

# INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS

## FY 2018 STATE LEGISLATIVE FINAL REPORT

### OVERVIEW

- ◆ 1,654 general, 65 local, and 1314 appropriations project bills were filed. Of those, 165 general bills and 29 local bills passed both chambers.
- ◆ Regular session was extended to Sunday, March 11, 2018, to pass a \$88.73 billion budget.
- ◆ The Florida Legislature gave \$168.6 million in tax cuts. This is the smallest tax package during Governor Scott's tenure.

### 1. LEGISLATIVE PRIORITIES

#### 1.1 INDIAN RIVER LAGOON

Indian River County BCC **SUPPORTED** legislation to appropriate funding for local government projects and programs that would 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)

In the event the FMPA hinders the full sale of the City of Vero Beach electric utility to Florida Power and Light, Indian River County BCC **SUPPORTED** policies to require greater oversight, transparency, and accountability by the Florida Municipal Power Agency (FMPA) to its member municipalities and ratepayers.

#### 1.3 HIGH SPEED PASSENGER RAIL

Indian River County BCC **OPPOSED** any state, federal or local funding for private passenger rail projects proposing to traverse through its jurisdiction including, but not limited to, All Aboard Florida (aka Bright-line); **SUPPORTED** legislative and executive branch advocacy efforts to regulate passenger rail in order 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 passenger rail onto local governments or the State of Florida.

#### 1.4 CANAVERAL PORT AUTHORITY FOREIGN TRADE ZONE

Indian River County BCC **SUPPORTED** the expansion of either Foreign Trade Zone 218 located in St. Lucie County or Foreign Trade Zone 136 located in Brevard County to include Indian River County.

#### 1.5 BEACH RESTORATION AND NOURISHMENT

Indian River County BCC **SUPPORTED** the creation of a newly dedicated and recurring statutory funding source for beach restoration and renourishment projects; and **OPPOSED** policies 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.

## 1.6 TEXTING WHILE DRIVING

Indian River County BCC **SUPPORTED** policies that would make texting while driving a primary offense.

## 1.7 SHORT TERM VACATION RENTALS

Indian River County BCC **OPPOSED** policies that would preempt a local government's ability to have local ordinances related to vacation rentals.

## 2. FLORIDA BUDGET AND LOCAL APPROPRIATIONS

### 2.1 BEACH RENOURISHMENT– SECTOR 5

Indian River County BCC **SUPPORTED** an appropriation of \$1,947,637.50 in matching funds 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 requested:

- ☐ \$81,637.50 in matching funds for a feasibility design,
- ☐ \$233,250 in matching funds for the design of the beach project, and
- ☐ \$1,632,750 in matching funds for the construction of the beach project.

**The final budget included \$50 million for Beach Management Funding Assistance and \$11.2 million for Hurricane Recovery Funding Assistance. Unfortunately, Indian River County will not receive funding this year for Sector 5 through an appropriation.**

### 2.2 WEST WABASSO SEPTIC TO SEWER

Indian River County BCC **SUPPORTED** an appropriation of \$840,000 in matching funds to construct the West Wabasso Septic to Sewer Phase II project.

**The final budget did not include funding for this project.**

### 2.3 GENERATORS FOR LIFT STATIONS

Indian River County BCC **SUPPORTED** an appropriation of \$416,640 in matching funds to purchase and install generators to provide power to critical emergency facilities like emergency shelters, nursing homes, senior communities, and assisted living facilities

**The final budget did not include funding for this project.**



### 3. LEGISLATION SUPPORTED BY THE COUNTY THAT PASSED

#### 3.1 PASSENGER RAIL STUDY

**Background:** For at least a decade, high-speed passenger rail has been discussed and proposed within the State of Florida. While All Aboard Florida's Brightline service is the most recent passenger rail service being proposed, it is not the first and it certainly will not be the last. To ensure the citizens of the State of Florida are safe, it is imperative that the State of Florida requires the highest degree of safety improvements at the railroad-highway grade crossings.

**Legislation:** Specific Appropriation 2673, directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to contract for a study to examine existing and planned passenger rail operations, including high-speed passenger rail, in this state, and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2018. The study must include: an overview of the Florida Rail System, including existing and planned passenger rail and high-speed passenger rail operations in the state, and identification of existing and planned passenger rail and high-speed passenger rail stations, corridors, and associated railroad-highway crossings; an overview of the jurisdiction of federal, state, and local governments to regulate passenger rail and high-speed passenger rail operations; data relating to incidents, including resulting injuries and fatalities, involving passenger rail and high-speed passenger rail operations in this state; recommendations to further enhance passenger rail and high-speed passenger rail safety in this state, including a review of current crossing signalization, grade crossings and separations, corridor protection, public education and awareness, and coordination with local law enforcement and emergency management officials; and recommendations to further improve passenger rail and high-speed passenger rail in this state.

