



City of Fort Lauderdale 2017 Regular Legislative Session Final Report

The 2017 Legislative Session proved to be a challenging one for local governments, with home rule authority and financial autonomy attacked on many levels in a variety of areas. Perhaps one of the most aggressive attacks on home rule in recent history (HB 17) was a priority of House Speaker Richard Corcoran. Additionally, the Speaker required a proposed constitutional amendment to increase Homestead Exemption that will negatively impact local budgets if passed by the voters be passed by the Legislature as part of a last minute budget agreement between the House and Senate (HJR 7105). As the Session played out, our efforts were focused more on defense than offense due to the number of bills that were targeting the local level as well as the almost record low bills that passed the Legislature, providing for little opportunities to amend priorities into viable legislation. We were still able to accomplish a few major wins this Legislative Session with a \$500,000 appropriation for the City's Rapid Rehousing program, passage of the implementation of recommendations from the Sober Homes Task Force, passage of anchoring and mooring regulations, and the prevention of negative legislation such as a reversal of the 2013 Vacation Rentals law (which we anticipate will return next Session.) Each of the City's priorities are addressed one by one below with additional legislation of interest attached. Please do not hesitate to reach out to us with any questions or concerns.

The City of Fort Lauderdale will ENDORSE and SUPPORT legislation that will:

- 1. Assist the Florida Fire Chiefs Association efforts in obtaining approval from the Agency for Health Care Administration (AHCA) to allow PEMT (Public Emergency Medical Transport) agencies to submit for additional reimbursements from Medicaid "Managed Care" transports.**

No legislation was filed this Session to address this initiative to expand Florida's fee-for-transport model to include reimbursement for transportation services that do not include hospitals. We will closely monitor legislation filed next Session for opportunities to help support the FFCA's efforts.

- 2. Support the transfer of spending authority for the Tourism Development Tax to cities based on tourism activity**

A Pinellas County decision to give TDT funding to a local aquarium this year made Tourist Development Councils a target for state restrictions by Speaker Corcoran, who publicly opposed the decision. Rather than having a vehicle to allow for equitable distribution of TDT funds, the House proposed an initiative that would have further restricted local ability to levy TDT funds among other local funding restrictions, entitled the Local Government Fiscal Responsibility Act. Specific to TDT funding, the bill would not have allowed local governments to levy the tax if it had “unexpended funds.” This was a very vague concept that local government advocates tried to educate lawmakers on numerous consequences including general accounting confusion, bond rating impacts and the ability to cover fluctuations in revenue. It also would have required any local changes to the TDT to be placed on a general election ballot. The bill stalled in committee and was never entertained by the Senate. We anticipate this concept will return next year.

<https://www.flsenate.gov/Session/Bill/2017/07063>

3. Permit municipal government to make changes to local law pension plans

No major municipal pension plan changes were filed this legislative session. One legislative initiative we opposed would have required all plans to change actuarial rates of return to a “long-term return rate” defined as the rate of return expected to be realized at least 50% of the next 30-years. The bill was amended later to only require a report, but stalled in both House and Senate committees.

<https://www.flsenate.gov/Session/Bill/2017/00603>

4. Support expansion of passenger rail options

The Legislature passed HB 695 111-6 in the House and 32-0 in the Senate. The bill allows the South Florida Regional Transportation Authority to indemnify All Aboard Florida (Brightline) operations on its rail corridor, which was a significant priority in order for the Brightline project to move forward.

<https://www.flsenate.gov/Session/Bill/2017/00695>

5. Promote improved water quality and quantity

Much of the water quality and quantity legislation focused on the impacts of Lake Okeechobee discharges and cleanup projects in surrounding areas. Lake Okeechobee was the number one priority of Senate President Negron. President Negron was able to pass his priority bill- SB 10- that would provide for the creation of a reservoir South of the Lake on state-owned property (including the C-51 Reservoir.)

<https://www.flsenate.gov/Session/Bill/2017/00010>

Legislation that would have required a minimum amount from the Land Acquisition Trust Fund dollars acquired through Amendment 1 be dedicated to water supply, water resource development and water restoration projects was never heard in either the House or Senate.

<https://www.flsenate.gov/Session/Bill/2017/01082>

A reclaimed water initiative was filed that would have required an analysis of water supply projects, Water Management District development of incentives for reuse, plans for eliminating discharge into surface waters, etc. The bill was never heard in its first committee in both House and the Senate.

<https://www.flsenate.gov/Session/Bill/2017/01686>

6. Provide for local regulation of short term rental properties and sober homes and remove the State's preemption of local regulations on vacation rentals

Sober Homes- The House and Senate unanimously passed a bill to implement recommendations from the Sober Homes Task Force regarding deceptive marketing practices and patient brokering for recovery residences (sober homes.) The legislation would expand prohibitions on patient referrals and false advertising, increase penalties, allow the Office of Statewide Prosecutor to investigate patient brokering practices, allow patient brokering to be charged as a RICO offense, and require substance abuse service personnel providing direct clinical treatment to patients be certified by DCF. The bill now awaits the Governor's signature.

