

# PBC Legislative Update



APRIL 8TH, 2019

## **FEDERAL ISSUES**

*1. This Week in Washington*

## **STATE ISSUES**

*1. Florida Session Week 6*

**LEGISLATIVE SESSION**  
2019

## **FEDERAL ISSUES**

### **This Week in Washington**

*By: Thorn Run Partners*

Both chambers will reconvene for legislative business today prior to leaving for a two-week recess. In the House, Democratic leadership has teed up a bill ([H.R. 1644](#)) that would undo the Federal Communications Commission's (FCC) repeal of the 2015 Open Internet Order. The bill — which cleared the Energy and Commerce Committee on a party-line vote following a contentious markup — is expected to pass the lower chamber but is considered dead on arrival in the GOP-controlled Senate.

Elsewhere on the House floor this week, lawmakers will consider the House Democrats' proposal to raise discretionary spending caps. The [legislation](#) provides for a \$17 billion increase above FY 2019 budget caps for defense spending and a \$34 billion bump above that level for non-defense. Consideration of the proposed budget caps deal comes in lieu of a budget resolution, which House Democrats have abandoned due to intra-party schisms over progressive priorities such as the Green New Deal and “Medicare for All.”

For today, the House will consider a series of [suspension bills](#) out of the House Natural Resources and Transportation and Infrastructure Committees. This includes a bill ([H.R. 1331](#)) that would increase funding for nonpoint source management programs under the Federal Water Pollution Control Act. Lawmakers will also consider a measure ([H.R. 2030](#)) that would direct the Secretary of the Interior to execute and carry out agreements among states and tribes concerning Colorado River drought contingency management.

In the upper chamber, Senators are expected to focus primarily on clearing the queue of presidential nominations, starting with consideration of Daniel Desmond Domenico to be a District Judge for the District Court of Colorado.

[View full nomination list here](#)

## **STATE ISSUES**

### **Florida Session Week 6:**

*By: Thorn Run Partners, Erick's Consulting, Anfield Consulting, and Conty Staff*

## **Florida Senate**

The House & Senate unanimously passed a bill that implements recommendations from the Auditor General's office. It requires various entities (including local governments, water management districts, charter schools, public defenders, state attorneys, school districts, Guardian Ad Litem, etc.) and others to establish internal controls to prevent and detect waste, fraud and abuse. It requires local governments to maintain budget documents on websites for specified times. Allows for Governor, Commissioner of Education or designee to notify the Legislature of failure to comply with audit reporting requirements. It requires water management districts to file financial disclosures in a specific form to increase transparency. It gives the Auditor General authority to audit county tourist development councils and county tourism promotion agencies. It revises membership for local government, school district and charter school audit committees. Finally, the bill would make it a first degree misdemeanor to fail to provide access to a person, document or agency to the Auditor General. The bill allows an employee of the local government on the auditor selection committee in an advisory capacity.

[SB 7014](#) (HB 7034)

#### **Senate Appropriations Committee**

##### *Financial Disclosures*

Senate Appropriations unanimously approved a bill that would establish a state electronic filing system for Form 1 and Form 6 financial disclosures and alter reporting requirements. The bill is now before the full Chambers in the House and the Senate.

[HB 7021](#)

##### *Firefighter Cancer Benefits*

Senate Appropriations unanimously approved a bill that would grant disability and death benefits to firefighters diagnosed with specific cancers. Several studies have shown that firefighters are much more likely to be diagnosed with cancer. The committee heard from firefighters and families of firefighters who have cancer or have lost to cancer. Upon initial diagnosis of cancer, firefighters would be provided cancer treatment at no cost and a one-time cash payout of \$25,000. Diagnosis and treatment of cancer would be presumed to have been contracted in the line of duty. To be eligible for benefits, firefighters must be full-time, must have been employed by the same employer for at least five years, must have not used any tobacco products in the preceding five years, and cannot have previous employment that has a higher risk of cancer. Employers must provide coverage through an employer-sponsored health plan or group insurance plan. Firefighters cannot be required to pay co-pays, deductibles, or co-insurance to a local government must timely reimburse these out-of-pocket costs. The committee adopted an amendment that would raise FRS contributions to the Special Risk Class by .08% in order to fund benefits. The Florida League of Cities waived its time in opposition. Its House companion was never heard in committee.

[SB 426](#)

##### *Public Utility Storm Protection Plans*

Senate Appropriations unanimously approved a bill that focuses on resiliency, planning and a long-term approach to restoring power after a storm. The bill permits charges for hardening outside of the base rate, allowing the PSC to be able to review the charge on an annual basis. Under the bill, utility companies will be submitting costs to the PSC for approval after completion of the work of hardening. It would also address concerns of the Public Service Commission (PSC) including consumer protections to ensure power companies do not double-dip in charging customers. As in past committees, an organization called Florida Industrial Power Users opposed the bill due to “unfair” cost bearing claiming their users draw directly from the transmitting lines and would not benefit from the focus on the “last mile” for hardening which is the intention of the bill. However, they refused to name their membership, which some news outlets have reported include some of the largest corporations in the State. AARP expressed concerns about the potential for destabilizing of rates because of the annual review of these rates. The bill is now before the full Senate and has one committee remaining in the House.

[HB 797](#)  
[SB 796](#)

#### *Senate President’s Transportation Priority*

Senate Appropriations voted unanimously to advance the Senate President’s priority legislation to the Senate floor. The bill creates task forces and a budget nest egg to advance significant tolled-road projects to three rural corridors in western Florida, termed Multi-use Corridors of Regional Economic Concern (MCORES):

- 1) Southwest-Central Florida Connector, extending from Collier County to Polk County
- 2) Suncoast Connector, extending from Citrus County to Jefferson County
- 3) Northern Turnpike Connector, extending from the northern terminus of the Florida Turnpike northwest to the Suncoast Parkway

The Senate President’s intent is to also connect water infrastructure and broadband through this transportation project. The bill directs FDOT to convene a task force to study the feasibility and environmental impacts that must report by June 30, 2020, with construction to begin 2022, and the corridors to be open by 2030. FDOT must also consider public transit and protection of wildlife in the corridors. It partly funds the projects by a phased-in redirection of portions of license fees currently going towards General Revenue to the State Transportation Trust Fund and then using that increase directly for the projects via a formula laid out in the bill with specific increases to the Small County Outreach Program (SCOP), Transportation Disadvantaged (TDTF), Small County Road Assistance Program (SCRAP) and an FDOT Workforce Development program created in the bill. Other funding sources include toll revenue bonds, bridge and right-of-way construction bonds, and advances from the State Transportation Trust Fund (that must be paid back) for the FDOT Financing Corporation to use through P3s or other similar partnerships.

