



LEGISLATIVE ACTION NEWSLETTER

April 2017

2017 Florida Legislation Affecting Special Districts

Caldwell Pacetti Edwards Schoech & Viator LLP represents special districts throughout the State of Florida. As a service to our clients and friends, we are providing a summary of the 2017 Florida general laws that are of interest to special districts. **If you would like more information, you may click on a bill's highlighted title, which will redirect you to the bill's House of Representatives' website.**

The 2017 Legislative Session started on March 7, 2017 and will end on May 5, 2017. The legislative process starts with the bill's first reading by publication in the Journal. The Speaker will refer the bill to committees in one of the houses. The committees may amend, accept or reject the bill. The bill is then sent to the House or Senate. The second reading takes place when the bill is introduced at the start of the legislative session and read on the Special Order Calendar where it is debated and amended. The bill is then taken up on third reading before being voted on by the House or Senate. If the bill does not receive a favorable vote, it dies on the floor. If the House or Senate pass the bill, it sends a message and the bill to the other house for voting. The other house takes the bill through a similar process and returns it with a message to the originating house. If the bill passes both houses, it is enrolled and sent to the Governor for approval.

We will distribute a final report following the conclusion of the Legislative Session. If you have any questions regarding this newsletter or any matters affecting special districts, please feel free to email or call us.

CS/SB10 Water Resources

Summary: Providing an exception to the requirement that bonds issued for acquisition and improvement of land, water areas, and related property interests and resources be deposited into the Florida Forever Trust Fund and distributed in a specified manner; requiring the South Florida Water Management District to seek proposals from willing sellers of property within the Everglades Agricultural Area for land that is suitable for the reservoir project; increasing the minimum annual funding for certain Everglades projects under specified circumstances.

Effective Date: Upon becoming a law

Status: In Messages to the House on April 12, 2017.

Identical: [HB761](#)

CS/CS/HB13 Community Redevelopment Agencies

Summary: Providing reporting requirements; revises requirements for operating community redevelopment agencies; prohibits creation of new community redevelopment agencies after date certain; provides phase-out period; creates criteria for determining whether community redevelopment agency is inactive; provides hearing procedures; authorizes certain financial activity from inactive community redevelopment agencies; revises requirements for use of redevelopment trust fund proceeds; revises county and municipal governments reporting requirements; revises criteria for finding that county or municipality failed to file report; requires Department of Financial Services to provide report to Department of Economic Opportunity concerning community redevelopment agencies with no revenues, expenditures, or debts.

Effective Date: October 1, 2017

Status: In House Government Accountability Committee on April 11, 2017.

Similar: [CS/SB1770](#)

CS/HB17 Local Regulation Preemption

Summary: Defines terms; prohibits certain local governments, including special districts, 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.

Effective Date: July 1, 2017

Status: In House Commerce Committee on March 17, 2017.

CS/SB68 Tourist Development Tax

Summary: Authorizing counties imposing the tourist development tax to use those tax revenues for auditoriums that are publicly owned but operated by 501(c)(3) organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied.

Effective Date: July 1, 2017

Status: In Senate Appropriations Committee on March 21, 2017.

Similar: [HB173](#)

CS/CS/SB80 Public Records

Summary: Revising the circumstances under which a court must assess and award the reasonable costs of enforcement against an agency in a civil action to enforce Chapter 119, Fla. Stat.; specifying circumstances under which a complainant is not required to provide certain written notice of a public records request; requiring a court to determine whether a complainant requested to inspect or copy a public record or participated in a civil action for an improper purpose; prohibiting the assessment and award of the reasonable costs of enforcement to a complainant who acted with an improper purpose; requiring the court to assess and award reasonable costs against the complainant if he or she is found to have acted with an improper purpose.

Effective Date: Upon becoming law

Status: House 1st Reading on April 13, 2017.

Similar: [CS/HB163](#) and [SB246](#)

SB112 Flood Hazard Mitigation

Summary: Authorizing 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; revising the powers of the Florida Communities Trust to authorize the undertaking, coordination, and funding of flood mitigation projects; authorizing the trust to acquire and dispose of real and personal property to reduce flood hazards.

Effective Date: July 1, 2017

Status: Introduced in Senate on March 7, 2017.

