

PBC 2020 Legislative Update



JANUARY 28, 2020
WEEK 2

OFFICE OF LEGISLATIVE AFFAIRS

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This Week in Congress: Impeachment Trial Gets Underway

Senate to vote on rules for the trial later today.

The Senate has begun its impeachment trial against President Donald Trump after officially receiving two articles of impeachment from the House last week. Senators will consider two charges, including abuse of power and obstruction of Congress, laid forth by the House in its articles. The upper chamber is set to vote on a resolution that will set the rules of engagement today, which will provide for 24 hours of debate from House managers and President Trump's legal team. Senators will then have up to 16 hours of questioning, after which they will deliberate whether to hear from more witnesses or consider evidence beyond what surfaced in the House investigation.

In the House, lawmakers have adjourned for the Martin Luther King Jr. Day district work period. The lower chamber will resume legislative business on Monday, Jan. 27.

2020 Legislative Session Week 2 Update

Appropriations Update: The Senate's draft of the 2020-21 state budget will be in the public's hands by the end of the month, according to the timeline laid out by Senate Budget Committee Chair Rob Bradley. He also

set some ground rules: amendments are capped at \$250,000, unless they fund the entirety of a project; spending in amendments must be balanced out by cuts elsewhere; and no bundling of amendments allowed. If all proceeds as planned, budget meetings are on track to start in the fourth week of Session.

Here are some Week Two Session Highlights before we look at some individual bills of Palm Beach County Interest:

The House passed HB 391 and HB 303 poised to eliminate the Constitution Revision Commission.

A House panel voted unanimously to end the partnership between the Department of Children and Families and the Florida Coalition Against Domestic Violence, which has come under fire for alleged financial mismanagement.

A Senate committee passed a bill preempting local sunscreen bans onto the third reading calendar, setting it up for a floor vote in the chamber. HB 172

Sen. Perry Thurston Jr. of Broward County was named Leader-Designate of the Senate Democratic Caucus for the 2022-2024 term after a unanimous vote Wednesday.

One week after it was filed, House Speaker-designate Chris Sprowls' HB 1189 that would protect Floridians' DNA information from being used by insurance companies is ready for a vote in the full House.

The Governor and Cabinet adopted new rules that would allow violent felons to have their civil rights restored even if they owe fines, fees or restitution. The rule change only applies to violent felons who appear in person before the Clemency Board, and are required to wait 7 years after they complete their prison term and post-release supervision before applying to have their rights restored.

SB 1112 that would charge water bottling companies a 12.5-cent-per-gallon levy for pulling the water from the ground was postponed in the Senate Commerce and Tourism Committee .

The Senate Health Policy Committee approved a CS/SB 810 that would treat e-cigarettes as tobacco products, which allows the state to tax them and sets a minimum age of 21 to purchase.

A Senate panel advanced SB 832 an exemption to the state's Sunshine Law that would shield from public disclosure identifying information about legislators, their families and staff.

Members of the House Workforce Development & Tourism Subcommittee voted in favor of a HB 6057 that would repeal an unused program created to provide funds for sports stadium construction and renovation projects.

Issues of Palm Beach County Interest

Vacation Rentals HB 1011- The House Workforce Development & Tourism voted along party lines to approve a short-term rental preemption bill. However, much like the prior week's Senate meeting, members stated they were voting for the bill with the sponsor's commitment that he will work with them on improving it to include more regulations and safeguards. The bill has two stops remaining in the Senate and the House.

Drug and Cosmetic Act HB 113 - The House Local, Federal & Veterans Affairs voted 9-6 to approve a bill that would preempt regulation of over-the-counter drugs and cosmetics to the state. The bill is largely targeted to Key West's ban on sunscreen with certain chemicals. The bill has one stop remaining in the House. Meanwhile, the Senate bill is scheduled for a full Senate vote on January 29th.

Towing & Immobilizing Vehicles and Vessels SB 1332 - Senate Community Affairs unanimously approved a bill that would preempt local towing ordinances after adopting an amendment to address concerns raised by the Florida Justice Association. The amendment removed a consumer protection language that would have potentially cooled litigation for wrongful towing. The preemption directed attorneys' fees to prevailing side. The amendment also provided signage must be within 10 feet at its current height requirement. **The bill still carves out Broward and Palm Beach Counties (but not municipalities).** The bill has two more committees in the Senate. The House companion has one more committee stop in the House.

Local Government Fiscal Transparency HB 1149 - House Local, Federal, & Veterans Affairs voted 11-3 to approve the Local Government Fiscal Transparency bill. This is the fourth consecutive year that the bill has been introduced and is identical to the previous Session. Under the bill, a local government would have to hold additional public meetings, provide

expanded public meeting notices, and conduct a “debt affordability analysis” prior to the issuance of new, long-term tax supported debt.

