



# LEGISLATIVE BULLETIN

February 1, 2020

## FAC Legislative Day was a Huge Success

Nearly 200 county commissioners and staff took to the Capitol County on Wednesday! Thanks to the attendees, Florida's lawmakers are even more aware of the counties' priorities, and how preemption measures restrict counties' ability to respond to issues in their community.

In addition, we had an outstanding line-up of speakers during the Legislative Briefing! Attendees not only heard from Governor Ron DeSantis and the Commissioner of Agriculture, Nikki Fried, but a several of Florida's top agency heads also spoke at the event.



*FDOT Secretary, Kevin J. Thibault, with Commissioners Karson Turner and Ken Doherty*



Governor Ron DeSantis spoke about the increased headway the state is making on water quality while Agriculture Commissioner, Nikki Fried, spoke to attendees about her legislative priorities this session.



*Commissioner Brian Hamman with members of Lee County staff and Senator Lizbeth Benacquisto*

Not only did commissioners and county staff have the ability to interact with and ask questions to the state agency leaders who spoke at the Legislative Briefings, but counties also took this opportunity to meet with members of the Florida Senate and the Florida House of Representatives to discuss their local and FAC legislative priorities while in town for FAC Legislative Day.

Thank you to everyone that came who made this event a huge success!



# ACTION ALERT

## ***Communications Services Tax Bill to be heard in First Senate Committee***

[SB 1174 \(Communications Services Tax\)](#) by Sen. Hutson is scheduled to be heard in its first committee, the Senate Innovation, Industry, and Technology Committee, on **Monday, February 3 at 1:30 p.m.**

SB 1174 repeals county home rule authority for establishing local rates for the Communications Services Tax and instead sets standardized rates for charter (4%) and non-charter (2%) counties by 1/1/2022. According to the Office of Economic and Demographic Research, if passed, it is estimated the total cost to local governments to be \$189.2 million recurring, of which \$104.2 million would directly impact counties.

Please [click here](#) for a county by county cost analysis of the impacts.

While FAC has supported revenue-neutral modernization of this tax for several years, this bill would significantly cut local revenues without any plan to recoup the lost dollars. In addition, the bill:

- Eliminates local option taxes on communications services that may have been approved by local voters for specific purposes, some of this revenue may even serve as a pledge for existing bonds;
- Has a negligible benefit for individual taxpayers; instead providing communications providers cover to continue to raise rates over time; and
- Streamlines the collection process by creating uniform rates but does not reduce the collection allowance afforded to communications services providers for administrative expenses related to collecting the tax.

Contact the [committee members](#) and tell them to VOTE NO on this legislation! Let them know your local impact!



## Community, **Health** & Safety

### ***Legislation for Transportation Disadvantaged Services Moves in Both Chambers***

[SB 76 / HB 551](#) (Transportation Disadvantaged) by Senator Book and Representative Jenne were heard for the first time in the Senate Infrastructure & Security Committee and the for the second time in the House State Affairs Committee, respectively. The bills require community transportation coordinators to provide transportation to disadvantaged individuals across county lines to improve their access to employment, education, healthcare, and other life sustaining services. Both bills passed unanimously.

### ***Pet Friendly Emergency Shelters Bill Passes First Committee***

[SB 752 \(Emergency Sheltering of Persons with Pets\)](#) by Senator Bean was heard for the first time in the Senate Infrastructure & Security Committee. The bill would require counties to have at least one pet-friendly emergency shelter. The Department of Education would be required to assist the Department of Agriculture & Consumer Services and local governments with their plans. The bill presents a potential unfunded mandate on local governments. The bill passed unanimously while its companion, [HB 705 \(Emergency Sheltering of Persons with Pets\)](#) by Representative Killebrew has not been heard.

### ***Trial Court Facilities Security Ready for Final House Committee***

[HB 131 \(Security in Trial Court Facilities\)](#) by Representative McClain was heard for the second time in the House Justice Appropriations Subcommittee. 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. Its companion, [SB 118 \(Security in Trial Court Facilities\)](#) by Senator Gruters, is in its third committee of reference.

## ***New Emergency Staging Areas Passes Second Committee***

[SB 7020 \(Emergency Staging Areas\)](#) by the Infrastructure & Security Committee was heard for the second time in the Transportation, Tourism, and Economic Development Appropriations Subcommittee. The bill allows the Department of Transportation to establish emergency staging areas for supplies and evacuations during declared emergencies on the turnpike system. Preference is given to counties on the new M-CORES routes with populations of less than 200,000. The bill passed unanimously, and currently has no House companion.

