



LEGISLATIVE ACTION-LAST UPDATE

April 2018

2018 Florida Legislation Affecting Special Districts

Caldwell Pacetti Edwards Schoech & Viator LLP represents a variety of special districts throughout the State of Florida. As a service to our clients and friends, we are providing a summary of the 2018 Florida general laws that are of interest to special districts. ***If you would like more information, you may click on bill titles, which will redirect you to the House of Representatives' website.***

Acronyms

CS	Committee Substitute
HB	House Bill
SB	Senate Bill
HJR	House Joint Resolution
SJR	Senate Joint Resolution

The 2018 Legislative Session started on January 9, 2018 and ended on March 11, 2018. If you have any questions regarding this newsletter or any matters affecting special districts, please feel free to email or call us.

List of 2018 General Laws Affecting Special Districts

Clicking on the Bill Number will re-direct you to its summary in this newsletter.

Bills	Laws of Florida	Titles
<u>CS/CS/SB 376</u>	Chapter No. 2018-124	Workers' Compensation Benefits for First Responders
<u>CS/HB 411</u>	Chapter No. 2018-146	Public Records and Public Meetings/Firesafety Systems
<u>HB 545</u>	Chapter No. 2018-52	Prohibition Against Contracting with Scrutinized Companies
<u>HB 1013</u>	Chapter No. 2018-99	Daylight Saving Time
<u>CS/CS/HB 1151</u>	Chapter 2018-158	Developments of Regional Impact
<u>HB 5007</u>	Chapter No. 2018-12	State-Administered Retirement Systems
<u>HB 6003</u>	Chapter No. 2018-140	Participant Local Government Advisory Council
<u>HB 7043</u>	Chapter No. 2018-88	State Assumption of Federal Section 404 Dredge and Fill Permitting Authority

CS/CS/SB 376 Workers' Compensation Benefits for First Responders

ENROLLED ON MARCH 5, 2018. APPROVED BY GOVERNOR ON MARCH 27, 2018. CHAPTER NO. 2018-124, LAWS OF FLORIDA. SECTION 112.1815, FLA. STAT.

Summary: Providing that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable by workers' compensation benefits; specifying that benefits do not require a physical injury and are not subject to certain apportionment or limitations.

Effective Date: October 1, 2018

CS/HB 411 Public Records and Public Meetings/Firesafety Systems

ORDERED ENROLLED ON MARCH 9, 2018. APPROVED BY GOVERNOR ON APRIL 6, 2018. CHAPTER NO. 2018-146, LAWS OF FLORIDA. FOR STATUTORY REFERENCES CLICK ON THE LINKED TITLE.

Summary: Provides exemption from public records requirements for firesafety system plans held by agency, exemption from public records and public meetings requirements for information relating to firesafety systems for certain properties and meetings relating to such systems and information, and exemption from public meetings requirements for portions of meetings that would reveal such plans held by agency; provides for retroactive application, for future legislative review and repeal, and statement of public necessity.

Effective Date: April 6, 2018

HB 545 Prohibition Against Contracting with Scrutinized Companies

ORDERED ENROLLED ON MARCH 1, 2018. APPROVED BY GOVERNOR ON MARCH 21, 2018. CHAPTER NO. 2018-52, LAWS OF FLORIDA. SECTION 287.135, FLA. STAT.

Summary: Prohibits company that is on Scrutinized Companies that Boycott Israel List or that is engaged in boycott of Israel from bidding on, submitting proposal for, or entering into or renewing contract with agency or local governmental entity for goods or services; provides exceptions; requires specified provision in such contracts; requires company to make specified certification in specified circumstances; provides for preemption.

Effective Date: July 1, 2018

HB 1013 Daylight Saving Time

ORDERED ENROLLED ON MARCH 6, 2018. APPROVED BY GOVERNOR ON MARCH 23, 2018. CHAPTER NO. 2018-99, LAWS OF FLORIDA.

Summary: Provides legislative intent regarding the State of Florida and its political subdivisions observing daylight saving time year-round under certain conditions.

Effective Date: July 1, 2018

CS/CS/HB 1151 Developments of Regional Impact

ORDERED ENROLLED ON MARCH 9, 2018. APPROVED BY GOVERNOR ON APRIL 6, 2018. CHAPTER NO. 2018-158, LAWS OF FLORIDA. FOR STATUTORY REFERENCES CLICK ON THE LINKED TITLE.

Summary: Repeals, creates, and revises provisions for statewide guidelines, standards, and requirements for developments of regional impact relating to authorizations to develop; applications for approval of development; concurrent plan amendments; preapplication procedures; preliminary development agreements; conceptual agency reviews; local notice and regional reports; developments inside and outside areas of critical state concern; local government development orders; construction of mitigation facilities; impact fee and exaction credits; comprehensive development applications and master plan development orders; abandonment of developments; dense urban land area exemptions; Florida Quality Developments and Quality Developments Review Board; Administration Commission guidelines and standards; state land planning agency agreements; Florida Land and Water Adjudicatory Commission requirements; local government permit approvals and extensions, reviews and certifications; uniform reviews of developments by state land planning agency and regional planning agencies.