The language also states that the TDTF funding will be in the form of grants to community transportation coordinators and Transportation Network Companies, which is a concern for the Florida Public Transportation Association. The House companion is before the full House.

[SB 7068](#)  
[HB 7113](#)

*School Safety & Security*

Senate Appropriations voted 11-9 to advance its School Safety package after adopting provisions to strengthen mental health funding and planning in schools. The bill controversially expands the Guardian program to include willing teachers in districts that have opted to use the program. The expansion will make the vote close in the Senate for passage as all Democrats and one Republican voted in opposition in the committee. The bill contains a wide range of recommendations from the Marjory Stoneman Douglas High School Commission, including collection and sharing of data, strengthening school security plans and oversight, and more. The language of the House bill and Senate bill still differ in many aspects. The MSD Commission met this week to discuss pending legislation and indicated support for the Senate's latest version. The Commission had recommended the expansion of the guardian program in order to make up for the shortfall of SRO officers in schools. Supporters argue that, had certain teachers been armed during the Parkland shooting, the shooter may have been stopped before all victims had been killed as the shooter was unarmed five separate times during the attack and the SRO officer failed to act. They also argue that very few teachers and very few school districts will volunteer for the Guardian program. Instead, it would increase flexibility for the security dollars to be used. Opponents praised the importance of the bill, such as strengthening data sharing which could have helped identify and stop the attack before it happened, but remain opposed due to concerns of having armed teachers in schools. Reports that the Senate was considering removing the Guardian program expansion were debunked by the Senate President this week, stating that he supports the recommendations of the MSD Commission.

[SB 7030](#) & [HB 7093](#)

**Senate Criminal & Civil Justice Appropriations Committee**

*Florida First Step*

Senate Criminal & Civil Justice Appropriations unanimously passed a large criminal justice reform package modeled after the Federal "First Step Act." The bill would allow judges to depart from mandatory minimums on minor drug offenses, improve reentry programs, create the Prison Entrepreneurship Program, and require inmates to be incarcerated at a facility nearer to their home and families. The committee adopted an amendment that increased the allowable distance between the facility and hometown to 300 miles from 150 miles. The bill is supported by criminal justice reform advocates that argue the measure will improve recidivism rates and allow for better re-integration to society. The bill has one committee remaining in the Senate. It does not yet have a true House companion, but several components of the bill are moving in various House vehicles.

[SB 642](#)

*Theft Thresholds*

Senate Criminal & Civil Justice Appropriations voted unanimously to increase the dollar thresholds from \$300 to \$700 that constitute a third degree felony for retail theft and adjust them by \$50 every two years in the future. It provides amounts should be aggregated for multiple retail theft within a 90-day period and across county lines. Supporters argue that the dollar amounts were outdated due to inflation and the rising cost of items, for example of a smartphone. The bill also establishes a military servicemember and veterans problem solving court and contains other provisions found in SB 328. The bill has one committee remaining in the Senate. It is now before the full House.

[SB 7072](#)

[HB 589](#)

### **Senate Community Affairs Committee**

#### *Single-Use Plastics & Sunscreen Bans*

Senate Community Affairs unanimously advanced SB 588 after amending the bill to completely remove a moratorium on local ordinances banning single-use plastic straws. The committee also changed a preemption on sunscreen bans to moratorium on such ordinances until 2021. The House bill still contains the plastic-straw ordinance moratorium until 2024. Both bills penalize local governments \$25,000 (plus the cost of attorneys fees in any prevailing challenge) if it passes a prohibited ordinance during the moratorium. Both direct DEP to study the environmental impacts during the moratoriums. The Senate bill has one more committee in the Senate. The House bill has two more committees in the House.

[SB 588](#)

[HB 603](#)

#### *Building Code Enforcement*

Senate Community Affairs unanimously approved a bill that would prevent local governments from carrying over excess funds in its building inspection budget greater than the cost of building code enforcement for the previous 4 fiscal years. It requires excess funds be used to reduce and rebate fees or given to non-profit organizations that provide training opportunities for the construction industry. The amendment also exempted local governments that established a Building Inspection Fund Advisory Board prior to 2019. It also prevents surcharges and fees not directly related to enforcing the Florida Building Code. The bill has two committees remaining in the Senate and was temporarily postponed this week in its final of three committees in the House. The same committee also passed SB 1512, which expands activities included in the definition of “enforcing the building code” to include production and maintenance of records and allow fees for costs related to implementing local ordinances related or complimentary to implementation and enforcement of the building code. It has no House companion.

[HB 715](#)

[SB 1036](#)

#### *Recycling*

Senate Community Affairs unanimously approved a bill from last year that requires local governments to address contamination in their contracts with waste

companies and processing facilities. Contracts executed or renewed after July 1, 2019 must: define “contaminated recyclable material” in a manner that is appropriate for the local community; include strategies by both parties to reduce contamination; include procedures for identifying, documenting and handling contamination; authorize actions in addressing contamination; and provide for education and enforcement measures. The sponsor stated the bill does not restrict type of materials being recycled and does not mandate how local governments should structure their contracts. Rather, the intent is to ensure more material gets recycled. The League of Cities supports the bill as a compromise. Supporters say recycling is a broken system and it is increasingly difficult for haulers to make a profit with the added cost and burden of contaminated materials being rerouted to landfills. Members also supported the bill because of the importance of educating the public on how to recycle properly and that it enables waste companies to work with local governments in this effort. The bill also includes an expansion of an exemption from environmental regulation permits (ERP) for reconstruction or repair of docks that are within five feet of the original dock and do not cause additional adverse impacts. The bill now has one committee left in the House and the Senate.

[HB 771](#)  
[SB 816](#)

#### *Public Nuisance*

Senate Community Affairs and House State Affairs unanimously approved legislation providing additional activities and properties subject to be enjoined as a public nuisance. The bill would deem a property a public nuisance if gang-related activity occurs once, rather than two or more times, and if any of the following occurs more than twice within six months: dealing in stolen property, assault and battery, burglary, theft, and robbery by sudden snatching. It extends and strengthens notice requirements to abate the nuisance and limits liability to owners of rental properties provided they rehabilitate the property within 30 days. The bill has one more committee in the House and the Senate. It is scheduled for its final House committee next week.