HB 807: <http://www.flsenate.gov/Session/Bill/2017/00807>

Vacation Rentals- As previously mentioned, our energy during the 2017 vacation rental battle was on defensive rather than offensive priorities. After aggressive lobbying from the local government coalition opposing the bill, the House narrowly voted 63-56 to pass a bill to re-preempted local governments from regulating vacation rentals. Fortunately, efforts to prevent the Senate from taking the bill up and also from amending its own bill with the House language were successful. The Senate had amended its language during committees to remove the preemption and allow cities with grandfathered ordinances to make their ordinance less restrictive or to exempt veterans without losing their grandfather status. A series of amendments filed to the Senate bill on the floor included efforts to add the preemption back in. The President ultimately Temporarily Postponed the bill, effectively killing it for the Session. We expect this fight to return next Session.

House: <http://www.flsenate.gov/Session/Bill/2017/00425>

Senate: <https://www.flsenate.gov/Session/Bill/2017/00188>

7. Preserve and/or enhance municipal home rule

Perhaps the most challenging of all priorities this Session was the preservation of home rule. Also, the Session provided little to no opportunity to enhance local authority. Below are listed three major bills that we opposed, one that was successfully killed (HB 17) and two that passed (687 and 599), however attacks on home rule are found throughout this report.

HB 17- The House Speaker introduced a priority this Session to prohibit local governments from passing ordinances unless given express permission by the state and voids such ordinances passed by July 1 in 2020. Ordinances affected include wage ordinances, environmental ordinances, human rights ordinances, and noise ordinances. All levels of local governments and human rights groups opposed the bill, while business organizations testified in support. The business groups made the case that their members were struggling under local government ordinances and the process of trying to preempt each ordinance at the state level can take years. Members opposed argued the importance of home rule authority. They argued that local officials represent the people and that such a far reaching preemption would be ignoring the will of local voters and that smaller governments were more in line with conservative philosophy. They also questioned the sponsor's assertion that local zoning authority could properly address issues with businesses such as bars, strip clubs and liquor stores. Members in support of the bill stated they wanted to be sensitive to "community values" like local control of strip clubs, but that they had to do something about "excessive, nonsensical, job-killing" local ordinances.

The Senate bill was very different from the House bill. The Senate language prohibits local regulation of commerce, trade and labor not in general or special law that: bans a good or service, imposes a fee on a good or service, regulates commerce outside of boundaries, interferes with job growth, innovation, productivity, competitiveness and so on. It establishes a rather confusing system by which a local government can deem another local government's ordinance as being in violation and allow the offending local government to correct its ordinance and notify the Legislature if it does not.

The House bill moved through one committee in a 9-6 vote, but was never heard in its second committee of reference. The Senate bill was never heard in committee.

HB 17: <http://www.flsenate.gov/Session/Bill/2017/0017>

SB 1158: <http://www.flsenate.gov/Session/Bill/2017/1158>

Small Cell Wireless- The House voted 110-3 and the Senate voted 33-1 to pass the "Advanced Wireless Infrastructure Deployment Act" or "Small Cell Wireless" bill that preempts local authority regarding the installation of small cell wireless infrastructure. After it was clear that the Legislature would pass the act, local government advocates worked out some concessions from the industry. The final product creates a process

and timeline for review of applications and limits requirements and fees that local authorities can place on applicants.

Under the bill, local governments can deny applicants if the infrastructure “materially interferes” with: the safe operation of traffic control equipment; sight lines or clear zones for transportation, pedestrians, or public safety purposes; ADA compliance or similar federal/state standards for pedestrian access/movement; and the 2010 FDOT edition of the Utilities Accommodation Manual. They can also deny applications for failure to comply with applicable codes adopted by ordinance, such as: design, material, and color of a new utility pole replacing an existing pole; reasonable spacing requirements for ground-mounted equipment; and reasonable location context, color, stealth, and concealment requirements for a small wireless facility. Local governments may also adopt ordinances for registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties- so long as they are “reasonable and non-discriminatory.” It honors agreements adopted by July 1, 2017 regarding collocation, but provides that future applications are subject to the provisions of the bill. The bill also caps fees at \$150 per pole per year, significantly more than the original language of \$15 but not “market rate” as some legislators attempted to amend in.

Local governments also must provide a good faith estimate of Make-Ready Work within 60 days of the application and complete Make-Ready Work within 60 days of the applicants acceptance of the estimate. Alternatively, the local government may allow the applicant to do such at its own expense.

Applications filed prior to the bill’s effective date are still subject to local ordinances regarding registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Permit application requirements and small wireless facility placement requirements, including utility pole height limits, that conflict with the provisions of the bill must be waived by the authority.

<http://www.flsenate.gov/Session/Bill/2017/00687>

Preemption on Public Works Projects- The House voted 77-40 and Senate voted 20-17 to pass a bill that would preempt all local ordinances for public works construction if 50% of the project is funded with state dollars and the project is over \$300,000. The bill is opposed by local governments and unions. Notable Senators that opposed the bill in the past, supported the bill this year on account of the 50% threshold. Opponents argue the bill would impact important ordinances and programs that help local economic development and protect workers. Proponents, such as The Associated Builders and Contractors, claim that local ordinances increase cost and impede small businesses ability to grow and compete.

