

PBC Legislative Update



MARCH 15, 2015

VOLUME 8 NUMBER 5

IN THIS ISSUE:

Legislative Update - Second Week of Session

STATE ISSUES

1. Budget
2. UBER
3. Health Insurance Exchange
4. Location of Utilities
5. Red Light Camera
6. Sober Homes
7. Utility Projects
8. Low Voltage Alarm Systems
9. Building Code
10. Film Tax Credits
11. Water and Amendment 1
12. Affordable Housing
13. Economic Dev.
14. Public Works Preemption
15. Pension Reform
16. Emergency Fire Rescue Surtax
17. Regional Planning Councils
18. DRIs
19. Flood Insurance
20. Reduced Fees for Parks
21. Grandparents Rights

FEDERAL ISSUES

1. Waters of the U.S. Rule
2. Federal Flood Risk Mgt Standards

UP NEXT WEEK IN TALLAHASSEE

Legislative Update—Second Week of Session

STATE ISSUES

BUDGET

By: Ericks Consultants and Corcoran & Johnston

The House and Senate are expected to have completed their initial budgets sometime next week. The two chambers are taking different approaches to Medicaid expansion, Low Income Pool (LIP) funding and Amendment 1 implementation. The House released their General Revenue allocations- the amount of money allotted to each category not including Trust Funds and other sources- on Friday. The House divided up \$28.5 billion, holding back \$2.5 billion to be used for state reserves and a tax cut package. Their budget allocations include Federal LIP funding for hospitals but does not include Federal money for Medicaid expansion. The Senate does not plan to release any details until next week.

House Allocations:

GENERAL REVENUE FUND	Recurring	NR	TOTAL
Pre-K - 12 Education	11109.3	109.6	11218.9
Higher Education	3852.2	19.7	3872
Health Care	8174.4	85.6	8260
Justice	3921.5	47.8	3969.3
Transportation & Economic Development	73.6	63	136.6
Agriculture & Natural Resources/General Government	124.1	284.9	409
Government Operations/General Government	237.8	56.7	294.6
Administered Funds-Statewide Issues (includes Education FCO) Total	184.3	173.2	357.4
TOTAL GENERAL REVENUE FUND ALLOCATIONS	27677.3	840.5	28517.8

UBER

By: Ericks Consultants

The House Transportation & Ports Subcommittee approved HB 817 in a 9-3 vote that would preempt local control of Transportation Network Companies such as Uber and Lyft. The bill would require ID's and Level 1 background checks for drivers, electronic receipts for passengers, different levels of insurance that change as the ride progresses as well as a zero tolerance drug and alcohol policy for drivers. The sponsor stated that his main goal was to create a uniform statewide policy. An amendment supported by the Florida League of Cities, Florida Association of Counties and Miami-Dade County to preserve local control failed. Members of the committee as well as insurance industry representatives expressed

concerns over the insurance components of the bill and committed to continue working with the sponsor on the provisions. Opponents of the bill included local governments and taxi cab industry representatives, who spoke on lack of insurance coverage clarity, citizen safety, vehicle sizes, background checks and competitive disadvantages such as taxicab companies paying fees which are not paid by TNCs. The Florida Association of Counties testified that, with the understanding that companies such as Uber were not going to go away, local governments would like to be participants in crafting the regulations. The bill was supported by the Associated Industries of Florida, National Federation of Independent Businesses, Florida Chamber of Commerce, Americans for Prosperity and the City of Miami Beach. The bill has one more committee of reference in the House. Its Senate companion has yet to be heard in its first of three committees of reference.

HEALTH INSURANCE EXCHANGE

By: Ron L. Book, PA

During week 2 of the 2015 Regular Session the Senate introduced and unanimously passed the Health Insurance Affordability Exchange, SB 7044 by the Senate Health Policy committee, which is intended to draw down \$50 billion in federal funding over ten years, for approximately 800,000 uninsured in Florida. The bill will next be heard on 3/17/15, in the Appropriations Subcommittee on Health and Human Services, making it clear to the House and Governor, who oppose the idea, that the Senate is moving forward with this plan.

The bill creates the Florida Health Insurance Affordability Exchange Program (FHIX) and would enroll low-income residents in private insurance. Through this bill that creates a way to draw down federal dollars, the Senate is moving swiftly toward solving the looming budget funding issue of Medicaid expansion. Should the Federal government do away with the billions in federal aid Florida receives for the uninsured, it leaves an enormous gap of approximately \$2 billion in funding for the budget that the Legislature must structure for FY 2015 – 2016.

