



# 2017 Legislative Session

## Post-Session Review

### May 18



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## Housekeeping

- This webinar is being recorded and all attendees are in listen-only mode. The recording and power point will be posted on our website within 24 hours.
- The slides will be shared with all attendees via email following the webinar.
- Use the Q&A function on your screen to pose questions to the presenters. These will be answered at the end of the webinar.
- We encourage you to use the chat function to interact with your peers.



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## FLC Legislative Affairs Team

- Scott Dudley, Legislative Director
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- David Cruz, Asst. General Counsel
- Amber Hughes, Sr. Legislative Advocate
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## 2017 Legislative Session

- 3,052 bills filed in House and Senate combined
- 249 bills passed (7%)
- 20 bills approved by Governor to date



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## FLC Legislative Policy Committee Chairs



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Nathaniel Birdsong,  
Winter Haven,  
Energy, Environment &  
Natural Resources



Councilmember  
Robert Yaffe,  
Bay Harbor Islands,  
Finance, Taxation  
& Personnel



Mayor Bill Capote,  
Palm Bay,  
Growth  
Management &  
Economic Affairs



Mayor Woody Brown,  
Largo,  
Transportation &  
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Riviera Beach,  
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## FLC 2017 Legislative Priorities *as adopted by membership*

- Sustainable Florida
- Communications Services Tax and Local Business Tax Protection
- Municipal Levy of the Local Option Infrastructure Surtax
- Community Redevelopment Agencies
- Impact Fees
- Drones
- Transportation Funding
- Short-Term Rentals
- Public Records



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## FLC 2017 Legislative Priorities *new issues arising during session*

- Preemption of Municipal Home Rule Powers
- Expanded Homestead Exemption
- Wireless Communications Infrastructure
- Local Government Fiscal Responsibility/Accountability Measures
- Firefighter Cancer Disability Presumption
- Municipal Elections



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# The Budget



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## General Appropriations Act FY 2017-18

**SB 2500** was the final adopted pre-veto budget totaling approximately \$82.4 billion, which represents an estimated \$260 million increase over last year.

- Health and Human Services: \$34.1 billion, including \$8.8 million for homeless programs
- Education (Higher Education and PreK-12): \$22.4 billion
- Transportation, Tourism & Economic Development: \$12.9 billion- includes \$81 million for local transportation projects; \$165 million for seaports and \$182 million for arterial highways
- Affordable Housing: \$250 million, including \$150 million for SHIP and \$50 million for SAIL
- Criminal and Civil Justice: \$4.5 billion
- Environmental and Natural Resources/Agriculture: \$3.6 billion, includes \$267 million in environmental program/land purchasing funds
- General Government: \$4.4 billion
- Administered Funds-Statewide Issues: \$1.7 billion
- Education Fixed Capital Outlay: \$507.1 million



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## Florida Forever/Environmental Funding

The last-minute budget deal reached between the House and Senate failed to include any funding for the Florida Communities Trust Program, septic-to-sewer conversions, or the Florida Forever “priority” land acquisition list. Instead, environmental allocations centered on the Everglades reservoir, conservation easements for agricultural landowners, compensation to homeowners for citrus canker eradication; and restoration of beaches, springs, Lake Apopka, and the St. Johns River region.



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## Florida Forever/Environmental Funding continued

Here are some of the numbers:

- Everglades Restoration \$167M
- Northern Everglades & Estuaries \$34.8M
- Rural and Family Lands Stewardship Program \$10M
- Beach Restoration \$50M
- Beach Restoration from Hurricanes \$13.3M
- Springs Restoration \$50M
- Lake Apopka Restoration \$2M
- St. Johns River/Keystone Lakes \$13.3M
- Florida Keys wastewater projects \$13.3M
- Citrus Canker Claims (Broward & Lee) \$37.4M



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## Economic Development Dollars Slashed

- The legislature agreed to slash Visit Florida's budget from \$76 million to \$25 million. The final budget also included \$16 million for Enterprise Florida. That amount is down from a current year operations budget of \$23.5 million and will be recurring, or permanent, which does represent a slight win for the entity. Much of the reduction is tied to marketing money added to the group's budget in past sessions.



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## Priorities that Passed



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## Public Records Reform

- **CS/CS/SB 80** (Steube) requires the court to award reasonable costs of enforcement and attorney fees in a public record lawsuit if the city unlawfully refused to allow a record to be inspected or copied *and* the complainant provided written notice to the city's custodian of records five business days before filing the civil action.
- The notice provision applies only if the city has posted the contact information for the agency's custodian of records in its primary administrative building where public records are usually created, maintained and requested, and on the city's website.
- Requires the court to assess and award reasonable costs of enforcement and attorney fees against the complainant if the request or lawsuit was filed for an improper purpose.