<http://www.flsenate.gov/Session/Bill/2017/00599>

8. Support municipal government initiatives to curb homelessness

We were successful in securing a \$500,000 appropriation for the City's Rapid Rehousing program for the second year in a row. Additionally, the Legislature fully funded the \$3 million request by local homeless coalition lead agencies. The Legislature also appropriated \$100 million for SHIP and \$37 million for SAIL with proviso stipulations, which still represents a sweep of affordable housing trust funds. \$5.2 million of SHIP dollars must be spent on homeless efforts and 50% of SAIL projects must address families, the elderly and homelessness.

9. Enhance municipal participation in state environmental permitting processes

No legislation was filed this year that provided an opportunity to enhance our participation in the permitting process.

10. Encourage energy development and conservation and the development and implementation of alternative energy sources

Amendment 4 Implementation- The Legislature unanimously passed a bill to implement Amendment 4 to provide exemptions on ad valorem assessments for renewable energy devices. The Senate and House worked out several disagreements in order to get the bill passed, including adding disclosure language, defining devices and helping rural counties with large solar properties. <http://www.flsenate.gov/Session/Bill/2017/00090>

In addition to HB 90, the Legislature also workshopped ideas including a Florida Power & Light planned solar expansion, waste-to-energy industry on current barriers to selling power, and a new technology being developed at Florida Atlantic University that could lead to power generation from ocean currents.

11. Change the allocation of Florida Department of Emergency Management and Urban Area Security Initiative (UASI) funding to cities to be based on each city's risk profile assessment

No legislation was filed this year that provided an opportunity to address this initiative.

12. Enact Complete Street Design Initiatives and legislation that will provide cities with the ability to regulate traffic flow within their city limits (i.e. setting speed limits and use of stop signs for traffic calming)

Complete Streets concepts were not addressed in any policy legislation this Session, however the Legislature included funding for three local complete streets projects, which are subject to a line-item veto.

13. Strengthen and expand environmental education, physical activity, and healthy lifestyles for Fort Lauderdale youth while ensuring that they are as protected as possible while participating in parks and recreation programs

The Senate passed a bill that would mandate 20-minutes of recess per day for students in Kindergarten through 8th grade, and the language was ultimately incorporated into SB 7069, the omnibus education package passed by the Legislature. The language was opposed by school districts due to the mandate.

<https://www.flsenate.gov/Session/Bill/2017/7069>

14. Regulate anchoring of vessels in waterways adjacent to residential properties

The House and Senate voted unanimously to establish statewide standards of anchoring and mooring and derelict vessels. The bill ended the sunset of the anchoring restrictions in the Middle River passed in 2016, making the restriction permanent. The bill incorporates many recommendations from the FWC Anchoring and Mooring pilot program. It establishes 150 ft. setback from marinas, ramps, and other vessel launching structures and a 300 ft. setback from mooring fields with some exemptions. It also prohibits a vessel or floating structure from anchoring, mooring, tying, or otherwise affixing to an unpermitted or unauthorized object that is on or affixed to the bottom of waters of the state. It removes an expiration on anchoring prohibitions passed last year. It authorizes local governments to enact pump-out requirements for live-aboards. It would also allow local governments to establish boating restricted zones in specific circumstances. The boating industry, local governments, and waterfront property owners all supported the bill.

<https://www.flsenate.gov/Session/Bill/2017/07043>

15. Address repeat offenders and other juvenile justice issues

Prolific Juvenile Offenders- The Senate voted unanimously and the House voted with only one dissent to pass a bill to address law enforcement concerns regarding juvenile offenders with a high-recidivism rate and time limitations on pre-adjudication/ and pre/post-disposition detention. Currently, there is a 21-day maximum detention period while awaiting adjudication and a 15-day maximum while awaiting a disposition. The bill would classify juveniles awaiting charges for a felony that have a previous felony and 5 or more adjudications pending, three of which must be felonies, as a "Prolific Juvenile Offender" or PJO. PJOs would be held in secure detention until the disposition and must be adjudicated within 45 days. PJOs would also be held in secure detention while

waiting to enter any commitment programs. The bill was supported by law enforcement.

<http://www.flsenate.gov/Session/Bill/2017/01670>

Juvenile Civil Citation- The Senate passed the Senate President's priority of requiring counties to establish civil citation programs for first-time offender juveniles to avoid "justice by geography" wherein a juvenile is treated differently depending on which county the offense occurs in. The bill would also require the accumulation of data on various programs and on recidivism rates. However, the House chose to move away from civil citation and focus on expungement for first time juvenile offenders instead with the support of law enforcement. Law enforcement organizations support diversion programs in general but do not support a mandate across 67 counties. The Senate attempted to gain House support by amending a Speaker priority of requiring the Supreme Court to provide reports on pending caseloads. However, the effort failed as the House did not take the combined bill.

SB 196: [HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/00196](http://www.flsenate.gov/Session/Bill/2017/00196)

HB 205: [HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/00205](http://www.flsenate.gov/Session/Bill/2017/00205)

16. Create smoke-free zones on Fort Lauderdale beaches

No Legislation was filed this Session that allowed for the opportunity to pursue this issue.

17. Provide for the uniform regulation of police body cameras throughout the State to include privacy and other protection for law enforcement officers

Both Chambers unanimously voted to pass HB 305. The bill requires a law enforcement agency that permits the use of body cameras to have general guidelines authorizing an officer, who uses a body camera during an incident, to review relevant video footage of an incident from the camera before writing a report or providing a statement about the incident. The House unanimously voted the bill out in March and sent it over to the Senate. The bill clarifies that the requirement does not apply to an officer's "inherent duty" to immediately disclose information to secure an active crime scene or identify witnesses. The FSA, PBA and Florida Police Chiefs Association support the bill. The bill was one of the first to be signed by the Governor.

