

# PBC Legislative Update



MARCH 25, 2019

## **FEDERAL ISSUES**

### **1. This Week in Washington**

## **STATE ISSUES**

### **1. Florida Session Week \_**

## **LEGISLATIVE SESSION 2019**

## **FEDERAL ISSUES**

### **This Week in Washington**

*By: Thorn Run Partners*

Congress is set to resume legislative business today following a weeklong district work period. In the Senate, Majority Leader Mitch McConnell (R-KY) has queued up a vote on the progressive-sponsored "Green New Deal" resolution ([S.J.Res 8](#)) in hopes of forcing Senate Democrats into a tough political vote. While Democrats initially decried the move as a partisan stunt, they have coalesced around a message that climate change is an issue that needs attention and that they look forward to debating these issues on the Senate floor. Following consideration of the Green New Deal resolution, Senators are expected to take up a supplemental disaster aid bill ([H.R. 268](#)) that would provide emergency funding to states and territories that have been impacted by various natural disasters in recent months.

Meanwhile, House lawmakers have queued up an attempt to override President Trump's veto of a resolution of disapproval that would prevent him from circumventing Congressional appropriation authority to allocate funding for the construction of a border wall. Despite the resolution's passage in both chambers, the effort to overturn the President's veto is unlikely to have the support of a two-thirds majority in the lower chamber. For today, the House will consider a slate of suspension bills, including a measure ([H.R. 1839](#)) out of the Energy and Commerce Committee that would: (1) extend protections for Medicaid recipients of home and community-based services against spousal impoverishment; (2) establish a State Medicaid option to provide coordinated care to children with complex medical conditions through health homes; and (3) prevent the misclassification of drugs in the Medicaid drug rebate program.

## **STATE ISSUES**

### **Florida Session Week 4:**

*By: Thorn Run Partners, Ericks Consulting, Anfield Consulting, & County Staff*

### **The Florida House of Representatives and the Florida Senate**

#### *Permit Fees*

The House and Senate unanimously passed a bill that would require local governments to post their schedule of building permit and inspection fees on their websites by December 31, 2020 and thereafter provide a detailed utilization report

prior to making changes to the schedule. The utilization report includes costs related to enforcement of the Florida Building Code, number of permits requested/issued, number of inspections/re-inspections conducted, number and salaries of personnel employed to enforce the building code, revenues derived from permit fees, investment revenues derived from investing fee revenue, and balances carried forward/refunded by the local government.

[HB 127](#)

**The Florida Senate**

*Government Accountability*

The 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. Its identical House companion is ready for a final vote by the full House.

[SB 7014](#) (HB 7034)

**Senate Appropriations Committee**

*Needle Exchange*

Senate Appropriations unanimously approved 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. Meanwhile, House Health Quality finally heard the House bill, passing it with only one "no" vote. The Senate bill is before the full Senate. The House bill has two more committees of reference.

[HB 171](#)

[SB 366](#)

*Wetland Mitigation*

The Senate Appropriations Committee passed CS/SB 532 on Wednesday. The House State Affairs Committee passed its companion, CS/HB 521, on Thursday. Neither

bill has any more committee references. 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.

[SB 532](#)

[HB 521](#)

#### *Regional Rural Development Grants*

SB 596 was passed without amendment in the Senate Appropriations Committee on Wednesday. This bill raises the amount of total project participation grant money that can be allocated towards local infrastructure projects from 30% to 50% and includes the expansion of broadband Internet service to the list of projects that can be funded by the Rural Infrastructure Fund (provided the work is done through a PPP that has been publicly noticed and bid). Contracts or agreements for projects that expend grant funds must contain certain contract provisions and be posted online. The DEO is required to review the program and its award procedures, submitting a report by September 1, 2020. This bill raises the annual amount of grant funds that each regional economic development organization may apply for from \$150,000 to \$250,000, while also raising the yearly cap that the DEO may spend of the grant program overall from \$750,000 to \$1 million. The requirement that the development organization provide 100% non-state matching funds is lowered to 25% matching funds. Contracts or agreements for projects that expend grant funds must contain certain contract provisions and be posted online. The Senate bill has no more committee references. HB 671 is currently in the House Transportation & Tourism Appropriations Subcommittee.

[SB 596](#)

[HB 671](#)

#### **Senate Children, Families, & Elder Affairs Committee**

##### *Mental Health & Substance Abuse*

Governor DeSantis and First Lady Casey DeSantis hosted a mental health “listening session” to hear from the public and experts on addressing the state’s mental health needs in response to the recent Parkland survivor suicides. The Governor highlighted a proposal to increase mental health spending by \$349 million and announced plans to hire a Surgeon General to oversee the Department of Health in the near future.