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## Public Records Reform continued

- Clarifies that Chapter 119 does not create a private right of action authorizing the award of monetary damages for a person who brings an action to enforce the provisions of the public record law. Payments by the responsible agency may only include the reasonable cost of enforcement, including reasonable attorney fees, directly attributable to a civil action brought to enforce the public record law.
- The bill has been presented to the Governor. Governor must act by May 24. FLC sent a letter to the Governor requesting his support.



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## Increased Homestead Exemption

- **HJR 7105** (House Ways & Means Committee) proposes a constitutional amendment that creates a new, expanded \$25,000 homestead exemption.
- This expanded homestead exemption applies to the assessed value greater than \$100,000 and up to \$125,000 for non-school property taxes.
- If approved by 60 percent of voters this will be an estimated negative \$644 million impact on cities, counties and special districts.
- HJR 7105 is not subject to veto by the governor and will be on the November 2018 general election ballot.



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## Implementation of New Homestead Exemption

- **HB 7107** (House Ways and Means Committee) implements the additional homestead exemption if approved by 60 percent of voters.
- Modifies the calculation for the first year of requiring the value lost to the additional homestead be added back into the tax roll.
- This will artificially decrease the rolled-back rate and if a millage rate higher than the rolled-back rate is adopted it must be advertised as a tax increase and could require an extraordinary vote to approve.
- Directs the Legislature to appropriate funds to offset ad valorem tax revenue losses only in fiscally constrained counties.
- The bill has been presented to the Governor. Governor must act by May 23. FLC sent a letter to the Governor requesting that he veto the bill.



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## Wireless Communications Corporate Subsidy

- **CS/CS/HB 687** (La Rosa) preempts local government control of taxpayer-owned rights of way for the placement of “small” or “micro” wireless antennas and equipment. The bill sets an arbitrary cap on the cost to collocate the wireless communications infrastructure to \$150 per attachment per year.
- The bill is now awaiting action by the Governor. FLC sent a letter to the Governor requesting that he veto the bill.



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## Transportation Package

- **CS/CS/CS/HB 865** (Williams) is the Department of Transportation’s legislative package. Of importance, the authority for the Highway Beautification Council is repealed, but the associated grant funding remains as does the current highway beautification grant application process.
- Creates the Florida Smart City Challenge grant program for municipalities for the advancement of infrastructure to support autonomous and connected vehicles.
- CS/CS/CS HB 865 is now awaiting action by the Governor.



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## Drones

### CS/HB 1027 (Yarborough):

- Preempts local governments from enacting or enforcing any ordinance relating to the design, manufacture, testing, maintenance, licensing, registration, certification or operation of an unmanned aircraft system, including airspace, altitude, flight paths, equipment or technology requirements. Pilot, operator or observer qualifications and training and certification requirements are preempted to the state.
- Local governments retain authority to enact and enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage or other illegal acts arising from the use of unmanned aircraft systems as long as the ordinance does not specifically relate to the use of an unmanned aircraft system.
- Authorizes a county or municipality to regulate the operation of personal delivery devices and do not restrict a county or municipality from adopting regulations for the safe operation of personal delivery devices, primarily on sidewalks and crosswalks.
- Awaiting action by the Governor.



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## Transportation Network Companies

### CS/HB 221(Sprowls):

- Preempts local governments from regulating transportation network companies (TNCs) such as Uber or Lyft.
- Establishes a statewide regulatory scheme that includes insurance coverage standards, fare and rate disclosure requirements, antidiscrimination policies, minimum background checks (Level 2 not required) and other provisions.
- Prohibits local governments from imposing a tax, requiring a license, or subjecting a TNC or a driver to the governmental entity's rate, entry, operational or any other requirements.
- Allows seaports and airports to collect pickup fees as long as they do not exceed what a seaport or an airport charges taxis.
- The bill was approved by the Governor on May 9. Effective date is July 1, 2017. Chapter No. 2017-12.



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## Charter School Land Use Preemption

- Section 1002.33(18)(c) – prohibits local gov’t from requiring rezoning or land use change when specified facilities (churches, movie theaters, etc.) convert to charter school.
- Several House education bills expanded prohibition to include “special exceptions or any other form of local approval.” All died except CS/HB 7069.
- Final version of CS/HB 7069: prohibits “special exception” permit (in addition to existing prohibition on rezoning and land use change).
- Practical effect: Local gov’t may still require *other* forms of local approvals or permits (e.g., site plan approval, building permit).
- Awaiting action by the Governor.