<http://www.flsenate.gov/Session/Bill/2017/00305>

18. Reverse the recent changes to the recent legislation passed related to the Law Enforcement Trust Fund (LETf). The change in evidentiary standard in a forfeiture proceeding and the use of future forfeitures resulted in a \$1 Million impact to the City's operating budget (School Resource Officers)

Unfortunately, no legislation was filed to revisit the 2016 changes to contraband forfeiture laws.

19. Changing legislation language to allow for vehicles (i.e. golf carts) that travel at a speed of 25 miles per hour or more to travel on State infrastructure system roadways (e.g. A1A). The Florida DMV licenses golf carts for roadway use but the Florida Department of Transportation does not permit them on their roadways within a municipal city limit

The City of Fort Lauderdale will OPPOSE any legislation that will:

- 1. Restrict Home rule-** Please refer to #7 in the previous list
- 2. Create unfunded mandates-** Like Home Rule, examples of legislation that would have resulted in unfunded mandates is found throughout this report.
- 3. Restrict or decrease any revenue allocations to local governments**

The House voted 93-23 to pass a bill that required local option surtaxes be adopted by voters during a primary or general election as opposed to special elections, however it was not considered in its final Senate committee. The bill establishes a 50% threshold for passage if it is on a general election ballot and a 60% threshold for passage if it is on a primary election ballot. The bill is a compromise with local governments and conservative Legislators. The Florida League of Cities and Florida Association of Counties both support the compromise. Both committees adopted amendments that would allow for revenue neutral changes to surtax ordinances to be placed on special election ballots, however the League of Cities noted that the term “revenue neutral” was confusing and it is unclear what the language really does.

<http://www.flsenate.gov/Session/Bill/2017/00278>

Tax Package: 7109 is an estimated \$180 million tax cut package. It was passed by the Senate 34-4 and the House 109-3. It was signed by Governor Scott despite being much less than he requested as a priority.

The package includes:

Commercial Real Estate Tax reduction of .02% from 6% to 5.8%

(Estimated impact of \$61 million per year)

3-day back-to-school sales tax holiday

(Estimated impact of \$33.4 million)

3-day disaster preparedness sales tax holiday

(Estimated impact of \$4.5 million)

Property Tax Exemption expansion for Assisted Living Facilities

(Estimated impact of \$6.9 million)

50% discount in property taxes to certain multifamily, low-income housing projects

(Estimated impact of \$25.9 million)

It also includes a permanent sales tax exemption for essential feminine hygiene products, also known as the "Tampon Tax."

<http://www.flsenate.gov/Session/Bill/2017/07109>

4. Decrease the City's tax base through manipulation of tax exemptions on properties

Homestead Extension Expansion: As part of the budget deal negotiated by the Senate and the House, the Senate passed a bill that would ask voters to amend the constitution to increase the Homestead Exemption by \$25,000 for all property taxes excluding school district revenue. The Senate "fast tracked" the House bill, previously passed by the House in a 77-40 vote, scheduling the bill for Senate Rules and moving it straight to the floor on the same day. The Senate amended the bill to apply to homes with at least a \$125,000 value. While Senate Democrats struggled with wrecking the budget deal over the legislation, they ultimately did not take a position. All Local government advocates worked hard to oppose the bill, which is estimated to have a massive impact on local government budgets if passed by the voters. Opponents argued it was a tax shift rather than a tax cut, because it would lead to businesses and non-homestead homeowners shouldering more of the tax burden and would also lead to a cut in services. Proponents argued that property values are rising due to a real estate boom, raising the tax burden on people who have lived in their homes for a long time. Additionally, the amendment could result in a subsidy of fiscally constrained counties by residents who are not in fiscally constrained counties by requiring an offset of revenue loss for those counties. Additionally, the implementing bill for the Constitutional Amendment (7107) that was passed simultaneously increases the negative impact by providing that the rolled-back rate for Fiscal Year 2019-20 "must be calculated as if the tax base had not been reduced by the increased homestead exemption."

<https://www.flsenate.gov/Session/Bill/2017/07105>

<https://www.flsenate.gov/Session/Bill/2017/07107>

Limitations on Property Assessments: The House voted 110-3 and the Senate voted unanimously to place a constitutional amendment on the 2018 ballot to permanently maintain the 10 percent cap on annual non-homestead parcel assessment increases currently in the Constitution that is set to expire in January 2019. The creation of this 2018 amendment is specified in the current constitutional language for renewal. The bill is now awaiting the Governor's signature.

<http://www.flsenate.gov/Session/Bill/2017/00021>

5. Modify, restrict or eliminate the City's ability to levy, collect or spend franchise fees, communications service taxes or local business taxes

While CST was not a big focus this Legislative Session, we do anticipate that it will be one next year as the House held discussions and workshops this year to educate new members. Local Business Taxes, on the other hand, came under a large attack this year.

