

INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS

FY 2017-2018 STATE LEGISLATIVE FINAL REPORT

1. 2017-2018 STATE LEGISLATIVE PRIORITIES

1.1 INDIAN RIVER LAGOON

Indian River County BCC **SUPPORTED** legislation to appropriate funding for local government projects and programs that will enhance the economic wellbeing of Indian River County by treating and monitoring the health of the Lagoon.

1.2 TRANSPARENCY, ACCOUNTABILITY, AND OVERSIGHT OF THE FLORIDA MUNICIPAL POWER AGENCY (FMPA)

Indian River County BCC **SUPPORTED** legislation to require greater oversight, transparency, and accountability by the Florida Municipal Power Agency (FMPA) to its member municipalities and rate-payers; **SUPPORTED** legislation to require the FMPA annually determine the market value of each generation asset; and **SUPPORTED** legislation to require the FMPA to determine the value of the generation assets for each of the FMPA member municipalities.

1.3 ALL ABOARD FLORIDA

Indian River County BCC **OPPOSED** any state funding for All Aboard Florida (AAF) and its passenger rail project; **SUPPORTED** legislative and executive branch advocacy efforts relating to a high-speed rail's impacts on the health, safety, and welfare of citizens; **SUPPORTED** legislation that regulates passenger rail to protect the State of Florida's citizens, local governments, wildlife, waterways, and natural environment; and **OPPOSED** any effort to shift the cost burden of operating and maintaining a high-speed passenger rail onto local governments.

1.4 CANAVERAL PORT AUTHORITY FOREIGN TRADE ZONE

Indian River County BCC **SUPPORTED** an amendment to the Canaveral Port District Charter to remove the current language which limits the foreign trade zone boundary to Brevard County.

1.5 BEACH RESTORATION AND NOURISHMENT

Indian River County BCC **SUPPORTED** the creation of a newly dedicated and reoccurring statutory funding source for beach restoration and nourishment projects; and Indian River County BCC **OPPOSED** legislation that would change or modify the criteria used by the Department of Environmental Protection to rank eligible beach renourishment projects that would negatively impact communities interested in protecting nearshore hardbottom resources.

Indian River County BCC **SUPPORTED** a \$50 million appropriation for beach renourishment projects including \$337,500 for a beach restoration project to Indian River County's Sector 5 beach. Sector 5 is within the City of Vero Beach and the project area is approximately 3 miles. Specifically, Indian River County has requested:

- \$25,000 in matching funds for a feasibility study, and

2. LEGISLATIVE APPROPRIATION REQUESTS AND RESULTS

2.1 HURRICANE MATTHEW BEACH FUNDING

Indian River County BCC **SUPPORTED** a separate appropriation of \$5 million in matching funds for beach restoration associated with damage caused by Hurricane Matthew.

On January 27, 2017, Governor Scott executed an executive order granting \$15.8 million in state funds for emergency beach restoration projects in response to the damage caused by Hurricane Matthew in St. Johns, Flagler, Volusia and Brevard Counties.

The final budget has a \$13.3 million one-time allocation for storm damage recovery. These funds will likely be used by the State to satisfy its obligation to pay for 12.5% of beach restoration projects that are being funded in part by the Federal Emergency Management Agency (FEMA). Indian River County has a pending application with FEMA for the damage caused by Hurricane Matthew.

2.2 OSPREY ACRES

Indian River County BCC **SUPPORTED** an appropriation of \$1.2 million in matching funds to construct the Osprey Acres project. Osprey Acres is located on 83.14 acres and its purpose is to compliment Osprey Marsh, an existing pollutant removal system which has proven to be very effective by further reducing the pollutants in canal water before it enters into the Indian River Lagoon. Osprey Acres will also preserve over 60 acres of uplands, create approximately 17 acres of aquatic habitat for fish and waterfowl, and serve as an important public education facility for adults and school children.

The final budget has \$1,234,286 allocated for the Indian River Lagoon Osprey Acres project.