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## Hazard Mitigation Coordination Required

- **CS/HB 181** (Jacobs) requires specified state agencies to coordinate and share information on initiatives to mitigate and adapt to natural hazards such as tidal flooding, stormwater flooding, drought, wildfire, severe storms and salt-water intrusion.
- Awaiting action by the Governor.



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# Other Bills that Passed



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## Marketing Practices for Substance Abuse Services

**CS/CS/HB 807** (Hager):

- Comprehensive approach to solving the problems of fraudulent patient brokering and deceptive marketing practices in the business of substance abuse addiction services.
- Creates new and strengthens existing criminal penalties related to patient brokering and marketing practices.
- Extends the jurisdiction of the Office of the Statewide Prosecutor to investigate and prosecute patient brokering offenses.
- Awaiting action by the Governor.



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## Public Works Projects Preemption

**CS/CS/HB 599** (Williamson):

- Prohibits local government contracts for public works projects from including restrictive conditions on contractors, subcontractors or material suppliers or carriers if 50 percent or more of the project is paid for with state-appropriated funds.
- Also prevents cities from prohibiting any contractor, subcontractor or material supplier who is qualified to perform the work from submitting a bid on a public works project.
- Awaiting action by the Governor.



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## Law Enforcement/Body Cameras

- **CS/HB 305** (Harrison) requires law enforcement agencies to develop guidelines allowing a police officer to review body camera footage of an incident before writing a report or providing a statement. Effective July 1, 2017.
- Approved by Governor on May 9. Chapter No. 2017-15.



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## Construction Bill

### CS/CS/HB 1021 (Avila):

- Revises building codes and standards, building official qualifications, fire prevention and control requirements and other construction industry issues.
- Prohibits a political subdivision from adopting or enforcing any ordinances, or imposing building permits or other development order requirements that contain any building, construction, or aesthetic requirement or condition that conflicts with or impairs activities related to carrying out business activities defined as a franchise by Federal Trade Commission regulations.
- Preempts local government regulation relating to the design, construction or location of signage advertising the retail price of gasoline.
- Prohibits a local jurisdiction from requiring an owner of a residence to obtain a permit to paint their residence.
- Revises requirements for sprinkler systems in a single family or two family dwellings.
- Awaiting action by the Governor.



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## Nonhomesteaded Property Tax Relief Measure Headed to the Ballot

- **CS/HJR 21** (Burton) proposes a constitutional amendment that permanently extends the 10% assessment limitation on most nonhomestead properties.
- In 2008, Florida voters approved a constitutional amendment limiting annual assessment increases for most nonhomestead parcels to 10% of prior year assessed value for non-school property taxes.
- Unless renewed, the 2008 amendment is set to expire on January 1, 2019.
- Existing constitutional language directs the legislature to propose a constitutional amendment, for the 2018 general election.



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## Implementation of Solar Constitutional Amendment

- **CS/SB 90** (Brandes) implements Amendment 4 (2016) which gives additional property tax relief for owners of renewable energy devices installed on nonresidential property or are taxed as tangible personal property.
- For nonresidential properties, 80% of the value attributable to the renewable device installed after January 1, 2018 cannot be considered for determining value.
- For all properties, 80% of the assessed value of the renewable energy device on any property is exempt from tangible person property taxes.
- Excludes certain utility scale renewable energy projects that are in a fiscally constrained county .
- Applies the tangible personal property tax exemption retroactively to a renewable energy source device that was installed after August 30, 2016, on municipal land as part of a project incorporating other renewable energy source devices under common ownership on municipal land.
- Establishes safety, performance and reliability standards for the installation of certain renewable energy source devices and establishes disclosure requirements and penalties related to agreements to sell, finance or lease such devices.
- Awaiting action by the Governor.



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## Property Tax Relief for Disabled First Responders

- **CS/CS/HB 455** (Metz) implements Amendment 3, approved by voters in November 2016, which authorized a property tax exemption for first responders who are “totally and permanently disabled” from injuries they received in the line of duty.
- The first responder is required to be a permanent resident of Florida on January 1 of the tax year for which the exemption is being claimed.
- Specifies information to be included in an application and the documentation required to receive the exemption.
- Awaiting action by the Governor.