Contingency Fees HB 7043 - House Judiciary voted 9-8 to file a committee bill limiting contingency fees in local government contracts for attorney services. The bill would cap fees on a sliding scale, from 25% of any recovery up to \$10 million to 5% of any recovery of \$25 million or more. It provides a total cap on fees at \$20 million. The bill has two more committee stops in the House. The Senate companion has not yet been considered.

Broadband Access HB 969 - House Energy & Utilities unanimously approved a bill that would create the Florida Office of Broadband within DEO to expand broadband access within the state. The new office would develop a strategic plan; create local technology planning teams that include libraries, schools, local governments, health care providers, agriculture, community organizations, businesses and more; and encourage use of broadband services in rural, unserved and underserved areas of the state. Florida ranked extremely low in broadband access according to recent studies. An amendment was offered but withdrawn that would have required the strategic plan to look at areas where service is offered but slower than average. The bill has two more committees of reference in the House. Its Senate companion is scheduled for its first of three committees next week.

Underground Facility Damage Prevention & Safety HB 1095 - House Energy & Utilities unanimously approved a bill that would expand enforcement of the Underground Facility Damage Prevention & Safety act by increasing civil penalties for excavators that fail to comply with various requirements of Ch. 556, adding state Fire Marshalls and local fire chiefs to the list of those able to issue citations for violations, creating an underground facility review panel, and requiring Sunshine 811 incident reports for HPSI incidents be transferred authorities that can issue citations for violations. Authorities include local law enforcement, local fire chiefs, code enforcement, and code inspectors in addition to the state Fire Marshall and other state authorities. The bill is scheduled for its second of three committees of reference in the House. Its Senate companion is scheduled for its first of three committees in week 3.

Sovereign Immunity SB 1302 - Senate Judiciary unanimously approved a bill that would raise the 200k/300k cap on sovereign immunity claims and provide the cap must increase annually with the Consumer Price Index. The bill has two more committees of reference in the Senate. The House has not filed a companion yet, but we anticipate a committee bill will be filed.

Child Welfare:

Children Services Council HB 661 - House Children, Families & Seniors voted 10-5 to approve a bill that would require CSCs to include “performance data” in its annual report: high school graduation rate, teen alcohol and drug use, teen pregnancies, infant mortality, poverty level, and juvenile arrests. It also requires them to file with the county a monthly financial report with itemized receipts. The bill has one more committee stop in the House. The Senate companion was temporarily postponed in its first of three committees of reference.

Development and Building:

Public Construction Bill HB 101 - The House voted 118-1 to pass HB 101. The bill would reduce the maximum amount of retainage governments are allowed to withhold from contractors from 10% to 5%. It would not apply to DOT contracts. Its companion bill has one more committee stop in the Senate.

Public Procurement of Services HB 441/SB 506 - Senate Appropriations Subcommittee on Agriculture, Environment and General Government and House State Affairs unanimously approved legislation that would increase the maximum cost of a construction continuing contract from \$2 million to \$4 million. It would also increase the maximum cost of a study using a continuing contract from \$200,000 to \$500,000. The committee adopted an amendment that lowered the increase to \$4 million from \$5 million. The House bill is now ready to go before the full House. The Senate bill has one committee stop remaining.

Homestead Exemptions HB 223 - House Ways & Means and Senate Community Affairs unanimously approved a bill that would allow residents to maintain entitlement to a Florida homestead exemption when it is discovered they inadvertently have homestead in another state.

Transportation:

High-Speed Rail SB 676 - Senate Infrastructure & Security unanimously passed a bill that targets high-speed rail companies and public highway rail crossings. The bill requires FDOT to develop minimum standards for rail crossings by 2021, provides railroad companies must fund certain costs associated with improvements, and provides FDOT with authority to penalize companies up to \$10,000 for failing to meet standards.

Environment:

Environmental Regulation - Contaminated Materials Recycling HB 73 - The House voted unanimously to pass HB 73, a contaminated materials recycling bill that represents a compromise between local governments and the waste industry. Its Senate companion has one committee left.

Water Quality Improvements CS/CS/SB 712 - This CS creates the Clean Waterways Act, which covers several issues relating to water quality throughout the state. Some of the provisions follow on recommendations made by the Blue-Green Algae Task Force (BGATF) in response to increasing algae blooms, which the task force found is caused in large part by increased nutrient-laden runoff during storm events or from water releases from Lake Okeechobee, which is greatly impaired by nutrient run-off from the surrounding basin. Other provisions address longer running issues like septic tanks and wastewater treatment in general. The bill has one committee stop remaining in the Senate. Its House companion is scheduled to be heard in its first of three committees in Week 3.

Office of Resiliency HB 1073 - House Agriculture & Natural Resources unanimously voted to file a committee bill that would codify in statute the Governor's creation of the Statewide Office of Resiliency (SOR) headed by the Chief Resiliency Officer. The bill also creates a Statewide Sea-Level-Rise Task Force that must adopt sea level rise projections. The bill provides \$500,000 in non-recurring funds for the Task Force, which sunsets in 2023. The bill has two committee stops remaining in House. The Senate companion was not considered by its final committee this week and was not rescheduled for week 3.