[HB 551](#)  
[SB 668](#)

#### *Inspections & Permits*

On Tuesday, the Senate Community Affairs Committee passed a strike-all for SB 1752

The strike-all makes the creation of an expedited inspection program optional as opposed to mandatory. It also changes the effective date from July 1 to October 1, 2019. The bill’s next committee is the Senate Innovation, Industry, & Technology Committee, which is not scheduled to meet again. This bill requires each local government that charges permit or inspection

fees to do the following:

- Create a priority process that provides for expedited permitting. The local government may in turn charge an additional fee for this expedited process, not to exceed 2X the baseline fee for the type of inspection being expedited;
- Collect no more than 50% of a fee due when an application for a building permit is

filed;

- Reduce the fee amount by 10% every time they miss an application deadline and a further 10% for every ten days thereafter that they fail to meet said deadline; and
- Upon approval of the application, notify the applicant of any outstanding fees. A certificate or permit cannot be issued until all additional fees due are paid or refunds issued.

The bill also revises the type of building permit applications that are subject to application deadlines to include non-residential building permits.

HB 1139 is currently in the House State Affairs Committee, its last committee of reference.

[HB 1139](#)

[SB 1752](#)

### **Senate Appropriations Subcommittee on Agriculture, Environment and General Government**

#### *Domestic Wastewater Collection System*

The Senate Appropriations Subcommittee on Agriculture, Environment and General Government unanimously approved legislation that creates a Blue Star Domestic Wastewater Collection System & Maintenance Program under DEP. The bill was part of an environmental package past the previous Session but vetoed by Governor Scott for unrelated provision. The program is voluntary and incentive-based and designed to assist public and private utilities in limiting pollution and sanitary sewer overflows. To become a certified blue star program, the utility must: conduct periodic assessment and maintenance of its collection system and pump station structural condition, determine the rate of reinvestment necessary to conduct the periodic maintenance and assessment, have a power outage contingency plan, implement a program to limit fats/oils/grease in the collection system, and pass a local law or building code requiring private pump stations and lateral lines have direct stormwater connection to the public wastewater system and be free of cracks or other defects. Programs must be re-certified every five years. Blue star programs would be listed in a DEP publication, allowed to participate in the Clean Water State Revolving Fund, have reduced penalties for pollution based upon investments, and receive a 10-year DEP permit for the cost and conditions of a 5-year permit. It also would allow rural and financially disadvantaged areas to access additional grant funding. The American Water Works Association, Florida Association of Counties, Florida League of Cities, Broward County and other public utilities support the bill. The bill has one committee remaining in the Senate. Its House companion was unanimously passed out of the House two weeks ago.

[HB 105](#)

[SB 286](#)

#### *Biosolids*

Senate Appropriations Subcommittee on Agriculture, Environment and General Government unanimously approved legislation sponsored by Treasure Coast representatives that implements the recommendations for improvement of biosolid management made by the Biosolids Technical Advisory Committee. Directs DEP to develop rules that include nutrient standards for water quality protection and site

permits. The bill specifically clarifies that local government moratoriums and ordinances may remain in effect and that local governments may enact future moratoriums and ordinances. The legislation is supported by environmentalists and water advocates. The bill has one more committee left in each Chamber.

[SB 1278](#)

[HB 405](#)

#### *Emotional Support Animals*

Senate Appropriations unanimously advanced a bill that provides individuals with disabilities that have emotional support animals full access to housing accommodations and may not be required to pay extra to have the animal. Housing accommodations may request documentation from a health care provider that verifies the disability. Emotional support animals provide value to the disabled by virtue of their presence rather than particular training. Animals that pose a danger or risk to public safety and health would not be required to be accommodated and the bill also provides penalties for fraudulent documentation verifying the disability. The bill is now ready for the full Senate. Its House companion is scheduled for its final House committee next week.

[SB 1128](#)

#### *Lewd & Lascivious Exhibition*

Senate Appropriations unanimously approved legislation to afford the same protections to county corrections officers as those of state correctional officers in enhancing penalties for sexually harassing inmate behavior. The disparate standards have forced county female correctional officers in some areas to have to file lawsuits alleging facilities are not taking steps to protect them against a sexually hostile work environment. Female employees are often subjected to exhibitionism and other sexually disturbing behavior by inmates. The legislature passed a law to make it an unlisted third degree felony for an inmate who engages in certain sexually harassing behaviors towards a state correctional employee but failed to include county and municipal facilities. The bill would also protect private employees. The bill is supported by the AFL-CIO and Palm Beach County Sheriff. The Senate and House bills are now both ready to be considered by their full respective Chambers. Meanwhile, House Judiciary voted this week to file a public safety package that contains the same language.

[HB 599](#)

#### **Senate Rules Committee**

##### *Alcohol & Drug Related Overdoses*

Senate Rules unanimously approved a bill to expand the Good Samaritan Act to give immunity from arrest, charge, prosecution, or penalties for a persons who, in good faith, seek help for themselves or other individuals believed to be in need of medical attention while experiencing an alcohol or drug related overdose. The bill is intended to prevent the loss of life in situations where people do not seek needed help due to fear of being charged with underage drinking and drug possession. In order to qualify for immunity from charges related to providing alcohol to minors, the individual is required to stay with the minor until medical assistance arrives

and to cooperate with law enforcement. The bill includes immunity from charges related to possession of paraphernalia and possession of drugs below a certain amount. The legislation encourages people to call for help before the consequences are irreversible. The Senate bill includes both alcohol and drug related overdoses, while the House bill focuses solely on alcohol. The bill is now ready for a final vote in each Chamber.

[HB 595](#)

[SB 530](#)

### **Senate Finance & Tax Committee**

#### *Small Cell Preemption*

Senate Finance & Tax voted 5-2 to advance, while House Commerce temporarily postponed until next week, legislation that would further preempt local government authority over the use of right-of-ways by communications services providers for the implementation of small cell wireless technology (5G). The bill's original intent was to reduce the CST by 1%, however this provision was removed. Among other things, the bill would prohibit permits and fees for upgrading, maintaining, repairing, etc. aerial or underground wireline communications facilities; prohibit moratoriums or regulation of collocation; suspend local ordinances related to communications facilities in the right-of-way not sent to the Department of State; and would create a cause of action for violations that would award attorneys fees to the prevailing side. Under the bill, local governments could request updates from communications services companies during the five year registration period. The bills are each in their final committees. This bill is likely to pass based on its support..