Effective Date: April 6, 2018

HB 5007 State-Administered Retirement Systems

ENROLLED ON FEBRUARY 8, 2018. APPROVED BY GOVERNOR ON MARCH 16, 2018. CHAPTER NO. 2018-12, LAWS OF FLORIDA. SECTION 121.71, FLA. STAT.

Summary: Revises required employer retirement contribution rates for members of certain membership classes and subclasses of Florida Retirement System; provides finding of important state interest.

Effective Date: July 1, 2018

HB 6003 Participant Local Government Advisory Council

ENROLLED ON MARCH 9, 2018. APPROVED BY GOVERNOR ON MARCH 30, 2018. CHAPTER NO. 2018-140, LAWS OF FLORIDA. FOR STATUTORY REFERENCES CLICK ON THE LINKED TITLE.

Summary: Abolishes the Participant Local Government Advisory Council.

Effective Date: March 30, 2018

HB 7043 State Assumption of Federal Section 404 Dredge and Fill Permitting Authority

ENROLLED ON MARCH 8, 2018. APPROVED BY GOVERNOR ON MARCH 23, 2018. CHAPTER NO. 2018-88, LAWS OF FLORIDA. SECTION 373.4146, FLA. STAT.

Summary: Provides Department of Environmental Protection, upon approval of U.S. Environmental Protection Agency, with power and authority to adopt rules to assume and implement permitting program pursuant to federal Clean Water Act for dredge and fill activities in certain state waters; provides applicability of state laws, exemptions, and administrative procedures; provides permit requirements; provides for delegation of certain activities.

Effective Date: March 23, 2018

Constitutional Amendments Affecting Special Districts

The Constitution Revision Commission is reviewing the Florida Constitution this year to propose changes for voter consideration. Proposals that pass the Commission's final vote will be placed on Florida's General Election ballot on November 6, 2018 and must secure at least 60 percent voter approval to become law (See [How a Proposal Advances Through the CRC Process Chart](#)). Below are proposed constitutional amendments affecting special districts and their status. ***Please note that only Proposals 39 and 6007 are being considered at this time.***

Proposal 39 General Provisions, Ethics in Government; Representation for Compensation; Judiciary, Ethics in the Judiciary; Prohibited Activities

Summary: Amends Section 8 of Article II and Section 13 of Article V and creates a new section in Article XII of the State Constitution to establish certain restrictions for specified public officers and employees regarding the personal representation for compensation of another person or entity before certain government bodies and to specify minimum requirements for the Code of Ethics as to the prohibition against abuse of public position.

Status: On Style and Drafting Committee agenda for April 3, 2018; Amendment(s) adopted - temporarily postponed.

Proposal 69 Finance and Taxation, Local Taxes

Summary: Amends Section 9 of Article VII of the State Constitution to prohibit certain special districts, except ones created for water management purposes, from levying ad valorem taxes after January 7, 2029, or 10 years after the date of voter approval for such authority, whichever is later; to grant districts authority to levy ad valorem taxes beyond that date under certain circumstances; to authorize the grant or renewal of the authority by referendum for 10-year periods if certain conditions are met; to require ballot proposals to include specified language; to require the Legislature to dissolve, merge, consolidate, or provide for appropriate disposition of special districts if the referendum fails; to authorize debt secured by ad valorem taxes and incurred before January 7, 2019, to be refinanced under certain circumstances; and to prohibit special districts from pledging ad valorem tax revenue to repay or restructure debt incurred after a specified date under certain circumstances.

Status: Withdrawn from further consideration.

Proposal 95 Local Government, Regulation of Commerce, Trade or Labor

Summary: Adds a new Section 6 of Article VIII of the State Constitution and renumbers present section 6 of that article to limit the power of a county, municipality, or special district to regulate commerce, trade, or labor unless the regulation applies exclusively within the respective entity's own boundaries in a manner not prohibited by law, and to specify that such regulation may not intrude upon or impede commerce, trade, or labor across the respective entity's boundaries.

Status: Unfavorable by Local Government Committee and laid on table; YEAS 0 NAYS 7.

Proposal 6007 Lobbying and Abuse of Office by Public Officers

Summary: Amends Section 8 of Article II and Section 13 of Article V and creates a new section in Article XII of the State Constitution to establish certain restrictions for specified public officers and employees regarding the personal representation for compensation of another person or entity before certain government bodies.

Status: Placed on Reports of Committees Calendar for April 16, 2018.

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