The Senate Children, Families & Elder Affairs unanimously approved, SB 818, a bill that improves services to Marchman Act and Baker Act respondents and increases rights and requirements for care for persons with serious mental illness. The bill has two more committees of reference in the Senate but does not have a House companion.

[SB 1102](#)

[SB 818](#)

## **Senate Community Affairs Committee**

### *Small Cell Preemption*

Senate Community Affairs voted 4-1 to pass a bill that would further preempt local government ordinances as it relates to the implementation of small cell wireless technology (5G). The bill's original intent was to reduce the CST by 1%, on which cut the sponsors say they are working with appropriations chairs to afford out of state funds and hold local governments harmless. The committee adopted an amendment that would prohibit permits and fees for upgrading, maintaining, repairing, etc. aerial or underground wireline communications facilities; suspend local ordinances related to communications facilities in the right-of-way not sent to the Department of State; and would award attorneys fees to the prevailing side in any civil action suit. Under the new language, local governments could request updates from communications services companies during the five year registration period. . The bill has in its second of three committee stops in the House next week. It has one more committee in the Senate. This bill is likely to pass based on its support.

[SB 1000](#) (HB 693)

### *Community Redevelopment Agencies*

Senate Community Affairs voted 4-1 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 two more committees of reference. 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](#)

### *Growth Management*

The Senate Community Affairs Committee passed SB 428 with one amendment. The amendment adds a new section requiring all comprehensive plans effective as of 2019 to 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 Senate bill will next be heard in the Senate Judiciary Committee.

HB 291 was passed in the House Commerce Committee on Thursday with an amendment containing the same provisions added to SB 428. That bill will next be taken up in the House State Affairs Committee.

[SB 428](#)

[HB 291](#)

**Senate Governmental Oversight & Accountability**

*Financial Disclosures*

Senate Governmental Oversight & Accountability 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 has one more committee of reference in the House and in the Senate.

[HB 7021](#)

*Texting While Driving*

The House bill that would make texting while driving a primary offense was finally heard in its first House committee this week after many feared it would die with the end of subcommittees. House Transportation & Infrastructure unanimously approved the bill in a 13-0 vote. Meanwhile, the third of four Senate committees unanimously approved the Senate bill, but only after significantly narrowing the bill from the wide-ranging distracted driving bill back down to a texting while driving bill. Members of the public who have lost loved ones to distracted driving incidents expressed disappointment at the change. They claimed the move away from a hands free policy conveyed the Legislature's lack of understanding of the urgency of the situation and pointed to other states, such as Georgia, where a hands free policy has shown success. The bill sponsor, a future Senate President, stated he still hoped to pass a hands free bill once it reaches final passage. The Senate bill also has one more committee of reference.

[SB 7046](#)

**Senate Education Committee**

*District Cost Differential*

Senate Education unanimously approved SB 1284 which revises the method of calculating the district cost differential that is utilized to allocate money in the Florida Education Finance Program. The bill sponsor shared that they would get more information on the specific impact to each county this upcoming week. This stems from recommendations from a study commissioned by the legislature which focused on modifications to the FEFP funding formula. Last year, the urban counties were negatively impacted by the cost differential provisions. The committee passed the bill with the understanding that there would be much more conversation in the subsequent committees about how this modification will impact all sizes of counties. The bill has its House companion has not been considered in the first of its three committees.

[SB 1284](#)

**Senate Environment and Natural Resources Committee**

*Water Resources Funding*

Senate Environment & Natural Resources unanimously approved a bill that essentially treat state's approach to funding of water resources to that of transportation work program funding. The state currently bases its water resources budget on prior year expenditures rather than longterm needs and the political

nature of water project funding in the budget has long remained a source of debate. The bill would create a five-year plan and 20-year longterm plan for water supply, wastewater, and stormwater infrastructure; water quality protection and restoration; flood control; and environmental infrastructure. The plan must determine levels of need for residential, commercial, environmental, agriculture and industrial demands. The bill would make funding more reliable and mitigate adverse effects of competition for water supply. The bill has two more committees in the Senate. Its House companion was never heard in its subcommittees and is likely “dead.”

[SB 628](#)

[HB 1199](#)

#### *Recycling*

Senate Environment & Natural Resources 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. The National Waste & Recycling Association testified about the added cost and burden of contaminated materials being rerouted to landfills. Members in support stated that recycling is a broken system and it is increasingly difficult for haulers to make a profit. 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 two committees in the Senate and one committee left in the House.

[HB 771](#)

[SB 816](#)

#### *Anchoring & Mooring*

Senate Environment & Natural Resources and House Agriculture & Natural Resources Appropriations unanimously approved 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, 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 and is scheduled for its second of three committees next week.