[SB 1000](#)

[HB 693](#)

### **Senate Transportation & Economic Development Appropriations Committee**

#### *Community Redevelopment Agencies*

Senate Transportation & Economic Development Appropriations voted 6-1 to advance CRA reform that includes a phase out of CRAs with no outstanding bond obligations by 2039 or by the date adopted in its charter by October 1 2019, whichever is earlier. A creating local government can extend the life of the CRA by a unless a 2/3rds majority vote. The bill also includes ethics training for CRA commissioners; procedures for board appointments and procurement; and reporting requirements. It requires CRAs to stick to an annual adopted budget and requires CRAs created by a municipality to send adopted budgets and amendments to the County within 10 days of adoption. It also authorizes a creating local government to establish the amount of Tax Increment Financing (between 50-95% of the increment) available to the CRA and removes a three-year limit on rollover funding for adopted projects. The bill has one Senate committee remaining. Its House companion, which would controversially require a countywide referendum passed by 2/3rds of eligible voters to create new CRAs, is now before the full House.

[HB 9 & SB 1054](#)

## **Senate Health & Human Services**

### *Homelessness*

House Health Care Appropriations and Senate Health & Human Services

Appropriations unanimously approved homelessness legislation. It adopts the federal definition of homelessness, reduces required matching funds for challenge grants from 100% to 25%, increases allowable Continuum of Care lead agency's administrative cost to 10%, and prioritizes CoC agencies that have proven success in moving families out of homelessness. It also encourages Rapid Rehousing and removes background checks and substance abuse treatment barriers to Housing First policies. It also appoints a member of the Florida Housing Coalition and designee of the Department of Elder Affairs to the Council on Homelessness. The bill has one more committee in the House and the Senate.

[HB 1353](#)

[SB 1218](#)

## **Senate Subcommittee on Health & Human Services Appropriations**

### *Sober Homes and Substance Abuse Treatment*

Senate Subcommittee on Health & Human Services Appropriations unanimously passed legislation from the Sober Home Task Force to continue to tighten up sober home standards and address unintended consequences of past legislation. The bill exempts "Oxford Homes" from certification requirements, strengthens patient brokering and deceptive practices statutes, provides for certification and background checks of peer specialists, expands background check requirements for recovery residence administrative personnel and expands violations eligible for exemption, and covers residences that have day/night treatment centers. The bill would also direct the Sober Home Task Force to provide recommendations to the Legislature by the end of 2020 on how to address mandatory certification for recovery residences and clarify local governments can require certification. The committee adopted an amendment to remove firesafety standards language in order to align more closely with the House legislation. Peer specialist language may be removed from the Senate bill in order to move forward in SB 528, while SB 528 will be amended to remove Sober Home provisions. The Senate bill has one committee remaining. The House bill is ready for consideration by the full House.

[SB 900](#)

## **Senate Criminal Justice Committee**

### *Anchoring & Mooring*

Senate Criminal Justice voted 5-1 to advance legislation creating a civil penalty for failure to reduce speed within 300 feet of an emergency vehicle with lights on or a construction barge and enhancing civil penalties for vessels at-risk of becoming derelict or anchoring/mooring in a prohibited area. The bill has one more committee in the Senate and in the House. Meanwhile, Senate Rules unanimously advanced to the Senate floor legislation that would: direct the Florida Fish & Wildlife Commission to study impacts of longterm storage of vessels anchored and moored outside of mooring fields; create "no-discharge zones" for sewage dumping near certain waterbodies near rural areas; require boater safety identification cards for boats 10 horsepower and above; and designate a portion of registration fees collected by counties for the Marine Resources Conservation

Trust Fund. The bill has one more committee in the House.

[SB 1666](#)

[SB 1530](#)

[HB 1319](#)

#### *Juvenile Justice*

Senate Criminal Justice unanimously approved legislation that would add additional legal layers to charging a juvenile offender as an adult. SB 1260 would get rid of a law that mandates a judge to directly file charges as an adult if the child is any age and caused a death by stealing a car or the child is 16-17 and committed violent crimes a certain number of times. The judge may still choose to direct file but would have discretion. The bill has two more committees in the Senate. Meanwhile, House Judiciary voted unanimously to advance its House companion to the floor. SB 876 would also do away with mandatory direct file and, in addition, would require an evidentiary hearing within 30 days of filing to charge a child as an adult. The child would not be allowed to be transferred to adult prison prior to the evidentiary hearing. In determination of the charge as an adult or a minor, the court must consider: the child's best interests; the nature of the alleged acts; behavioral, developmental, family and criminal history; likelihood of rehabilitation; eligibility and access to services in the juvenile justice system; and the safety and protection of the community. The bill is on the agenda for its second of three committees next week.

[SB 876](#)

[SB 1260](#)

#### **Senate Judiciary Committee**

##### *Tree Trimming Preemption*

Senate Judiciary unanimously approved a significantly amended bill to prohibit local governments from requiring a permit for the trimming, pruning, or removal of a tree under certain circumstances. The provisions of the bill only apply March 1<sup>st</sup> - June 1<sup>st</sup> to residential property owners would have documentation by an arborist that the tree creates a dangerous condition and is not an endangered species. It would protect heritage, patriarch and specimen trees and entirely exempts mangroves from the permit reprieve. It was also amended to allow local governments the ability to require certain trees be replanted. The bill also allows a property owner year-round to request an electric utility to maintain vegetation in property adjacent to the electric utility's right-of-way without notice or permission from the local government. This would only apply to situations when it is necessary for power restoration or when the vegetation is threatening to cause a power outage. The bill now has one more committee in the Senate and in the House. The House version prohibits local governments from requiring a permit for pruning, trimming, and removal of vegetation and trees that are damaged, diseased, pest infested, or presents a danger. Permits could not be required if the tree is certified to meet these conditions by the International Society of Arboriculture or if it is a storm/hurricane watch or warning. Local governments also could not require the trees to be replanted if removed according to these conditions. It contains the year-round electric utility language as well. Finally, it requires a Property Owners Bill of Rights posted on the Property Appraiser website.