Local Business Tax: Original House and Senate proposals would have placed a financial cap on Local Business Taxes levied by local governments, which would have had a significant local financial impact, and would have prohibited new local business taxes being adopted. Although the final House product would have prohibited local governments from changing the rate of tax on gross sales on merchants. The amended bills only included exemptions for veterans and active duty spouses and low income individuals (those who receive public assistance or whose household income is less than 130% of the Federal Poverty Level.) The House bill made it through all three committees of reference and was postponed on second reading. The Senate bill was not heard in its third and final committee of reference.

House <http://www.flsenate.gov/Session/Bill/2017/00487>
Senate <http://www.flsenate.gov/Session/Bill/2017/00330>

Communications Services Tax: SB 378 would have reduced the CST by 1% but would have also increased local government revenue share to offset the cut to local governments. The CST cut was removed in the bill's first hearing and replaced with a commercial rent sales tax reduction. Additionally, the House held a workshop late in the Legislative Session on CST mostly to educate new members on the background of the tax. This indicates that the House is planning on taking up this issue next year.

6. Restrict or decrease allocation of red light camera revenues to local governments

The House voted 91-22 to pass a repeal the authorizations of red light cameras, however the companion bill died on tie vote in its first Senate committee of reference. The bill was opposed by local governments, public safety advocates, and projects funded by red light camera revenues.

<http://flsenate.gov/Session/Bill/2017/6007>

7. Restrict or standardize municipal election dates

An election reform package that included forcing municipalities to choose from one of two dates on which to hold their elections- in November or on the third Tuesday in March dangerously advanced this year. The language also provided options for

municipalities that require run-offs and provided it did not affect election dates to fill vacancies or conduct recalls. The bill passed the House 93-24, but the Senate removed the language in a wide ranging strike-all. The bill died when the House refused to concur with the Senate changes.

<http://www.flsenate.gov/Session/Bill/2017/01325>

Additional Legislation of Interest:

MEDICAL MARIJUANA FAILS

The House and Senate failed to reach an agreement in time to pass legislation that would implement Amendment 2, passed by the voters in 2016 to expand medical marijuana in Florida to cover debilitating conditions, such as cancer and seizures. The final iteration of the package used the “vertical” business model that is in current law for low THC cannabidiol, meaning that a license holder was responsible for all aspects from planting the seeds to distributing the final product. The package would not have allowed smoking marijuana but did allow for oil, vaporizing and edibles. It repealed a requirement that doctors have a 90-day relationship with patients prior to prescribing marijuana. The bill came down to the final hours of the 60 days. The bill also allowed for more licenses to be granted as population of the registry grew with only minor differences in pace. The Senate amended the language to tax medical marijuana and also capped the number of dispensaries that the initial license holders were able to have. This was in order to facilitate competitors entering the market at a later date. The House did not agree with these changes, particularly taxing marijuana as they felt strongly that it should be treated as a medicine- which is traditionally not taxed. The Senate felt that taxation could provide for increased law enforcement and regulation necessary for implementation. The final package would have provided that a municipality or county could decide on the number of MMTCs (medical marijuana treatment centers) within its boundaries and determine permitting requirements and charge a fee, but that local ordinances could not be more restrictive than those placed on pharmacies. Local governments could also ensure compliance with Florida Building and Fire Codes. MMTCs could not, under the bill, be within 500 feet of a school unless the local government held a public hearing and determined it was for the safety, health and welfare of the community.

The Department of Health will continue its rulemaking process throughout the summer, and the Legislature will carefully review DOH’s work when it tries again next Session. As of this report, 11 lawmakers that include Speaker Corcoran have called for the Governor to hold a Special Session on Medical Marijuana. Senate President Negron has also issued a memo seeking Senator feedback on the idea but stopped short of asking for a Special Session.

<http://www.flsenate.gov/Session/Bill/2017/01397>

ENTERPRISE FLORIDA AND VISIT FLORIDA

The House voted 87-28 to eliminate Enterprise Florida and 80-35 to reform Visit Florida in a fierce and ongoing battle between House Speaker Corcoran and Governor Scott. The Senate never entertained the bills. For the budget, House and Senate agreed to \$16 million for Enterprise Florida, which does not fund business incentives, and \$25 million for Visit Florida, far below Governor Scott's request for \$100 million. Visit Florida reforms were proposed in an amendment to a Senate bill but was not taken up in committee due to time constraints. However, the House Speaker placed key language that was not agreed to to restrict Visit Florida travel and contract salaries into a conforming bill that is tied to the budget. The fight over this funding could result in an entire veto of the budget by the Governor.

<http://www.flsenate.gov/Session/Bill/2017/07005>

<http://www.flsenate.gov/Session/Bill/2017/00008>

BEACHES

The Legislature failed to pass a bill that would have revised DEP's ranking system for beach re-nourishment projects. The state currently has 411 miles of critically eroded beaches. Among other funding changes, the bill created four tiers with various criteria that must be weighed equally by the department. The bills also authorized DEP to pay up to 75% of construction costs for an initial major inlet management project but can equally share costs with local sponsors for other components. It also updated how DEP develops its comprehensive long-term beach management plan. Palm Beach, Broward and Miami-Dade Counties along with beach associations support the bill as it will help streamline and fund critical projects. It ultimately stalled in its third Senate committee and second House committee.