LOCATION OF UTILITIES

By: Corcoran & Johnston

On Thursday, HB 391, relating to Location of Utilities, by Representative Clay Ingram, unanimously passed its second committee of reference, the House Transportation & Economic Development Appropriations Subcommittee. Its third and final committee of reference is the Regulatory Affairs Committee.

During the committee meeting, Chairman Ingram stated that utility providers would still be responsible for paying for the movement of utility facility. A Florida League of Cities and the Florida Association of Counties representative explained that relocation costs need to be borne by the utility. From a societal costs benefits analysis, he explained, one would want utilities to run alongside roadways without inconveniencing local governments or the Department of Transportation. Eric Pool, from the Florida Association of Counties, opposed the bill because there is over 100 years of common law that establishes who is supposed to pay. Comcast and the Florida Natural Gas Association waived in support.

The Florida Cable Association, Verizon, AT&T, and CenturyLink waived in support. Megan Samples, from the Florida League of Cities, spoke in opposition of the bill, as she believes the utility provider and not the local government should be responsible to pay for relocation costs.

Its Senate companion, SB 896 by Sen. Jeff Brandes, has not yet been heard in its first committee, Senate Community Affairs.

RED LIGHT CAMERAS

By: Corcoran & Johnston

On Wednesday, a Proposed Committee Bill in the House Highway and Waterway Safety Subcommittee, HB 7071, was introduced by Representative Avila. The bill:

- Prohibits issuance of a notice of violation and a traffic citation if the driver is making a right-hand turn;
- Requires that red light camera notices of violation be sent via certified mail, rather than first-class mail;
- Specifies that the portion of the red light camera fine retained by the local government must be used for a public safety purpose, which includes operation of a red light camera program;
- Requires local governments to include a summary of any private vendor contract for operation and administration of red light camera programs, and any other information as required, in the annual report submitted to DHSMV;
- Provides a penalty for local governments that do not comply with reporting requirements;
- Requires the Department of Transportation (FDOT) to submit an annual report that summarizes the crash statistics for intersections with a red light camera;
- Allows FDOT to inspect traffic control signals at intersections with a red light camera for compliance verification purposes.

The Florida League of Cities opposed the removal of “right on red” language as it could be interpreted to also applying to law enforcement. Additionally, they believe the reporting penalty is too harsh and could put many citations at risk of getting thrown out, for no other reason.

SOBER HOMES

By: Corcoran & Johnston, Ericks Consultants and Ron L. Book, PA

On Thursday, the House Health and Human Services Committee, unanimously passed HB 21, relating to Substance Abuse Services, by Rep. Bill Hager. This bill establishes voluntary certification programs for recovery residences and recovery residence administrators. The bill prohibits licensed substance providers from referring patients to recovery residences, which are not certified or not owned and operated by a licensed substance abuse provider. The strike-all includes a provision that a certified recovery residence administrator may actively manage no more than three recovery residences at any time. On the bill as amended, the Florida League of Cities, the City of Port St. Lucie, Florida Association of Counties, the Florida Alcohol and Drug Abuse Association and Palm Beach County all waived their time in support. In debate, Rep. Lori Berman, gave her support for the bill. The bill passed unanimously and now heads to the House floor for a full vote. The Senate companion, SB 326 by Sen. Jeff Clemens, was heard in the Senate Health and Human Services Appropriations Subcommittee on Wednesday and also passed unanimously. It is waiting to be heard in its last committee, Senate Appropriations.

UTILITY PROJECTS

By: Corcoran & Johnston

On Thursday, the House Energy and Utilities Subcommittee heard HB 617, relating to Utility Projects, by Rep. Tom Goodson. This bill establishes a new financing mechanism for local governments to finance projects related to water, wastewater, or storm water service, if they so choose. The creation of this financing mechanism is designed to satisfy rating agency criteria to achieve a higher bond rating and, therefore, a lower interest rate and more favorable terms for bonds issued to fund eligible utility projects for these entities. Without questions or debate, the bill passed favorably. Its Senate companion, SB 1102 by Sen. John Legg, is waiting to be heard in its first committee of reference, Senate Communications, Energy & Public Utilities.