[HB 1159](#)  
[SB 1400](#)

### **Senate Infrastructure & Security Committee**

#### *Coastal Public Construction*

Senate Infrastructure & Security unanimously approved SB 78 which requires that any public infrastructure project in the coastal building zone that utilizes state dollars conduct a sea-level impact projection. The bill also asks the Department of Environmental Protection to establish a standard for how those projections are calculated. The cost for conducting the study is to be borne by the entity commissioning the project, the role of DEP is to set standard to post the study. The bill does not provide a cause of action and is meant for planning purposes. The bill still has two committee stops remaining, its House companion was never considered.

[SB 78](#)

#### *County Court Filings*

Senate Infrastructure & Security voted unanimously to raise jurisdictional thresholds for civil cases in county courts from \$15,000 to \$30,000 in 2019 and \$50,000 in 2020, while adjusting filing fees to ensure clerks remain solvent. It also allows Supreme Court Justices to live outside of Leon County. The Senate bill is scheduled for its third of four committees next week. The House bill is also scheduled for its final of three committees next week.

[SB 328](#)  
[HB 337](#)

### **Senate Education Committee**

#### *Risk Protection Orders*

Senate Education voted 7-1 to advance legislation allowing family members to petition for a Risk Protection Order against an individual without assistance from law enforcement. A Risk Protection Order restricts possession of firearms and ammunition for persons deemed to pose a danger to others and/or themselves. Eligible family members would include: biological or legal parents, legal guardians, stepparents, grandparents, and siblings. The bill has significant opposition from conservatives who view it as further infringement on Second Amendment rights. The bill has one committee in the Senate remaining. It does not have a House companion.

[SB 7106](#)

### **Senate Children, Families, & Seniors Committee**

Senate Children, Families & Seniors heard a gut-wrenching presentation from Ryan Petty on the suicide epidemic and how to solve it. The Chair requested Petty's presentation in response to the recent, devastating suicides by Parkland shooting survivors. He highlighted the lack of resources, understanding, treatment and action in preventing suicides. He also highlighted the danger of suicide when mental health is not addressed, not only in the general rise in suicide rates but also

in the fact that the majority of mass shooters were also suicidal. He told the committee about a method called the [Columbia Protocol](#), a set of questions developed by researchers that can determine a person's suicide risk. He stated the Marine Corps experienced a 22% drop in suicide rates after education on how to implement the Columbia Protocol and distribution of the screening questions. He noted actions that Parkland and Coral Springs have taken to implement the Columbia Protocol in schools. The Chair thanked Mr. Petty for pointing them in a "True North" direction the committee can take when thinking about addressing suicide.

### **Florida House of Representatives**

#### *Preemption of Local Regulations*

The House voted 88-24 to approve a bill to preempt regulations on professions and occupational licensure after the the sponsor removed general regulations on businesses. However, its Senate companion was never heard in its first committee and is therefore dead. The bill would sunset all local regulations on professions and occupational licensure by 2021. It would preempt licensure for certain jobs including, but not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, and decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation. Opponents contend it written too broadly by encompassing "any activity undertaken to earn a livelihood" and have unintended consequences, especially as it relates to ordinances banning conversion therapy, discrimination on sexual orientation and gender identity, and fertilizer ordinances. The sponsor stated his main motivation for filing the bill was a Hillsborough County regulation on painting that caused an issue in the county not in other counties with no regulation on the profession of painting. The bill is opposed by local governments, Florida Building Trades, Florida Conservation Voters, stormwater associations, LGBT advocacy groups, and more.

#### [HB 3](#)

#### *Local Tax Referenda*

The House voted 69-44 to require that a referendum to adopt or amend a local government discretionary surtax must be held at a general election, be passed by 2/3rds of voters and requires local governments and school districts that adopt a surtax referendum after January 1, 2020 must submit the referendum to OPPAGA at least 180 days before the referendum is held. Its Senate companion is scheduled to be heard in its final committee next week, but it does not contain the 2/3rds requirement.

#### [SB 336](#)

#### [HB 5](#)

#### *Local Government Fiscal Transparency*

The House voted 111-3 to increase fiscal transparency for local governments. However, Its Senate companion was never heard in its first committee and is therefore dead. The sponsor has been working with local government advocates on the bill for the past three years. The Florida League of Cities and Florida Association of Counties still have concerns as it relates to "debt ratio"

requirements. The bill requires local governments to make certain information easily accessible relating to votes on tax increases, votes on tax supported debt, TRIM notices, 4-yr property tax history and generated revenues. The bill also: expands public meeting and public notice requirements for tax increases, requires local governments to conduct a debt ratio analysis prior to tax increases, and gives the Auditor General authority to take corrective action on local governments found to not be in compliance. The bill also requires local governments report to the Office of Economic and Demographic Research on incentives given to private businesses.

#### [HB 15](#)

##### *Sports Franchises*

The House voted 103-13 to pass a bill repealing the Sports Development Program, which enables sports franchises to apply for sales and use tax revenue for facility construction and improvements. The House bill goes much further than the Senate bill in that it also repeals tax funding for Spring Training and motorsports facilities. It requires lease or sale of public lands to sports franchises be at fair market value. The bill grandfathers contracts entered into before July 1, 2019 and provides that it cannot be construed to impact existing contracts without consent of both parties. The bill is ready to go before the full House and is a priority of the Miami-Dade Delegation. It has been in its final Senate committee since the February interim committee weeks.

#### [HB 791](#)

##### *Public Construction Projects*

The House voted 105-3 to pass legislation requiring local governments to use generally accept cost accounting methods when determining whether it should complete a construction project using in-house employees, services and equipment instead of bidding for a contract. The determination must consider all costs- including salaries and benefits of employees. The requirement applies to roads and bridges funded by the gas tax. Its Senate companion has two committees of reference and is likely dead.

#### [SB 806](#)

#### [HB 167](#)

##### *Retainage Fees*

The House voted 104-10 to reduce the allowable amount of retainage public entities may withhold from contractors during a construction project that is \$200,000 or more. The legislation reduces the allowable amount of retainage from 10 to 5% across the board, after removing language that would place it at 5% until 50% completion of the project and from 5 to 2.5% after 50% completion. It exempts contracts entered into by October 1, 2019 rather than July 1. It also exempts DOT projects. Opponents argue the importance of flexibility in retainage rates as they act as an insurance policy to hold contractors accountable. Supporters argue current rates were prohibiting small contractors from participating in public projects who lose working capital when payments are delayed. 31 states have

adopted the same caps and supporters claim that Florida is losing talented general contractors as a result. Its Senate companion has one more committee of reference.

