



# 2017 Pre-Session Legislative Review

Florida League of Cities  
March 2, 2017



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## FLC Legislative Affairs Team



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## Legislative Composition

### ➤ House – 120 Members

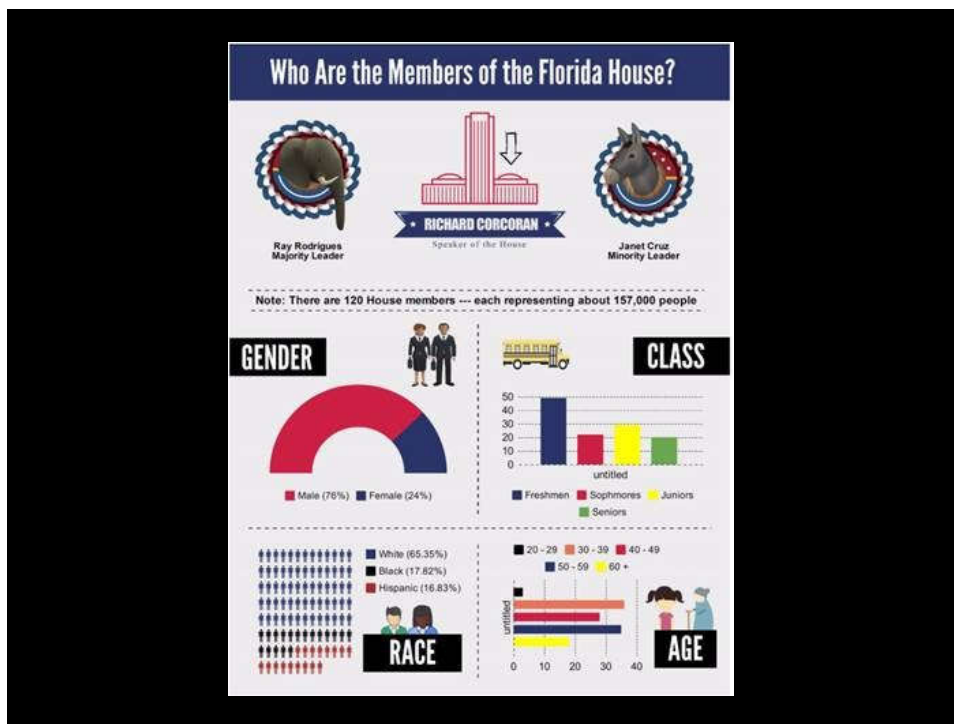
- 79 Republicans (65.8%)
- 41 Democrats (34.2%)

### ➤ Senate – 40 Members

- 25 Republicans (62.5%)
- 15 Democrats (37.5%)



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## New Members

- House – 46 new legislators
  - 17 with local government experience
- Senate – 20 new legislators
  - 3 with local government experience
  - 17 previously served in the Florida House



## 2017 Legislative Session House Committee Structure

- Rules & Policy
- Public Integrity & Ethics
- Ways & Means Committee
- Appropriations
- Education
- Health & Human Services
- Judiciary
- Commerce
- Government Accountability
- Select Committee on Triumph Gulf Coast



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## 2017 Legislative Session Senate Committee Structure

- Agriculture
- Appropriations
- Banking and Insurance
- Children, Families, and Elder Affairs
- Commerce and Tourism
- Communications, Energy, and Public Utilities
- Community Affairs
- Criminal Justice
- Education
- Environmental Preservation and Conservation
- Ethics and Elections
- Governmental Oversight and Accountability
- Health Policy
- Judiciary
- Military and Veterans Affairs, Space, and Domestic Security
- Reapportionment
- Regulated Industries
- Rules
- Transportation
- Credentials



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## FLC Priority Issues



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### Preemption of Municipal Home Rule Powers

**HB 17** (Fine) and **SB 1158** (Passidomo) expressly preempt the regulation of businesses to the state. The House bill and the Senate bill differ in how the preemptions are imposed.

**HB 17** provides that after July 1, 2017, a local government may not adopt or impose a new requirement (including any regulation, license, permit or fee) on a “business, profession or occupation” unless the requirement is “expressly authorized by general law.”

**SB 1158** expressly preempts the regulation of “commerce, trade, and labor” unless “expressly authorized by special or general law.”

The Florida League of Cities **OPPOSES** legislation that eliminates municipal home rule powers as applied to businesses, professions and occupations, leaving local communities without effective means to address the health, safety, welfare and property rights concerns of their residents and businesses, in a manner best suited to their needs.