<http://www.flsenate.gov/Session/Bill/2017/01590>

PUBLIC RECORDS ATTORNEYS FEES BILL

Both Chambers unanimously passed SB 80. The bill gives judicial discretion in awarding attorneys fees in public records cases after following established guidelines. The bill is to crack down on a cottage industry of public records "gotcha" litigation plaguing local governments and burdening taxpayers. The League of Cities, Florida Association of Counties, special districts, local law enforcement and many other public entities support the legislation.

SB 80: <http://www.flsenate.gov/Session/Bill/2017/0080>

FEDERAL IMMIGRATION ENFORCEMENT

After lengthy debate, the House voted 76-41 to pass a bill that would prohibit local sanctuary policies and require local cooperation in Federal enforcement of immigration laws and codify ICE detainers in law. The bill is opposed by many immigration and civil rights advocacy groups. Its Senate companion never moved in the Senate.

<http://www.flsenate.gov/Session/Bill/2017/00697>

SUNSHINE LAW CHANGES FAILS

The Senate voted unanimously to pass a bill that would have slightly relaxed the Sunshine Law for local officials to create a more “reasonable” interpretation of the law. However, the proposal failed in the House in a 68-48 vote, which did not reach the required threshold for a transparency change. It would have clarified that two or more members of a governing board can meet without public notice or access so long as no official acts are taken or public business is discussed. It would have provided that members can also participate in fact-finding exercise together and with a member of the Legislature so long as the board gives reasonable notice, no official acts are taken or public business discussed and the event is recorded in some way. The sponsors argued some interpretations of Sunshine Law have created a counterintuitive and damaging restriction to the decisionmaking of local government by not allowing board members to be exposed to each other and develop a collegial relationship. Opponents argued that the bill was an attack on government transparency.

<http://www.flsenate.gov/Session/Bill/2017/00914>

LAND USE AND ZONING FOR CHARTER SCHOOLS

The House and Senate agreed upon charter school land use and zoning language as part of a budget conforming bill. The language allows a facility that is exempt from ad valorem taxes (i.e. a library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, or university facility) to provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

CONSTRUCTION PACKAGE

The House and Senate voted unanimously with the exception of two Senators to pass a construction related package that would: create a certifying entity for solar energy; implement recommendations of the Construction Industry Workforce Taskforce; change some requirements in the Florida Building Code; prohibit local governments for charging different water and sewer rates or requiring separate water connections for larger water meters and for sprinkler systems in single family units; preempts regulations on franchise signage and gasoline station signage; and require local jurisdictions to calculate to cost savings of utilizing a private third party for inspections and reduce permit fees accordingly. The bill is now awaiting the Governor’s signature.

<http://www.flsenate.gov/Session/Bill/2017/01021>

WORKERS COMPENSATION FAILS

Down to the last minute, the House and Senate attempted to pass a bill addressing the workers compensation system, a critical bill since the Supreme Court decision on attorney’s fee caps led to a 14.5 rate increase. They failed to reach an agreement on

attorneys fees caps and reimbursements for hospitals. The bill focused on allowing judges to award hourly rather than percentage based attorneys fees in certain circumstances. The House bill had a \$150/hr cap, if an hourly cap is triggered by the fee falling out of a certain percentage range of hourly rates charged by defense attorneys in the same location. The House bill also changed from charged-based reimbursement for hospitals to 200% of Medicaid rate for unscheduled surgery and 160% of Medicaid rate for scheduled surgery and requires authorization or denial of medical procedures. The Senate bill hourly rate was capped at \$250/hr, subject to annual adjustment based upon average wages, and injured workers would be on the hook for the remainder. Retainer agreements between injured workers and attorneys must be filed with the judge. It would have also extended benefits. The Senate also includes language classifying multiple myeloma and non-Hodgkin's lymphoma as occupational diseases for firefighters. The bill was opposed by both business organizations for its lack of lowering rates and workers organizations for its focus on attorneys fees rather than injured workers.

SB 1582 <http://www.flsenate.gov/Session/Bill/2017/01582>

HB 7085 <http://www.flsenate.gov/Session/Bill/2017/07085>

FIRE FIGHTER CANCER

The Senate Appropriations Chair fought hard to pass language that would have created a presumption for firefighters that four listed cancers that have been linked to higher rates in firefighters were contracted in the line of duty and, therefore, eligible for workers compensation and death benefits. The bill stalled in its second committee of reference in the Senate, but never advanced beyond a workshop in the House. It was then amended into two different packages, which also were not successful. The result may have been due to the tense relationship between the Speaker and the Senate Appropriations chair rather than policy. The budget includes language that offers \$1 million in local grants to purchase gear that can help prevent fire fighter cancer.