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## Tax Cut Package

- **HB 7109** (House Ways & Means Committee) is the Tax Relief Package for the 2017 Session.
- The \$178.6 million tax proposal, which consists of \$93.3 million non-recurring and \$134.7 million of recurring tax cuts and provides for a wide-range of tax reductions that are designed to impact both households and businesses.
- Reduction of the "business rent tax," which is the sales tax on commercial leases from 6.0 to 5.8 percent.
- A three-day back-to-school holiday and a three-day disaster preparedness sales tax holiday and includes multiple new or expanded sales tax exemptions.
- For property tax purposes, the bill allows low-income residents of homes for the aged to prove their income by providing an affidavit to the property appraiser and provides a 50-percent discount in property taxes to certain multifamily, low-income housing projects.
- The estimated impact for cities is \$2.9 million in the first year with a recurring negative impact of \$9.23 million.
- Presented to the Governor on May 17. The Governor must act by June 1.



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## Lake Okeechobee/Everglades Funding

- **CS/SB 10** (Bradley) - strategies, accelerated timeframe and funding for water storage south of Lake Okeechobee
  - EAA reservoir → 240,000 ac-ft storage
  - C-51 reservoir → 60,000 ac-ft storage
  - Job training and hiring preferences for displaced Ag workers
  - Loan fund for local gov't and others to develop water storage facilities
- Half the cost of earlier proposals
  - Prioritize use of state owned land, land swaps – no eminent domain
  - Total cost of \$1.5B (50/50 state & fed)
  - State portion: \$64M FY 2017-2018 + \$800M Fla. Forever bond issue ≈ \$64M/FY debt service payments
- Signed by Governor on May 9. Chapter No. 2017-10.



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## Public Notice of Pollution

- **CS/CS/SB 1018** (Grimsley) provides advanced ranking of applications for state funds to rehab petroleum contaminated sites proposed for redevelopment and eliminates 25% cost share requirement.
- Amended to create Public Notice of Pollution Act (formerly **CS/SB 532** (Galvano) and **HB 1065** (Peters))
  - Requires notice to DEP within 24 hours of specified pollution releases
  - Requires additional notice if release migrates beyond property boundary
  - DEP to create online form for electronic reporting of release
  - Submission of notice ≠ admission of liability or harm
  - \$10,000/day civil penalty for violation of notice requirements
  - DEP to publish notice of incident on website within 24 hours
  - DEP to create system for people to request & receive direct Email notice
  - DEP to develop rules to administer
- Awaiting action by the Governor.



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## Bills that failed... the good news



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## Vacation Rentals

- **CS/HB 425** (La Rosa) would have amended current law to prohibit local governments from adopting ordinances specific to vacation rentals.
- **CS/CS/CS/SB 188** (Steube) would have allowed “grandfathered” cities to amend their ordinances if they were amended to be less restrictive or to reduce regulatory burdens for certain active duty service members or disabled veterans.
- Local government ordinances adopted since 2014 remain in effect.
- **Both bills died in the Senate.**



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## Municipal Elections

- **HB 7103** (House Government Accountability Committee and Caldwell) would have preempted to the state the authority to establish the dates of elections of municipal officers. Among other things, the bill provides that the terms of incumbent elected municipal officers affected by the change in election dates would be extended to the next municipal election.
- **HB 7103 was not considered by the House Public Integrity and Ethics Committee, its only committee of reference.**



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## Municipal Elections continued

- **CS/CS/HB 1325** (Renner), also an elections bill, was amended in the House Government Accountability Committee on April 19 to include the municipal election preemption language found in HB 7103. The Senate companion, SB 1160 (Bradley), passed the Senate Judiciary Committee on April 19, but does not contain the preemption language. Both bills died in the Senate.
- **SB 990** (Passidomo) would have preempted a city's ability to determine its own election dates unless certain conditions were met. The bill would have required that municipal elections be held on the same date as the general election, if in an even-numbered year, or on the first Tuesday after the first Monday in an odd-numbered year, unless all of the cities in a county agreed on an alternate date. **SB 990 died in its first committee of reference, the Senate Ethics and Elections Committee.**



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## Concealed Weapons and Firearms/Government and Other Facilities

**SB 908** (Baxley), **HB 803** (Hahnfeldt) and **SB 140** (Steube) would have authorized persons holding licenses to carry concealed weapons or firearms in:

- secure and restricted areas of seaports
- any police, sheriff or highway patrol station
- any detention facility, prison, or jail; any polling place
- any meeting of the governing body of a county, public school district, municipality or special district
- any elementary or secondary school facility or administration building
- meetings of the state legislature; as well as a number of other areas.