**Report Due Date:** November 1, 2018.

#### 3.2 PREARREST DIVERSION PROGRAMS

**Background:** The civil citation process is designed to provide an alternative to formal judicial handling for first time misdemeanor offenses. The term "diversion" has been used broadly through the years to refer to programs that permit an individual to avoid incarceration, but still result in a criminal conviction. In recent years, the term diversion has also begun to refer to programs that address an individual's behavior, but do not result in a conviction. An example of diversion is prearrest diversion. One form of prearrest diversion is a civil citation program where a law enforcement officer has discretion to issue a civil citation to an individual who commits an eligible misdemeanor offense, meets other eligibility requirements, and agrees to participate in a diversion program. If the individual successfully completes the program, he or she does not have an arrest record.

Currently, a law enforcement officer who makes contact with a juvenile who admits to having committed a misdemeanor has the discretion to: ☐ Issue a warning or inform the juvenile's parent or guardian of the child's infraction; ☐ Issue a civil citation or require participation in a similar diversion program; or ☐ Arrest the juvenile

**Legislation:** SB 1392 (Brandes) and HB 1197 (Ahern) requires the establishment of two prearrest diversion programs in each judicial circuit in the state, one for adults and one for juveniles. The bill requires the programs to be created with the collaboration of the public defender, the state attorney, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit. The bill requires the DJJ to develop and provide guidelines for best practice models for civil citation or similar prearrest diversion programs to the judicial circuits to use as a resource in developing and refining the circuit-wide programs

**Effective:** This bill was signed by the Governor. It will take effect on July 1, 2018.

## 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 572 (Mayfield) and HB 525 (Grall) would have provided minimum safety standards for any high-speed passenger rail operating in the State of Florida. The legislation also would have 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.

### 4.2 COASTAL MANAGEMENT

**Background:** Fronting the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida, the state 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 a number of species of plants and animals, attracting visitors and new residents to the state, and providing a line of defense against major storms. Specifically, beaches are the most important feature of Florida's brand, accounting for 25.5 percent of the state's attractiveness to visitors.

**Legislation:** SB 174 (Hukill) and HB 131 (Peters) would have revised the beach nourishment and inlet management project funding criteria and requires the Department of Environmental Protection (DEP) to adopt by rule a scoring system, composed of four tiers and, to determine annual funding priorities. The bill would have required projects considered for funding under the inlet management program be considered separate and apart from projects reviewed and prioritized under the tiered structure for beach nourishment projects. The bill also would have required the DEP to amend the requirements of the comprehensive long-term beach management plan and the Strategic Beach Management Plan (SBMP).

### 4.3 LAND ACQUISITION TRUST FUND

**Background:** The Indian River Lagoon is the one of the most biodiverse estuaries in North America. Residents and tourists use the Indian River Lagoon for recreational, economic and educational purposes.

**Legislation:** SB 786 (Mayfield) and HB 339 (Fine) would have provided an appropriation for certain projects related to Indian River Lagoon Comprehensive Conservation & Management Plan. It also would have authorized Department of Environmental Protection to make grants for such projects.



### 4.3 TEXTING WHILE DRIVING

**Background:** As of January 2017, texting while driving violations are enforced as primary offenses in 41 states. Florida is one of four states where texting while driving is a secondary offense when an operator of a motor vehicle has been detained for a suspected violation of another law. Specifically, Florida law bans driving while sending or reading data on a wireless cell phone for the purpose of non-voice interpersonal communication. The ban does not apply to a stationary motor vehicle or to a motor vehicle operator who is using it for official duties as an operator of an authorized emergency vehicle, law enforcement or fire service professional, or an emergency medical services professional. It also does not apply to those who are using the wireless communication device for navigation purposes.

**Legislation:** SB 90 (Perry) and HB 33 (Toledo, Slosberg) would have revised the legislative intent relating to the authorization of law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving. It would have also required a law enforcement officer to inform a person who is stopped for texting while driving of the person's right to decline a search of his or her wireless communications device.

