



LEGISLATIVE BULLETIN

February 7, 2020

Moving Forward in Week 4 with Momentum from FAC Legislative Day

We are almost halfway through session! As the weeks continue, please remain engaged with the Association. Now more than ever we'll need you to utilize your relationships with your delegation, come to Tallahassee to testify when you can, and continue to coordinate with FAC. All are crucial tools in advancing home rule and our legislative priorities.

In addition, Monroe County and Miami-Dade County hosted their "County Days" this week. As a representation of their communities, Monroe County treated everyone to some key lime pie and stone crabs while Miami-Dade cooked a huge paella.



Miami-Dade County commissioners and staff serving up some paella at the Capitol

Updates From Conference Call With White House on Coronavirus

FAC participated in a conference call with the White House on Monday, February 3 to update state and local officials on the Coronavirus. For more information on the background and some strategy implementation, please [click here](#).



Community, **Health** & Safety

Bill Allowing Smoking Ban in Public Parks Passes Second Committee

[SB 630 \(Regulation of Smoking\)](#) by Senator Mayfield was heard for the second time in the Senate Innovation, Industry, & Technology Committee. The bill would allow local governments to further restrict smoking in publicly owned parks. FAC waived in support. The bill passed 7 - 2 (Brandes, Gibson). A comparable bill, [HB 457 \(Smoking\)](#) by Representative LaMarca, has not been heard.

Firearms in Public Meetings Clears Second and Third House Committees

[HB 183 \(Prohibited Places for Weapons and Firearms\)](#) by Representative Ponder was heard for the second time during the House Local, Federal, & Veterans' Affairs Subcommittee and the third time in the House Judiciary Committee. The bill would allow elected county commissioners, city council members, and school board members to carry a concealed weapon during meetings of their body so long as the

meeting takes place in a location that does not otherwise prohibit the carrying of firearms. Courthouses and elementary schools would be included in this exemption. The bill passed 10 - 1 (Eskamani) in Local, Federal, & Veterans Affairs, and passed 11 - 4 (Alexander, Driskell, Geller, Gottlieb) in the House Judiciary Committee. A companion legislation, [SB 1524 \(Prohibited Places for Weapons and Firearms\)](#) by Senator Gainer, has not been heard this session.

Bill to Protect Sadowski Trust Funds Passes First Senate Committee

[SB 306 \(State Funds\)](#) by Senator Mayfield was heard for the first time in the Senate Infrastructure & Security Committee. The bill would prohibit further sweeping of funds from the State and Local Government Housing Trust Funds, colloquially known as the Sadowski Affordable Housing Funds. FAC waived in support. The bill passed unanimously, and its companion, [HB 381 \(State Funds\)](#) by Representatives Silvers, has not been heard.

Homelessness Continuums-of-Care Passes Second House Committee

[HB 163 \(Homelessness\)](#) by Representative Altman was heard for the second time in the House Health Care Appropriations Subcommittee. The bill rewrites the existing homelessness statute to be more in lines with federal statutes in order to expedite funding matches.

It also establishes a grant-in-aid program to help continuum programs battle homelessness. In addition, it specifies that certain entities, when partnering with local agencies, are required to provide 25% of match funding to receive financial assistance. It also creates a dedicated source of revenue for homelessness challenge grants from the Sadowski State and Local Housing Trust Funds. The bill would also add additional appointees would be made to the Council on Homelessness of which the Florida Association of Counties is already a member.

FAC waived in support. The bill passed unanimously while its companion, [SB 68 \(Homelessness\)](#) by Senator Book, is in its second committee of reference.

Pet Emergency Shelter Bill Passes First House Committee

[HB 705 \(Emergency Sheltering of Persons with Pets\)](#) by Representative Killebrew was heard for the first time by the Oversight, Transparency, & Public Management Subcommittee. The legislation would require counties to provide at least one emergency shelter capable of handling pets during a disaster that is in accordance with FEMA guidelines. FAC waived in support. The bill passed unanimously. The bill's companion, [SB 752 \(Emergency Sheltering of Persons with Pets\)](#) by Senator Bean, is in its second committee.

Trial Court Facilities Security Ready for House Floor

[HB 131 \(Security in Trial Court Facilities\)](#) by Representative McClain was heard for the third time in the House Judiciary Committee. 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, [SB 118 \(Security in Trail Court Facilities\)](#) by Senator Gruters, is in its third committee of reference.

