specific amounts awarded. This can be expected to be negotiated as the bills move forward.

[SB 506 \(Public Procurement of Services\)](#) by Senator Perry was heard for the second time during the Senate Appropriations Subcommittee on Agriculture, Environment and General Government. Senate language revises the maximum dollar amount for continuing contracts for construction projects from \$2 million to \$5 million, while study activity is raised from \$200,000 to \$500,000.

[HB 441 \(Public Procurement of Services\)](#) by Representative DiCeglie was heard for the third time in the House State Affairs Committee. The House bill was amended to revise the maximum dollar amount for continuing contracts for construction projects from \$2 million to \$4 million, while study activity is raised from \$200,000 to \$500,000.

Both bills passed unanimously and have one more committee stop respectively.

Retainage Legislation Approved on House Floor

[HB 101 \(Public Construction\)](#) by Representative Andrade was heard on the House Floor during Special Order and rolled to Third Reading. The bill reduces the cap amount of payment retainage by local government entities for construction contracts from 10% to 5%. The bill also removes any provisions relating to the lowering of retainage to 5% at 50% completion as the cap has already been lowered from the start of the contract. The bill passed 118 - 1 (Brown). A companion bill, [SB 246 \(Public Construction\)](#) by Senator Hooper, has one more committee stop, Senate Appropriations.

Local Government Recycling Contract Legislation Approved on House Floor

[HB 73 \(Environmental Regulation\)](#) by Representative Overdorf was heard on the House Floor during Special Order and rolled to Third Reading. The bill requires counties and cities to address the contamination of recyclable material in contracts entered into for the collection, transport and processing of residential recycling materials. The bills apply to contracts executed or renewed after 10/1/2020. The bill passed 119 - 0. A companion bill, [SB 326 \(Environmental Regulation\)](#) by Senator Perry, has one more committee stop, Senate Rules.

Modifications to the Regional Rural Development Grant Ready for Senate Floor

[SB 426 \(Regional Rural Development Grants Program\)](#) by Senator Montford was heard during the Senate Appropriations Committee. The bill modifies the grant program to reduce matching requirements, increases the maximum grant to Rural Areas of Opportunities (RAOs) from \$150,000 to \$250,000, and allows grant funds to build the professional capacity of Opportunity Florida, Florida's Heartland Economic Region of Opportunity, and North Florida Economic Development Partnership. FAC adopted a support statement at the Legislative Conference in support of this legislation. FAC offered support for the legislation during committee. The bill was amended to include the Rural Infrastructure Fund. The bill passed unanimously. A companion bill, [HB 1139 \(Regional Rural Development Grants\)](#) by Representative Clemons, has not been heard this session.

Contingency Fees Legislation Heard as House Committee Bill

[JDC2 \(Contingency Fees\)](#) by Representative Gregory was heard as a committee bill during the House Judiciary Committee. The bill limits contingency fee contracts entered into by a local government in a similar manner as s. 16.0155, F.S., limits Department of Legal Affairs (DLA). The committee bill prohibits an aggregate contingency fee in excess of:

- Twenty-five percent of any recovery up to \$10 million; plus
- Twenty percent of any portion of recovery between \$10 million and \$15 million; plus
- Fifteen percent of any portion of recovery between \$15 million and \$20 million; plus
- Ten percent of any portion of recovery between \$20 million and \$25 million; plus
- Five percent of any portion of recovery exceeding \$25 million.

FAC Legislative Counsel, Laura Youmans, expressed concern that the fee cap would prevent local governments from being represented by the best qualified law firms. The bill was related to a previous day's workshop in House Civil Justice Subcommittee where President Elect McKinlay offered

testimony to the significant public cost of the opioid epidemic and in support of maintaining local government ability to pursue compensation through litigation. The bill passed 9 - 8 (Alexander, Diamond, Driskell, Fitzenhagen, Geller, Gottlieb, Killebrew, Mercado). Currently, there is no companion legislation.

What else happened this week relating to Finance & Tax?

There were many bills heard relating to finance and tax this week. Some included local government accountability, homestead clarification, Space Florida financing, and the Constitutional Revision Commission. To view updates about these bills and other relevant legislation, please visit the [Finance & Tax](#) subsection on the [Policy Action Center](#).