**The bills died in committee.**



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## Concealed Weapons and Firearms/Government Facilities

- **SB 626** (Steube) and **SB 140** (Steube) would have authorized a concealed weapons or firearms licensee to carry a concealed weapon or firearm into any meeting of the governing body of a county, public school district, municipality or special district.
- **The bills died in committee.**



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## Law Enforcement Body Cameras/Mandatory Use

- **HB 513** (Jacquet) and **SB 828** (Powell) would have required every law enforcement agency with officers engaged in routine traffic stops to wear and use body cameras during the stops.
- **The bills died in committee.**



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## Towing and Storage Fees

- **CS/HB 193** (Cortes, B.) and **CS/SB 282** (Steube) would have prohibited cities from imposing a fee or charge on wrecker operators or vehicle storage companies for towing, storing or impounding a vehicle. The bill also would have prohibited cities from imposing a charge, fee, fine or penalty on the registered owner or lienholder of a vehicle removed and impounded by an authorized wrecker company.
- **Both bills died in the Senate.**



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## Traffic Infraction Detectors

- **SB 178** (Artiles) and **HB 6007** (Avila) would have repealed existing law and preempted local government authority relating to the installation and use of traffic infraction detectors to enforce red light infractions. SB 178 was reported unfavorable by the Senate Transportation Committee (2-2).
- **HB 6007 passed the House (91-22) and subsequently died in Senate messages.**



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## Firefighter Cancer Disability Presumption

- **SB 158** (Latvala), **HB 143** (Fitzenhagen) and **CS/SB 7030** (Senate Governmental Oversight and Accountability Committee) would have established a cancer disability presumption for firefighters.
- The bills applied to multiple myeloma, non-Hodgkin's lymphoma, prostate cancer or testicular cancer.
- The bills would have had a significant fiscal impact on workers' compensation and disability pension expenses.
- **CS/SB 7030 died on the Senate calendar and the other bills died in committee.**



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## Workers' Compensation

- **CS/SB 1582** (Bradley) and **CS/HB 7085** (House Insurance and Banking Subcommittee) would have made numerous changes to the state's workers' compensation laws, primarily in response to recent court decisions.
- The bills addressed benefit levels and substantially revised the attorney fees provisions under workers' compensation.
- CS/SB 1582 provided specified cancers suffered by firefighters would be covered under workers' compensation
- **The bills died in the House.**



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## Local Governmental Fiscal "Responsibility"

**HB 7063** (House Ways and Means Committee) significantly intruded on local government authority by:

- Restricting cities' ability to issue new, tax-supported debt and increase taxes, including property taxes.
- Requiring voter approval for certain new tax-supported debt. This voter approval, as well as local-option taxes that currently require voter approval, would have been required to be held at a general election with a 60 percent threshold for approval.
- Prohibiting cities and counties from enacting, extending or increasing local option taxes other than property taxes, if they had adopted a millage rate in excess of the rolled-back rate in any of the three previous years.
- **The bill died in committee.**



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## CST Tax Base

- **SB 1636** (Artiles) and **HB 1377** (Miller, M.) would have defined "internet video service" and excluded this type of service from the definition of "communications services" and therefore from the communications services tax (CST).
- By exempting internet video services from the CST, the bill would have prevented any future interpretation of the CST statutes that would treat those services as equivalent to other video communications services, and thus prevents tax policy to keep up with changes in technology.
- As people shift from obtaining video services from service providers subject to the CST to those that are not, the state and local governments will lose tax revenues. The amount of the loss is unknown.
- **The bills died in committee.**



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## Local Business Tax Exemption

- **CS/CS/SB 330** (Steube) and **CS/CS/HB 487** (Renner) would have created new exemptions for veterans, certain spouses of veterans and low income people from the local business tax.
- CS/CS/SB 330 also exempted business when an exempt individual owned a controlling interest.
- CS/CS/HB 487 exempted businesses with fewer than 100 people if an exempt individual owned majority interest in the business.
- CS/CS/HB 487 also allowed certain cities that impose a local business tax on merchants measured by gross receipts from to continue imposing the tax.
- **CS/CS/HB 487 died on the House calendar. CS/CS/SB 330 died in committee.**



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## Defined Benefit Retirement Plans/ Rate of Return

- **CS/HB 603** (Fischer) and **SB 632** (Brandes) would have defined “long-range return rate” to mean an actuarial assumed rate of return that is expected to be realized at least 50 percent of the time over the next 30-year period.
- Required extensive reporting for any plan that had an actuarial assumed rate of return greater than the long-term return rate.
- SB 632 required plans to be funded under the long-range rate of return.
- **The bills died in committee.**