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

Bills dealing with the drug repository program, dispatcher CPR training, contraband in specified facilities, and e-bikes were also heard this week. To view updates about these bills and other 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.



Growth, **Agriculture**,
Transportation, **& Environment**

Environmental Funding Legislation Clears First Senate Committee

[SB 1878 \(Environmental Protection\)](#) by Senator Bradley was heard for the first time during the Senate Environment and Natural Resources Committee. The bill codifies specific environmental spending

priorities for annual appropriations to include \$625 million for the purposes of Everglades restoration and the protection of water resources in the state. The appropriation would be repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the Legislature. The bill passed unanimously. Currently, there is no House companion legislation.

Impact Fees Review Committee Bill Passes Second House Committee

[HB 637 \(Impact Fees\)](#) by Representative DiCeglie was heard for the second time in the House Ways & Means Committee. The bill allows impact fee credits to be transferable to any parcel within the fee jurisdiction, and establishes an impact fee review committee which would include retaining an impact fee consultant. Furthermore, it caps impact fees on student stations, and defines infrastructure to match with current statute for application to impact fees. Finally, impact fees must be calculated with data from the past 36 months and new or current impact fees may not be applied to current or pending applications before its effective date. The bill passed 12 - 2 (Eskamani, Mercado). The bill's companion, [SB 1066 \(Impact Fees\)](#) by Senator Gruters, has not been heard.

Vacation Rentals Heads to Final House Committee

[HB 1011 \(Vacation Rentals\)](#) by Representative Fischer was heard for the second time in the House Government Operations & Technology Appropriations 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. The bill was amended to appropriate funds for 19 additional positions with DBPR to handle new responsibilities. The bill passed 8 - 5 (Antone, Brown, Cortes, Grall, LaMarca). Its companion, [SB 1128 \(Vacation Rentals\)](#) is in its second committee.

Electric Vehicle Charging Stations Bill Passes Second House Committee

[HB 943 \(Electric Vehicle Charging Stations\)](#) by Representative Daley was heard for the second time in the House Appropriations Committee. The bill would require the Department of Transportation to develop a master plan for the future implementation of electric vehicle charging stations by July 1, 2021. The plan would consider placement, best forms of technology, and economic potential of the stations. The bill passed unanimously. Its companion, [SB 452 \(Electric Vehicle Charging Stations\)](#) by Senator Rodrigues (J) has not yet been heard.

Bert Harris Bill Moves Forward in Both Chambers

[HB 519 \(Private Property Rights Protection\)](#) / [SB 1766 \(Growth Management\)](#) by Representative Grant (J) and Senator Lee were heard for the third time in the House Commerce Committee and the first time in the Senate Judiciary Committee, respectively. Both bills would originally have allowed for all "similarly situated" properties to be treated the same under a Bert Harris disagreement, which was a major concern for counties. However, the Senate bill was amended to remove all provisions relating to "similarly-situated" properties. The Senate bill passed unanimously. The House bill passed 11 - 5 (Alexander, Diamond, Driskell, Gottlieb, Mercado).

Resiliency Legislation Ready for Senate Floor

[SB 7016 \(Office of Resiliency\)](#) by Senator Lee was heard for the third time during the Senate Appropriations Committee. 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, [HB 1073 \(Statewide Office of Resiliency\)](#) by Representative Stevenson, has one more committee stop, House State Affairs.

What else happened this week relating to the GATE committee?

Other bills dealing with environmental and transportation issues included bills regarding Everglades

protection, electric vehicles, peer-to-peer car sharing, and the Office of Energy. To view updates about these bill and other 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.



Water Quality & Supply

Reclaimed Water Legislation Clears First Committee in Both Chambers

Two bills related to reclaimed water and ending surface water discharges were heard in both chambers. The bills implement the recommendations set forth in the Potable Reuse Commission's 2020 report. The bills prohibit domestic wastewater treatment facilities from disposing of effluent, reclaimed water, or reuse water by surface water discharge beginning 1/1/26. However, the bills do provide for certain exemptions to this prohibition. The cost of compliance of the elimination of surface water discharge is estimated to be \$28 billion. Several concerns were raised regarding the timeline of accomplishing these goals as well as expanding exemptions to those that are science-based.