Identical: [HB613](#)

SB140 Openly Carrying a Handgun

Summary: Authorizing a compliant licensee to openly carry a handgun, a concealed weapon, or firearm in any meeting of the governing body of a county, public school district, municipality, or special district.

Effective Date: July 1, 2017

Status: Introduced in Senate on March 7, 2017.

Similar: [SB626](#)

HB143 Firefighters

Summary: Defines “firefighter”; establishes presumption as to firefighter’s condition or impairment of health caused by certain types of cancer he or she contracts in line of duty; specifies criteria firefighter must meet to be entitled to presumption; requires employing agency to provide physical examination for firefighter; specifies circumstances under which presumption does not apply; provides for applicability; requires Legislature to review specified cancer research programs by certain date; provides for employer contribution rate increase to fund changes made by act; provides directive to Division of Law Revision and Information; provides declaration of important state interest.

Effective Date: July 1, 2017

Status: Added as workshop bill to House Oversight, Transparency and Administration Subcommittee agenda on March 9, 2017.

Identical: [SB158](#)

HB159 Elections

Summary: Revises timeframe for candidates to pay qualifying fee for federal, state, county, or district offices.

Effective Date: Upon becoming law

Status: House 1st Reading on March 7, 2017.

Identical: [SB758](#)

CS/HB221 Transportation Network Company

Summary: Specifies that Transportation Network Companies (e.g. Uber), TNC drivers, and TNC vehicles are governed exclusively by state law; prohibits local governmental entities and subdivisions, including special districts, from taking specified actions.

Effective Date: July 1, 2017

Status: Received by Senate on April 13, 2017.

Similar: [CS/CS/SB340](#)

SB236 Sports Development

Summary: Repealing provisions relating to state funding for sports facility development by a unit of local government, including special districts.

Effective Date: July 1, 2017

Status: On Senate Commerce and Tourism Committee Agenda for March 13, 2017- Temporarily Postponed on March 8, 2017.

Identical: [HB855](#) and [HB6023](#)

SB306 Ethics

Summary: Prohibiting a public officer from voting on a matter that would inure to any gain or loss, rather than a special private gain or loss, of the officer, or a principal, relative, or business associate of the officer; providing an exception to the abstention requirement under certain circumstances; prohibiting an appointed public officer from participating in any matter that would inure to any gain or loss, rather than a special private gain or loss, of the officer, or a principal, relative, or business associate of the officer, without certain disclosure.

Effective Date: July 1, 2017

Status: Introduced in Senate on March 7, 2017.

SB332 Public-Private Partnerships

Summary: Revise legislative findings to recognize the public need of pursuing information technology projects through the establishment of public-private partnerships.

Effective Date: July 1, 2017

Status: Introduced in Senate on March 7, 2017.

Identical and Linked: [HB607](#), [SB322](#) and [HB609](#)

HJR349 Legislation by Initiative

Summary: Proposes amendment to State Constitution to allow proposal of laws by initiative without legislative or gubernatorial approval; provides that laws changing the boundaries of any special district may not be proposed by initiative.

Effective Date: Not Specified

Status: House 1st Reading on March 7, 2017.

Similar Bill: [SJR1332](#)

HB353 Local Government Participation in Florida Retirement System

Summary: Provides that employees of governing body of municipality, metropolitan planning organization, or special district that applies to participate in the Florida Retirement System (FRS) on or after certain date may enroll only in defined contribution program; authorizes enrollment in pension plan for employees of governing bodies that have elected or applied to participate in FRS before certain date; provides for retroactive application.

Effective Date: Upon becoming law

Status: House 1st Reading on March 7, 2017.

Identical: [SB428](#)

CS/HB383 Public Records/Former Firefighters Personal Identifying Information

Summary: Expands exemption from public records requirements to include personal identifying and location information of certain firefighters, their spouses and children; provides for future legislative review and repeal of exemption; provides statement of public necessity.

Effective Date: Upon becoming law

Status: Added to House Second Reading Calendar on March 29, 2017.

Similar: [CS/SB1108](#)

SB422 Municipal Conversion of Independent Special Districts

Summary: Adding a minimum population standard for qualified electors of an independent special district to commence a certain municipal conversion proceeding. It must have a total population of at least 1,500 persons in counties with a population of 75,000 or less, and of at least 5,000 persons in counties with a population of more than 75,000.

Effective Date: Upon becoming law

Status: In Senate Rules Committee on March 23, 2017.