[SB 1666](#)

### *Onsite Sewage Treatment & Disposal Systems*

The Senate Environment and Natural Resources adopted a strike-all for SB 1022. The strike-all brings the Senate bill into substantial conformity with CS/HB 973, with two exceptions:

First, the House Version requires the DOH and the DEP to enter into a memorandum of agreement regarding the Type 2 transfer and the responsibilities of the parties involved, whereas the Senate Ver. simply states that any binding contract or agreement existing before July 1, 2019 between the DOH and another entity shall continue to be binding on the DEP, which shall assume the terms of those contracts and agreements. Second, the House Version contains more detailed provisions relating to the calculation of lot size in determining whether a new septic system is prohibited within a priority focus area. CS/SB 1022 is now in the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government. CS/HB 973 is currently in the House Appropriations Committee.

[SB 1022](#)

[HB 973](#)

### **Senate Judiciary Committee**

#### *Security in Trial Court Facilities*

Senate 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. The committee adopted an amendment to change the title to the “Duties and Obligations of Sheriffs” likely to keep the bill from being amended to allow a past firearms debate. The bill has two more committees of reference in the House and the Senate.

[HB 639 SB 762](#)

### **Senate Criminal Justice Committee**

#### *Condominium Associations*

Senate Criminal Justice voted 5-1 to approve a bill that would implement many of the findings of a 2017 Miami-Dade grand jury investigations into condo associations. The bill would criminalize kickbacks, forgeries, ballot fraud, blocking access to records and more. The bill is scheduled to be heard in its second of four committees of reference next week. The House bill has not been heard and is likely “dead” as subcommittees have stopped meeting.

[SB 610](#)

#### *Tampering with Electronic Monitoring Device*

Senate Criminal Justice unanimously passed a bill that would specifically authorize that cases of tampering with electronic monitoring devices can be prosecuted in the jurisdiction of the court that imposed the condition of wearing the device. The bill has one more committee in the Senate. It was never heard in its first house subcommittee.

## [SB 1134](#)

### *Passenger Trains*

Senate Criminal Justice and House State Affairs unanimously passed a bill that would change law enforcement procedures after an accident involving a passenger train. The bill gives law enforcement discretion in interviewing “witnesses” to the accident. Current law treats passenger trains as motor vehicles and therefore all passengers must be interviewed as witnesses whether they actually witnessed the events or not. The process is lengthy and causes unnecessary delays in getting trains back up and running. The House bill is now before the full House. Its Senate companion is in its final committee of reference.

## [SB 1002](#)

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

#### *School Safety & Security*

Following its postponement from last week, the Senate Infrastructure and Security Committee dedicated almost the entirety of its committee meeting to SB 7030, the Senate’s school safety bill. The bill brought out passionate public testimony including from a former Marjory Stoneman Douglas student who vehemently opposed permitting teachers to carry firearms. Amendments were filed to modify the program including one that would require schools to notice parents if their child’s teacher will be participating in the Guardian program and will allow the parent to choose to have their child in another class. All were defeated except one which makes impersonating a guardian a felony.

Meanwhile, the House Appropriations Committee considered their bill on school safety. The bill is similar in that it seeks to support school safety, and adopt the recommendations on the MSD Commission, but there are still differences between the two bills particularly around the differences between administration between the providing of school resource officers, school safety officers and guardians.

Both bills passed on partisan-line votes. The House bill is awaiting consideration by the full chamber and the Senate’s bill has one more committee of reference.

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

### **Senate Agriculture Committee**

#### *Hemp*

The Senate Agriculture Committee passed SB 1020 which follows the re-classification of hemp in the federal farm bill to now permit production. The bill will allow farmers to again begin growing and harvesting hemp. A strike-all was adopted which creates the state hemp program within the Department of Agriculture and Consumer Services (DACS), it requires anyone who grows or processes hemp to register with the Department and complete a background check every two years, requires the reporting of GPS location, requires farmers to permit law enforcement on their land at any time, and stands up additional requirements for DACS to adopt procedures for adhering to federal standards. The bill sponsor shared that hemp can be used for building materials, animal feed, and clothing



production. He shared that Florida would be one of the first states to exercise the flexibility permitted in the farm bill. The bill creates an industrial advisory board to hammer out issues that may rise.

[SB 1020](#)

**Florida House of Representatives**

*Impact Fees*

The House voted 101-12 and Senate Appropriations voted unanimously to codify court requirements that impact fees bear a rational nexus to needs for additional capital facilities, expenditures of collected revenue, and benefits to new construction. It would prohibit any local government from requiring payment of impact fees any time prior to issuing a building permit. Impact fee revenues would be designated for acquiring, constructing, or improving the capital facilities to benefit the new users. Impact fees collected by a local government could not be used to pay existing debt or prior approved projects unless there is a rational nexus to the impact generated by the new construction. It excludes fees charged for connecting to water and sewer systems. The Senate bill is now before the full Senate.

