

# PBC Legislative Update



APRIL 1, 2019

## **FEDERAL ISSUES**

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

## **STATE ISSUES**

### **1. Florida Session Week 5**

## **LEGISLATIVE SESSION 2019**

## **FEDERAL ISSUES**

### **This Week in Washington**

*By: Thorn Run Partners*

Both chambers of Congress are set to begin another legislative work week. In the Senate, Majority Leader Mitch McConnell (R-KY) has queued up a change to the Senate rules that would speed up the presidential nominee confirmation process. The resolution- approved by the Senate Rules Committee in February- would limit the post-custure debate time from 30 hours to 2 for executive branch nominees and District Court judges, but would not apply to Cabinet or Supreme Court nominees. Democrats are not expected to support the measure, which could lead Republicans to invoke another rule change, known as the “nuclear option,” that would allow the Senate to pass the resolution with a simple majority.

Meanwhile, Senators are looking to complete work on a supplemental disaster aid bill after leader McConnell took procedural steps to block further amendments to the bill. The move drew the ire of Senate Democrats, who have strongly advocated for more aid to Puerto Rico in the bill while President Donald Trump has complained the bill provides too much money for the island. If the disaster aid bill clears the Senate this week, House and Senate lawmakers will likely go to a conference committee to hammer out a final compromise.

In the house, lawmakers are expected to take up a bill ([H.R. 1585](#)) that would reauthorize the Violence Against Women Act (VAWA). The lower chamber is also expected to take up a Democratic resolution ([H.Res. 271](#)) opposing recent legal steps by the Trump administration to invalidate the Affordable Care Act. For today, the House has teed up four [suspension bills](#) out of the Homeland Security Committee.

## **STATE ISSUES**

### **Florida Session Week 5:**

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

### **The Florida Senate**

#### *Impact Fees*

The Senate voted 39-1 after the House voted 101-12 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.

[HB 207](#)

[SB 144](#)

#### *Florida Retirement System*

As part of the budget, the House and Senate passed the annual rate increase of employer contributions to the FRS system. The aggregate employer contributions would increase by \$123.3 million, with \$48.1 million increase from counties and \$7.3 million from other local participants. The bill has not yet received committee references.

[SB 7016](#)

#### *Needle Exchange*

The Senate voted unanimously to pass 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 the House bill unanimously passed out of its second of three House committees this week and is scheduled to be heard in its final committee next week.

[HB 171](#)

[SB 366](#)

### **Senate Appropriations Subcommittee on Transportation & Economic Development**

#### *Autonomous Vehicles*

Senate Appropriations Subcommittee on Transportation & Economic Development and House State Affairs voted to approve a bill that updates statutes to embrace developments in autonomous vehicle technology and continue to make Florida one of the leading states in the country. This bill removes some of the barriers that were implemented when autonomous vehicles were not even fathomed. A strike-all was filed which clarifies minimum insurance thresholds, prohibits the levying of fines or fees by local entities, it establishes minimum driving conditions for the use of any automatic driving systems. The bill sponsor shared that he believes that dangerous instrumentality ought to be codified in law and there will be further issues down the road that will need to be addressed when the technology gets there. The bill is supported by the Florida Chamber of Commerce. The Florida

Justice Association opposed the bill, claiming the legislation does not adequately address insurance, liability, and responsibility to call law enforcement in case of accidents. Disability advocates expressed excitement for the technology and urged Legislators to consider accessibility. The bill has two more stops in the House. Senate packages with Autonomous Vehicle language have not yet been heard.

### [HB 311](#)

#### *MDX Bill*

Senate Appropriations Subcommittee on Transportation & Economic Development and House State Affairs advanced transportation package targeted to Miami-Dade, Miami-Dade MPO and the Miami-Dade Expressway Authority. An amendment removed provisions that benefit South Florida, such as a permanent extension of statute that allows the Tri-Counties to use toll revenues attributable to users within their counties. The Senate bill was also amended to include language that aligned with the House language on the Miami TPO. The bill also incentivizes P3 projects and requires financial disclosures for transportation authority officials. The bill's sponsor filed a strike-all which establishes a new entity, the Greater Miami-Dade Expressway Authority and provides for the framework of operation. The strike-all also prohibits toll increases until 2029 and requires any subsequent increase be approved by 2/3rds of the members. FDOT will be limited to charging \$1.25 per mile in express lanes, down from \$1.50 per mile. In public testimony on the strike-all, a representative from the Florida MPO Association expressed appreciative of the amendment and he shared that he was concerned with a couple of lines in the amendment that clarified that the MPO could not charge a fee, currently there is a voluntary ask that is sent out to members, reiterating that it is a voluntary process, and requesting that MPO's could continue with that process. A representative of Miami-Dade County shared that there is concern that language in the bill could limit the ability to spend money generated from the half penny sales tax to only new construction. In closing, the bill sponsor highlighted multiple areas of concern, of note, he highlighted concerns of the MPO's charging fees so that they can spend money on lobbying services since they should be serving as pass-throughs for federal transportation dollars, they should not be able to charge fees. The bill has one more committee in the Senate and is now before the full House. We will continue to monitor all amendments to the legislation as closely.