LOW VOLTAGE ALARM SYSTEMS

By: Ericks Consultants

The House Regulatory Affairs committee approved HB 413 that would reduce the maximum amount a local government may charge for permit fees for low-voltage alarm systems from \$55 to \$40 and preempt local rules regarding low voltage alarm systems. It would also prohibit local governments from charging any additional fees for the installation of a new or replacement of an old system. The bill also clarifies that a wireless alarm system does not require a permit. The Florida League of Cities testified in opposition to lowering the permit fee. Comcast, AT&T, and Associated Industries of Florida support the legislation. The bill is now ready to go before the full House. Its Senate companion will be heard in its second of three committees of reference next week.

BUILDING CODE

By: Ericks Consultants

The House Business & Professions Subcommittee unanimously approved HB 915 that would, among other things, allow DOH to inspect operation and maintenance of pools and require local code enforcement agencies to ensure compliance with DOH inspection findings. The bill would also make changes to local enforcement agency requirements for hot water heaters. The bill has two more committees of reference in the House. Its Senate companion has not yet been heard in its first of three committees of reference.

FILM TAX CREDITS

By: Corcoran & Johnston, Ericks Consultants and Ron L. Book, PA

On Tuesday, the Senate Commerce and Tourism Committee unanimously passed SB 1046, relating to Entertainment Industry, by Senator Nancy Detert. This bill restructures the state's film incentive program. It would designate certain funds to attract production companies to Florida which would create an incentivized structure to reward permanency. Supporters of this bill include Comcast, Level Talent Group, the Motion Picture Association of America, Film Commission of Tampa-Hillsborough, Palm Beach County, Miami-Dade County, Electronic Arts, League of Cities, Orlando Florida Film and Digital Media Industry, Compass, Walt Disney Parks and Resorts, Florida Association of Counties, Florida Chamber of Commerce, and Associated Industries of Florida. It is now ready to be heard in the Senate Transportation, Tourism & Economic Development Appropriations Subcommittee. Its House companion bill HB 451 by Rep. Mike Miller, is waiting to be heard in its first committee, the House Economic Development & Tourism Subcommittee.

SB 1046 makes the following changes to law:

- Replaces the Office of Film and Entertainment under the Department of Economic Opportunity with the Division of Film and Entertainment under Enterprise Florida;
- Splits entertainment incentives into three programs (a tax credit, a sales tax exemption and new quick action fund) and mandates a production can only qualify for one program at a time;
- Splits the application process into two six month periods and limits available tax credits for each month to avoid disbursing all program money at once;
- Wipes the slate clean at the end of each application period so the queue for incentives funding doesn't carry over from period to period;
- Sets aside 20 percent of funds for underutilized counties;
- Creates an Entertainment Industry Quick Action Fund that can make competitive awards based on several factors;
- Provides a July 1, 2025 sunset date.

WATER AND AMENDMENT 1 FUNDING

By: Ericks Consultants and Anfield Consulting

House and Senate panels approved significantly different approaches to the implementation of the land-and-water conservation Constitutional amendment passed by voters this past November. The Amendment requires that 33% of documentary stamp tax revenue be dedicated to fund the Land Acquisition Trust Fund for environmental

conservation and restoration purposes. The Senate Committee on General Government approved the Senate version, which takes \$100 million from the affordable housing trust fund and transportation trust fund each. Members of the Senate panel responded to transportation and affordable housing advocate concerns by stating the financial impact was a consequence of Amendment 1 and that no one has provided a satisfactory answer of what other programs should absorb the cost of implementation. One member promised to identify areas to cut prior to the next committee hearing of the bill. The bill sponsor stated that the Appropriations Committee would work out all of the trust fund issues. The United Way, Florida Home Builders Association and Florida League of Cities opposed the bill. Meanwhile, the House Agriculture & Natural Resources Appropriations Subcommittee approved the House version, which would only take from doc stamp tax dollars going to fund General Revenue. The Senate bill will be heard in its final committee of reference next week. The House bill has one more committee of reference in the House.