[HB 101](#)  
[SB 246](#)

*Small Scale Comprehensive Plan Amendments*

The House voted 108-5 to pass a bill that repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government. The bill is intended to help speed up the development process and was praised by a member of the committee for helping to encourage density and community planning. Its Senate companion has one committee remaining.

[HB 6017](#)

*Nonemergency Medical Transportation Services*

The House unanimously passed legislation that would allow Transportation Network Companies to partner with insurance companies or brokers to provide Nonemergency Medical Transportation to Medicaid patients to and from doctor appointments. Medicaid Managed Care plans provide a benefit for transportation services for patients who do not have transportation. Legislators are concerned with reports of constituents not being transported in a timely manner, either missing needed appointments or waiting for hours at a medical office for transportation. TNCs would supplement transportation for individuals that do not require an ambulance. Brokers and insurance companies would be in charge of understanding the specific needs of patients, such as wheelchair bound individuals, who would require special vehicles or drivers with special training. Members of the public including representatives from Uber, American Cancer Society, and the Institute for Justice waived in support. The Senate bill has one remaining committees of reference.

[HB 411](#)

*Wetland Mitigation*

On Thursday, the House passed CS/HB 521. This bill provides that local government may use permittee-responsible mitigation consisting of the restoration or enhancement of lands purchased and owned by the local government whenever state and federal mitigation credits are not available to offset the adverse impacts of a local project. This mitigation must still conform to permitting requirements under s. 373.4136, F.S., and no mitigation credits may be for any other projects except those located on land purchased for conservation by the local government entity.

CS/SB 532 is on Second Reading in the Senate.

[HB 521](#)  
[SB 532](#)

**House Appropriations Committee**  
*Human Trafficking*

House Appropriations unanimously approved a bill that establishes and requires training for public lodging establishments on identifying, reporting and addressing trafficking activity to deter the use of public lodging by human traffickers. The bill was amended to also include massage establishments. Unlike previous iterations of this legislation, this bill would not provide a cause of action or liability for public lodging establishments where human trafficking takes place. It requires the Board of Massage Therapy and Division of Hotels & Restaurants to discipline bad actors. The bill would establish a Direct Support Organization to foster private and community funding and partnerships to address human trafficking issues in the state. It would create the Soliciting for Prostitution registry for “johns” and “pimps” to deter demand, which law enforcement testified as the most effective method to combat human trafficking. The bill would require the Florida Department of Law Enforcement to develop and implement a training program for law enforcement. Finally, it would allow victims of human trafficking to petition for expungement of kidnapping charges that occurred due to being forced to participate in a human trafficking scheme. Law enforcement and local governments supported the bill. Victims advocates and sex industry workers appeared split on the bill despite repeated confirmation that the registry will not include victims. The bill has one committee remaining in the House and in the Senate.

[HB 851](#)

[SB 54](#)

#### **House Health & Human Services Committee**

##### *Needle Exchange*

House Health & Human Services unanimously advanced a bill that would authorize a county commission to establish a sterile syringe and needle exchange program within their county. The bill provides oversight, substance abuse counseling, and reporting requirements. It is modeled after a Miami-Dade pilot program. South Florida has one of the highest rates of new HIV transmissions in the nation, which is exacerbated by the current drug use epidemic. The Chair stated that he used to be an opponent of the legislation but has since learned more about the program’s effectiveness in harm reduction and connecting people with treatment. The bill is now ready to go before the full House. Its Senate companion was unanimously passed by the Senate last week.

[HB 171](#)

[SB 366](#)

##### *Opioid Lawsuit*

House Health & Human Services voted unanimously and Senate Judiciary voted 5-1 to advance a bill that would authorize the Attorney General to have indirect access to the Prescription Drug Monitoring Program for use in pending controlled substances criminal and civil litigation. It also authorizes program staff to testify in legal proceedings to authenticate the data. To protect identities, each patient in the database would be given a unique identification number and data collected is limited to only what is relevant to case discovery. The bill is a critical step in allowing the AG to build its case against opioid manufacturers, distributors, and sellers. The AGs office filed a lawsuit in May that alleges opioid industry engaged

in a deceptive marketing campaign, which included funding ostensibly neutral physicians and organizations, and continuously allowed diversion of their products and filled suspicious prescriptions despite alarmingly high numbers. The House bill is now before the full House. The Senate bill has one committee remaining.

[HB 1253](#)

**House Ways & Means Committee**

*Tax Package*

House Ways & Means voted 14-2 to file a \$102 million (\$114 million recurring) tax package. The package would among other things, include a back-to-school and disaster preparedness sales tax holiday, force school districts to share millage levied through a referendum with charter schools (language dear to the Speaker after Miami-Dade County chose to not share its recent millage increase with charter schools), would restrict property tax exemptions enjoyed by nonprofit hospitals by requiring hospitals to subtract only the value of charity care provided, expand tax credits for private school scholarships, and address property tax assessments and refunds in hurricane affected counties. It does not contain provisions in its Senate companion that creates tax fairness for online retailers. The bill is scheduled for its one committee of reference next week; its Senate companion is scheduled for its second of three committees next week.

[HB 7123](#)

[SB 1112](#)

**House Education Committee**

*Educational Employees*

House Education and Senate Education Appropriations unanimously advanced legislation which requires the Department of Education to maintain a list of disqualified personnel that are barred from working in grades kindergarten through 12. The personnel were subject to certain disciplinary action while working in direct contact with children. It also strengthens background check requirements, requires DOE to immediately investigate sufficient complaints of misconduct, and expands DOE authority to discipline employees. The House bill is now before the full House. The Senate bill has one committee remaining.