COMMUNITY REDEVELOPMENT AGENCIES FAILS

One of the Speaker's priorities was a proposal to crack down on CRAs. It advanced passed the House in a 78-37 vote but died in a Senate committee. The original proposals would have eliminated all CRAs outright but both were amended to allow a supermajority of the creating local government's board to vote to extend them. The Senate bill differed from the House in that it did not prohibit new CRAs, while the House bill would have eliminated future CRAs. The sponsors argued the bill was about good governance and transparency. The argument was that CRAs had gotten away from their original purpose, citing examples of wayward CRAs and a Grand Jury report that looked at Miami-Dade to make the case. The bill would have implemented recommendations from the report. It would have required CRAs to adopt a budget, complete ethics training, use the same procurement system as the local government that created them, post an annual audit and performance data online, submit budgets to the county in which they are located, and extend their existence with the supermajority vote. Most of the opposition was not due to the transparency or good governance provisions but the limiting of allowable CRA expenditures by removing "but

not limited to” in a statutory list. Members argued that projects that are necessary to bring private investment to the area but are not included in the list may come about and the importance of TIF funding for blighted areas. Members also cited their positive experience with CRAs in their home districts and noted that the report also included positives regarding CRAs. Opponents asked that the Legislature create a study instead and invite participation from all the various CRA stakeholders. Both opponents and proponents agreed on the accountability measures. Another push in the bill would have required entities contributing 20% of revenue to the CRA to be represented on the governing board.

SB 1770: <http://www.flsenate.gov/Session/Bill/2017/01770>

HB 13: <http://www.flsenate.gov/Session/Bill/2017/00013>

GOVERNMENTAL ACCOUNTABILITY

The House voted 91-23 to pass a bill that required local governments to establish internal controls to prevent fraud, waste and abuse. However, the bill was never heard in its final of three committees in the Senate. It also required that tentative budgets be posted online for 45 days and that final budgets and amendments to final budgets be posted online for 2 years. The bill did not have much of a fiscal impact as most local governments already have established controls in place.

<http://www.flsenate.gov/Session/Bill/2017/0479>

LOCAL GOVERNMENT FISCAL RESPONSIBILITY

The House voted 98-15 to pass a bill intended to increase the fiscal responsibility and accountability of local governments, including special districts. The bill would establish a new statutory maximum millage rate and stipulations on local option taxes. The new millage rate would prohibit adoption of a millage rate higher than the “rolled-back” rate (basically, the rate that would maintain the same amount of taxes despite increase in property values) unless the local government or district has no excess “unencumbered fund balance” at the start of the fiscal year. The idea is to require local governments to pay down excess funds before allowing what the House feels is a property tax increase. It would also provide that, if local governments or districts adopted a millage rate higher than the rollback rate, they would be prohibited from enacting, extending or increasing a myriad of local option taxes. It also required local surtaxes or property tax increases that require referendums to be only on general election ballots.

Another bill would have required local governments to post at least four all votes taken on tax increases or increase in longterm debt online and an extra public hearing for any tax increases or increase in debt.

The bills had no Senate companion and were never entertained by the Senate. We anticipate this will return next Session.

<http://www.flsenate.gov/Session/Bill/2017/07065>

LOCAL FINANCIAL EMERGENCIES FAILS

A bill that was not heard in its final of three committees in each the House and Senate would have expanded oversight of local governments, charter schools, school districts and technical career schools to include the House, Senate, and Joint Legislative Audition Committee in cases of financial emergencies. Members in opposition were concerned over political motivations of using oversight authority, even in financial emergencies, such as punishing sanctuary policies.

<http://www.flsenate.gov/Session/Bill/2017/01402>

TRAFFICKING IN FETANYL

The Senate voted 31-7 and the House voted unanimously to pass a bill that would establish mandatory minimums for trafficking in fentanyl and other synthetic drugs in an effort to combat the current opioid crisis. The bill came down to the wire over a debate on providing judicial discretion to depart from the minimums after weighing all of the facts of the case. The House doubled down on its position against judicial discretion, arguing that 4 grams of fentanyl does not indicate personal use by an individual in need of services but rather an intent to traffic by an individual who is preying on addicts. The proponents of judicial discretion claimed that there was no evidence that mandatory minimums work to deter behavior and that mandatory minimums takes power from judges and gives it to prosecutors. They also pointed out that the 4 gram threshold includes liquid, meaning that a person could potentially try to conceal a small personal amount in water and would be inappropriately treated as a trafficker. Opponents of judicial discretion claimed that trafficking is different from addiction and that the current crisis is too compelling to not make it as tough as possible. The bills also provide that selling fentanyl to individual who dies as a result of consuming it would be considered murder, similar to how cocaine is currently treated, and enhances penalties for possession. The Senate ultimately conceded to the House in order to pass the bill, with the dissenting Senate votes based upon the lack of judicial discretion.

<http://www.flsenate.gov/Session/Bill/2017/00477>

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA)

The House and Senate unanimously voted to approve language to address SFRTA liability and insurance concerns for All Aboard Florida and the Florida East Coast Railway. The initiative is supported by all three counties and other local governments served by Tri-Rail. The bill includes language that reflects a compromise with the Governor's office and the Department of Transportation on state funding mechanics for SFRTA operations in general. It is now awaiting the Governor's signature. Additionally, language within the Department of Transportation package and in Senate budget proviso would have forced SFRTA to rebid an awarded operations contract or face defunding. However, the language was amended out and replaced with the compromise.

<https://www.flsenate.gov/Session/Bill/2017/00695>

TRANSPORTATION NETWORK COMPANIES SIGNED BY GOVERNOR

The Governor signed HB 221 into law. The House voted 115-0 the Senate voted 36-1. The bill preempts local governments and provide uniform statewide regulations for ride hailing app companies (Uber, Lyft) separate and apart from taxis. The language is the product of a compromise between TNC companies and the insurance industry. The bill defines TNCs and sets requirements for: insurance, background checks, anti-discrimination and zero tolerance drug policies, paratransit services, fare collection methods, etc. It allows airports and seaports to charge the same fees for pickup that taxis are charged (but no higher) and designate staging areas for pickup/dropoff.