2.3 SEBASTIAN SEPTIC TO SEWER

Indian River County BCC **SUPPORTED** an appropriation of \$2.5 million in matching funds to construct the Sebastian Septic to Sewer Conversion. Indian River County has more than 30,000 septic tanks. According to the United States Department of Agriculture's Soil Conservation Service, most of Indian River County's sandy soil is not conducive for the use of septic tank systems. This limitation, combined with the high water table, creates a high potential for groundwater contamination. This is especially true in areas where development preceded septic tank regulation. In many cases, septic systems do not have the required separation of 2 feet depth between the drain field and the groundwater. Indian River County has made it a priority to protect the Indian River Lagoon and to take steps to convert properties off of septic systems and onto public sewer. It will not only help the environment and increase the value of the underlying property, but it will stimulate economic growth by promoting new business to develop and allow existing business to expand.

The final budget does not have a specific allocation for Sebastian Septic to Sewer project. Nor did the Department of Environmental Protection receive its requested \$20 million for septic to sewer conversions along the Indian River Lagoon, the St. Lucie estuary and the Caloosahatchee estuary.

3. LEGISLATION SUPPORTED BY THE COUNTY THAT PASSED

3.1 RECYCLING

Background: In 2008, the Florida Legislature created Section 403.7032, Florida Statutes. This established a new statewide recycling goal of 75% to be achieved by the year 2020. Indian River County BCC voted to support legislation that provides appropriate resources and incentives to local governments to achieve statewide recycling goals, with credit afforded for all recycled materials including municipal biomass and other waste-to-energy processes.

Legislation: SB 1104 (Perry) and HB 335 (Natural Resources and Public Lands Subcommittee) expands the statutory definitions for “recovered materials” and “recovered materials processing facility” to include post-use polymers converted into crude, fuels or other raw materials, and facilities that use pyrolysis, gasification, other thermal conversion processes.

Effective: If signed by the Governor, it will take effect July 1, 2017.

3.2 OPIOID ABUSE

Background: The Governor of the State of Florida has declared a state health crisis due to opioid abuse. In 2015, Florida ranked fourth in the nation with 3,228 deaths from drug overdoses, 9 and the presence of at least one prescription drug in a person’s body caused 2,530 of those deaths.¹⁰ Statewide, in 2015, heroin caused 733 deaths, fentanyl caused 705, oxycodone caused 565, and hydrocodone caused 236; deaths caused by heroin and fentanyl increased more than 75 percent statewide when compared with 2014.

Legislation #1 : 588 (Passidomo) and HB 249 (Rommel) require mandatory reporting of drug overdoses to keep records of the epidemic. One of the primary purposes of the reporting is to discourage substance abuse and overdoses by quickly identifying the type of drug involved, the age of the individual involved, and the areas where drug overdoses pose a potential risk to the public, schools, workplaces, and communities. Another purpose of the legislation is to provide a central data point so that data can be shared between the health care community and municipal, county, and state agencies to quickly identify needs and provide short and long term solutions while protecting and respecting the rights of individuals.

Legislation #2: SB 150 (Steube) and HB 477 (Boyd) enhance existing penalties and creates new penalties for crimes relating to the trafficking of fentanyl and other synthetic drugs.

Effective: If signed by the Governor, both pieces of legislation will be effective October 1, 2017.

4. LEGISLATION SUPPORTED BY THE COUNTY THAT FAILED

4.1 HIGH-SPEED PASSENGER RAIL ACT

Background: The State of Florida has expressed a desire to construct or support the construction of a high-speed passenger rail system within the State to address some of its transportation concerns. Throughout the years, there have been numerous proposals for passenger trains to operate within the State, including high-speed passenger trains. The most recent proposal is the Brightline service by All Aboard Florida (AAF). AAF is a private company that proposes to operate a high-speed passenger rail service between Miami and Orlando with intermediate stations in Fort Lauderdale and West Palm Beach. The current proposal has 32 trains operating at a maximum speed of 110 MPH between West Palm Beach and Cocoa Beach, Florida. AAF has offered to pay for the costs of the initial safety improvements but only if the impacted local governments pay for the long-term maintenance of the railroad crossings.