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## Florida Retirement System/ Local Government Participation

- **HB 353** (Fischer) and **SB 428** (Brandes) would have provided that employees of a governing body of a municipality, metropolitan planning organization or special district that applied to participate in the FRS on or after January 1, 2017, could be enrolled only in the defined contribution program, and could not be enrolled in the defined benefit pension plan.
- Employees of a governing body participating, or that had applied to participate, in the FRS before January 1, 2017, could continue to enroll in the defined benefit pension plan.
- **The bills died in committee**



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## Workers' Compensation Benefits for First Responders/Mental or Nervous Injury

- **SB 1088** (Torres) would have provided that a mental or nervous injury suffered by a law enforcement officer, firefighter, emergency medical technician or paramedic was compensable under the workers' compensation law if the mental or nervous injury was demonstrated by a preponderance of the evidence.
- **SB 1088 died in committee.**



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## Workers' Compensation Benefits for First Responders/Post-Traumatic Stress Disorder

- **SB 516** (Perry) and **HB 1019** (Miller, M.) would have provided that a mental or nervous injury suffered by a law enforcement officer, firefighter, emergency medical technician or paramedic was compensable under the workers' compensation law if the mental or nervous injury was shown to meet the criteria for post-traumatic stress disorder.
- **The bills died in committee.**



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## Community Redevelopment Agencies

- **CS/CS/CS/HB 13** (Raburn) passed the House 78-37. The bill would have severely restricted the ability of Community Redevelopment Agencies (CRAs) to conduct their original purpose.
- CS/CS/CS/HB 13 provided that the creation of new CRAs on or after October 1, 2017, could only occur by special act of the Legislature.
- As originally filed, the bills would have severely restricted the use of TIF funds.
- The bill required the reauthorization of an existing CRA past the year 2037 by a supermajority vote of the entity which created the CRA.
- **The Senate companion measure, CS/SB 1770 (Lee), died in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on a 2 to 5 vote.**



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## Preemption of Municipal Home Rule Powers

- **CS/HB 17** (Fine) and **SB 1158** (Passidomo) would have eliminated municipal home rule powers as applied to businesses, professions and occupations. The League raised concerns that any effort to repeal local control of businesses would leave local communities without effective tools to address the health, safety, welfare and property rights concerns of their residents and businesses, in a manner best suited to their needs.
- **These bills died in Committee and failed to reach the House and Senate floor.**



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## Growth Management Unfunded Mandate

- **SB 940** (Perry) and **HB 1309** (Payne) would have required local governments to address the protection of private property rights in their comprehensive plans.
- Additionally, the legislation required the Department of Economic Opportunity to approve the private property rights element adopted by each local government to ensure it is in a specified form.
- **SB 940 and HB 1309 died in committee.**



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## Visit Florida Repeal

- In the House, Visit Florida became the subject of a standalone bill, **HB 9** (Renner) that would have modified current law to provide greater accountability and oversight over the agency. The bill made VISIT Florida a direct-support organization of the Department of Economic Opportunity (DEO) and would have allowed VISIT Florida to enter an agreement with DEO to continue any existing program, activity, duty or function necessary for its operation. HB 9 did not provide any funding for VISIT Florida.
- **HB 9 passed the House and died in the Senate where no companion bill was filed.**



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## Enterprise Florida Scaled Back

- **CS/CS/HB 7005** (House Careers and Competition Subcommittee) would have repealed Enterprise Florida (EFI), the public-private partnership that is Florida's primary economic development recruitment mechanism.
- The following incentives and economic development programs would have also been abolished: The Office of Film and Entertainment and the Entertainment Industry Incentive and Tax Exemption Programs; the Urban High-Crime Area Job Tax Credit Program; the Qualified Target Industry Tax Refund Program; the Brownfield Redevelopment Bonus Tax Refund Program; the Quick Action Closing Fund Program; and the Professional Sports Franchises, Spring Training Franchises and Sports Development Programs.
- **HB 7005 passed the House and died in the Senate where no companion measure was filed.**



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## Recovered Materials Preemption

- **CS/HB 1133** (Toledo) and **CS/SB 1288** (Baxley) defined wood, asphalt, concrete and organic materials as “Recovered Materials” in Ch. 403, Part IV, the Solid Waste Management Act
  - This change would have removed these materials from the solid waste stream
  - These materials would no longer be subject to local gov’t regulation or local solid waste franchise agreements
  - **Both bills were amended to take out “organics” but ultimately died in committee**



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## Bills that failed... the bad news



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## Procurement of Professional Services

- **CS/HB 789** (Stone) would have amended the Consultants Competitive Negotiation Act (CCNA) to allow cities to consider bid amounts for architects, engineers and other designated professionals after selecting finalists for the project.
- **HB 789** died in the House Government Accountability Committee.