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

Bills dealing with concealed carry, patient brokering, emergency reporting, and the prescription drug donation program 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](#).

# A LOOK AHEAD

## **UP NEXT WEEK:**

[SB 306 \(State Funds\)](#) by Senator Debbie Mayfield would prohibit further sweeping of funds from the State and Local Government Housing Trust Funds, colloquially known as the Sadowski Affordable Housing Funds. SB 306 is on the agenda for the Senate Infrastructure & Security Committee on **Monday, February 3, at 4 p.m.**

[SB 1014 \(Public Safety Telecommunicator Training\)](#) by Senator Rouson would require 911 dispatchers to be trained in providing CPR instructions over the phone. SB 1014 is on the agenda for the Senate Health Policy Committee on **Tuesday, February 4, at 9 a.m.**

## **FAC Contact:**

For additional information, please contact Tonnette Graham at [tgraham@flcounties.com](mailto:tgraham@flcounties.com).



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

## ***Environmental Enforcement Bill Clears First Senate Committee***

[SB 1450 \(Environmental Enforcement\)](#) by Senator Gruters was heard for the first time during the Senate Environment and Natural Resources Committee. The bill increases fines against any discharge of raw sewage and various environmental violations into waterways by 50 percent. The bill passed unanimously. A companion legislation, [HB 1091 \(Environmental Enforcement\)](#) by Representative Fine, has not been heard this session.

## ***Bert Harris Act Update Passes Second House Committee***

[HB 519 \(Private Property Rights Protection\)](#) by Representative Grant (J) was heard for the second time in the House Commerce Committee. Bringing significant changes to the Bert Harris Act, the bill allows for all similarly situated properties to be automatically considered the same in the eyes of the Act if one of said properties is successful in a Bert Harris claim against a local government. Concerns have been raised that local governments will be disincentivized to settle claims and will instead prefer to litigate every claim given that the "similarly situated" language could have large unintended consequences. The bill passed 13 - 8 (Ausley, Casello, Fernandez, Jacquet, Jenne, Silvers, Stark, Willhite). A comparable companion bill, [SB 1766 \(Growth Management\)](#) by Senator Lee, has not been heard.

## ***Private Property Building Design Preemption Moves Forward***

[HB 459 \(Building Design\)](#) by Representative Overdorf was heard for the second time in the House

Government Operations & Technology Appropriations Subcommittee. HB 459 would prohibit local governments from applying land development design provisions to single and two family dwellings unless the home is an historic property, the code helps implement the National Flood Insurance Program, or regulations are adopted in accordance with the procedures for adopting local amendments to the Florida Building Code. The legislation would also allow substantially affected persons to petition the Florida Building Commission for a non-binding advisory opinion on whether a local regulation is an amendment to the Code. The bill passed 9 - 2 (Antone, Brown). The bill's companion, [SB 954 \(Building Design\)](#) by Senator Perry, has not been heard.

### ***Recreational Vehicle Parks Bill Has First Hearing in Both Chambers***

[SB 772 / HB 647](#) (Recreational Vehicle Parks) by Senator Hutson and Representative Drake were heard in the Senate Community Affairs Committee and House Health Quality Subcommittee, respectively, for their first committee stops. The bills would preempt to the state all permitting of such parks, and would allow recreational vehicle parks to be rebuilt following a natural disaster according to the same regulations as when it was first built. The bills also allow for a presumption of transience if a guest stays less than six months, and expand enforcement authority for park owners to handle and eject unruly guests. Both bills passed unanimously.

### ***Public Construction Contract Changes Passes First House Committee***

[HB 279 \(Public Construction Works\)](#) by Representative Smith (D) was heard for the first time in the House Oversight, Transparency, & Public Management Subcommittee. When conducting bids for local government construction projects, the bill raises the minimum threshold for competitive bids in which a local government must hire an outside contractor. However, the bill also requires when calculating the estimated cost of the project to consider employee compensation and benefits, equipment costs and maintenance, insurance costs, and the cost of materials. The bill passed 11 - 3 (DuBose, Eskamani, Good) while its companion, [SB 504 \(Local Government Public Construction Works\)](#) by Senator Perry is in its final committee stop.