[SB 144](#)

[HB 207](#)

*Domestic Wastewater Assessment & Collections*

The House unanimously passed a bill sponsored by Rep. Jacobs 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. Its Senate companion has two more committees of reference in the Senate.

[HB 105](#)

[SB 286](#)

**House Health & Human Services**

### *Prescription Drug Importation*

As promised by Speaker Oliva in his opening remarks, the House maintained its expeditious pace in passing legislation to authorize a Prescription Drug Importation Program. The House Health & Human Services Committee considered and passed HB 19. The bill has two parts, the first directs the Agency for Healthcare Administration to contract with a third-party to identify FDA approved drugs that can be imported at a cost-savings to the state the second directs the Department of Business and Professional Regulation to determine how drugs can be imported from any other foreign nation. The bill sponsor filed three clarifying amendments, two around limiting importation to drugs for human consumption. Much of the public testimony centered on concerns of safety and lack of controls on the production of the drugs. The bill passed 20-8 and has one committee of reference remaining. A Senate bill that contains only the Canadian importation program will be considered next week.

[HB 19](#) & [SB 1528](#)

### **House Education Committee**

#### *Students with Disabilities in Public Schools*

HB 349 revises the permitted use of restraint on students with disabilities in public schools and specifically prohibits certain use of restraint techniques and placing children in seclusion. The bill also establishes mandatory training requirements for teachers and administrators. This bill has been considered for years, as there is a lack of uniformity across school districts on the use of appropriate techniques for de-escalating children with special needs. The House Education Committee unanimously approved the bill putting it in a posture to be considered by the full chamber. It's Senate companion awaits consideration by its second committee of reference.

[HB 349](#)

### **House Civil Justice Committee**

#### *Public Nuisance*

House Civil Justice unanimously approved a bill that would subject additional activities and properties 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.

[HB 551](#)

### **House Justice Appropriations Committee**

#### *Theft Thresholds*

House 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. The bill has one more committee of reference in the House and multiple Senate vehicles.

[HB 589](#)

**House Energy & Utilities**

*E-911 Systems*

House Energy & Utilities unanimously passed HB 441 which 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. The bill also requires counties to develop and implement plans for text-to-911 systems by January 1, 2022. The bill sponsor recognized the issues that a lack of interoperability caused in the Marjory Stoneman Douglas tragedy and a committee member shared his own personal story about how a lack of interoperability caused serious delays in response for his family member. A representative from the Florida Police Chiefs Association highlighted that 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. This bill has two more committees remaining and the Senate's version has one.

[HB 441](#)

**House Transportation & Infrastructure Committee**

*Micro-mobility Devices and Motorized Scooters*

House Transportation & Infrastructure voted 11-1 and Senate Infrastructure & Security 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. Both committees adopted significant amendments, with the Senate language allowing local governments to retain regulatory authority over roads and sidewalks and removing insurance requirements. The House bill moved close to removing preemptions, but still would require local governments to allow for staged parking at each city block and provide insurance requirements. Both amendments would require persons offering the devices to secure them during a storm. The sponsors of both the House and Senate stated that they are working with stakeholders on further revisions. The House bill has one more committee of reference. The Senate bill has two more committees of reference.

[SB 542](#)

[HB 453](#)

*Vehicles for Rent or Lease*

House Transportation & Infrastructure voted 10-3 to facilitate private, peer-to-peer car sharing and rental services. The bill clarifies that car rental transactions, no matter how they are conducted, are subject to the rental car surtax. It also allows for electronic documentation, changes license verification and requires sharing platforms to have an agreement with a public airport in order to provide services there. The bill attempts to create parity between traditional car-rental services and peer-to-peer car sharing programs in requirements for agreements with airports and

for daily surcharges on rentals. The bill is supported by major rental car companies and the airports council. Opponents include disruptive companies, such as Drift. The bill has two committee stops remaining in the Senate and one in the House.

### [HB 1111](#)

#### **House Transportation & Tourism Appropriations Subcommittee**

House Transportation & Tourism Appropriations unanimously approved a package regulating the Department of Transportation that focuses on minimum standards for FDOT Secretary, permissible use for technology in bridges, and asphalt. Several provisions that the Department took issue with, including language on the use of capacity funding, were removed at previous committee stopped. The bill has one more committee in the House. Its Senate companion is in its second of three committees of reference next week.

### [HB 905](#)

House Transportation & Tourism Appropriations voted 9-3 to file a committee bill as a House companion to SB 7068. The bill creates taskforces 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.