Legislation: SB 386 (Mayfield) and HB 269 (Magar) provided minimum safety standards for any high-speed passenger rail operating in the State of Florida. The legislation also required any high-speed passenger rail system operating within the State to be solely responsible for rail corridor improvements and upgrades relating to its operation and safety unless otherwise agreed to by the express consent of another entity in writing.

Status: This bill received a lot of positive feedback with the members of the Florida Legislature. A workshop was held in the House to discuss AAF and its Brightline project. The legislation also passed unanimously in the Senate Transportation Committee. Unfortunately, there was a lot of misinformation circulated on the impacts the legislation would have on existing train companies, the freight and port industries and on the State of Florida. We will continue to work on this issue.

4.2 SEPTIC TO SEWER

Background: Studies show that aging septic tanks servicing residential and commercial properties are contributing to the pollution of the Indian River Lagoon and Caloosahatchee and St. Lucie estuaries.

Legislation: SB 874 (Young) and HB 551 (Stone) called for an appropriation of \$20 million annually to offset property owner costs incurred by retrofitting septic systems that are determined by DEP to be contributing excess nutrient pollution to the Indian River Lagoon and Caloosahatchee and St. Lucie estuaries, or connecting properties to sewer systems, and for muck dredging and stormwater improvements in the northern Indian Lagoon.

Status: This bill only made it through one committee in the Senate. The reason for this may be because there was a one-time allocation in the original budget for \$20-\$25 million 50/50 cost share grant to assist the following counties along the Indian River Lagoon and Caloosahatchee and St. Lucie estuaries: Palm Beach, Martin, St. Lucie, Indian River, Brevard, Volusia, and Lee. Unfortunately, this appropriation was not included in the final budget for FY 17-18.

4.3 EMERGENCY MANAGEMENT

Background: There is statewide need to come up with flood mitigation projects to improve the class ratings of local communities under the National Flood Insurance Program Community Rating System.

Legislation: SB 112 (Brandes) and HB 613 (Ahern) proposed to authorize the Division of Emergency Management of the Executive Office of the Governor to administer a matching grant program for local governments to implement flood hazard risk reduction policies and projects.

Status: This issue was not heard in committee.

4.4 OPIOID ABUSE

Background: The Governor of the State of Florida has declared a state health crisis due to opioid abuse. Section 395.1041, F.S. requires all hospitals offering emergency services to provide care to every person seeking emergency care. Hospitals cannot refuse to accept a person with an emergency medical condition if the service is within that hospital's capability and capacity. Persons requiring care beyond the hospital's capability or capacity must be transferred to another facility that can provide the needed services.

Legislation: SB 558 (Passidomo) / HB 61 (Lee) proposes to amend s. 395.1041, F.S., to require a hospital with an emergency department to develop a best practices policy to promote the prevention of unintentional drug overdoses by connecting patients who have experienced unintentional overdoses with substance abuse treatment services. The bill allows hospitals to determine what should be included in the policy, but the bill provides express authority to include several items in the policy.

Status: This issue died in Senate messages. We should expect to see this again next session.

4.5 COASTAL MANAGEMENT

Background: The State of Florida has 825 miles of sandy coastline. Beaches are one of Florida's most valuable resources and serve multiple important functions including providing habitat and protection for several species of plants and animals, attracting visitors and new residents to the State, and providing a line of defense against major storms. Beaches require ongoing maintenance to curtail erosion, which threatens this valuable state resource.

Legislation: SB 1590 (Latvala) and HB 1213 (Peters) proposed to create a \$50 million dedicated and reoccurring funding source for beach restoration and nourishment projects. The bills also creates a scoring system based on a number of tiers for beach restoration projects.

Status: The legislation died in House messages. We should expect to see this again next session.

5. LEGISLATION OPPOSED BY THE COUNTY THAT FAILED

5.1 VACATION RENTAL

Background: Current law prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. Ordinances adopted by various local governments have sparked an abundance of litigation.