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## Community Redevelopment Agencies

The Florida League of Cities SUPPORTS legislation to improve municipalities' use of community redevelopment agencies to effectively carry out redevelopment and community revitalization in accordance with home rule.

- The House Local, Federal & Veterans Affairs Subcommittee has had two presentations on the topic of CRA's.
  - Auditor General's Office
  - The Florida Legislature's Office of Program Policy Analysis & Government Accountability (OPPAGA).
- **HB 13 (Raburn) – Oppose**
  - CRAs may not initiate any new projects or issue any new debt on or after October 1, 2017
  - No new CRAs may be created after July 1, 2017
  - All existing CRAs shall terminate on the expiration date provided in the CRAs charter on July 1, 2017, or on September 30, 2037, whichever is earlier.



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## Communications Infrastructure

The Florida League of Cities OPPOSES efforts to strip cities of the ability to regulate the placement of unsightly and potentially unsafe wireless communications equipment on city property, in city rights of way.

- **SB 596 (Hutson) and HB 687 (La Rosa)—Oppose—Preemption**
  - preempt local government control of taxpayer-owned rights of way for placement of “small” or “micro” wireless and antennas and equipment



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## Firefighter Cancer Disability Presumption

**SB 158** (Latvala) and **HB 143** (Fitzenhagen) establish a cancer disability presumption for firefighters. The bills grandfather in approximately **41,500** current firefighters from having to pass a physical examination. The bills will result in significant increases in expenses for local governments for workers' compensation and disability pension benefits. **The Florida League of Cities OPPOSES the bills as being a significant unfunded state mandate.**



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## Firefighter Cancer Disability Presumption

- Specified Cancers / Conditions / Exceptions
- Grandfathers 40,000+ Firefighters
- Fiscal Impact Workers' Compensation and Disability Pension
- Significant Unfunded State Mandate
  
- SB 158 (Latvala) – Oppose
- HB 143 (Fitzenhagen) – Oppose



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## Public Records

The Florida League of Cities SUPPORTS public records reform to discourage or eliminate schemes designed to generate violations of public records laws and disrupt agency operations

- HB 163 (Burgess) and SB 246 (Garcia) – Support
  - Clarify when attorney fees can be awarded on public records lawsuits; require five days notice before filing the lawsuit
- SB 80 (Steube) - Support
  - Changes “shall” to “may” and allows a judge to determine when attorney fees are awarded



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## Sustainable Florida

- The Florida League of Cities SUPPORTS measures that promote a sustainable Florida, including legislation that:
  - Incentivizes the development and expansion of reclaimed water while protecting public ratepayer investments in reclaimed water infrastructure;
  - Assists municipal utilities in addressing infrastructure deficits;
  - Maintains the authority of municipalities to operate public utilities;
  - Protects and improves the quality of water, including surface water, drinking water and aquifers;
  - Imposes a statewide ban on hydraulic fracturing;
  - Increases the ability of local governments to address water quality impairment attributable to excess nutrients; and
  - Increases state and local efforts to mitigate and adapt to increasing tidal and stormwater flooding.



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## Energy, Environment & Natural Resources Priorities & Other Issues



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## Water Quality & Water Supply

SB 1082 (Brandes) and HB 663 (Peters) – SUPPORT

- Would dedicate lesser of 12.5% or \$100M annually for water projects listed in a regional water supply plan or basin management action plan

HB 285 (Fine) – SUPPORT

- Would require septic tanks to be inspected at point of sale in real estate transactions

HB 751 (Clemens, C.) – OPPOSE

- Would require all local stormwater ordinances to incorporate “Best Management Practices” adopted by DEP and would prohibit local stormwater standards that are more stringent than state standards

• HB 755 (Albritton) – WATCH

- Would authorize DEP to develop unique permit considerations for underground injection permits intended to augment, protect or replenish groundwater, and for advanced water treatment facility permits



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## Natural Hazard Mitigation & Adaptation

SB 112 (Brandes) and HB 613 (Ahern) - SUPPORT

- Would authorize up to \$50 million (subject to appropriations) for a matching grant program to assist local governments in implementing flood risk reduction policies and projects.

HB 181 (Jacobs) and SB 464 (Clemens) – SUPPORT

- Create an interagency working group for state agencies to coordinate on initiatives relating to various natural hazards, including drought, wildfire, flooding, sea-level change, storm surge and saltwater intrusion.