Criminal Justice & Public Safety:

Mandatory Emergency Reporting SB 538 - Senate Infrastructure & Security unanimously passed a bill that would require counties and municipalities to report certain emergency incidents that occur within their boundaries to the State Watch Office under the Division of Emergency Management as soon as practicable following the initial response. Incidents include: natural disasters, major fires, law enforcement events, traffic incidents, etc. The bill has two more committees of reference in the Senate. The House companion is scheduled for its first of three committees in Week 3.

Mental Health & Substance Abuse Diversion Program SB 1304 - Senate Criminal Justice unanimously passed a bill supported by the Florida

Supreme Court that essentially creates a mental health and substance abuse diversion program for the Department of Corrections. The program consists of an in-custody treatment program for substance abuse, mental health or co-occurring disorders for a minimum of 90 days. After completion of the in-custody program, the offender must be released into the community on probation with further treatment for the final 24 months of their sentence. The House bill has two more committee stops. The Senate bill has yet to be heard in committee.

DCF Accountability Act SB 1326 - Senate Children, Families & Elders unanimously approved the DCF Accountability Act, sponsored by the Senate President Designate. The bill would establish a new Office of Quality Assurance and Improvement under the Department of Children & Families to provide better oversight of child welfare contracts. The bill is already scheduled for its second committee of reference. The bill does not yet have a true House companion, however a similar committee bill has been proposed.

Recovery Residences HB 649 - House Children, Families & Seniors unanimously approved a bill originally intended to provide exemptions to disqualifying background information that prevents recovered addicts from working in **sober homes** among other things. However, the bill was changed to only address patient brokering and reference Federal rulemaking. The bill has two committee stops in the House. The Senate companion is scheduled for its first of three committees in Week 3.

Court Security SB 118 - Senate Appropriations Subcommittee on Criminal and Civil Justice unanimously passed a bill to require sheriffs to coordinate with chief judges and county commissions on the development of court security plans. The bill has one more committee stop in the Senate. The House companion is scheduled for its second stop of three committees in Week 3.

Pubic Record and Meetings/911 HB 755 - The bill creates a public record exemption for specific records that identify the design, scope, and location of 911 or E911 communication system infrastructure owned and operated by an agency before, on, or after the effective date of the bill. The bill also creates a public meeting exemption for any portion of a meeting that would reveal these records. Specifically, the bill creates a public record exemption for:

- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911 or E911 communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911 or E911 communication services, or other 911

or E911 communication structures or facilities owned and operated by an agency; and

- Geographical maps indicating the actual or proposed locations of 911 or E911 communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911 or E911 services, or other 911 or E911 communication structures or facilities owned and operated by an agency.

Both the House and Senate bill are in their second committee of reference out of three.

Jordan's Law HB 43 - The House Children, Families & Seniors and Senate Children, Families & Elders unanimously moved forward legislation to address interagency collaboration, communication, training, and inefficiencies in child welfare incident response. The bills each have two more committee stops in the House and Senate.

Education:

Marjory Stoneman Douglas Public Safety Commission Recommendations SPB 7040 - The Senate Education Committee unanimously voted to file a committee bill that contained recommendations of the MSD High School Public Safety Commission's second report. The bill clarifies and enhances procedures around school-based mental health services, diversion programs, the Aaron Feis guardian program and other security measures. The bill will now be filed as a standalone senate bill and will receive committees of reference. A House companion has yet to be filed.

K-12 Education HB 641 - The House Education unanimously approved a bill that requires ballot initiatives to levy surtax must include a statement that charter schools will receive funding proportionate to enrollment.

Alyssa's Law SB 70 - Senate Infrastructure & Security unanimously passed a bill requiring each public school be equipped with a panic alarms system. Alarm systems can be silent, non-silent, or app based. The bill passed unanimously and now has two committee stops remaining in the House. The Senate companion also has two stops remaining.

PBC Delegation Appropriations moving this week:

These Palm Beach County delegation-sponsored appropriation requests passed favorably out of their subcommittees this week and are now waiting for the appropriations process to begin. Our delegation House members

have filed over 90 budget requests for the 2020 session to bring home much needed dollars for programs and projects throughout Palm Beach County.

- HB 4181- West Palm Beach Early Learning to Kindergarten Pilot by Representative Silvers
- HB 4633 - Riviera Beach Early Learning to Kindergarten Project - Year 3 by Representative Jacquet
- HB 4009 - Riviera Beach Utilities Special District Water Treatment Plant Additional Consent Order Improvements by Representative Jacquet
- HB 4089 - Glades Communities Street Resurfacing and Reconstruction by Representative Polsky
- HB 9089 -Everglades Restoration Workforce Training Program by Representative Polsky