[HB 1127](#)

*Charter Schools*

House Education unanimously advanced a bill pertaining to school choice on the premise that access to a high quality education should not be based on zip code. The bill has a number of components, it allows schools of hope to be operated in Opportunity Zones. It permits schools of hope funding to be used for directors and other outreach prior to operating. It allows hope scholarship students to be able to exchange for a transportation scholarship. The bill removes what had become a perverse incentive to report incidents of bullying. The idea was at the time of passage of the schools of hope program, that charter management organizations would come rushing into our community, two years later, only two schools are even in planning. In questions, a member asked how we would be tracking the lowest performing schools and what the graduation rates of the charter operators in

the schools of hope program were. The sponsor shared that this bill would allow the state to look at lower performing schools over a longer period of time and that the graduation rates were prescribed to be a minimum of 80%. In public testimony, the League of Cities shared concerns with the expansion of charter schools on land that is owned or by a library, church, etc. without rezoning or special land use changes or charges. The House bill has one committee of reference remaining, there are multiple bills in the Senate that contain various provisions contained in the House bill. Senate Education Appropriations unanimously approved legislation to allow alternative charter schools to become high-performing charter schools while reducing enrollment increases and replication of high-performing charter schools. The bill has one committee remaining in the Senate

[SB 934](#)

[HB 7095](#)

### **House Commerce Committee**

#### *Vacation Rentals*

Local governments got a major win this week when the Senate bill to further preempt local government ordinances on vacation rentals was not heard in its first committee of reference. That committee will not hold any further meetings, meaning the bill or similar language will not receive a hearing and cannot be amended onto another bill. Earlier the same day, House Commerce voted 13-11, one vote shy of failure, to advance the House bill after extending the meeting twice. The committee considered 8 amendments, (including handwritten, late-filed substitute amendments) that touched on HOAs & condo associations, racial discrimination, sex offender notification, ADA compliance, and Homestead property. The bill provides that any regulation imposed on one property must apply uniformly to all regardless of the transient nature of its occupancy. The bill would invalidate ordinances that had been previously passed before 2011.

The House bill is now ready for the House floor. The Senate bill is “dead.”

[HB 987](#)

#### *Expired Building Permits*

House Commerce unanimously approved a bill that requires local governments provide at least 30 days prior written notice to contractors and owners, via email or mail, that a permit is set to expire. It also provides that local governments may only charge one search fee for identifying permits associated with one unit or sub-units. The bill is now before the full House. Its Senate companion is in its final committee next week.

[HB 447](#)

### **House Commerce Committee**

#### *Small-Scale Comprehensive Plan Amendments*

On Tuesday, [HB 6017](#) passed without amendment in the committee. The bill repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government.

The bill is now in the House State Affairs Committee. An identical Senate companion, [SB 1494](#), has been filed.

### *Bert Harris*

Local governments got another victory when the Senate bill that would have expanded the Bert Harris Act was not heard in its first Senate committee of reference. The bill would have provided that property owners could file a Bert Harris claim as soon as they are asked to comply with an inordinate burden, would only need to give 90-days notice to a local government, have a court instead of jury determine damages, allow a factfinder to consider business damages, be awarded attorneys fees incurred from the time the notice is filed if they prevail regardless of settlement. The bill would also provide a presumption that all similarly situated residential parcels are inordinately burdened and entitled to the same settlement or judicial determination. Local governments would be blocked from being awarded attorneys fees and would be encouraged to settle within the 90 day notice timeframe. Meanwhile, House Commerce voted 21-2 to advance the House bill, which is on the agenda for its third final committee next week, after amending it to provide that the presumption of inordinate burden on similarly situated parcels is rebuttable. The bill is now “dead” in the Senate and cannot be amended onto another bill.

### [SB 1720](#)

#### **House State Affairs Committee**

##### *Towing & Immobilizations*

House State Affairs unanimously approved a bill that would preempt towing & wrecking ordinances, impacting consumer protection models of local government ordinances. It sets licensure and notice requirements, and it prohibits ordinances or rules that impose a fee on wrecker operators and immobilization of vehicles or vessels. It also prohibited local governments from addressing attorneys fees or court costs related to towing on private property. It would also prohibit local governments from requiring a towing company accept checks as a form of payment. It carves out counties with populations of 1.3 million or more that had previously adopted an ordinance. The bill is ready to go before the full House and has one more committee of reference in the Senate.

### [SB 1792](#)

### [HB 1237](#)

##### *Major Preemption Package*

House State Affairs voted 18-6 to advance a major preemption package that includes a preemption on single-use plastic straws, sunscreen, alternate generated power, age limits on nicotine products and more. It prohibits local governments from purchasing or annexing property within another jurisdiction without express permission from that jurisdiction, imposing additional requirements for maximum fuel supply or temperature for nursing homes and assisted living communities in emergency management plans, and levying excise taxes on nicotine products. It also limits tolling of permits provisions to only “natural” states of emergencies. The bill has one more committee of reference in the House. It does not have a true Senate companion.

### [HB 1299](#)

### *Election Reform*

House State Affairs unanimously approved a bill that reforms the elections process by setting standards for machines, changes the tabulation process, signature requirements on ballots, and recount process. Several counties and Supervisors of Elections supported the bill. It is now ready to go before the full House and has one more committee of reference in the Senate.

[SB 268](#)

[HB 689](#)

### *Local Government Financial Reporting*

House State Affairs and Senate Governmental Oversight & Accountability unanimously approved legislation to require local governments provide a report to the Office of Economic and Demographic Research (EDR) that includes: Government spending per resident (for the past five years), government debt per resident (for the past five years), median income of residents, salaries of government employees, and number of special taxing district within local boundaries. The bill has one more committee in the Senate and is now ready to go before the full House.

[HB 861 & SB 1616](#)

### *Inclusionary Housing policies*

House State Affairs voted 14-8 to advance legislation prohibiting inclusionary housing policies that require developers include affordable housing units in new development or rent controlled units. The bill also requires local governments to treat mobility-fee based funding systems as impact fees and give credits proportional to the impact fees that are charged. It limits auditing oversight of private providers, prohibits building official replication of inspections by private providers, and limits the time frame for building departments to review plans approved by private providers from 30 to 5 days. Supporters claim these policies increase housing costs, unintentionally worsening the housing crisis, and have been shown not to work. The sponsor claimed he was advocating for the bill because he is an advocate for affordable housing and that the bill targets the true costs and barriers to affordable housing. The bill is now ready to go before the full House. Its Senate companion has one committee remaining.