### ***Resiliency Legislation Continues to Move in Both Chambers***

[HB 1073 \(Statewide Office of Resiliency\)](#) by Representative Stevenson was heard for the second time during the House 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. Additionally, the 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 and now heads to its last committee stop, State Affairs Committee.

### ***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](mailto:epoole@fl-counties.com).



**Water** Quality & Supply

### ***House Water Package Clears First Committee***

[HB 1343 \(Water Quality Improvements\)](#) by Representative Payne was heard for the first time during the

House Agriculture & Natural Resources Subcommittee. The bill will serve as the House water legislative package for the current session. The bill addresses water quality issues resulting from onsite sewage treatment and disposal systems moving the program from DOH to DEP.

The bill addresses the water quality issues resulting from stormwater by:

- Requiring DEP staff training to include field inspections of stormwater structural controls;
- Requiring DEP and the water management districts to update the stormwater regulations using the most up to date science; and
- Requiring the model stormwater management program to contain model ordinances targeting nutrient reduction.

The bill addresses water quality issues resulting from domestic wastewater facilities by requiring:

- Local governments to create wastewater treatment plans;
- Sanitary sewage facilities to take steps to prevent sanitary sewer overflows;
- DEP to establish real-time water quality monitoring; and
- Advanced wastewater treatment for domestic wastewater discharges to the Indian River Lagoon.

The bill creates a wastewater grant program, subject to appropriation, and requires DEP to provide grants for projects that will reduce excess nutrient pollution.

The bill passed unanimously. A companion legislation, [SB 712 \(Water Quality Improvements\)](#) by Senator Mayfield has one remaining committee stop, Senate Appropriations. The two bills have substantial substantive differences.

### ***BMAP Legislation Clears First House Committee***

[HB 1363 \(Basin Management Action Plans\)](#) by Representative Overdorf was heard for the first time during the House Agriculture & Natural Resources Subcommittee. The bill requires nonpoint source dischargers who discharge into a basin included in an adopted BMAP to comply with interim measures, best management practices (BMPs), other measures adopted by rule, or management measures adopted in a BMAP. The bill further requires Department of Environmental Protection (DEP), Department of Agriculture and Consumer Services (DACs), or the water management district (WMD), as appropriate, to verify by site visit the implementation of such requirements at least once every two years.

The bill requires DEP, DACs, and owners of agricultural operations in the basin to develop a cooperative agricultural regional water quality improvement element as part of a BMAP under certain circumstances. The bill further requires DEP, DOH, local governments, and WMDs to develop a cooperative urban, suburban, commercial, or institutional regional water quality improvement element as part of a BMAP under certain circumstances.

An amendment was adopted to require DEP, instead of the WMDs, to consider nutrient reduction projects recommended by UF/IFAS. The bill passed unanimously.

There is no direct companion legislation in the Senate, however, [SB 712 \(Water Quality Improvements\)](#) by Senator Mayfield and [SB 1382 \(Environmental Resource Management\)](#) by Senator Albritton contain similar provisions.

### ***Water & Wastewater Utilities Bill Passes First House Committee***

[HB 207 \(Acquisition of Water and Wastewater Systems\)](#) by Representative McClain was heard for the second time during the House Government Operations & Technology Appropriations Subcommittee. The bill establishes the procedure for water & wastewater utilities to establish rate base value to determine fair market value when acquiring a utility system. The bill specifies the application requirements for acquiring a utility and the duties of the Public Service Commission (PSC) in approving and denying an application. The bill only applies to utilities with more than 10,000 customers and are engaged in a voluntary and mutually agreeable acquisition. The bill passed unanimously. A companion legislation, [SB 658 \(Acquisition of Water and Wastewater Systems\)](#) by Senator Albritton has not been heard this session.

#### **FAC Contact:**

For additional information, please contact Jeff Scala at [jscala@fl-counties.com](mailto:jscala@fl-counties.com).



Finance, **Tax**, & Administration

### ***Local Licensing Portability Clears First Senate Committee***

[SB 890 \(Local Licensing\)](#) by Senator Perry was heard for the first time during the Senate Innovation, Industry, & Technology Committee. 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 raised concerns about the legislation during committee. The bill passed 6 - 3 (Braynon, Farmer, Gibson). A companion legislation, [HB 1161 \(Local Licensing\)](#) by Representative Plakon, has not been heard this session.