Legislation: SB 188 (Steube) and HB 425 (La Rosa) would have prohibited a local law, ordinance, or regulation on vacation rentals that restricts the use, prohibits, or regulates vacation rentals based solely on their classification, use, or occupancy.

Amendment: SB 188 was amended so that local governments were permitted to amend certain vacation rental laws, ordinances, or regulations to be less restrictive, including providing regulatory relief for certain military personnel and disabled veterans. The bill maintains the prohibition in current law against local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals.

Status: This bill died in Senate message. We should expect to see this again next session.

5.2 LOCAL PREEMPTION

Background: Pursuant to home rule authority, local governments may impose proprietary fees, regulatory fees, and special assessments to pay the cost of providing a facility or service or regulating an activity. Florida law also specifically grants local jurisdictions the right to regulate businesses, occupations and professions in certain circumstances.

Legislation #1: HB 17 (Fines) proposed to prohibit certain local governments from imposing or adopting certain regulations on businesses, professions, and occupations after certain date; preempts to state regulations concerning businesses, professions, and occupations; provides exceptions to preemption.

Legislation #2: SB 1158 (Passidomo) proposed to reserve to the State of Florida the exclusive right to regulate matters of commerce, trade, and labor under certain circumstances thereby prohibiting counties, municipalities, and special districts from engaging in specified actions that regulate commerce, trade, or labor, unless otherwise expressly authorized to do so by special or general law.

Update: Both bills died in committee. We should expect to see this again next session.

5.3 Workers Compensation for First Responders

Background: In 2007, the Legislature enacted significant changes in workers' compensation benefits for first responders that provide benefits and standards for determining benefits for employment-related accidents and injuries of first responders. When a first responder has a mental or nervous injury, it must be demonstrated by clear and convincing evidence. If the first responder meets this burden, he or she is entitled to have only medical benefits in employment-related cases involving a mental or nervous injury without an accompanying physical injury requiring medical treatment. The payment of indemnity benefits are prohibited unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury.

Legislation #1: SB 1088 (Torres) proposed to have a mental or nervous injury suffered by a law enforcement officer, firefighter, emergency medical technician or paramedic be compensable under the workers' compensation law (both medical and wage benefits) if the mental or nervous injury is demonstrated by a preponderance of the evidence.

Legislation #2: SB 516 (Perry) and HB 1019 (Miller, M.) proposed to have a mental or nervous injury suffered by a law enforcement officer, firefighter, emergency medical technician or paramedic be compensable under the workers' compensation law (both medical and wage benefits) if the mental or nervous injury is shown to meet the criteria for post-traumatic stress disorder.

Update: Both bills died in committee. We should expect to see this again next session.

5.4 LOCAL GOVERNMENT FISCAL RESPONSIBILITY

Background: Currently, the Florida Constitution reserves ad valorem taxation to local governments. The State is prohibited from levying ad valorem taxes on real and tangible personal property. The Florida Constitution further requires that counties, municipalities and school districts be authorized to levy ad valorem taxes by law. Special districts *may* be authorized by law to levy ad valorem taxes. The constitution also prohibits the levy of ad valorem taxes in excess of the following: (1) ten mills for county purposes, (2) ten mills for municipal purposes, (3) ten mills for school purposes, (4) one mill for water management purposes, except in Northwest Florida where the limit is .05 mill, (5) millage authorized by law approved by voters for special districts. Property taxes levied for the payment of bonds and taxes levied for periods not longer than two years, when authorized by a vote of the electors, are not subject to millage limitations. Counties providing municipal services may also levy up to an additional ten mills above the ten mill county limitation within those areas receiving municipal-type services.

Legislation: HB 7063 (Ways and Means Committee ; Caldwell) proposed to (1) create a new statutory maximum millage rate for local governments, (2) change the rules for approving a referendum pertaining to a local option or a property tax levy, (3) require voter approval for any new tax-supported debt that pledges revenues beyond five years, and (4) prohibit a local government from enacting, extending or increasing the following local option taxes if the local government adopted a millage rate in excess of its rolled-back rate in any of the previous three years: local communications services taxes, tourist development taxes, tourist impact taxes, discretionary surtaxes on documents, public service taxes, local business taxes, motor fuel and diesel taxes, convention development taxes, local option food and beverage taxes, and local option sales taxes.