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## Public Notices by Local Government Entities

- **HB 897** (Stark) and **SB 1444** (Stewart) would have allowed a city to publish legal notices or advertisements on its website in lieu of purchasing ad space in a newspaper.
- **Both bills** died in committee.



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## Septic Tank Inspection, Remediation & Funding

- **CS/CS/CS/HB 285** (Fine) and **CS/SB 1748** (Stewart) would have required septic tanks to be inspected at the point of sale in real estate transactions.
  - Amended to require only certain disclosures by sellers of property
  - CS/CS/CS/HB 285 passed the House but CS/SB 1748 died in committee
- **SB 874** (Young) and **HB 551** (Stone) would have required the state to develop remediation plans for septic systems as part of a BMAP, and would have provided \$20M annually for septic tank remediation and other projects benefiting the Indian River Lagoon, St. Lucie and Caloosahatchee estuaries
  - **Neither bill received a hearing and died in committee**



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## Fracking Bans

- **SB 442** (Young), **HB 451** (Miller), **SJR 108** (Farmer), **SB 98** (Farmer) and **HB 35** (Jenne) would have imposed a statewide ban on fracking.
- SB 442 was the only bill to receive a committee hearing
- Fracking ban is nonstarter in the House
- **All bills died in committee**



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## Flood Hazard Mitigation

- **SB 112** (Brandes) and **HB 613** (Ahern) would have provided funding assistance for local governments to implement flood hazard risk reduction policies and projects.
  - Authorized Division of Emergency Management to issue up to \$50M in financial and technical assistance to local gov'ts
  - Provided criteria for ranking applications
  - Maximum grant award of \$5M
  - Program was to be administered through the Florida Communities Trust
- **Neither bill received a committee hearing**



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## Hazard Mitigation/Beach Restoration

- **CS/CS/SB 1590** (Latvala) and **CS/CS/HB 1213** (Peters) would have directed the development of a scoring system to prioritize annual funding for beach renourishment and inlet management restoration projects
  - CS/CS/SB 1590 would have dedicated a minimum of \$50 million annually for these projects
  - **CS/CS/SB 1590 passed the Senate but CS/CS/HB 1213 died in its last committee**

On the bright side, the budget provides \$50 million for beach projects and \$13.3M for beach restoration from 2016 storms



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## Water Project Funding

- **SB 1082** (Brandes) and **HB 663** (Peters) would have dedicated the lesser of 12.5% or \$100M annually for water projects identified in a regional water supply plan or basin management action plan.
- **Neither bill received a hearing and died in committee.**



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## Annexation Procedures for Municipalities

- **CS/SB 1488** (Clemens) and **HB 1087** (Silvers) would have facilitated municipal efforts to annex properties by not requiring the vote of electors who may be registered to vote from a certain address but do not live at, nor own the property in question.
- **CS/SB 1488 and HB 1087 died in committee.**



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## Public Meetings

- **SB 914** (Baxley) amended the Sunshine Law and codified case law by specifying conditions under which members of any board or commission, including municipal officials, may participate in certain fact-finding exercises or excursions without violating the state's open meetings law. The bill redefined a meeting as any discussion of public business between two or more members of the same board or commission. Current law defines a meeting as any discussion between two members of the same board.
- **SB 914 passed the Senate and died in House messages.**



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## Other Bills that Failed



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## Medical Marijuana

**CS/CS/SB 406** (Bradley) was the Senate's version of the implementation of Amendment 2.

- Preempted cultivation and processing activities to the state and renamed "dispensing organizations" as Medical Marijuana Treatment Centers (MMTC).
- Cities could have determined by ordinance the criteria for the number and location of dispensing facilities as well as other permitting requirements that did not conflict with state law or department rule.
- Maintained integration, while directing the Department of Health to register additional MMTCs as the number of active qualifying patients in the compassionate use registry grew.
- Required the Department of Health to add five new MMTCs by October 3, 2017, and to limit licensees from opening more than fifteen dispensaries.
- **CS/CS/SB 406 died on second reading.**



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## Medical Marijuana continued