<http://www.flsenate.gov/Session/Bill/2017/00221>

TURNPIKE REVENUE

The House and Senate passed a bill that includes an extension of an agreement between FDOT and the Tri-Counties that directs 90% of toll revenue attributable to users in Palm Beach, Miami-Dade and Broward to fund work program projects within those counties. The agreement is set to expire this year. The bill extends for 10 years, to 2027. Both bills have one more committee each.

<http://www.flsenate.gov/Session/Bill/2017/01049>

DRONES

The House and Senate unanimously voted unanimously to preempt local governments in regulations of drones, with the exception of illegal acts arising from the use of drones. The Florida Association of Counties and Florida League of Cities opposed the bill but stated that local authority over unmanned is a gray area in Federal law. Proponents contended that the bill is necessary for public safety and consistency. The Senate also added in language to authorize personal delivery devices on sidewalks and crosswalks, but still would allow cities and counties to make decisions based upon public safety.

HB 1027: <http://www.flsenate.gov/Session/Bill/2017/01027>



2017 SPECIAL SESSION A FORT LAUDERDALE

The Legislature concluded the Special Session tonight, meeting its scheduled deadline, with agreements reached on Medical Marijuana, Education, Visit Florida, Enterprise Florida, and - in a last minute call expansion- the Herbert Hoover Dike. While the Senate attempted a hospital funding bill, the call was never expanded to include it. Below are the details and highlights of each of the issues passed in the Special Session. Please do not hesitate to reach out with any questions.

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MEDICAL MARIJUANA

The Senate and the House agreed to an Amendment 2 implementation package. The package includes a preemption on local control of Medical Marijuana Treatment Centers, as defined in the Constitution. It provides that local governments may ban MMTC dispensaries, however those that do not may not limit the number of MMTC dispensaries within its jurisdiction. Local governments may set criteria for location and permitting of such facilities so long as it does not exceed those placed on pharmacies. Other highlights include the inability to smoke marijuana, however edibles and “vaping” are allowed as consumption mechanisms under the bill. 6 Senators and 9 Representatives voted against the bill, stating that the bill did not meet voter expectations in what was passed in Amendment 2. The main disagreements during the Regular Session over license and dispensary caps ultimately ended with a grandfather of 10 licenses with 4 new licenses with each 100,000 increase in the registry. Additionally, dispensaries must be capped at 25 per MMTC with an additional five allowed with 100,000 increase in the registry.

The legislature also passed a public records exemption for the registry (6A).

<http://www.flsenate.gov/Session/Bill/2017A/00008A>
(Public Records): <http://www.flsenate.gov/Session/Bill/2017A/00006A>

ENTERPRISE FLORIDA/ VISIT FLORIDA

The agreement between the Governor and the House Speaker allocated \$16 to DEO to contract with Enterprise Florida, \$76 million to DEO to contract with Visit Florida and \$85 million to a new program called the Job Growth Grant Fund, although ultimately the number was closer to \$65 million. The Job Growth Grant Fund is meant to act as economic incentives, but rather than benefiting one company or entity, the funding would go towards infrastructure investment in communities that would then drive private sector investment. The bill also creates the Targeted Marketing Program to focus advertising efforts for the state. The bill places additional transparency and other good governance reforms on Visit Florida and Enterprise Florida. The House originally did not believe that contributions from private entities that receive public dollars should count as the required private contribution to Enterprise Florida, however the Senate believed that entities that receive Tourist Development Tax dollars should still count. In the end, the House agreed to the



Senate's position. Additionally, the Governor, House and Senate agreed to a request to add 50 million from reserve funds to repair the Herbert Hoover Dike in Lake Okeechobee as well as appropriating funding to reverse some \$60 million of the Governor's higher education cuts. While the Senate wanted more of a process in statute to decide on projects deserving of the Florida Job Growth Grant Funding, the final product did not include the process.

Democratic members were frustrated that the funding was provided from local projects vetoes to fund the Governor's priorities but all ultimately voted for the bill because of the Visit Florida increase and higher education reversal.

Senate: <http://www.flsenate.gov/Session/Bill/2017A/00002A>

House: <http://www.flsenate.gov/Session/Bill/2017A/00001A>

EDUCATION

The Senate and the House agreed to increase the FEFP by \$215 million, resulting in \$100 per student increase with \$159 million non-recurring. Four Senators and six Representatives voted no because they believed the increase was not enough given HB 7069, which the Governor has yet to sign. Attempts to take funding away from HB 7069 and divert it to failing traditional schools were not successful. The Senate ultimately agreed to the House position to not increase the Required Local Effort funding. The bill still represents the highest base student funding in Florida history.

<http://www.flsenate.gov/Session/Bill/2017A/00003A>

HOSPITALS

The Senate attempted to add a \$100 million increase to offset cuts by Governor Scott to Medicaid patient heavy hospitals, which would have resulted in a \$260 million reduction in cuts when accounting for Federal matching dollars. However, the House did not agree to expand the call of Special Session to include the bill.

Senate: <http://www.flsenate.gov/Session/Bill/2017A/00004A>