AFFORDABLE HOUSING

By: Ron L. Book, PA

The industry and its advocates took issue with SB 586 that establishes the distribution of 33% of the documentary stamp tax revenues go to the Land Acquisition Trust Fund. As a result of SB 586 and its method of restructuring how doc stamp money is distributed, the bill would significantly reduce funds that go into the housing trust funds, as the total amount of doc stamp revenue collected, now 33% goes toward the Land Acquisition Trust Fund first, then the distribution of remaining funds is allocated. The percentage is the same but the amount of doc stamp funding is lower, therefore the distributed funds to the housing trust funds are lower. Senator Smith filed an amendment to essentially hold the affordable housing trust funds harmless, but withdrew the amendment in committee and the bill passed 5 - 2.

SB 586 passed the Senate Appropriations Subcommittee on General Government 7 - 0 and is scheduled for a hearing in Senate Appropriations on 3/18/15.

ECONOMIC DEVELOPMENT

By: Ericks Consultants

The Senate Committee on Commerce and Tourism approved SB 1214 that makes several changes to the state's economic development incentive programs. The bill would streamline the application, evaluation and approval processes for the Local Government Distressed Area Matching Grant Program, the Brownfield Redevelopment Bonus Refund, Quick Action Closing Fund (QAC), the Qualified Target Industry Tax Refund (QTI) and High-Impact Business Performance Grant. It would limit the length of time of contracts and requires all capital investment to stay in the state for the duration of the contract. It would provide that wage requirements must reflect the average wage of the local area. It would make several changes to the QAC and QTI programs. Finally, it would require EDR and OPPAGA to review the state's baseball spring training program and microfinance program. The Florida League of Cities and Florida Association of Counties supported the bill. It has two more committees of reference in the Senate. The House Economic Development and Tourism Subcommittee filed a significantly different economic development package last week, which contains some of the bill's companion language and will consider another package next week.

PUBLIC WORKS CONSTRUCTION PREEMPTION

By: Ericks Consultants

A bill to preempt local control (including wage ordinances) over construction contracts for public works projects continued to move through the House and Senate. The House Local Government Affairs Subcommittee voted 8 to 4 along party lines to approve the bill. It would prohibit a public entity from requiring contractors, subcontractors or material suppliers submitting bids for public works projects to pay employees a certain wage, enter into labor agreements, provide certain benefits, hire employees from a designated source or participate in certain training programs. Public entities could also not require that the contractor, subcontractor or material supplier responding to a public works construction, maintenance or improvement bid be associated with any certain association, organization

or union. It would also require all projects to improve or construct a public building that cost in excess of \$300,000 must be competitively bid. The Florida Electrical Workers Association, AFL-CIO and Florida Finishing Trade testified that allowing municipalities to enter into Project Labor Agreements enable projects to be finished on time and cheaply and do not require contracting with unions. They also testified that not only is the bill an erosion of local power, but also the bill language was far too broad. Meanwhile, the Senate Committee on Governmental Oversight voted 3-1 with the Chair casting the lone dissenting vote while expressing his feelings on protecting home rule. The bill is supported by the Association of Builders and Contractors and the Association of General Contractors. The bill has one more committee of reference in the House after one committee of reference was removed at the end of the week.

PENSION REFORM

By: Corcoran & Johnston

HB 341, relating to Local Government Pension Reform, was presented by Rep. Travis Cummings in the Government Operations Subcommittee on Wednesday. The bill encourages mutual consent for premium tax revenue to be bargained and the strike-all amendment offered changes the formula by changing the base year from 1997 to 2013. The amendment was adopted and the bill passed by a vote of 8-4.

Its Senate companion, SB 172 by Sen. Rob Bradley, is waiting to be heard in its last committee of reference, Fiscal Policy.

SB 242, relating to Publicly Funded Retirement Plans, by Senator Brandes was heard in the Senate Community Affairs Committee on Tuesday. The bill requires that actuarial reports for certain retirement plans include mortality tables, revises information to be included in a defined benefit system or plan's annual report to the Department of Management Services and provides a declaration of important state interest.

In public testimony, Craig Conn with the Florida League of Cities stated that they currently oppose the bill due to the fiscal impact. Without debate, the bill passed favorably and is now waiting to be heard in the Senate Appropriations Committee. Its House companion, HB 1309 by Rep. Brad Drake, is on the House Government Operations Subcommittee agenda for Tuesday, March 17th at 8AM.

EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX

By: Ericks Consultants

The House Finance & Tax Committee approved HB 209 that would revise the Emergency Fire Rescue Services and Facilities Surtax to distribute the revenue to all providers in a county that adopts the surtax, rather than only providers that enter into an interlocal agreement with the county. The bill would provide local government providers with revenue from the surtax proportionate to their annual expenditures for fire control and emergency fire rescue services from the preceding five years. The Palm Beach County Firefighters, Miami-Dade Firefighters and the Florida Association of Counties support the bill. The Florida League of Cities took no position while supporting the overall idea of the bill. FLC expressed some concerns about the timeline of implementation as well as municipal providers that do not pay for services with ad valorem taxes and have low to nonexistent millage rates. The committee adopted an amendment that may have addressed the latter concern. The House bill has one more committee of reference before going before the full House. Its Senate companion, SB 1291 has two more committees of reference in the Senate.

REGIONAL PLANNING COUNCILS

By: Ron L. Book, PA

SB 484 by Senator Simpson (the House companion is HB 873 by Representative Mayfield) as originally filed would have eliminated the 11 Regional Planning Councils. Senator Simpson offered a strike-everything amendment that would reduce the RPCs from 11 to 10, eliminate duties that are duplicative and obsolete, and fund the RPCs with \$2.5 million as has been funded in past years. The bill passed the Committee on Community Affairs by a vote of 7 - 0. The House companion, HB 873 has not been heard.

DEVELOPMENTS OF REGIONAL IMPACT

By: Ericks Consultants

The Senate Committee on Community Affairs voted unanimously to approve SB 562 that would remove the mandate of a DRI review process for new developments. The bill would also shift comprehensive plan amendments related to the development from the Expedited State Review Process to the State Coordinated Review Process, which has a longer review period and has all comments coordinated by DEO rather than submitted directly to the local government. The Florida Association of Counties, Florida League of Cities and 100 Friends of Florida opposed the bill. The Florida Association of Community Developers supported it. The bill has two more committees of reference in the Senate. Its House companion has not yet been heard in its first of three committees of reference.

FLOOD INSURANCE

By: Ericks Consultants

The Senate Committee on Banking and Insurance unanimously approved SB 1094 that would require local governments to include flood risks and best management practices for flood mitigation in their coastal management plans. The main provision of the bill would allow insurers to sell flexible flood insurance to policyholders. The bill has two more committees of reference in the Senate. Its House companion has not yet been heard in its first of three committees of reference.

REDUCED FEES FOR COUNTY & MUNICIPAL PARKS AND TRANSPORTATION AUTHORITIES

By: Ericks Consultants

The House Local Government Affairs Subcommittee approved HB 721 that would require counties & municipalities to provide discounts on park entrance fees to military service members, veterans, as well as spouses & parents of certain deceased military service members, law enforcement officers and firefighters. The committee adopted two amendments. One amendment expanded the scope of the bill to include "first responders" killed in the line of duty. The other amendment would require that written documentation be provided to qualify for the discount. The bill has one more committee of reference in the House. Meanwhile, the House Veteran & Military Affairs Subcommittee unanimously passed a bill that contains the same language but also contains an additional provision to require regional transportation authorities to offer partial or full discount on fares to disabled veterans. The bill is supported by the South Florida Regional Transportation Authority. The bill has two more committees of reference in the House. One Senate vehicle has been filed for both bills. SB 1095 has not yet been heard in its first of three committees.

GRANDPARENTS RIGHTS

By: Ericks Consultants

The Senate Committee on Judiciary unanimously approved HB 368 that would give grandparents and great grandparents of deceased, vegetative state, and felon parents the right to petition the courts for visitation rights. Among those that waived in support for the bill were: Florida Retired Americans Association, Florida Coalition of Children, AARP, Grandparents as Parents of Florida and Palm Beach County. In closing, the sponsor stated that multiple states have a similar law. The bill has three more committees of reference before going to the full Senate. Its House companion has one additional committee of reference in the House.

FEDERAL ISSUES

Legislation to Stop the Waters of the U.S. Rule

By: Alcade & Fay

Representative Paul Gosar (R-AZ) introduced legislation (H.R. 594) designed to prohibit the U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA) from developing, finalizing, adopting, implementing, applying, administering, or enforcing the proposed rule entitled, "Definition of 'Waters of the United States' Under the Clean Water Act," issued on April 21, 2014, or the proposed guidance entitled, "Guidance on Identifying Waters Protected By the Clean Water Act," dated February 17, 2012.