## 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 #1:** HB 773 (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.

**Legislation #2:** SB 1400 (Steube) and SB 1640 (Simmons) would have created the “Florida Vacation Rental Act” within part III of Chapter 509, F.S., explicitly preempting the regulation of vacation rentals to the state and separating the regulation of vacation rentals from the regulation of public lodging establishments, such as hotels and motels. Under the bill, local governments would have only been able to regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. However, the bill proposed to grandfather local regulations adopted before June 1, 2011, or amended to be less restrictive, which prohibit vacation rentals, or regulate the duration or frequency of vacation rentals.

### 5.2 EMPLOYMENT DISCRIMINATION– EMERGENCY

**Background:** During the 2017 hurricane season, Florida experienced one of the most powerful storms ever recorded in the Atlantic Ocean. In early September, Floridians watched news coverage of Hurricane Irma as it quickly developed into a Category 5 hurricane and trajectories began to show the powerful storm heading on a northward path, directly through the middle of the state. In preparation for the storm, on September 4, 2017, Governor Rick Scott declared a state of emergency in all 67 counties in Florida. The following day, the President of the United States approved a pre-landfall emergency declaration for the State of Florida. As the storm approached, mandatory evacuation orders were issued throughout the state and a record number of 6.5 million people evacuated.

**Legislation:** SB 1828 (Rodriguez) and HB 225 (Davis) would have prohibited an employer from taking any retaliatory personnel action against an employee who leaves a place of employment due to a mandatory evacuation order. The term “retaliatory personnel action” includes “the discharge, suspension, or other demotion by an employer of an employee or any other adverse employment action taken by an employer against an employee in the terms and conditions of employment.” Specifically, the employer would not have been permitted to take retaliatory personnel action against an employee who: (1) Left the employee’s place of employment to evacuate under a mandatory evacuation order; (2) Evacuated because the employee’s residence or place of employment was included in the mandatory evacuation zone, or (3) Returns to work within 14 days after the mandatory evacuation order is lifted, or another time agreed upon between the employee and employer.

The bill did not apply to individuals who are: (1) Employed as emergency personnel if the employer provides adequate emergency shelter for those individuals; (2) Necessary to provide for the safety and well-being of the general public, including a person necessary for the restoration of vital services; and (3) Employed at a nursing home facility, hospice, assisted living facility, or hospital.



### 5.3 FLORIDA BUILDING COMMISSION

**Background:** The most recent Code is the 5th edition, which is referred to as the 2014 Florida Building Code. The 5th edition of the Code went into effect June 30, 2015. In 2017, the Legislature enacted legislation requiring the Florida Building Commission to review the I-Codes every three years to determine if the Code needs to be updated, instead of requiring automatic adoption of the latest code. The Commission also reviews the National Electric Code (NEC) every three years to determine if the Code needs to be updated. The NEC is published every three years by the National Fire Protection Association (NFPA) and has been adopted by all 50 states. The NFPA develops codes to address the installation of electrical conductors, equipment, and raceways; signaling and communications.

**Legislation:** HB 299 (McClain) proposed to revise the membership of the commission.

**Note:** There was never a Senate companion.

### 5.4 METROPOLITAN PLANNING ORGANIZATIONS

**Background:** Metropolitan Planning Organizations (MPOs) are federally-mandated transportation planning organizations comprised of representatives from local governments and transportation authorities. The MPO's role is to develop and maintain the required transportation plans for a metropolitan area and to ensure that federal funds support local priorities. Federal law requires MPOs in urbanized areas with a population of more than 50,000 individuals.

**Legislation:** SB 1516 (Perry) and HB 575 (Beshears) would have provided that MPOs serving designated urbanized areas with populations of 500,000 or fewer will consist of at least 5 but not more than 11 apportioned members. For MPOs in urbanized areas with populations of more than 500,000, its membership will be at least five but no more than 15 apportioned members. The remainder of the statute regarding the number of members on an MPO board remains the same. The bill would have prohibited the entire county commission from being members of an MPO's governing board and would have established term limits for MPO members, providing that members serve 4-year terms and may be reappointed for one additional 4-year term.

### 5.5 SOVEREIGN IMMUNITY

**Background:** Currently, to receive a large claim from a political subdivision for certain claims or judgments (i.e. torts), an individual must go to the Florida Legislature to receive a claims bill.