Some South Florida members stated they were voting for the bill because it would study the issue and asked if the Chair would be amenable to including "urban sprawl" in the taskforce considerations as well. Other South Florida members voted against the bill as a major hit to general revenue that does not benefit their districts and possibly harms the environment, arguing that the nest egg the bill creates is more than just a study. The Senate 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 bill has not received committee references. The Senate bill is in its final committee of reference.

[SB 7068](#)

[HB 7113](#)

### **House Business & Professions Committee**

#### *Vacation Rentals*

House Business & Professions voted 10-5 to pass a bill that would further preempt local government ordinances on vacation rentals after adopting an amendment that would exempt companies on the Scrutinized Companies list from the preemption on regulations. The amendment was targeted towards AirBnB, which was placed on the Scrutinized Companies list due to its policy on Israel. The bill is scheduled to be heard in its second of three committees next week, where it easily has the votes to pass. The Senate bill, which was scheduled to be heard at the same time in its first committee of reference, was not considered due to time constraints.

[HB 987](#)

#### *Single-Use Plastic Straws*

House Business & Professions voted 10-4 to advance a bill preempting local government bans on single-use plastic straws. Like the Senate bill, the sponsor amended the language from a straight preemption to a moratorium until 2024. The bill provides the moratorium is lifted if the Legislature does not pass a statewide preemption prior to 2024 and penalizes local governments \$25,000 (plus the cost of attorneys fees in any prevailing challenge) if it passes an ordinance during the moratorium. It directs DEP to study the environmental impacts of single-use plastic straws in the meantime. The bill has two more committees in the House. Its Senate companion, which contains a preemption on sunscreen bans, is scheduled for its second of three committees next week.

[HB 603](#)

[SB 588](#)

#### *Major Preemption Package*

House Business & Professions voted 10-4 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 two more committees of reference in the House. It does not have a true Senate companion.

[HB 1299](#)

### *Towing & Immobilizations*

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. The committee adopted an amendment that allows counties with current licensing programs to continue to collect fees so long as they do not also levy business taxes or collect administrative fees. The amendment 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. Meanwhile, Senate Community Affairs also unanimously approved the bill's Senate companion, but only after adopting amendments that carved out counties with populations of 1.3 million or more that had previously adopted an ordinance. The bill has one more committee of reference in the House and is up in its second of three committees in the Senate this week.

### [HB 1237](#)

#### *Displacement of Private Waste Companies*

House Business & Professions 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 has one more the House. Its Senate companion is scheduled to be heard in its first of three committees next week.

### [HB 1169](#)

#### **House Criminal Justice Committee**

##### *Human Trafficking*

House Criminal Justice 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. 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. However, the Department can penalize establishments for not training employees within 6 months of their hiring date. 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 two of three committees remaining. Its Senate companion has one more committee stop in the Senate.

[HB 851 SB 54](#)

#### **House Health Quality Committee**

##### *Carrying of Firearms by Tactical Medical Professionals*

House Health Quality unanimously approved a bill to allow certain physicians and paramedics embedded in law enforcement SWAT teams to carry firearms while in active support of a tactical operation. The medics have advanced life-saving skills and respond to calls with SWAT teams in order to quickly address medical emergencies and save the lives of victims, law enforcement, and even perpetrators. Current law would force these medics to train to become sworn officers in order to carry during an operation, which is cost prohibitive in both funding and manpower. The bill is supported by the Florida Sheriffs Association, Florida Fire Chiefs Association, Broward Sheriff's Office, Broward Police Chiefs Association, Fort Lauderdale Police Department, Plantation Police Department, Coral Springs Fire Department. The bill has one more committee in the House. The Senate bill will be heard in its second of three committees next week.

[SB 722 & HB 487](#)

#### **House Ways & Means Committee**

##### *Nonprofit Hospital Property Taxes*

House Ways & Means voted along party lines to pass a bill that would restrict property tax exemptions enjoyed by nonprofit hospitals by requiring hospitals to subtract only the value of charity care provided. The sponsor stated that the bill is intended to incentivize hospitals to provide greater value in hopes it can reduce hospital bills for some areas. The bill will result in a positive fiscal impact for local governments, however opponents worried about its impact on hospitals as they continue to face cuts and competition from for profit hospitals. The bill is now in its final House committee. It does not have a Senate companion.

[HB 1295](#)

### *Community Development Districts (CDD)*

House Ways & Means and House State Affairs each voted to advance HB 437, which looks at process of establishing and growing Community Development Districts. Local governments would identify parcels of land adjacent to the CDD that may be annexed over the next ten years. The committee adopted a strike-all amendment that laid out a process to petition local governments to adding parcels. It would allow for CDDs to merge with other CDDs and with Special Districts. It would retain the one-acre, one-vote elections process for CDD boards. The bill is now before the full House. Its Senate companion was not considered in its second of three committees in the Senate this week due to time constraints.