**CS/CS/HB 1397** (Rodrigues) was the House proposal implement to Amendment 2 implementation.

- Continued with vertical integration, but allowed for ten new MMTC licenses to be issued prior to July 1, 2018.
- Allowed for four additional licensees after 100,000 patients registered.
- Prohibits smoking marijuana, but allows for vaping, edibles, liquids or tinctures.
- Authorized cities to determine by ordinance the criteria for the number and location of dispensaries and other permitting requirements, provided that they do not conflict with state law or department rule. Cities preempted from adopting ordinances determining the location of dispensaries that were less restrictive than their ordinance determining the location of entities licensed to sell alcoholic beverages.
- Allowed cities to charge a license or permit fee equal to or less than the fee charged to pharmacies.
- **CS/CS/HB 1397 died in Senate messages.**



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## Ethics/Local Government

- **CS/HB 7021** (House Public Integrity and Ethics Committee) would have required elected municipal mayors and governing board officers of municipalities with \$10 million or more in revenues to file the full public disclosure of financial interests (Form 6) rather than the current requirement to file the lesser detailed financial disclosure (Form 1).
- Prohibited a municipal, county or other local public officer from “participating” in a measure inuring to the officer’s benefit.
- Established a statewide registration and reporting process for lobbyists of local governmental entities.
- **The bill died in Senate messages.**



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## Ethics/Employment Activities

- **CS/HB 7083** (House Public Integrity and Ethics Committee) would have prohibited any public officer or employee from soliciting any employment or contractual relationship prohibited under the state Code of Ethics.
- Clarified that the current lobbyist registration process for the executive branch did not require an officer or employee of a political subdivision, including a municipality, to register if the officer or employee was acting in the normal course of his or her official duties.
- Restricted using an elected official’s image or other symbol of office in public service announcements in specified timeframes before elections.
- **The bill died in Senate messages.**



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## Federal Immigration Enforcement/Sanctuary Policies

- **SB 786** (Bean) and **CS/HB 697** (Metz) would have prohibited the adoption or enforcement of a sanctuary policy, and required cooperation with federal immigration authorities.
- A court could have enjoined any unlawful policy and ordered an entity to pay a civil penalty of at least \$1,000, but not more than \$5,000 for each day that the policy was found to be in effect before the injunction was granted.
- A sanctuary policymaker could have been suspended or removed from office.
- Provided for a civil cause of action against any agency or local governmental entity or law enforcement agency determined to have had a sanctuary policy for personal injury or wrongful death by persons injured by an illegal alien.
- Restricted state grant funding for five years for any governmental entity that violated the law.
- **CS/HB 697 died in Senate messages and SB 786 died in committee.**



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## Autonomous Vehicles

- **SB 1066** (Brandes) and **CS/HB 725** (Brodeur) addressed the use of autonomous technology and autonomous vehicles.
- **Both bills died in committee.**



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## Local Surtax Referenda

- **CS/CS/SB 278** (Steube) required referendum for surtaxes to be held at 1) a general election with a majority for passage, or 2) if revenue-neutral at a special election or conducted by mail ballot with a majority needed for passage.
- **CS/CS/HB 139** (Ingoglia) required referendum for surtaxes to be held at 1) a general election with a majority for passage, 2) a primary election with 60 percent for passage, or 3) a primary election if revenue-neutral to the county or special district with a majority for passage. CS/CS/HB 139 also defined revenue-neutral.
- **Both bills died in the Senate.**



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## Real Property

- **CS/SB 1046** (Passidomo) and **CS/CS/CS/HB 735** (Edwards) were comprehensive bills dealing with real property.
- Specified situations in which a county or municipality may have used its police powers to amend, release or terminate certain development permit documents.
- Prohibited local governments from delegating these police powers to third parties in connection with the approval or issuance of a development permit.
- CS/CS/CS/HB 735 included language prohibiting local governments from adopting or enforcing any ordinance seeking to establish common law customary use of property.
- **Both bills died in the Senate.**



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# What's Next?



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## Important Dates

### **FLC Legislative Policy Committee Meetings**

- June 15-16, 2017
- July 14, 2017
- August 17, 2017

### **FLC Annual Conference**

- August 17-19, 2017

### **FAST Fly-In**

- October 11-12, 2017

### **FLC Legislative Conference**

- December 6-8, 2017

### **2018 Legislative Session**

- January 9-March 9, 2018



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# Advocacy After Session



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## Advocacy After Session

- **Stay in touch!**

- Thank and recognize legislators for any money or assistance they provided your city.
- Hold your legislators accountable for both good and bad votes.
- Invite legislators to speak at commission meetings, local league events, etc.
- Meet/host legislative forum to discuss important issues.



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# Questions?



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# ***Thank you***

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