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## Hydraulic Fracturing

Bills that would impose a statewide ban on fracking:

- HB 35 (Jenne) – Support
- SB 98 and SJR 108 (Farmer) – Support
- HB 451 (Miller) and SB 442 (Young) - Support



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## Land Acquisition Trust Fund (Amendment 1)

Several bills would dedicate LATF money to specific regions. FLC supports equitable distribution of LATF money. FLC neither supports nor opposes these regional funding proposals:

- SB 10 (Bradley) and HB 761 (Altman) specify procedures and financing for EAA Reservoir Project, including bonding of \$100M in LATF money
- SB 234 (Bradley) and HB 847 (Payne) would dedicate \$35M annually for St. Johns River and Keystone Lake region
- SB 982 (Mayfield) would dedicate \$30M annually for Indian River Lagoon
- HB 551 (Stone) and SB 874 (Young) would dedicate \$20M annually for septic tank remediation relating to Indian River Lagoon, Caloosahatchee and St. Lucie estuaries



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## Public Notice of Pollution

SB 532 (Galvano) – SUPPORT\*

Would establish requirements for public notification of pollution releases:

- DEP to develop list of substances/quantities that would trigger notice
- Release reported to DEP within 24 hours
- DEP publishes notice of release on website within 24 hours
- DEP to develop electronic mailing list for people wanting notice
- Up to \$10,000 in penalties for failure to comply

\*This bill may be amended with changes that could be adverse to municipal operators



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## Urban Administration Priorities & Other Issues



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## Short Term Rentals

The Florida League of Cities SUPPORTS legislation that restores local zoning authority with respect to short-term rental properties thereby preserving the integrity of Florida's neighborhoods and communities.

- SB 188 (Steube) and HB 425 (La Rosa) – Oppose
  - Preempts cities from adopting ordinances specific to short term rentals
- HB 6003 (Richardson) – Support
  - Removes the preemption on short term rentals and allows for local regulation through zoning



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## Municipal Elections

The Florida League of Cities OPPOSES legislation that restricts a municipality's Home Rule authority to set municipal election dates.

- SB 990 (Passidomo) – Oppose
  - Prohibits cities from choosing their own election dates, with limited exceptions



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## Medical Marijuana

The Florida League of Cities SUPPORTS maintaining local authority to determine land use, zoning, and other regulatory standards for marijuana cultivation, processing, and distribution. In addition, the League SUPPORTS implementing a taxation or fee structure to help cities recoup any and all costs for public services, including but not limited to law enforcement and regulatory enforcement.

- SB 406 (Bradley) - Monitor
- SB 614 (Brandes) - Monitor
  - Both set regulations for the implementation of Amendment Two
  - Vertical integration vs. Horizontal integration



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## Other Key Urban Administration Issues

- HB 789 (Stone) – Procurement of Professional Services – Support
- HB 599 (Williamson) and SB 534 (Perry) – Public Works Projects – Oppose
- HB 897 (Stark) – Public Notices by Local Government Entities – Support
- HB 807 (Hager) and SB 788 (Clemens) – Marketing Practices for Sober Homes – Support
- HB 193 (Cortes (B)) and SB 282 (Artiles) – Towing and Storage Fees – Oppose



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## Finance, Taxation & Personnel Priorities & Other Issues



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## Communications Services Tax and Local Business Tax Protection

The Florida League of Cities SUPPORTS legislation that protects general revenues collected from the communications services tax and the local business tax. These revenues are essential to providing municipal services, such as public safety, constructing and maintaining transportation infrastructure and providing for public parks and open spaces. A diversified revenue base is necessary for the fiscal stability of local governments and improves their ability to serve citizens and businesses.

- **SB 330** (Steube) and **HB 487** (Renner) – Oppose
  - Caps the local business tax at \$25 per taxpayer.
- **SB 378** (Flores)- Support
  - Reduces the state CST rate by 2% and includes a hold-harmless for local governments.



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## Municipal Levy of the Local Option Infrastructure Surtax

The Florida League of Cities SUPPORTS legislation that provides a mechanism for municipalities to levy the Local Government Infrastructure Surtax, if approved by voters.

- No bills have been filed.



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## Transparency & Responsibility

The House Ways & Means Committee has workshopped two legislative concepts during committee week.

- **Local Government Transparency** mandates additional public notice and hearings for certain tax increases and issuance of new tax supported debt. Also, requires utilization of debt affordability metrics and benchmarks.
- **Local Government Responsibility** prohibits property tax increases unless certain excess unencumbered fund balances are eliminated and the enactment, extension or increase in local option taxes in certain instances. Also requires referenda for certain local option taxes and debt to be held only at a general election with a 60% threshold for approval.