Update: The bill died in committee. We should expect to see this as a priority of the House Speaker.

6. LEGISLATION OPPOSED BY THE COUNTY THAT PASSED.

6.1 CELL TOWER IN RIGHTS-OF-WAY

Background: Wireless service providers and wireless infrastructure providers have begun the deployment of small cell wireless infrastructure in various jurisdictions within Florida. In some instances, the providers have sited these facilities pursuant to local ordinances or have negotiated with local governments to establish rates, terms, and conditions for siting these facilities. In other instances, the providers indicate that their efforts have been hampered to varying degrees by some local governments that have imposed conditions or moratoria on the siting of small cell facilities.

Legislation: SB 596 (Hutson) and HB 687 (La Rosa) creates the Advanced Wireless Infrastructure Deployment Act, which establishes a process by which wireless providers may place certain “small wireless facilities” on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an “authority” (i.e., a county or municipality). An authority is not allowed to prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified by law. An authority must process and issue permits for collocation subject to certain terms and conditions. A wireless infrastructure provider is also authorized to apply for a permit to place utility poles in the public rights-of-way to support the collocation of small wireless facilities.

Position: The County advocated for a free market approach to determine the collocation fee of the small wireless facilities. Instead, the legislation calls for a \$150 annual collocation fee.

Effective: If signed by the Governor, it will take effect July 1, 2017.

6.2 HOMESTEAD EXEMPTION

Background: Currently, every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts. An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.

Legislation: SJR 1774 (Lee) and HB 7105 (Ways and Means Committee) will allow a constitutional amendment to be placed onto the 2018 ballot that would increase the homestead exemption by exempting the assessed valuation of homestead property greater than \$100,000 and up to \$125,000 for all levies other than school district levies.

Position: The County advocated that this idea is not a tax cut but rather a tax shift. If the County receives less funds from the ad valorem taxes, it will be forced to cut services or raise the millage. In doing so, the non-homestead property owners such as local businesses and renters will pay more.

Effective: It will be placed on the 2018 ballot. If it passes, then it will take effect on January 1, 2019.

7. LEGISLATION OPPOSED BY THE COUNTY BUT WERE SUCCESSFULLY NUETRALIZED

7.1 LOCAL BUSINESS TAXES

Background: In 1972, the Florida Legislature elected to stop administering occupational license taxes at the state level and gave the authority to local governments. Local governments were then authorized to levy occupational license taxes according to the provisions of the “Local Occupational License Act.” In 2006, 368 of the 404 municipalities and 52 of the 67 counties in Florida had some sort of local occupational license tax in place.

Legislation: SB 330 (Steube) and HB 487 (Renner) proposed to authorize counties and municipalities to continue to levy local business taxes if resolution or ordinance was adopted before January 1, 2017, but limited the tax did not exceed \$25.00. It also proposed to remove the authority for counties and municipalities to increase business tax rates and to impose additional business taxes in the future.

Position: The County advocated against the legislation.

Amended: The legislation was amended to allow for an exemption to the local business tax for honorably discharged veterans and their spouses, unremarried surviving spouses of honorably discharged veterans, active duty military service members’ spouses, and low-income persons receiving public assistance, as defined in s. 403.2554, F.S., or having a household income less than 130 percent of the federal poverty level. Additionally, the bill provided an exemption for businesses with fewer than 100 people, if an individual to whom an exemption may apply owns a majority interest in the business. Finally, legislation would have allowed any municipality that imposes a business tax on the gross sales of all retail and wholesale merchants within the municipal jurisdiction to continue to impose such tax.

Status: Died on the House Calendar. We should expect to see this again next session.