HB 641 increases voted unanimously to increase the vote threshold to authorize bonds on a CDD board to a 2/3rds majority. The sponsor said that it would increase input from the community on fiscal responsibility. The bill has two more stops in the Senate and one more stop in the House.

[HB 641](#) (SB 1244)

[HB 437](#) (SB 728)

### **House Local, Federal & Veterans Affairs Committee**

#### *Employment Conditions*

House Local, Federal & Veterans Affairs voted 10-5 to approve legislation to preempt “conditions of employment” placed on private businesses by local governments, including: pre-employment screenings, job classification determinations, job responsibilities, hours of work, schedules and schedule changes, wages, payments of wages, leave, paid/unpaid days off, and employee benefits. The committee adopted an amendment that grandfathered existing ordinances. The bill is in response to Miami Beach’s minimum wage ordinance that supporters of the bill say harmed hourly and shift worker flexibility. Supporters also claim the bill would not preempt local authority to set a minimum wage for its own employees or businesses it contracts with. Opponents argued that the bill is far broader and would affect hard-fought wage theft ordinances. The bill now has one more committee in the House and still has two more committees in the Senate.

[HB 847](#)

#### *Attorney Fees in Challenges to Local Ordinances*

House Local, Federal & Veterans Affairs voted 10-4 to approve a bill that awards attorneys fees to prevailing parties in cases against local governments that challenge ordinances that are preempted to the state and Federal government. The bill allows local governments to avoid paying attorneys fees if ordinance is repealed within 21 days of the determination that it violates a state or Federal preemption. The bill has two more committees of reference Senate and one more in the House.

[SB 1140](#)

#### *Expired Building Permits*

House Local, Federal & Veterans Affairs 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 has one more committee in the House. It does not have a Senate companion.

[HB 447](#)

[SB 902](#)

#### *Local Government Financial Reporting*

House Local, Federal & Veterans Affairs voted 12-1 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 two more committees in the Senate and is scheduled for its second of three committees in the House.

[HB 861 & SB 1616](#)

#### *Dodge and Fill Permitting Program*

House Local, Federal & Veterans Affairs Subcommittee passed HB 799 with technical 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. The bill will now go to the (H) State Affairs Committee, its last committee of reference.

[HB 799](#)

#### **House Judiciary Committee**

##### *Drones*

House Judiciary unanimously passed a bill that would prohibit drones from flying in close proximity to a county detention facility in addition to other correctional and residential facilities. The sponsor added county detention facilities through an amendment adopted by the committee, which also now aligns with the Senate changes made last week. The bill is now before the full House has one more committee of reference in the Senate.

[SB 7046 \(HB 7057\)](#)

#### **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.

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

##### *Local Government Fiscal Transparency*

House State Affairs unanimously approved a bill to increase fiscal transparency for

local governments. 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. The bill is now before the full House. Its Senate companion has not yet been heard.

#### [HB 15](#)

##### *Local Tax Referenda*

House State Affairs voted 14-7 and Senate Finance & Tax voted 4-1 to require that a referendum to adopt or amend a local government discretionary surtax must be held at a general election. The House bill would also require the surtax 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. This legislation is now before the full House and has one more committee of reference in the Senate.

#### [SB 336](#)

#### [HB 5](#)

##### *Public Construction Projects*

House State Affairs voted unanimously to approve legislation requiring local governments to use generally accepted 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. The bill is now before the full House and has two more committees in the Senate.

#### [SB 806](#) (HB 167)

### **House Agriculture & Natural Resources Appropriations Subcommittee**

#### *Fracking*

House Agriculture & Natural Resources Appropriations voted 10-2 and Senate Innovation, Industry & Technology voted 6-4 to approve a controversial bill that bans a majority but not all forms of fracking. While the bill bans the majority of fracking techniques in Florida, there is serious debate on the legislation’s failure to address “matrix acidization” as a form of fracking, which the industry says is needed for cleaning of oil wells and is a practice the industry has done safely for over a century. The bill also requires DEP to conduct a site visit and study specific criteria when evaluating permits to drill in the Everglades, which sponsors say is

needed after the courts permitted oil drilling in Broward in a recent decision. Environmentalists expressed concern that the amendment does not ban oil drilling in the Everglades. The Senate bill also addresses in detail specific oil drilling practices that the House bill does not include. Environmental groups argue that allowing matrix acidization is a purposeful loophole for the industry. Supporters point out that types of fracking banned are the only two types that have been used in the state. The Senate bill still has two more committees of reference. The House bill has one more committee of reference.