Identical: [HB719](#)

CS/HB455 Tax Exemptions for First Responders and Surviving Spouses

Summary: Provides exemption from ad valorem taxation for certain first responders and surviving spouses of first responders; specifies documentation required to receive exemption; requires use of physician's certification; grants rule making authority; specifies procedures for receiving tax exemption for 2017; specifies procedures for denials of tax exemptions.

Effective Date: Upon becoming law

Status: In House Appropriations Committee on March 27, 2017.

Similar: [CS/CS/SB764](#)

CS/CS/CS/HB479 Government Accountability

Summary: Requiring local governmental entities to establish and maintain internal controls to achieve specified purposes; requiring an audited entity to respond to audit recommendations under specified circumstances; prohibiting a board or commission from requiring an advance copy of testimony or comments from a member of the public as a precondition to being given the opportunity to be heard at a public meeting. **Amendment:** **The bill will require any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law to report public officer and employee travel information in the statewide travel management system.**

Effective Date: July 1, 2017

Status: Received by Senate on April 5, 2017

Similar: [CS/SB880](#)

CS/CS/SB534 Public Works Projects

Summary: Prohibiting the state and political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers; prohibiting the state and political subdivisions from restricting qualified bidders from submitting bids or being awarded contracts. **Amendment:** **Revised the definition of "public works project" to only include an activity of which 50% or more of the**

cost will be paid from state-appropriated funds.

Effective Date: July 1, 2017

Status: In Senate Appropriations Committee on March 28, 2017.

Identical: [CS/CS/HB599](#)

CS/CS/SB596 Utilities

Summary: Creating the “Advanced Wireless Infrastructure Deployment Act”; prohibiting the Department of Transportation and local governments from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way under certain circumstances; prohibiting local governments from requiring applicants to perform services unrelated to the approval being sought; prohibiting local governments from limiting the placement of small wireless facilities by minimum separation distances or a maximum height limitation; authorizing local governments to limit the height of a small wireless facility to no more than 10 feet above the tallest existing utility pole.

Effective Date: July 1, 2017

Status: On Senate Rules Committee agenda for April 12, 2017 on April 7, 2017.

Similar: [CS/HB687](#)

CS/HB603 Publicly Funded Defined Benefit Retirement Plans

Summary: Defines term "long-range return rate"; revises requirements for actuarial reports submitted by retirement plan or system subject to Part VII of Chapter 112, Fla. Stat., to conform; provides reporting requirements for plan or system with an actuarial assumed rate of return in excess of long-range return rate; provides declaration of important state interest.

Effective Date: July 1, 2017

Status: In House Appropriations Committee on March 31, 2017.

Similar: [SB632](#)

CS/HB697 Federal Immigration Enforcement

Summary: Designates act "Rule of Law Adherence Act"; prohibits sanctuary policies; requires state and local governmental agencies to comply with and support enforcement of federal immigration law; provides requirements concerning immigration detainers and certain arrested persons; Prohibits restrictions on transfer of certain information related to enforcement of immigration law; authorizes law enforcement agency to transport unauthorized alien; authorizes ordinances for recovery immigration detainer costs; provides whistle-blower protections for certain officials; requires Attorney General to prescribe format for complaints; provides injunctive relief and civil penalties; prohibiting the expenditure of public funds for specified purposes; provides cause of action for personal injury or wrongful death attributed to sanctuary policy; prohibits discrimination on specified grounds; provides for implementation; requires repeal of existing sanctuary policies.

Effective Date: July 1, 2017

Status: In House Judiciary Committee on March 24, 2017.

Similar: [SB786](#)

SB740 Hospital Districts

Summary: Prohibiting hospital districts from levying property tax without the consent of electors residing within the hospital district; requiring a county to obtain and publish an independent appraisal of certain public hospitals' assets and a certain independent economic analysis; providing a referendum requirement for a property tax levy contingent upon government-subsidized health care funding; prohibiting a hospital district from establishing certain health care facilities unless a majority of voting electors residing within the hospital district approve it by referendum, subject to certain requirements.

Effective Date: Upon becoming law

Status: Introduced in Senate on March 7, 2017.

HB751 Stormwater Management

Summary: Requires local governments to adopt specified best management practices and measures; provides that such practices and measures comply with certain water quality standards; prohibits adoption of more stringent standards; exempts certain standards.