**Legislation:** SB 1812 (Rader) and HB 1131 (Jenne) would have authorized political subdivisions to insure for certain amounts to pay certain claims or judgments. It also would have prohibited payments in excess of such insurance limits from such political subdivisions. Finally, it would have authorized counties to purchase umbrella policies to insure certain municipalities.

### 5.6 TAXATION OF INTERNET VIDEO SERVICE

**Background:** Under current law, Internet video services, like Netflix, Hulu, Sling TV, and other, fall within the definition of communications services and, accordingly, are subject to state and local communications services taxes (CST) and gross receipts tax.

**Legislation:** SB 1210 (Brandes) and HB 1245 (Bodeur) would have amended the CST law to define "Internet video services" and exclude such services from the definition of "communications services." Thus, the bill exempts Internet video services from the state and local CST and the gross receipts tax. Further, the bill prohibits all public bodies from imposing or collecting any tax or fee with respect to the provision or purchase of Internet video services.



## 5.7 TREE AND TIMBER TRIMMING, REMOVAL AND HARVESTING

**Background:** Currently, in Florida there are 67 counties and 413 municipalities.<sup>1</sup> Local governments often have tree ordinances that specify the species that must be used in a given area depending on the land use. Some local governments require a permit prior to trimming certain trees. Local governments may also afford certain trees protection because they are considered an important community resource. The terms used to describe such trees may include heritage, historic, landmark, legacy, special interest, significant, or specimen trees.

**Legislation:** HB 521 (Edwards-Walpole) and SB 574 (Steube)- Initially, SB 574 proposed to preempt to the state the regulation of trimming, removal, or harvesting of trees and timber on private property. The bill prohibits municipalities, counties and other political subdivisions of the state from prohibiting or restricting a landowner from trimming, removing or harvesting trees located on the landowner's property, requiring mitigation for the removal of trees, or prohibiting the burial of trees and vegetative debris on properties larger than 2.5 acres.

**Amended Legislation-** The bill was amended to provide that after a right-of-way for flood protection or drainage control has been established and constructed by a water management district (WMD), water control district, or special district authorized to exercise certain powers, a local government may not require a permit or other approval for tree and vegetation maintenance within rights-of-way established by such entities. When performing such maintenance, a WMD, water control district, or special district would have to give the local government minimum advance notice of five business days unless the maintenance is necessary to avoid an imminent threat to public safety.

## 5.8 GOVERNMENT ACTIONS DISCRIMINATING AGAINST BUSINESSES

**Background:** There is an effort by some members of the Florida Legislature to limit the home rule authority of local governments, especially when it comes to local ordinances that impact businesses.

**Legislation:** HB 871 (Fant) and SB 1290 (Baxley) would have designated an act called the "Free Enterprise Protection Act" which sought to prohibit certain discriminatory actions by governmental entities against business entities. A discriminatory action was defined as: any action taken by a government entity to:

1. Alter in any way the tax treatment of, or cause any tax, penalty, or payment to be assessed against a business entity;
2. Deny, delay, or revoke a business entity's exemption from taxation or other tax benefit;
3. Withhold, reduce, exclude, terminate, deny, or otherwise make unavailable to a business entity any grant, contract, subcontract, cooperative agreement, bond issue, license, certification, or other similar opportunity, position, or status; or
4. Withhold, reduce, exclude, terminate, deny, or otherwise make unavailable to a business entity access or an entitlement to property, facilities, speech forums, including traditional, limited, and nonpublic forums, or charitable fundraising campaigns.

## **6. LEGISLATION OPPOSED BY THE COUNTY THAT PASSED.**

### **6.1 POSSESSION OF REAL PROPERTY**

**Background:** The state generally owns the property under navigable waters up the mean high water mark, whereas upland landowners own the land down to such mean high water mark. The term “customary use” refers to a general right of the public at large to possess and use certain dry sand areas for recreational purposes. Where a customary use of a dry sand area is shown, the property owner may not use traditional causes of action like ejectment, forcible entry, or trespass to stop such public use of the private land.

**Legislation:** SB 804 (Passidomo) and 631 (Edwards-Walpole) prohibits local government from enacting or enforcing ordinance or rule based on customary use unless the ordinance or rule is based on a judicial declaration affirming recreational customary use on such beach. It also creates a new process for determining customary use of a beach.