### ***House Fiscal Transparency Legislation Clears Second Committee***

[HB 1149 \(Local Government Fiscal Transparency\)](#) by Representative DiCeglie was heard for the second time during the House Ways and Means Committee. The bill promotes the fiscal transparency of local governments by requiring additional public noticing of proposed local government actions that increase taxes, enact new taxes, extend expiring taxes, or issue tax-supported debt and requiring voting records of local governing bodies related to such actions to be easily and readily accessible by the public. The bill requires debt affordability analysis prior to issuance of new bonds and requires the chair of the local governing body to sign an affidavit of compliance with the Act. FAC opposed the bill during committee. The bill passed 11 - 4 (Cortes, Eskamani, Hart, Mercado). A companion legislation, [SB 1702 \(Local Government Fiscal Transparency\)](#) by Senator Diaz, has not been heard this session.

### ***Tourist Development Tax Dollars for Film Legislation Passes First Senate Committee***

[SB 334 \(Tourist Development Tax\)](#) by Senator Stewart was heard for the first time during the Senate Community Affairs Committee. The bill authorizes counties imposing the Tourism Development Tax to allow the use of tax revenues to promote or incentivize film or television productions in this state. The bill requires such productions to include a specific statement in the production's credits to include "Created in Florida" or "Filmed in Florida". The bill passed unanimously. The bill does not have a House companion.

### ***Citizen Initiative Revision Legislation Clears Committees in Both Chambers***

Two bills revising the citizen initiative process were heard this week. The bills make several changes to the citizen initiative process including: increasing the number of statewide electors to 50 percent (previously 10 percent), increasing 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 as well as some other provisions.

[HB 7037 \(Constitutional Amendments Proposed by Initiative\)](#) by Representative Grant was heard for the second time during the House Appropriations Committee. The bill passed 20 - 10 (Diamond, Dubose, Duran, Geller, Jacobs, Jenne, McGhee, C. Smith, Stark, B. Watson) and has one more committee stop, House State Affairs.

[SB 1794 \(Constitutional Amendments Proposed by Initiative\)](#) by Senator Hutson was heard for the first time during the Senate Ethics and Elections Committee. The bill was amended to be nearly identical to its companion legislation. The bill passed 4 - 3 (Braynon, Powell, Rodriguez) and has two committee stops remaining.

### ***Employment Conditions Preemption Clears Second House Committee***

[HB 305 \(Preemption of Conditions of Employment\)](#) by Representative Rommel was heard for the second time during the House Local, Federal, & Veterans Affairs Subcommittee. The bill preempts to the state the right to regulate conditions of employment and renders void all existing ordinances, regulations, or policies of a political subdivision related to conditions of employment. The bill passed 10 - 5 (Antone, Eskamani, Jenne, Jones, Silvers). A companion legislation, [SB 1126 \(Employment Conditions\)](#) by Senator Gruters has not been heard this session.

### ***Rural Broadband Legislation Clears First Senate Committee***

[SB 1166 \(Broadband Internet Service\)](#) by Senator Albritton was heard for the first time during the Senate Commerce and Tourism Committee. 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 to encourage the expansion of broadband services in underserved areas. Senate language also authorizes up to \$5 million from the State Transportation Trust Fund to assist in the

development of broadband infrastructure within or adjacent to a multi-use corridor with priority given to rural areas of opportunity.

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 Small County Coalition waived in support of the bill.

The bill passed unanimously. A companion bill, [HB 969 \(Broadband Internet Service\)](#) by Representative Drake, has two more committee stops.

### ***Bill to Keep Visit Florida Passes Second Senate Committee***

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

### ***County Attorneys Records Exemption Ready for Senate Floor***

[SB 248 \(Public Records/County Attorneys and Assistant County Attorneys\)](#) by Senator Hooper was heard in its last committee stop, Senate Rules. The bill provides an exemption from public records requirements for the personal identifying and location information of current and former county attorneys and assistant county attorneys, including the names and personal identifying and location information of the spouses and children of such attorneys. FAC adopted a statement at the Legislative Conference in support of this legislation. The bill passed 12 - 3 (Bradley, Brandes, Rodriguez). A companion legislation, [HB 63 \(Pub. Rec./County Attorneys and Assistant County Attorneys\)](#) by Representative Maggard, has not been heard this session.

### ***Sunscreen Preemption Passes the Senate; House Companion Ready for the Floor***

Two bills preempting local government from banning sunscreen were heard in both chambers. The bills preempt to the state the regulation of over-the-counter proprietary drugs and cosmetics. Specifically, the bills prohibit local ordinances from banning the sale of certain sunscreen products deemed harmful to marine habitats/coral reefs.