7.2 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY (COPCN)

Background: In Florida, pre-hospital emergency medical services are divided into two categories, Basic Life Support Services (BLS) or Advanced Life Support Services (ALS), the former involving non-invasive medical care to preserve a patient’s vital signs, and the latter involving more invasive techniques (medications, intravenous fluids, etc.). An EMT or other first responder expected to provide either form of care must be licensed by the state’s Department of Health. In order to be licensed, a Certificate of Public Convenience and Necessity (COPCN) must be granted to the applicant by the counties in which the applicant is planning to work. Even though it is a mandatory pre-requisite to obtaining DOH licensure, under current law, counties are allowed, but not required, to issue COPCNs and establish standards for the issuance of those certificates.

Legislation: The following amendment was offered to HB 545: *[a] licensed basic or advanced life support ambulance service may provide nonemergency medical transportation services in permitted ambulances in any county notwithstanding any ordinances relating to certificates of public convenience and necessity or s. 401.25.*

Position: The County via Florida Association of Counties advocated against the amendment.

Status: This amendment was withdrawn after strong objections from local governments.

8. OTHER LEGISLATION

8.1 FIREFIGHTERS

Background: A National Institute for Occupation Safety and Health study of cancer among U.S. firefighters has shown higher rates of certain types of cancer among firefighters than the general U.S. population. These types of cancer were mostly digestive, oral, respiratory, and urinary cancers, although there were about twice as many firefighters with malignant mesothelioma, which is a rare type of cancer caused by exposure to asbestos.

Legislation #1: SB 158 (Latvala) and HB 143 (Fitzenhagen) proposed to create a cancer presumption for firefighters.

Legislation #2: The following language was amended onto SB 1582 related to Workers Compensation: “Notwithstanding any provision of this chapter (ch. 440), for firefighters, as defined in s. 112.81, multiple myeloma or non-Hodgkin’s lymphoma are deemed to be occupational diseases that arise out of work performed in the course and scope of employment.”

Legislation #3: The cancer presumption language found in SB 158 and HB 143 was added to SB 7030 relating to Benefits and Salaries for Public Employees.

Status: All three pieces of legislation died. We should expect to see this again next session.

8.2 MEDICAL MARIJUANA

Background: On November 7, 2016, Florida voters approved an amendment to the Florida Constitution that allows the medical use of marijuana without any THC limit by patients certified by physicians as having a specified debilitating medical condition. The amendment authorizes Medical Marijuana Treatment Centers (MMTCs) to be marijuana providers.

Legislation: The following bills were filed to address various issues relating to implementing medical marijuana in the State of Florida: SB 406 (Bradley), SB 1844 (Governmental Oversight and Accountability and Bradley), SB 614 (Brandes), SB 1666 (Braynon) and SB 1758 (Grimsley), SB 1388 (Artiles), SB 1472 (Galvano) and HB 1177 (Toledo), HB 1397 (Rodrigues), and CS/HB 7095 (Health and Human Services Committee; Health Quality Committee; Plasencia).

Status: All of the legislation died. We should expect to see this again next session.

It is rumored that the failure of the legislative efforts was caused by an internal conflict within the industry and between the two chambers. The issue pitted the already-established operators against businesses in and out of Florida seeking to break up what critics characterized as an established “cartel.” There were two main sticking points — the number of licensed marijuana operators and how many retail locations they should run. The Senate wanted to limit the number of dispensaries each operator could open, while the House — which originally backed an unlimited number of storefronts — preferred a more liberal approach that would have, at least temporarily, favored the current license-holders.

8.3 LAKE OKEECHOBEE

Background: The design of Lake Okeechobee requires lake levels to be kept low before the wet season, to account for additional inflow to ensure that lake levels do not rise to dangerous levels, which could cause the dike to be breached. During a high rainfall event, water enters into the lake from direct rainfall, large basins, and other sources, which causes the water levels in the lake to rise six times faster than can be discharged from the lake. The only outlets that are capable of quickly releasing the necessary volume of water from the lake are through the St. Lucie and Caloosahatchee Canals to the coastal estuaries. For the majority of 2016, Martin, St. Lucie, and Lee counties were under a state of emergency due to the negative effects of freshwater discharges from Lake Okeechobee on the coastal communities and ecosystems

Legislation: SB 10 (Bradley) establishes options for providing additional water storage south of Lake Okeechobee, including the: (1) Everglades Agricultural Area (EAA) reservoir project with the goal of providing a minimum of 240,000 acre-feet of water storage; and (2) C-51 reservoir project with the goal of providing approximately 60,000 acre-feet of water storage.