Effective Date: July 1, 2017

Status: House 1st Reading on March 7, 2017.

Similar: [SB1378](#)

CS/SB832 Drones

Summary: Citing this act as "Unmanned Aircraft Systems Act"; providing that the authority to regulate the ownership or operation of unmanned aircraft systems is vested in the state; prohibiting political subdivisions from enacting or enforcing ordinances or resolutions relating to the design, manufacture, testing, maintenance, licensing, registration, certification, or operation of an unmanned aircraft system; authorizing local governments to enact or enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of unmanned aircraft systems.

Effective Date: July 1, 2017

Status: In Senate Communications, Energy and Public Utilities Committee on April 4, 2017.

Similar: [CS/HB1027](#)

CS/HB843 Public Meetings and Records/Meetings Between Two Members of Board or Commission

Summary: Exempts meetings between two members of certain boards or commissions with a total membership of at least five members from public meetings requirements; provides restriction on such meetings; provides for future legislative review and repeal of exemption; provides statement of public necessity.

Effective Date: July 1, 2017

Status: In House Government Accountability Committee on March 31, 2017.

Similar: [SB1004](#)

HB897 Public Notices by Local Governmental Entities

Summary: Authorizes certain local governmental entities, including dependent districts, to publish legally required notices and advertisements on publicly accessible websites under certain circumstances.

Effective Date: October 1, 2017

Status: In House Local, Federal & Veterans Affairs Subcommittee Agenda on March 13, 2017.

Similar: [SB1444](#)

SB914 Public Meetings

Summary: Specifying conditions under which members of any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation, or political subdivision may participate in fact-finding exercises or excursions; providing that public notice is not required when two or more members of the same board or commission gather so long as no official acts are taken and any public business is not discussed.

Effective Date: Upon becoming law

Status: In Senate Community Affairs Committee agenda for April 17, 2017 on April 12, 2017.

Identical: [HB919](#)

HB943 Neighborhood Improvement Districts

Summary: Provides conditions under which neighborhood improvement district may borrow money, contract loans, and issue bonds, certificates, warrants, notes, or other evidence of indebtedness and may pledge special assessment power of district to pay such debts for purpose of financing certain capital projects.

Effective Date: Upon becoming law

Status: House 1st Reading on March 7, 2017.

Identical: [SB1496](#)

CS/CS/HB1021 Construction

Summary: Prohibits county, municipality, special taxing district, public utility, or private utility from requiring separate water connection or charging specified water or sewage rate under certain conditions.

Effective Date: July 1, 2017

Status: Bill added to House Special Order Calendar on April 13, 2017.

Similar: [SB1312](#)

SB1158 Regulation of Commerce, Trade and Labor

Summary: Reserving to the state the exclusive right to regulate matters of commerce, trade, and labor under certain circumstances; 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; providing that an ordinance, rule, or regulation that violates a specified provision is null and void.

Effective Date: Upon becoming law

Status: Introduced in Senate on March 7, 2017.

CS/SB1170 Florida Security for Public Deposits Act

Summary: Redefining terms, which includes the addition of credit unions as qualified public depositories under the Florida Security for Public Deposits Act; specifying the mutual responsibility and contingent liability of certain credit unions designated as qualified public depositories.

Effective Date: July 1, 2018

Status: On Senate Appropriations Committee Agenda for April 6, 2017-Temporarily Postponed on April 6, 2017.

Similar: [HB1373](#)

HB1241 Subdivided Lands

Summary: Establishes priorities for use by certain entities when awarding grants or financial assistance for legacy community projects and programs; requires a portion of specified funds or financial assistance to be awarded to entities, including special districts, who have submitted applications; provides exception.

Effective Date: July 1, 2017

Status: In House Appropriations Committee on March 28, 2017.

Similar: [SB1696](#)

HB1305 Sovereign Immunity

Summary: Revises requirements relating to waiver of sovereign immunity; requires judge to determine damages; provides certain damages be placed into trust; provides for distribution of damages in trust upon the death of a claimant; authorizes political subdivisions to insure for certain amounts to avoid claim bill; provides requirements with respect to such insurance; prohibits claim bill upon certain conditions; provides a remedy against insurers who act in bad faith; raises caps on damages for awards against local governments; provides for settlement above the cap on damages; provides for annual adjustment to the cap on damages against local governments; provides requirements for lobbyists of claim bills; removes a limitation on presenting claim to Legislature; limits ability to file claim bill; provides for applicability.