**Effective:** This legislation was signed by the Governor and will take effect on July 1, 2018.



## **7. LEGISLATION OPPOSED BY THE COUNTY BUT WERE SUCCESSFULLY NUETRALIZED**

### **7.1 IMPACT FEES**

**Background:** Impact fees are enacted by local ordinance. These fees are tailored to pay the cost of additional infrastructure necessitated by new development. As a result, impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee. The Florida Statutes do not specify when a local government must collect impact fees. As a result, the applicable local government makes this decision, and the time of collection varies.

**Legislation:** SB 324 (Young) and HB 697 (Miller) proposed to require an impact fee to be adopted by ordinance of a county or municipality or by resolution of a special district to specify that the collection of the impact fee be no earlier than the issuance of the certificate of occupancy for the property that is subject to the fee.

**Position:** The County advocated against the legislation because this position would have placed us in the position of acting as a collection agency.

**Amended Legislation:** The legislation was amended to require that the collection of an impact fee be no earlier than the issuance of the building permit for the property that is subject to the fee and provides that the statutory provisions related to impact fees do not apply to water and sewer connection fees. The bill also codified the dual rational nexus test. The bill required impact fees to have a rational nexus with the need for additional capital facilities and the expenditures of the funds collected. The local government would have to specifically earmark funds collected by the impact fees for use in acquiring, constructing, or improving capital facilities to benefit the new users. Finally, the bill would have prohibited the use of impact fee revenues to pay existing debt unless certain conditions are met.

### **7.2 WORKERS' COMPENSATION FOR FIRST RESPONDERS**

**Background:** Currently, a mental or nervous injury must be accompanied by a physical injury requiring medical treatment to be compensable under the workers' compensation law in ch. 440, F.S. Therefore, the physical injury must be severe enough to warrant such treatment in order for any psychiatric injury to be compensable.

**Legislation:** SB 376 (Book) HB 227 (Willhite) proposed to authorize the payment of indemnity benefits to a law enforcement officer, firefighter, emergency medical technician, or paramedic that experiences PTSD unaccompanied by a physical injury if all of the following conditions are met: (1) The mental or nervous injury resulted while the law enforcement officer, firefighter, emergency medical technician, or paramedic was acting within the scope of employment and the person witnessed a murder, suicide, fatal injury, child death, or arrived on a scene of a mass casualty incident; and (2) The mental or nervous injury is demonstrated by a preponderance of evidence by a licensed psychiatrist to meet the criteria for PTSD as described in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

**Position:** The County advocated for a different burden of proof standard.

**Amended Legislation:** The legislation was amended and the evidentiary standard for compensation of Post Traumatic Stress Syndrome was changed to a clear and convincing standard.

**Status:** This legislation passed and has been presented to the Governor. If signed, it will be effective on October 1, 2018.

## 7.3 TOURIST DEVELOPMENT TAX

**Background:** Florida law permits counties to impose local option taxes on rentals or leases of accommodations for a term of six months or less. The taxes are generally referred to as “tourist development taxes,” but consist of several separate levied taxes.

**Legislation:** SB 658 (Brandes) and HB 585 (Fine) proposed to authorize counties imposing the tourist development tax to use revenues from the tax to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance public facilities if the public facilities are needed to increase tourist-related business activities in the applicable county or subcounty special district and are recommended by the county tourist development council.

**Position:** The County was concerned that this would diminish the already limited tourist development tax funds as a community resource.

**Amended Legislation:** The legislation was amended to allow tourist development tax revenues to be used to finance public facilities only if the county or subcounty district in which the tax is levied received at least \$20 million in revenue from the tax in the year before using the revenue for infrastructure, the infrastructure use is approved by a vote of at least two-thirds of the county governing board, no more than 70 percent of the cost of the infrastructure is paid for with tourist development tax revenue, and an independent professional analysis has shown the positive impact of the infrastructure on tourist related businesses.

**Status:** The referenced bill died. However, the language survived because it was placed into the tax package (HB 7087).

**Final Language:** Tourist Development Tax revenues may be used to finance public facilities only if the following conditions are satisfied:

- a. In the county fiscal year immediately preceding the fiscal year in which the tax revenues were initially used for such purposes, at least \$10 million in tourist development tax revenue was received;
- b. The county governing board approves the use for the proposed public facilities by a vote of at least two-thirds of its membership;
- c. No more than 70 percent of the cost of the proposed public facilities will be paid for with tourist development tax revenues, and sources of funding for the remaining cost are identified and confirmed by the county governing board;
- d. At least 40 percent of all tourist development tax revenues collected in the county are spent to promote and advertise tourism as provided by this subsection; and
- e. An independent professional analysis, performed at the expense of the county tourist development council, demonstrates the positive impact of the infrastructure project on tourist related businesses in the county.