Status: On May 9, 2017, the legislation was signed into law by the Governor and is effective immediately.

Please note U.S. Representative Brian Mast filed a bill to expedite Everglades restoration projects, including a reservoir south of Lake Okeechobee. His Everglades FIRST Act — it stands for Flow Increases Rely on Storage and Treatment — directs the Army Corps of Engineers to expedite work on reports needed for projects to increase water storage around Lake O and minimize discharges to the St. Lucie and Caloosahatchee rivers, and the harmful algal blooms they cause.

Also, please note that U.S. Senator Nelson has sponsored a bill which authorizes the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to declare a severe algal bloom an event of national significance and determine how much money is needed to help the affected state or local government mitigate environmental, social and health effects. The criteria the agencies would consider include the bloom's toxicity, potential to spread, economic impacts and geographic scope. Last year's blooms spread from the lake to the St. Lucie River and eventually to Treasure Coast beaches.

8.4 POLLUTION

Background: Recently, there have been a number of environmental incidents including one involving a massive sinkhole at a fertilizer plant near Tampa that sent millions of gallons of contaminated water into Florida's main aquifer and was not reported to the Department of Environmental Protection (DEP) for a month. In response, the DEP set forth a set of requirements relating to notifying the public when pollution occurs. The requirements, however, were ruled to be invalid by an administrative law judge. At present, there is no comprehensive notice requirement that all releases of substances be reported under state law. There is also no requirement in current law that all such reporting be accessible to the public.

Legislation: SB 1018 (Grimsley) creates the Public Notice of Pollution Act. The bill defines a reportable pollution release as a release to the air, land, or water that is discovered by the owner or operator of an installation, is not authorized by law, and is: (1) reportable to the State Watch Office; (2) reportable to the Department of Environmental Protection (DEP) or a contracted county pursuant to rules governing storage tank systems; (3) reportable to the DEP pursuant to rules governing underground injection control systems; (4) a hazardous substance; or (5) an extremely hazardous substance. The owner or operator of any installation where a reportable pollution release occurs must provide a notice of the release to the DEP. The notice must be submitted to the DEP within 24 hours after discovery of the reportable pollution release and must contain detailed information described in the bill about the installation, the substance, and the circumstances surrounding the release. DEP is required to publish each notice to the Internet within 24 hours after the DEP receives it. The DEP must also create a system for electronic mailing that allows interested parties to subscribe to and receive direct announcements of notices received by the DEP. The penalties for not complying are up to \$10,000 per day for violations of these notice requirements and authorizes the DEP to adopt rules to administer these provisions.

Effective: If signed by the Governor, the law will go into effect on July 1, 2017.

8.5 CONSTRUCTION

Background: Local jurisdictions ensure compliance with the Florida Building Code. Local jurisdictions may set requirements for signs, and sign placement for local businesses by local ordinance. The Florida Department of Agriculture and Consumer Services regulates gasoline service stations in accordance with ch. 526. There are approximately 9,000 gasoline stations within Florida. Federal franchise laws give prospective purchasers of franchises material information needed to weigh risks and benefits of such investments. Florida does not currently regulate private rights to contract related to franchising. Florida limits franchise regulation to antifraud, unfair trade practices, and creating rights for violations of federal franchise disclosure laws.

Legislation: SB 1312 (Perry) and HB 1021 (Aliva) relate to construction. Among many other things, the legislation specifies that political subdivisions of the state may not adopt or enforce ordinances, or impose building permits or other development order requirements that: (1) Contain any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under ch. 526, related to the sale of liquid fuels, or in carrying out business franchise activities, as defined by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. Seq.; or (2) Impose requirements related to the design, construction or location of signage that advertises the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121, F.S. The bill specifies that s. 553.79(20), F.S., doesn't affect design and construction requirements contained in the Florida Building Code. Additionally, the bill specifies that all local ordinances and requirements prohibited by s. 553.79(20), F.S., are preempted and superseded and that s. 553.79(20), F.S., shall apply retroactively.