[SB 1730](#)

### *Displacement of Private Waste Companies*

House State Affairs unanimously approved a bill requiring local governments to give more of “runway” when displacing a private waste company. Currently, local governments have a three year waiting period or payout option before the company can be displaced. The original bill increased the waiting period from a 3 years to 5 years and applied to all types of contracts with private waste companies. The bill only applies to “complete market systems” where companies directly contract with neighborhoods and individuals as opposed to when the local government chooses one or more companies through a procurement process. The sponsor stated that 10 counties would be impacted. The new language makes the 3 year waiting period

mandatory and increases the payout option by two years, negotiating a settlement from 15 to 18 months. Supporters argue that these are small businesses that invest hundreds of thousands to millions of dollars into infrastructure in local areas and that three years is not a long enough time for those put out of business to have an alternate plan in place. They also point out that many governments don't wait the full three years by choosing a buyout option of paying gross receipts for the time period instead. They argue the current system allows governments to take over profitable businesses that are in a competitive market, which exposes areas to government monopolies. Opponents say the bill swings too far on the side of the private business and makes it difficult for the local government to decide what is best for residents. The bill is not being pushed by the industry, rather it is coming from "free market" advocates and think tanks. The bill is now before the full House. However, its Senate companion was never heard in its first committee after being postponed last week and is therefore dead.

#### [HB 1169](#)

##### *Micro-mobility Devices and Motorized Scooters*

House State Affairs voted 21-1 and Senate Transportation & Economic Development Appropriations voted unanimously to advance a bill that would define motorized scooters and micromobility devices and place them under the same road requirements as a bicycle. The bills are intended to allow the mobility devices to get off of sidewalks while preventing their prohibition. The Senate language allows local governments to retain full regulatory authority over roads and sidewalks. The House bill was amended to allow local governments to restrict scooter operations in certain areas and on sidewalks less than 5 ft. in width. The House bill would require local governments to allow for staged parking at each city block and provide insurance requirements. Both bills would require persons offering the devices to secure them during a storm. The House bill is now before the full House. Its Senate companion has one committee remaining.

#### [SB 542](#)

#### [HB 453](#)

##### *Department of Transportation Package*

House State Affairs unanimously approved a transportation package regulating that prohibits local governments from adopting standards for permissible aggregates and reclaimed asphalt pavement contrary to DOT standards. It prohibits the same firm from being used for design and construction if the project receives any state funding. It requires contractors bidding for projects over \$50 million to have successfully completed two previous contracts for \$15 million (amended from \$25 million). It also increases the threshold for claims going before the State Arbitration Board. The committee adopted an amendment that removed minimum standards for FDOT Secretary. We also successfully amended the bill to exempt special districts from requirements in order to protect seaports. The bill is now before the full House. Its Senate companion has one committee remaining.

#### [HB 905](#)

##### *Dredge and Fill Permitting Program*

On Monday, the House State Affairs Committee passed CS/HB 799 without amendment. The bill contains a memorial urging Congress to direct the EPA to issue a memorandum of agreement so Florida may complete the assumption of the Sec. 404 program under the CWA.

CS/HB 799 has no more committee references.

[HB 799](#)

*Growth Management*

On Wednesday, the House State Affairs Committee passed CS/HB 291 with one amendment. The amendment revises the language dealing with development orders, providing that all comprehensive plans and development regulation to implement that plan adopted after January 1, 2019 must incorporate pre-existing development orders and vest the density and intensity approved by the order without limitation or modification. This bill requires both the state's and local governments' comprehensive plans to include a private property element. It provides a statewide model form for acknowledging private property rights but does allow local governments to create their own forms as long as they do not conflict with the statewide model. In either case, local governments must adopt this property rights element into their comprehensive plans by July 1, 2020. In accordance with the proposed statewide form, the private property element must, at minimum, include consideration of the following:

- Physical possession and control of the property owner's interests in the property, including easements, leases, or mineral rights;
- Quiet enjoyment of the property, to the exclusion of all others;
- Use, maintenance, development, and improvement of the property for personal use or the use of any other person, subject to state law and local ordinances;
- Privacy and exclusion of others from the property to protect the owner's possessions and property; and
- Disposal of the property owner's property through sale or gift.

Lastly, all comprehensive plans effective as of 2019 must recognize and refrain from impairing the completion of any developments subject to an existing development order. Notwithstanding any future amendments to the development order, the plan must vest the density and intensity approved by the order.

The House bill has no more committee references. CS/SB 428 is currently in the Senate Judiciary Committee.

[SB 428](#)

[HB 291](#)

**House Government Operations & Technology Appropriations Committee**

*Building Code & Inspections*

House Government Operations & Technology Appropriations unanimously approved legislation that would allow the Florida Building Commission to adopt triennial amendments to the Florida Building Code, removes occupational licensure barriers and creates internship programs to become a licensed inspector, makes it easier to change contractors and takes measures to prevent contractors from having open or expired permits. The bill has one more committee in the House. Its Senate

companion, which only focuses on triennial amendments, has two more committees in the Senate.

[HB 1333](#)

*E-911 Systems*

House Government Operations & Technology Appropriations unanimously passed legislation to require the Department of Management Services to develop a plan to upgrade 911 public safety answering points to transfer emergency calls to other responding law enforcement agencies by February 1, 2020 and allow direct communication between 911 radio systems. The bill also requires counties to develop and implement plans for text-to-911 systems by January 1, 2022. The bill reflects a compromise between the police chiefs and the sheriffs on deferring to local entities to determine what works best for their own communities. The bill has one more committee remaining in the House and in the Senate.

[HB 441](#)

**House Judiciary Committee**

*Security in Trial Court Facilities*

House Judiciary unanimously approved a bill that requires sheriffs to coordinate a plan for court security with the Board of County Commissioners and the chief judge of the judicial circuit court. The bill reflects compromise language arrived at last year through negotiations that on proposals that would have given sheriffs full authority over court security after a judge ruled that a sheriff needed to provide security to a courthouse that was not in use. It also provides that sheriffs, officers and contracted employees are officers of the court. It is now before the full House and is in its third of four committees in the Senate next week.

[HB 639](#)

[SB 762](#)

*Public Safety Package*

House Judiciary voted this week to file a public safety package that contains the same language found in several criminal justice reform and public safety bills, including legislation on: mandatory direct file, juvenile justice, court-ordered treatment programs, theft thresholds, drivers license suspension, contraband in county detention facilities, protection of detention facility employees, and crimes involving lewd acts and animal welfare, among other things. The bill has only one committee reference.

[HB 7125](#)