[SB 172 \(Florida Drug and Cosmetic Act\)](#) by Senator Bradley was heard on Senate Third Reading. The bill passed 25 - 14.

[HB 113 \(Florida Drug and Cosmetic Act\)](#) by Representative Roach was heard for the third time during the House Health and Human Services Committee. The bill passed 10 - 6 (Brown, Cortes, Duran, Goff-Marcil, Jones, Slosberg).

### ***Preemption of Local Occupational Licensing Clears Second House Committee; Temporarily Postponed in Senate***

[HB 3 \(Preemption of Local Occupational Licensing\)](#) by Representative Michael Grant was heard for the second time during the House Commerce Committee. The bill preempts licensing of occupations to the state and supersedes any local government licensing requirements to expire effective 7/1/2022. Additionally, the bill prohibits local governments from requiring certain specialty contractors to obtain licenses and specifies job scopes for which local government may not require license. The bill passed 14 - 5 (Ausley, Casello, Fernández, Silvers, Stark). A companion legislation, [SB 1336 \(Preemption of Local Occupational Licensing\)](#) by Senator Perry, was temporarily postponed with an adopted amendment during the Senate Community Affairs Committee. SB 1336 will be reconsidered at the next committee meeting.

### ***Local Government Reporting Legislation Introduced as House Committee Bill***

[SAC3 \(Local Government Reporting\)](#) by House State Affairs / Representative Ingoglia was introduced as a committee bill. The bill removes local government financial reporting requirements passed during the 2019 session to instead create an interactive repository for county and municipal financial information and to distribute a report that enables residents to compare the final budget and economic status of counties and municipalities with rankings. Local governments would still be responsible for submitting financial reporting data to DFS. The report must be mailed to each household within a municipality or county and assist households in making direct comparisons of fiscal and economic metrics, must be a single page and use colorful graphics. The bill allows DFS to use contractors to issue the report and create an interactive website through an open request for proposal process. The bill passed 19 - 3 (Hart, Hattersley,

C. Watson) A companion legislation, [SB 1512 \(Local Government Reporting\)](#) by Senator Diaz, 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 sales and property tax exemptions, public records exemptions, Amendment 12 implementation, the Constitution Revision Commission repeal, and the Clerk of Court. 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 [lyoumans@flcounties.com](mailto:lyoumans@flcounties.com).



## Other **Legislative** Announcements

### **House and Senate Release 2020 - 2021 Proposed Budgets**

On Thursday, January 30, the Florida House of Representatives and the Florida Senate released their recommended budgets for the State Fiscal Year (SFY) 2020 - 2021. Each legislative chamber's recommended state budget serves as an important starting point to begin work on developing a balanced state budget. The Florida Legislature is constitutionally required to pass a state budget, officially titled as the General Appropriations Act, during the annual regular session. FAC has compiled a complete analysis of both the House and Senate budget below.

The House and Senate's proposed budget for State Fiscal Year 2020 - 2021 totals approximately \$91.4 billion and \$92.8 billion respectively. The chart below summarizes a comparison of the House's proposed SFY 2021 budget and the Senate's proposed budget for SFY 2021 budget.

### Overall General Comparison Table

Budget Comparison by Section (In Millions)	House SFY 2021	Senate SFY 2021	\$ Difference House v. Senate	% Difference House v. Senate
Section 1. Education	2,190,512,318	\$2,215,337,360	24,825,042	1.13%
Section 2. Education	24,423,181,590	\$24,552,138,115	128,956,525	0.53%
Section 3. Health and Human Services	38,772,587,796	\$39,385,755,379	613,167,583	1.58%
Section 4. Criminal Justice and Corrections	4,931,097,776	\$4,961,841,187	30,743,411	0.62%
Section 5. Natural Resources/ Environment/ Growth/ Transportation	14,395,033,601	\$14,671,166,224	276,132,623	1.92%
Section 6. General Government	6,060,300,262	\$6,443,515,092	383,214,830	6.32%
Section 7. Judicial Branch	597,300,315	\$602,446,213	5,145,898	0.86%
<b>Total Budget</b>	<b>91,370,013,658</b>	<b>92,832,199,570</b>	<b>1,462,185,912</b>	<b>1.60%</b>

For a complete analysis and summary of budget numbers impacting counties, please [click here](#).