Effective: If signed by the Governor, the law will go into effect on July 1, 2017.

8.6 VESSELS

Background: In 2009, the Legislature required the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to explore policy options for regulating the anchoring and mooring of vessels outside the boundaries of public mooring fields (pilot program). With the exception of those participating in the pilot program, local governments are prohibited from regulating the anchoring or mooring of vessels, other than live-aboard vessels, outside the marked boundaries of mooring fields.

Legislation: SB 1338 (Book) and HB 7043 (Raschein) relate to vessels. Among other things, the legislation will allow a local government to enact and enforce regulations for the local government law enforcement to remove a vessel that is affixed to a public dock that is abandoned or lost property pursuant to s. 705.103(1), F.S. Such regulations must require the local government law enforcement to post a written notice at least 24 hours before removing the vessel.

Effective: If signed by the Governor, the law will go into effect on July 1, 2017.

8.7 DRONES

Background: Congress has vested the Federal Aviation Administration (FAA) with the authority to regulate airspace use, management and efficiency, safety, navigational facilities, and aircraft noise. In the FAA Modernization and Reform Act of 2012. Congress directed the Secretary of the United States Department of Transportation (USDOT) to determine whether unmanned aircraft systems (UAS) operations posing the least amount of public risk and no threat to national security should be safely operated in the national airspace system and if so, to establish safety requirements for operating UAS in the national airspace system. The FAA has issued rules regarding small unmanned aircrafts but there are a number of states and local governments that have attempted to regulate the operation of flight or aircraft. Specifically, the operation of personal delivery devices (PDDs). PDDs are low mass, low speed devices traveling on sidewalks using mapping, navigation, and obstacle avoidance technology. These devices are equipped with cameras and sensors and are monitored by a remote operator. Currently, Florida law does not contain any provisions regarding the operation of PDDs.

Legislation: SB 832 (Young) and HB 1027 (Transportation & Infrastructure Subcommittee; Yarborough) creates the Unmanned Aircraft Systems Act vesting in the state the authority to regulate the ownership or operation of unmanned aircraft systems, commonly known as drones. The legislation provides statutory requirements governing PDDs and unmanned aircraft systems. The legislation also authorizes, subject to local government regulation, the operation of PDDs on sidewalks, but prohibits them on certain state-owned trails. Political subdivisions are prohibited from enacting or enforcing ordinances or regulations relating to the use of unmanned aircraft systems; however, they may enact ordinances regarding illegal acts arising from the use of unmanned aircraft systems if the ordinances are not specific to unmanned aircraft systems. Finally, the Unmanned Aircraft Systems Act will sunset 60 days after the date a process pursuant to the FAA Extension Safety and Security Act of 2016 becomes effective.

Effective: If signed by the Governor, the law will go into effect on July 1, 2017.

9. WHAT TO EXPECT DURING 2018-2019 LEGISLATIVE SESSION

- Legislation Relating to Municipal Power Regulation
- Legislation Relating to High-Speed Passenger Trains
- Legislation Relating to Vacation Rentals
- Legislation Relating to Opioid Abuse
- Legislation Relating to Coastal Management
- Legislation Relating to Medical Marijuana
- Legislation Relating to Firefighters
- Legislation Relating to Workers Compensation for First Responders (PTSD)
- Legislation Relating to Fracking
- Legislation Relating to Millage Rates
- Legislation Relating to Local Government Fiscal Responsibility

Legislation that would place conditions and restrictions on local governments' ability to raise its millage rate and to comply with accepted local government accounting practices.

- Local Government Lobbyist Registration
- Local Government Fiscal Transparency

Legislation that would require local governments to: (1) post certain voting record information on websites, (2) post certain property tax information and history on websites, and (3) to conduct debt affordability analyses under specified conditions.

- Local Preemption on Business Regulations and Taxes