[SB 7064](#)

[HB 7029](#)

#### *Hemp*

The House Agriculture & Natural Resources Subcommittee unanimously passed HB 333, which is similar to the Senate's bill now that the strike-all had been adopted. Speakers and public testimony highlighted some of the concerns including the ability of Florida to regulate the industry across state-lines and the opportunities for improvement of the bill. Representatives shared some of their ideas and their accolades for the work of the sponsor. The sponsor closed with his assurance that he is willing to work with stakeholders in addressing some of the concerns raised. He addressed the concern of one of the committee members that the intention is not to create a vertically-integrated system since it is not considered a controlled-substance.

[HB 333](#)

#### *Water Quality Improvements*

The House Agriculture & Natural Resources Appropriations Subcommittee passed CS/HB 141 without amendment. The House bill will next be taken up in the (H) State Affairs Committee, its last committee of reference. Both the Senate and House Version also create new notification requirements for wastewater treatment facilities that unlawfully discharge more than 1,000 gallons of untreated and partially- treated sewage into any waterway or aquifer. Under the new requirements, they must notify utility customers by mail living within specified radiuses of the spillage, depending on the spillage amount, within 24 hours of discovering said spillage. In addition to civil penalties established in statute, a violating facility must pay the DEP a fine of \$1 for each gallon of sewage discharged, or with DEP approval, \$2 for each *estimated* gallon, to be spent on repair of the wastewater system to prevent future unlawful discharges. If the volume unlawfully released cannot be calculated or estimated, the facility must pay a minimum penalty of \$10,000, unless the cost of repair and upgrades should be less. CS/SB 216 is currently in the (S) Appropriations Subcommittee on Agriculture, Environment, and General Government.

[HB 141](#)

[SB 216](#)

#### *Biosolids Management*

The House Agriculture & Natural Resources Appropriations Subcommittee adopted a strike-all for HB 405. The strike-all makes the following changes:

- Adds a prohibition on land application of biosolids in areas that interact with the seasonal high water table. Prohibition goes into effect July 1, 2020; land application permits for such sites may no longer be issued or renewed;
- Adds site-specific agronomic rates based on soil and plant tissue tests to the list of factors DEP must account for in reducing the level of nutrient pollution through rulemaking;
- Exempts Class AA biosolids that are already marketed and distributed in accordance with DEP rules from the bill's provisions; and
- Provides that the bill does not limit the ability of a local government to extend their local biosolid application ordinances until such time as the DEP adopts by rule the statewide standards.

CS/HB 405 will next be taken up in the (H) State Affairs Committee, its last committee of reference.

CS/SB 1278 is currently in the (S) Appropriations Subcommittee on Agriculture, Environment, and General Government.

[HB 405](#)

[SB 1278](#)

#### *Anchored Vessels*

The House Agriculture & Natural Resources Appropriations Subcommittee passed CS/HB 1221 without amendment. Monroe and Palm Beach County waive in support, as did the Florida League of Cities. The bill defines "long-term stored vessel" as any vessel moored outside a public mooring field for at least 30 days out of a 60-day period that is not under the supervision of a person capable of maintaining or moving the craft. The bill also establishes a grant program that local governments may draw from to cover the cost of removing derelict vessels. Funds for the grant program will come from the Marine Resources Conservation Trust Fund by way of county vehicle registration fees, and from the Florida Coastal Protection Trust Fund.

Lastly, the bill prohibits people from residing or dwelling on a vessel charged as derelict by the FWC or another law enforcement agency, until such time as the vessel is removed from public waters or made seaworthy again. The bill will next be heard in the House State Affairs Committee.

[HB 1221](#)

The House Agriculture & Natural Resources Subcommittee adopted a strike- all for HB 85. The strike-all does the following:

- Removes section requiring DEP to identify all OSTDS in the state by 2021;
- Removes the disclosure provision at the time of sale of real property;
- Limits 5-year periodic inspections to septic systems older than 5 years. Also revises inspection program requirements by setting out the schedule of inspections, the type of qualified contractors that may be used for inspections, the procedures for inspections, fee schedules, the type of repairs that are necessary, a definition of "system failure," etc.;
- Provides exemptions from the inspection program, for any system:
  - That is already required to obtain an operating permit or has been inspected pursuant
  - to state law;
  - Is about to connect to a sewer line;

- Is located in a water quality restoration plan area that has a septic to sewer or conversion to ANRS project that will address the OSTDS within the next 5 years; or
- That serves a residential dwelling unit on a lot with a ratio of one bedroom per acre or greater

CS/HB 85 will next be taken up in the House Health Care Appropriations Subcommittee.

[HB 85](#)

**Implementation of Constitutional Amendments:**

*Amendment 2-* This amendment made permanent what was a temporary limitation on the growth of property taxes. This amendment required no implementing language and did not change the status quo, as it simply made permanent a limitation that has been on the books since 2008.