The bill also prohibits the Corps and EPA from using the proposed rule or proposed guidance, any successor document, or any substantially similar proposed rule or guidance as the basis for any rulemaking or decision regarding the scope or enforcement of the Federal Water Pollution Control Act (commonly known as the Clean Water Act).

The bill would require the Corps and EPA to consult with relevant state and local officials to develop recommendations for a regulatory proposal that would identify the scope of waters covered under the Clean Water Act and the scope of waters not covered.

The bill currently has 174 cosponsors, including Florida Representatives David Jolly, Rick Nugent, Tom Rooney, Ted Yoho, Ander Crenshaw, Daniel Webster, Ron DeSantis, Mario Diaz-Balart, Dennis Ross, Carlos Curbelo, Jeff Miller, Bill Posey, and Gus Bilirakis.

Federal Flood Risk Management Standards

By: Alcade & Fay

The White House issued an Executive Order (see [Federal Flood Risk Management Standards](#)) that could have a broad impact on development in floodplains and flood insurance. The new standards represent a fundamental shift away from flood control and protection to a risk management strategy that directly and indirectly discourages development in coastal and riverine floodplains. The new standard is intended for all federal agencies in all actions *and applies to any federally funded or approved projects*.

This Executive Order requires federal agencies to enforce the following new standards for federally funded or approved projects:

- [Climate Informed Science Approach](#) - A climate informed science approach that uses best available actionable data and methods that integrate current and future changes in flooding based on climate science
- [Freeboard Value Approach](#) - Expanding the floodplain by requiring the building of an additional two feet above the FEMA map base flood elevation for non-critical actions and three feet for critical actions
- [500 Year Elevation Approach](#) - The area subject to flooding by the 0.2% chance annual flood; requires building to 500 year standards.

The new standards will be required to be updated every 5 years. This Executive Order moves beyond the long-accepted 100 year flood protection standard and will greatly increase the area in which federal programs and regulations apply, including the National Flood Insurance Program, Clean Water Act, and Endangered Species Act. Furthermore, it leaves interpretation up to the individual agencies, which could result in inconsistencies and possible enforcement issues.

The public comment period is currently open until April 6. Comments may be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Search for the notice in docket ID FEMA-2015-0006
- Mail/Hand Delivery/Courier: Regulatory Affairs Division, Office of Chief Counsel, Federal Emergency Management Agency, 8NE, 500 C Street, SW, Washington, DC 20472-3100



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UP NEXT WEEK IN TALLAHASSEE:

Pension Reform

<http://flsenate.gov/Session/Bill/2015/1279/BillText/Filed/PDF>

<http://flsenate.gov/Session/Bill/2015/1309/BillText/Filed/PDF>

Public Records

<http://flsenate.gov/Session/Bill/2015/0163/BillText/c1/PDF>

Low Voltage Alarm Systems

<http://flsenate.gov/Session/Bill/2015/0466/BillText/c1/PDF>

CST

<http://flsenate.gov/Session/Bill/2015/0110/BillText/c1/PDF>

Agricultural Tax Exemptions

<http://flsenate.gov/Session/Bill/2015/0398/BillText/Filed/PDF>

Agricultural Tax Exemptions

<http://flsenate.gov/Session/Bill/2015/0398/BillText/Filed/PDF>

Hazardous Walking

<http://flsenate.gov/Session/Bill/2015/0154/BillText/c2/PDF>

Local Preferences for Construction

<http://flsenate.gov/Session/Bill/2015/0778/BillText/c1/PDF>

Gleaning

<http://flsenate.gov/Session/Bill/2015/0137/BillText/Filed/PDF>

Fracking

<http://flsenate.gov/Session/Bill/2015/1205/BillText/Filed/PDF>

Online Voter Registration

<http://flsenate.gov/Session/Bill/2015/0228/BillText/Filed/PDF>

Public Private-Partnerships

<http://flsenate.gov/Session/Bill/2015/0824/BillText/Filed/PDF>

Public Record Exemption for Public Transit

<http://flsenate.gov/Session/Bill/2015/7011/BillText/Filed/PDF>

Freight Logistics Zones

<http://flsenate.gov/Session/Bill/2015/0257/BillText/Filed/PDF>

Amendment 1

<http://flsenate.gov/Session/Bill/2015/0586/BillText/c1/PDF>

Water Resources

<http://flsenate.gov/Session/Bill/2015/7003/BillText/c1/PDF>