[HB 715 \(Reclaimed Water\)](#) by Representative Maggard was heard for the first time during the House Agriculture & Natural Resources Subcommittee. The bill passed unanimously.

[SB 1656 \(Reclaimed Water\)](#) by Senator Albritton was heard for the first time during the Senate Innovation, Industry, & Technology Committee. The bill passed 8 -1 with Senator Farmer dissenting.

What else happened this week relating to the Water committee?

Other bills dealing with environmental and transportation issues included bills regarding basin management action plans and environmental regulation enforcement. To view updates about these bill and other relevant legislation, please visit the [Water](#) subsection on the [Policy Action Center](#).

FAC Contact:

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



Finance, Tax, & Administration

CST Rate Cut Clears First Senate Committee

[SB 1174 \(Communications Services Tax\)](#) by Senator Hutson was heard for the first time during the Senate Innovation, Industry, & Technology Committee. The bill repeals home-rule authority for establishing local rates for the Communications Services Tax and sets standardized rates for charter (4%) and non-charter (2%) counties by 1/1/2022. The bill removes all other fees/taxes associated with CST and repeals CST conversion rates for local governments. REC estimates the financial impact to local governments to be a reduction of \$189.5 million on a recurring basis. Several counties, FAC, and the Small County Coalition opposed the bill. The bill passed unanimously. A companion legislation, [HB 701 \(Communications Services Tax\)](#) by Representative Fischer has not been heard this session.

Rural Broadband Access Legislation Clears Second House Committee

[HB 969 \(Rural Broadband Access\)](#) by Representative Drake was heard for the second time during the House Transportation & Tourism Appropriations 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 defined as an area where there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 10 megabits per second downstream and at least 1 megabit per second upstream. The bill was amended to include up to \$5 million annually for projects that assist in the development of broadband infrastructure

within or adjacent to a multiuse corridor including priority to projects located in a RAO.

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 two more committee stops.

Sovereign Immunity Legislation Passes Second Senate Committee

[SB 1302 \(Sovereign Immunity\)](#) by Senator Flores was heard for the second time during the Senate Community Affairs Committee. The bill 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. These new limits will apply to lawsuits that have not been adjudicated before the effective date of the bill. The bill further allows government entities to settle claims in any amount without the approval of a claim bill by the Legislature. The bill passed 4 - 1 with Senator Broxson dissenting. Currently, there is no House companion legislation.

Local Licensing Portability Clears First House Committee

[HB 1161 \(Local Licensing\)](#) by Representative Plakon was heard for the first time during the House Business and Professions Subcommittee. The bill provides for portability of active local licenses for certain construction contractors. Individuals who hold valid, active local licenses may work within the scope of such license in any local government jurisdiction in addition to the original licensing jurisdiction without having to obtain an additional local license, take an additional local license examination, or pay an additional local license fee. DBPR will maintain an online local licensing information system and local governments must provide information to DBPR to maintain information system monthly or link to their respective website. At this time, the bill does not provide for an appropriation for DBPR to administer the program. FAC offered support for the legislation. The bill passed 10 - 3 (Alexander, Casello, Gottlieb). A companion legislation, [SB 890 \(Local Licensing\)](#) by Senator Perry, has two more committee stops.

Public Records Disaster Assistance Legislation Clears First House Committee

[HB 1035 \(Pub. Rec./Records and Information Provided to Specified Entities for Disaster Recovery Assistance\)](#) by Representative Raschein was heard for the first time during the House Oversight, Transparency & Public Management Subcommittee. The bill exempts and keeps confidential 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 adopted and 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, [SB 966 \(Public Records/Disaster Recovery Assistance\)](#) by Senator Gainer, has two more committee stops.

Regional Rural Development Grants Bill Clears First House Committee

[HB 113 \(Regional Rural Development Grants\)](#) by Representative Clemons was heard for the first time during the House Workforce Development & Tourism Subcommittee. The bill modifies the grant program to reduce matching requirements, increases the maximum grant to 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 statement at the Legislative Conference in support of this legislation.

FAC, Palm Beach County, Small County Coalition, Florida Chamber of Commerce, DEO, Florida Farm Bureau, AIF, North Florida Economic Development Partnership, Jackson County Chamber of Commerce, Florida Rural Economic Development Association, Florida Economic Development Council, Opportunity Florida, and Florida's Great Northwest offered support for the legislation.