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

News Articles On Preemption

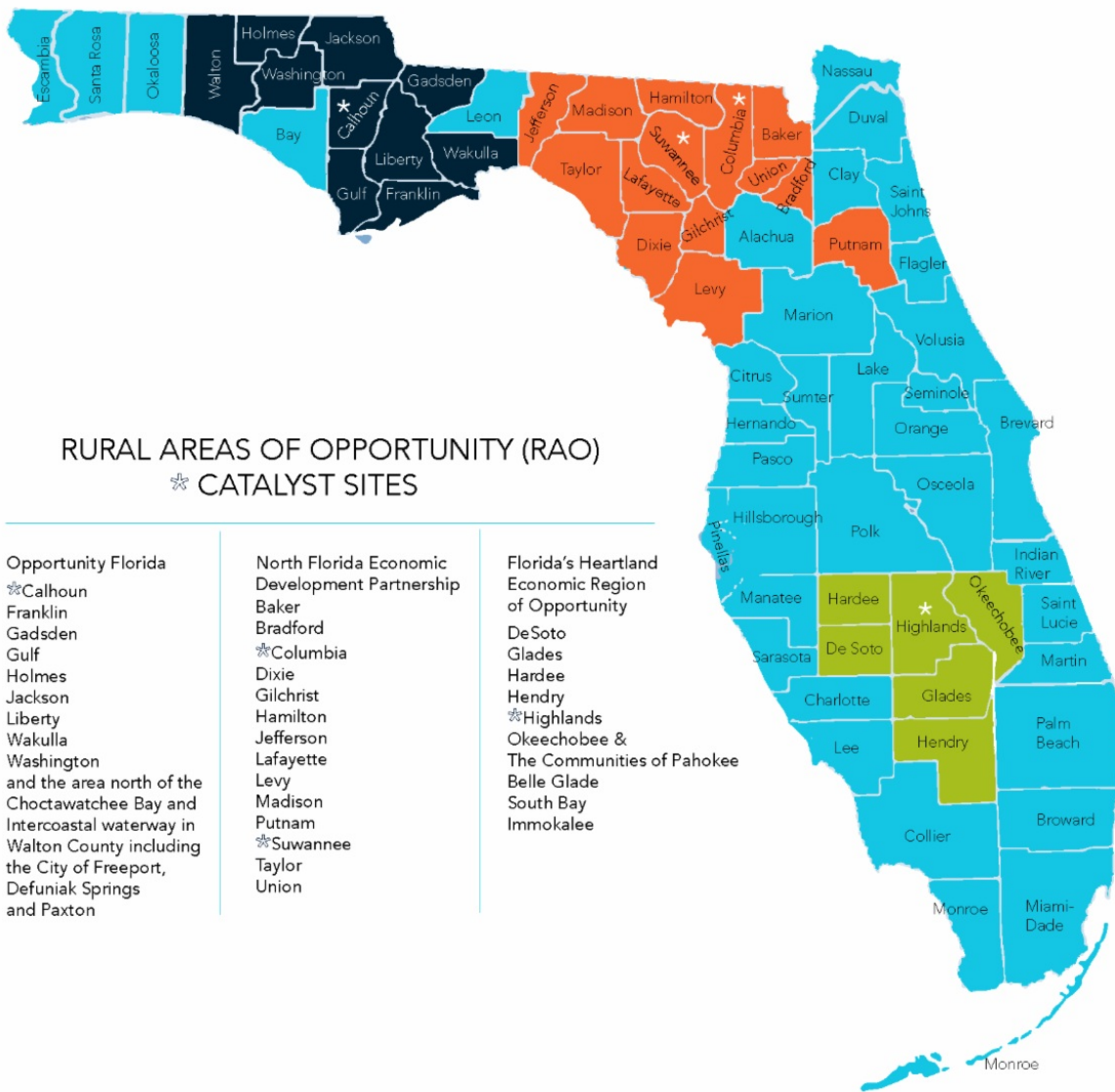
[As Senate Moves Forward With Sunscreen Preemption, Counties Ask State Lawmakers To Honor Home Rule](#)



FAC Data Point

Rural Areas of Opportunity

Rural Areas of Opportunity (RAO) are defined as rural communities, or a region composed of rural communities, that have been adversely affected by extraordinary economic events or natural disasters. The Governor by executive order may designate up to three RAOs, which establishes each region as a priority assignment for Rural and Economic Development Initiative (REDI) agencies and allows the Governor to waive criteria of any economic development incentive.



The following counties and communities are designated as Rural Areas of Opportunity.

[Northwest Rural Areas of Opportunity](#) – re-designated by [Executive Order 15-133](#)

- All communities within Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, Washington, and the City of Freeport in Walton County

[South Central Rural Areas of Opportunity](#) – re-designated by [Executive Order 11-81](#)

- All communities within, DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties, and the Cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County)

[North Central Rural Areas of Opportunity](#) – re-designated by [Executive Order 13-151](#)

- All communities within, Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor and Union.

For more information on Rural Areas of Opportunity and related legislation, please [click here](#).

FAC Contact:

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