Effective Date: October 1, 2017

Status: In House Civil Justice & Claims Subcommittee on March 10, 2017.

CS/SB1402 Local Government Financial Emergencies

Summary: Expanding the entities that have oversight over local governmental entities, including special districts, to the Senate, the House of Representatives and the Legislative Auditing Committee; providing that board members of a local governmental entity who fail to vote affirmatively or to take actions on recommendations made in any report submitted by the financial emergency board within 60 days are subject to suspension by the Governor for malfeasance and misfeasance in office.

Effective Date: Upon becoming law

Status: In Senate Rules Committee on April 13, 2017.

Identical: [CS/HB1289](#)

CS/SB1750 Special Districts

Summary: Requiring a special district to post on its website all meeting minutes within 30 days after the meeting , which minutes must remain on the website for at least 1 year after the event; removing compensation for supervisors on the governing board of a community development district (CDD); removing a filing fee paid to counties or municipalities under certain circumstances when petitions to contract or expand the boundaries of a CDD are filed with the Florida Land and Water Adjudicatory Commission; specifying requirements for the petition and the referendum; requiring the CDD to dissolve if a majority of the qualified voters approve the referendum, subject to certain requirements. **Amendments:** **The amendments require the petitioner to pay a filing fee only when the CDD is adding territory; provide that a referendum to dissolve a CDD after a petition of qualified electors may only occur once in a 12-month period and may only occur after the CDD has existed for at least 2 years; delete from the bill the provision removing compensation for supervisors on the governing board of a CDD; and require a special district to publish all meeting minutes to its website within 30 days after its governing board approves the minutes.**

Effective Date: July 1, 2017

Status: In Senate Governmental Oversight and Accountability Committee on April 6, 2017.

CS/HB7021 Local Government Ethics Reform

Summary: Provides ethics training requirements for governing board members of special districts; prohibits governing board members of special districts from participating and voting in official capacity on measures which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the board member; providing exception for officer of an independent special tax district elected on a one-acre, one-vote basis; requires lobbyists to register with Commission on Ethics before lobbying governmental entities, including special districts; provides civil penalties; requires commission to render advisory opinions under certain conditions.

Effective Date: July 1, 2017

Status: Received by Senate on April 6, 2017.

Linked: [CS/HB7023](#)

HB7063 Local Government Fiscal Responsibility

Summary: Revises dates and voting requirements for referenda related to local government taxes and local option surcharges; prohibits certain local governments from enacting, extending, or increasing taxes otherwise authorized under specified conditions; requires local governments to receive voter approval for issuance of any new tax-supported debt with term of more than five years; provides dates and voting requirements for such referenda; authorizes referenda at times other than at general election if an emergency exists; provides exceptions for refunding or refinancing certain debt.

Effective Date: October 1, 2018

Status: In House Government Accountability Committee on March 20, 2017.

HB7065 Local Government Fiscal Transparency

Summary: Revises Legislative Auditing Committee duties; specifies purpose of local government fiscal transparency requirements; requires local governments, including special districts, to post voting record information on websites for tax increases and new tax-supported debt issuance; requires property appraisers and local governments to post certain property tax information and history on websites; requires public notices for public hearings and meetings prior to certain increases of local government tax levies; specifies noticing and advertising requirements; requires local governments to conduct debt affordability analyses under specified conditions; revises accountants duties when conducting audits of local governments; provides method for local governments that do not operate website to post certain required information.

Effective Date: July 1, 2017

Status: In House Government Accountability Committee on March 20, 2017.

Acronyms

CS Committee Substitute

HB House Bill

SB Senate Bill

HJR House Joint Resolution

SJR Senate Joint Resolution

**Caldwell Pacetti
Edwards Schoech & Viator LLP**
1555 Palm Beach Lakes Blvd.
Suite 1200
West Palm Beach, FL 33401
(561) 655-0620
info@caldwellpacetti.com

Visit us on the web at
www.caldwellpacetti.com

Special District Attorneys

Kenneth W. Edwards
Charles F. Schoech
Mary M. Viator
Frank S. Palen
William P. Doney
John A. Weig
Betsy S. Burden
Ruth Clements

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