The bill passed 12 - 1 with Representative Sabatini. A companion legislation, [SB 426 \(Regional Rural Development Grants\)](#) by Senator Montford, is ready for consideration on the Senate floor.

Contingency Fees Legislation Stalls in House Committee

[HB 7043 \(Contingency Fees\)](#) by Representative Gregory was temporarily postponed during the House Oversight, Transparency, & Public Management Subcommittee.

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 portion of 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.

In the previous committee, FAC Legislative Counsel, Laura Youmans, expressed concern that the fee cap would prevent local governments from being represented by the best qualified law firms. A companion legislation, [SB 1574 \(Contingency Fees\)](#) by Senator Baxley, has not been heard this session.

Bill to Keep Visit Florida Passes Second Senate Committee

[SB 362 \(Florida Tourism Marketing\)](#) by Senator Hooper was heard for the third time during Senate Appropriations Committee. The bill saves from repeal the Florida Tourism Industry Marketing Corporation, Visit Florida. FAC along with a coalition of tourism and business groups support the bill. The bill passed unanimously. A companion legislation, [HB 213 \(Florida Tourism Marketing\)](#) by Representative Ponder, has not been heard this session.

Citizen Initiative Revision Legislation Ready for House Floor

[HB 7037 \(Constitutional Amendments Proposed by Initiative\)](#) by Representative Grant was heard for the third time during the House State Affairs Committee. The bill makes several changes to the citizen initiative process including: increasing the number of statewide electors to 50 percent (previously 10 percent) and the share of petitions that must be gathered and submitted; requiring the ballot to contain additional information regarding the initiative sponsor; requiring a copy of the proposal in each voting booth; requiring a political committee sponsoring a proposal to disclose the percentage of in-state contributions amongst other provisions. The bill passed 15 - 7 (DuBose, Hart, Hattersley, Newton, Polsky, Slosberg, C. Watson). A companion legislation, [SB 1794 \(Constitutional Amendments Proposed by Initiative\)](#) by Senator Hutson, has two more committee stops.

Fiduciary Duty Legislation Clears First House Committee

[HB 1113 \(Fiduciary Duty of Care for Appointed Public Officials and Executive Officers\)](#) by Representative Beltran was heard for the first time during the House Public Integrity & Ethics Committee. The bill establishes a fiduciary duty of care for each appointed public official and executive officer to the governmental entity he or she serves. Beginning 1/1/21, each appointed public official and executive officer of a governmental entity must complete a minimum of 5 hours of board governance training for each term served. The bill allows DBPR to contract for or approve a board governance training program that includes an affordable web-based electronic media option, publish a list of approved providers on its website. Furthermore, the bill prohibits government attorneys from representing both the government entity and individuals. Concerns were raised to the unintended consequences of the legislation being overly broad. The bill passed 9 - 6 (Davis, Goff-Marcil, Good, Pritchett, Valdés, Williams). A companion legislation, [SB 1270 \(Fiduciary Duty of Care for Appointed Public Officials and Executive Officers\)](#) by Senator Lee, has not been heard this session.

What else happened this week relating to Finance & Tax?

There were many bills heard relating to finance and tax this week. Some topics included the deregulation of professions, preemption of local licensing, local government public construction and retainage, and home-based businesses. To view updates about these bills and other relevant legislation, please visit the [Finance & Tax](#) subsection on the [Policy Action Center](#).

FAC Contact:

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



FAC **Data Point**

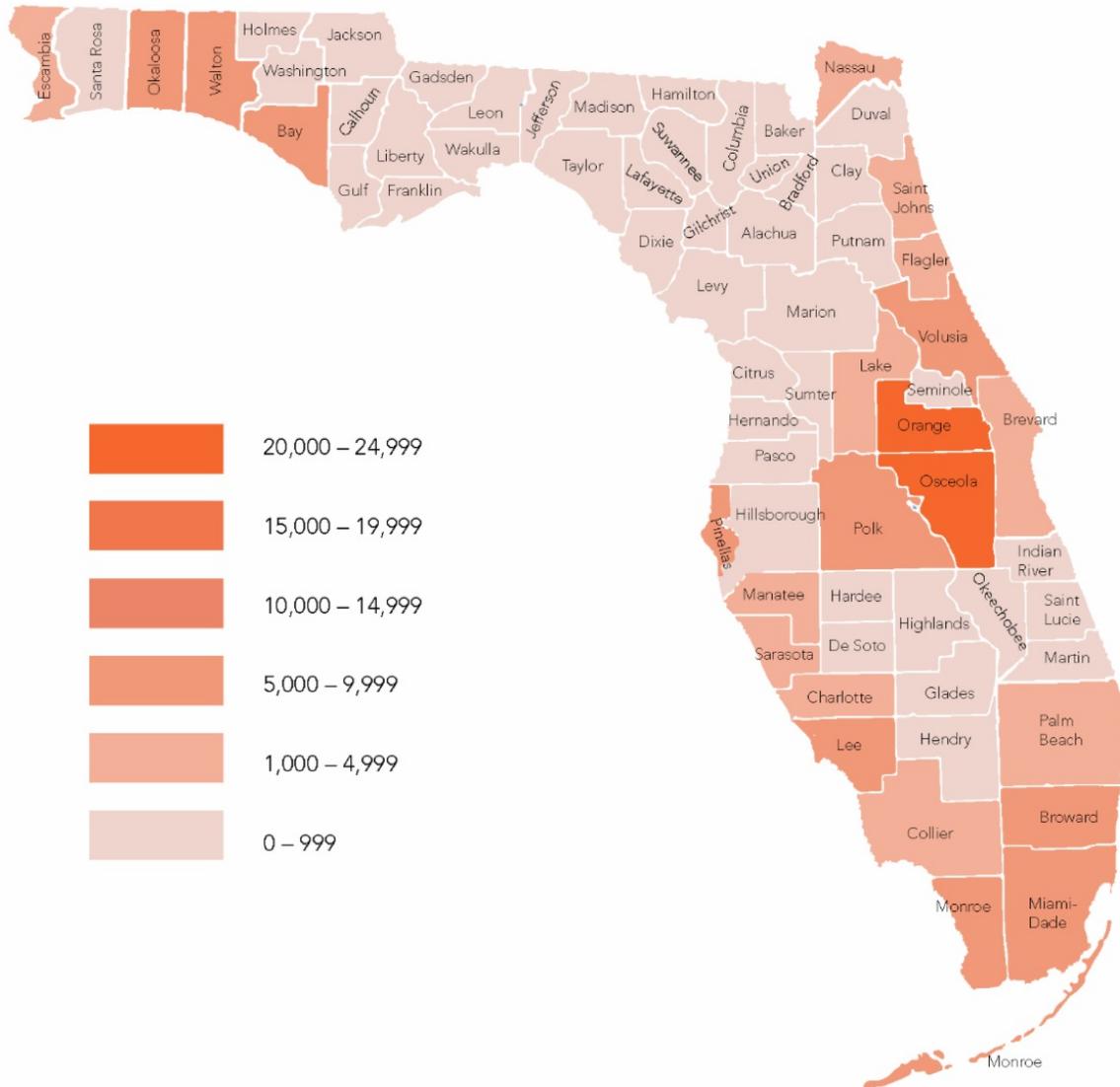
Vacation Rentals

The Florida Department of Business & Professional Regulation reported that 146,691 short-term rental units were registered in the state of Florida as of December 2019. Better known as vacation rentals, short-term rentals may vary from traditional single-family residences or condominiums to entire beach

houses and villas.

Only 13 of the state's 67 counties reported having no vacation rentals while 24 counties reported over 1,000 units. Orange and Osceola counties outpaced other counties at 22,738 units and 20,429 units, respectively; Miami-Dade and Broward Counties followed at roughly 9,000 units each. Rounding out the top ten in units by descending order were Bay, Lee, Walton, Volusia, Okaloosa, and Polk Counties.

[SB 1128 \(Vacation Rentals\)](#) by Senator Manny Diaz and [HB 1011 \(Vacation Rentals\)](#) by Representative Jason Fischer include a statewide preemption of most local vacation rental ordinances. Included in the preemption is the regulation of all licensing and inspections of vacation rentals to the Department of Business & Professional Regulation. However, ordinances created prior to the legislation of 2011 would still retain their grandfather status. The bills also preempt to the state the regulation of online vacation rental advertising platforms such as Airbnb and other similar companies.



FAC Contact:

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