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## Defined Benefit Retirement Plans / Rate of Return

- Mandates Use of Specified Assumed Rate of Return
- Mandates Annual Reductions of Assumed Rate of Return (25 Basis Points)
- Mandates Increased Reporting
- SB 632 (Brandes) – Oppose
- HB 603 (Fischer) – Oppose



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## Workers' Compensation First Responders PTSD

- Mandates Workers' Comp Benefits (Medical and Wage) for Post-Traumatic Stress Disorder
- Current Law Provides WC Medical Benefits
- Approximately 90,000 First Responders (40,000 Law, 40,000 Fire, 10,000 EMT)
  
- SB 516 (Perry) – Oppose
- SB 1088 (Torres) – Oppose
- HB 1019 (Miller, M.) – Oppose



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## Local Government Ethics

- Financial Disclosure: Form 6 (Full Disclosure) in Cities Over \$5 Million Annual Revenue
- Voting Conflicts: No Vote and No Participation
- Lobbyists: Statewide Local Government Lobbyists Registration / Reporting
  
- HB 7021 (Metz) – Watch



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## Growth Management & Economic Affairs Priorities & Other Issues



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### Impact Fees

The Florida League of Cities OPPOSES legislation that restricts municipalities' Home Rule authority to set impact fees or transportation concurrency.

- At this time, no legislation has been filed regarding Impact Fees. We will continue to monitor this issue as we await the bill filing deadline. Additionally, we will continue to monitor amendments to other bills that may be introduced after the bill filing deadline.



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## Economic Development

Florida uses taxpayer money to encourage businesses to expand their operations or to move to the Sunshine State in a variety of ways.

- Tax refunds for meeting performance requirements
- Administered by the Department of Economic Opportunity and its partners, Enterprise Florida, Inc. and Visit Florida
- Funding of these programs has become a source of contention among the House, Senate, and the Governor
- **HB 7005** (Careers and Competition Subcommittee, Renner) – total repeal of the specified programs
- **HB 9** (Renner) – stricter requirements on use of funds within these agencies
- **SB 1110** (Brandes) – requires DEO to contract with a support agency to promote the sports industry
- **SB 1112** (Brandes) – requires DEO to retain funds for specified programs until performance requirements are met



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## Transportation & Intergovernmental Relations Priorities & Other Issues



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## Drones

The Florida League of Cities SUPPORTS legislation that allows first responders to use drone technology to save lives and protect people and property. In addition, such legislation should allow municipalities to continue to apply generally applicable laws to regulate drone technology to ensure public safety and retain quality of life while protecting civil liberty.

- SB 832 (Young) and HB 1027 (Yarborough)—Oppose—Preemption
  - preempt local government from enacting and enforcing ordinances relating to this technology
- SB 460 (Brandes) and HB 601 (Williamson)—Support
  - Authorize a municipality to regulate the operation of these devices



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## Drones



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## Transportation Funding

The Florida League of Cities SUPPORTS legislation that provides alternative revenue sources and enhanced transit funding for local government.

- SB 1118 (Gainer) and HB 865 (Williamson)—Watch
  - Department of Transportation’s legislative package
  - Remove the Highway Beautification Council
  - Do not affect the grant funding or the grant application process



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## Transportation Network Companies

- SB 340 (Brandes) and HB 221 (Sprowls)—Oppose—Preemption
  - completely preempt municipalities from regulating TNC’s

## Traffic Infraction Detectors

- SB 178 (Artiles) and HB 6007 (Avilla)—Oppose—Preemption
  - repeals existing law, preempt municipalities from use of traffic infraction detectors



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# Legislative Resources

## New website!



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### FLC LEGISLATIVE ACTION DAYS