*Amendment 3-* Of all the amendments, the interpretation of the language has probably caused the most confusion. There is much discussion over how this will impact the Seminole Indian Gaming Compact, sports betting and pari-mutuels. The Senate has taken the lead on much of the discussion regarding gaming, however what is unknown is whether any action by the legislature will be classified as an expansion of gaming, thereby triggering a voter referendum as approved under this amendment.

*Amendment 4-* Probably the most discussed and contentious amendment this legislative session restores the rights of convicted felons to vote. Both chambers had filed proposed committee bills which would implement what they both claim to be the full intent of the law. What has emerged as the pivotal, contentious issue focuses on the obligation to pay fines or fees prior to restoration of voting rights. Both the House and the Senate require paying obligations which has motivated significant outcry from advocates who claim that this obligation is akin to a modern-day poll tax. The House Speaker issued this press release in response to the concerns: [https://static-s3.lobbytools.com/docs/2019/3/28/117270\\_florida\\_house\\_dismantles\\_poll\\_tax\\_carnard.pdf](https://static-s3.lobbytools.com/docs/2019/3/28/117270_florida_house_dismantles_poll_tax_carnard.pdf)

*Amendment 5-* While specific legislation is not needed to implement this amendment, legislators have made it a point to adhere to the provisions in the bill, particularly filing any increases as standalone bills. While no bills have been voted down simply because it had a standalone fee increase, it has forced legislators to consider policies that would increase or impose fees, which was one of the main intentions of the amendment.

*Amendment 6-* Senator Lauren Book filed SB 1426 which would implement the amendment which provides a victim’s bill of rights, more commonly known as “Marsy’s Law”. A House companion has not been filed and Senator Book’s bill has not been considered in a committee yet.

*Amendment 7-* Like many of the other amendments, Amendment 7 did not need implementing legislation.

*Amendment 8-* This amendment was struck by the supreme court and was removed from the ballot. However, legislators have acted on the original intent of the amendment and have worked to impose term limits on school board members with HB 229/SB 274. These bills propose amendments to the constitution which would impose limits of eight consecutive years. The House bill is ready for full consideration by the full chamber, the Senate bill has two committees of reference remaining.

*Amendment 9-* While the offshore drilling prohibition does not need implementing legislation, there has been much discussion about prohibiting various types of fracking as well. What did need implementing legislation is the prohibition on vaping in the workplace. The Senate has successfully and unanimously passed its bill [SB 7012](#) through all committees and the full chamber, and the House's bill, [HB 7027](#), is awaiting consideration by the full chamber.

*Amendment 10-* Provisions in this amendment which modifies state and local government structure and operations do not need legislation to implement. However, the Broward Legislative Delegation has approved a local bill, [HB 1183](#), which will allow county voters to transfer the duties of the clerk of courts as ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds to the Broward County Administrator. If adopted by voters, this will save residents upwards of \$10 million in administrative costs.

*Amendment 11-* One of the key parts of Amendment 11 was the modification of the "Savings Clause" which limited prosecution to the statutes and guidelines that were in place at the time of the offense. Amendment 11 made it so that only the repeal of a criminal law may not be retroactively applied. This will allow prosecutors to re-sentence or sentence offenders in accordance with current guidelines. To implement this, the legislature has filed [SB 1656](#) & [HB 7069](#). The senate bill will be considered next week and then will have one more committee remaining, the House bill is awaiting consideration by the full chamber.

*Amendment 12-* (lobbying and abuse of office by public officials) and amendment 13 (ends dog racing) require no implementing bills.

The legislature has considered various proposals which would limit the constitutional revision commission to placing amendments on the ballot with strict obligations to be single-subject proposals. Other bills would have the entire constitutional revision commission process entirely abolished. In addition, other bills are being considered which would change the processes for citizen-petition driven ballot initiatives and would change thresholds for passing amendments.

### **Florida's Statewide Opioid Response Project**

This Monday, April 1, 2019, Governor Ron DeSantis announced that he will sign an executive order continuing his efforts to address Florida's substance abuse crisis and opioid epidemic.

Governor DeSantis announced that Florida has been awarded \$26 million in additional federal funding for Florida's State Opioid Response Project. This project is designed to address the opioid crisis by reducing opioid deaths, preventing opioid abuse among our young people, and increasing recovery services and access to treatment.

	<p>The Governor is also re-establishing the Office of Drug Control within the Executive Office of the Governor. This office was discontinued several years ago, but the importance of restoring its functions could not be more obvious.</p> <p>Finally, the Governor announced the creation of a Statewide Task Force on Opioid Drug Abuse. The Task Force will develop a statewide strategy and identify best practices to combat the opioid epidemic through education, treatment, prevention, recovery, and law enforcement.</p>
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