## 7.4 MOTOR VEHICLES AND RAILROAD TRAINS

**Background:** The Florida Uniform Traffic Control Law is intended to make uniform traffic laws to apply throughout the state. Florida law does not currently address railroad company reporting requirements related to accident reports.

**Legislation:** SB 1482 (Young) and HB 959 (Fischer) proposed to clarify that for the purposes of the Florida Uniform Traffic Control Law: (1) A railroad train is not considered a vehicle or motor vehicle; and (2) A railroad train engineer operating a railroad train is not considered a driver or an operator. The bill also proposed to amend s. 316.068, F.S., to provide that a member of a railroad train crew or a passenger on a railroad train is not considered a passenger for purposes of Florida’s crash report forms.

**Position:** The County was concerned that this bill was intended to stop investigations of motor vehicle crashes involving trains.

**Amended Legislation:** The legislation was amended to allow law enforcement officers to decide whether to collect the names and addresses of the drivers and passengers of the train and of the motor vehicle

**Status:** This legislation died in Rules and will likely be back next session.



## 7.5 COUNTY AND MUNICIPAL PUBLIC OFFICERS AND EMPLOYEES

**Background:** The Florida Uniform Traffic Control Law is intended to make uniform traffic laws to apply throughout the state. Florida law does not currently address railroad company reporting requirements related to accident reports.

**Legislation:** SB 1180 (Steube) and HB 815 (Avila) proposed to require travel by county and municipal officers and staff to be approved by the governing board in advance. The bill also capped lodging expenses at \$120 per day, but allowed for county and municipal officers to stay in accommodations that are more expensive if they pay the difference between the cap and the actual cost.

**Position:** The County was concerned that the time constraints related to filing memos to agenda items would interfere with the County's ability to travel to meetings outside its jurisdiction. This would be particularly problematic for traveling to Tallahassee when the public receives notice for important meetings only 72 hours to 24 hours in advance.

**Amended Legislation:** The legislation was amended to place limits on traveling outside of the state and international travel, but not on travel within the state.

**Status:** This legislation died in Rules and will likely be back next session.

## 7.6 ENVIRONMENTAL REGULATION

**Background:** The governing body of a county has the responsibility and power to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county. Each county must have a recyclable materials recycling program that has a goal of recycling 40 percent of recyclable solid waste by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020. In the development and implementation of a curbside recyclable materials collection program, a county or municipality must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a service area of a county or municipality to undertake curbside recyclable materials collection responsibilities for a county or municipality. Local governments are authorized to enact ordinances that require and direct all residential properties, multifamily dwellings, and apartment complexes and industrial, commercial, and institutional.

**Legislation:** SB 1308 (Perry) and HB 1149 (Payne) proposed to define the term "contaminated recyclable material" to mean recyclable material having 15 percent or more, measured by weight or volume, of municipal solid waste or nonrecyclable material comingled with recyclable material. The bill prohibits a county or municipality from requiring the recycling of contaminated recyclable material and provides that a county, municipality, or recyclable material contractor is not required to collect, transport, or process contaminated recyclable material, except for certain grandfathered contracts until July 1, 2023.

**Position:** The County was concerned the limitation of 15% would place it at a disadvantage for future negotiations with waste haulers.

**Amended Legislation:** The legislation was amended to remove this limitation.

**Effective** This legislation has been presented to the Governor. It shall become effective upon being signed.

## 9. WHAT TO EXPECT DURING 2019 LEGISLATIVE SESSION

- Legislation Relating to High-Speed Passenger Trains
- Legislation Relating to Vacation Rentals
- Legislation Relating to Texting While Driving
- Legislation Relating to Opioid Abuse
- Legislation Relating to Coastal Management
- Legislation Relating to Medical Marijuana
- Legislation Relating to Firefighters
- Legislation Relating to Fracking
- Legislation Relating to Local Government Fiscal Responsibility
- Legislation Relating to Local Government Lobbyist Registration
- Legislation Relating to Local Government Fiscal Transparency
- Legislation Relating to the 2020 Recycling Mandate
- Legislation Relating to the Sweeping of the SHIP Fund
- Legislation Relating to Impact Fees
- Legislation Relating to Metropolitan Planning Organizations
- Legislation Relating to Taxation of Internet Video Service
- Legislation Relating to Motor Vehicles and Railroad Trains