Event agenda and online registration now available! Register Today

### Legislative Action Days

March 21-22 in Tallahassee

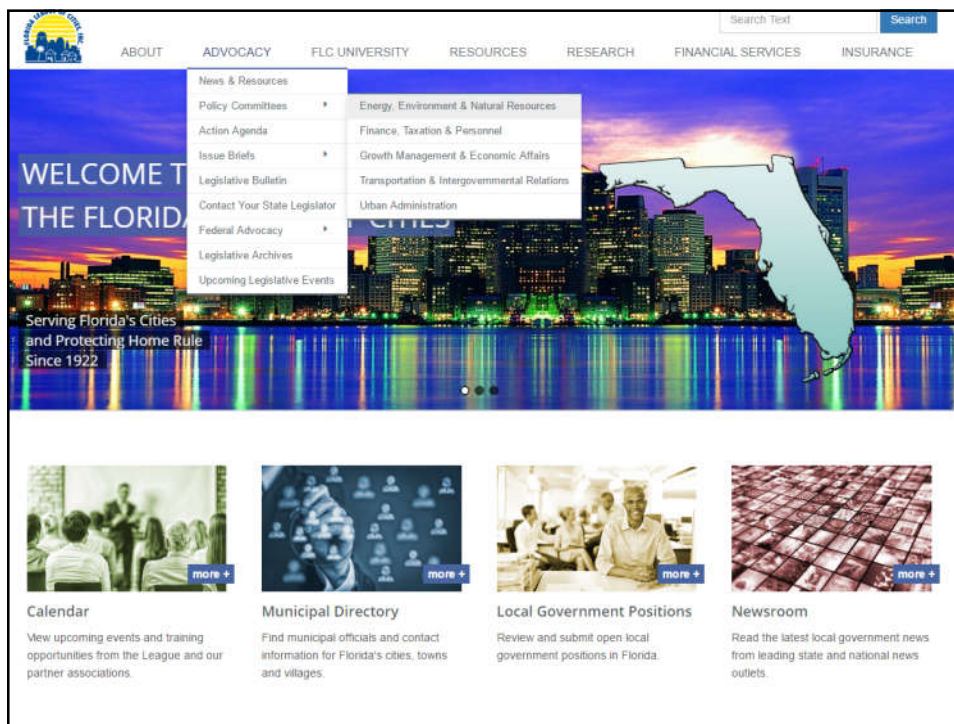
more +

**Calendar**  
View upcoming events and training opportunities from the League and our partner associations.

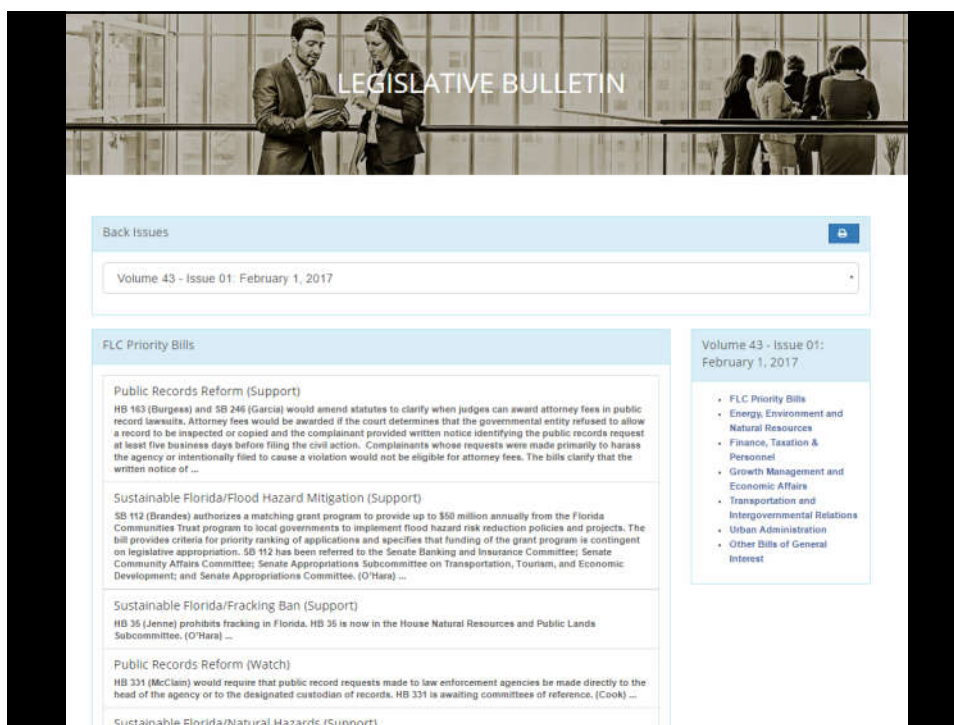
**Municipal Directory**  
Find municipal officials and contact information for Florida's cities, towns and villages.

**Local Government Positions**  
Review and submit open local government positions in Florida.

**Newsroom**  
Read the latest local government news from leading state and national news outlets.



The image shows the homepage of the Florida Legislative Council (FLC) website. At the top, there is a navigation menu with links for ABOUT, ADVOCACY, FLC UNIVERSITY, RESOURCES, RESEARCH, FINANCIAL SERVICES, and INSURANCE. A search bar is located on the right. Below the navigation is a large banner with a city skyline at night and a map of Florida. The banner text reads "WELCOME TO THE FLORIDA LEGISLATIVE COUNCIL" and "Serving Florida's Cities and Protecting Home Rule Since 1922". A dropdown menu is open under "ADVOCACY", listing various policy areas such as Energy, Environment & Natural Resources, Finance, Taxation & Personnel, Growth Management & Economic Affairs, Transportation & Intergovernmental Relations, Urban Administration, Federal Advocacy, Legislative Archives, and Upcoming Legislative Events. Below the banner are four featured sections: "Calendar" (View upcoming events and training opportunities), "Municipal Directory" (Find municipal officials and contact information), "Local Government Positions" (Review and submit open local government positions), and "Newsroom" (Read the latest local government news).



The image shows a page titled "LEGISLATIVE BULLETIN". At the top, there is a header image of people in a legislative setting. Below the header, there is a "Back Issues" section with a dropdown menu set to "Volume 43 - Issue 01 February 1, 2017". The main content area is titled "FLC Priority Bills" and lists several bills with their descriptions and status. The bills listed are:

- Public Records Reform (Support)**: HB 163 (Burgess) and SB 246 (Garcia) would amend statutes to clarify when judges can award attorney fees in public record lawsuits. Attorney fees would be awarded if the court determines that the governmental entity refused to allow a record to be inspected or copied and the complainant provided written notice identifying the public records request at least five business days before filing the civil action. Complainants whose requests were made primarily to harass the agency or intentionally filed to cause a violation would not be eligible for attorney fees. The bills clarify that the written notice of ...
- Sustainable Florida/Flood Hazard Mitigation (Support)**: SB 112 (Brandes) authorizes a matching grant program to provide up to \$50 million annually from the Florida Communities Trust program to local governments to implement flood hazard risk reduction policies and projects. The bill provides criteria for priority ranking of applications and specifies that funding of the grant program is contingent on legislative appropriation. SB 112 has been referred to the Senate Banking and Insurance Committee; Senate Community Affairs Committee; Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Senate Appropriations Committee. (O'Hara) ...
- Sustainable Florida/Fracking Ban (Support)**: HB 35 (Jenne) prohibits fracking in Florida. HB 35 is now in the House Natural Resources and Public Lands Subcommittee. (O'Hara) ...
- Public Records Reform (Watch)**: HB 331 (McClam) would require that public record requests made to law enforcement agencies be made directly to the head of the agency or to the designated custodian of records. HB 331 is awaiting committees of reference. (Cook) ...
- Sustainable Florida/Natural Hazards (Support)**

On the right side, there is a sidebar titled "Volume 43 - Issue 01: February 1, 2017" with a list of categories: FLC Priority Bills, Energy, Environment and Natural Resources, Finance, Taxation & Personnel, Growth Management and Economic Affairs, Transportation and Intergovernmental Relations, Urban Administration, and Other Bills of General Interest.

## Stay engaged with the FLC App



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## Stay Engaged During Legislative Session With the FLC Mobile App!

The new **2017 Legislative Session** app is your one-stop source for news, events and resources related to Florida's regular Legislative Session. With this app, you can use our online Contact Your Legislator tool; access Issue Briefs, Policy Committee information and the Legislative Bulletin; view a comprehensive Legislative Directory of all Florida state legislators, and even receive important legislative alerts on your device via push notification.

Search "FLC Events" in the app store

Contact Erika Branchcomb at [ebbranchcomb@flcities.com](mailto:ebbranchcomb@flcities.com) or 850.701.3653 with any questions.





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## FLC Legislative Resources

- Issue Briefs & Talking Points
- Committee Webpages
- Legislative Bulletin
- On Tap @ the Cap
- Legislative Alerts
- Monday Morning Call-Ins
- FLC Events App




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## Monday Morning Call-Ins

**1 (888) 419-5570**

*Code: 7355-9461*

Every Monday at 9:00am ET  
*(Begins March 6, 2017)*



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## Upcoming Events

FLC Legislative Action Days  
March 21-22, 2017  
Tallahassee, FL



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# *Questions?*



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# *Thank You*

For Additional Information Contact:

## **Legislative Affairs**

**(800) 342-8112**

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