### [HB 385](#)

### [SB 898](#)

#### **Senate Environment and Natural Resources Committee**

##### *Vessels*

On Tuesday, the Senate Environmental & Natural Resources Committee passed SB 1530 with a delete-all amendment containing the provisions described above.

This bill imposes a non-criminal infraction upon the operator of any vessel that fails to reduce its speed and reduce wake upon approaching within 300 ft. of any emergency vessel, including law enforcement vessels, US Coast Guard and auxiliary vessels, fire vessels, or tow vessels with their emergency lights activated. They must also slow down when approaching within 300 ft. of any flagged or lighted construction vehicle on which workers are present. The bill imposes the following penalties for infractions: 1st offense: \$50, 2nd offense within 12 months of a prior conviction:

\$250, 3rd offense within 36 months of a prior conviction: \$500, 4th and subsequent offenses with 72 months of a prior conviction: \$1,000. The bill also increases the penalty levied on potentially derelict vessels from \$100 to \$250 on the 2nd offense and \$250 to \$500 on 3rd and subsequent offenses within 30 days of a prior offense. CS/ HB 1319 was passed that same day in House Agriculture & Natural Resources Appropriations Subcommittee with one amendment making a largely technical change that brings the House bill into conformity with the Senate version. CS/CS/HB 1319 will next be heard in the House State Affairs Committee, its last committee of reference. CS/SB 1530 is next slated to go before the Senate Criminal Justice Committee.

[SB 1530](#)

[CS/HB 1319](#)

#### *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 long term storage of vessels anchored and moored outside of mooring fields; create “no-discharge zones” for sewage dumping near certain water bodies 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 Senate and the House.

[SB 1666](#)

#### *Statewide Environmental Resource Permitting Rules*

On Tuesday, the Senate Environment and Natural Resources Committee passed SB 1344 without amendment. This bill:

- Requires WMDs when adopting rules for ERPs for new developments and redevelopments to include design and performance standards that increase the removal of nutrients from stormwater discharges;
- Requires WMDs to incorporate these design and performance standards by reference within their jurisdictions to ensure that new pollutant loadings are not discharged into impaired water bodies;
- Requires the DEP and WMDs to amend the permit applicant’s handbook to include revised BMP practice criteria by Dec. 1, 2019; and
- Changes the statutory presumption of compliance with stormwater treatment and nutrient reduction requirements to a rebuttable presumption of compliance.

SB 1344 will next be heard in the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government.

[SB 1344](#)

#### **Senate Innovation, Industry, and Technology Committee**

##### *Condominium Associations*

Senate Innovation, Industry & Technology voted 6-3 to advance legislation 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 committee adopted an amendment that excluded timeshares from the unit threshold required to fall under the transparency requirements of the bill. The bill has three more committees in the Senate. The House bill was never heard in its first committee.

[SB 610](#)

**Senate Children, Families, and Elder Affairs Committee**

*Child Welfare*

“Jordan’s Law” establishes new procedures and requirements to work to prevent the tragedy around Jordan Belliveau’s death. The bill adds requirements to instruct dependency judges, guardian ad litem, child protective investigators and supervisors and attorneys involved in the dependency process on the signs and responses of children with head trauma or brain injury. It adds reporting requirements for law enforcement to share details of interactions with the abuse hotline for dissemination to the child’s CPI or case manager. The bill requires the department to work with lead agencies to create and implement programs that more effectively provide case management services for children under six years of age. The Senate bill passed its first committee this week, it has two remaining, the House bill passed its second committee this week, it has one stop remaining.

[HB 315](#)

[SB 634](#)

**Senate Infrastructure & Security Committee**

*Towing & Immobilizations*

Senate Infrastructure & Security 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 has one more committee of reference in the Senate and the House.

[SB 1792](#)

[HB 1237](#)

*Community Development Districts (CDD)*

Senate Infrastructure & Security unanimously approved legislation intended to streamline the 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 and provides a process to petition local governments to add identified 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 has one more committee of reference. Its House companion is before the full House.

[HB 437](#)  
[SB 728](#)

**Senate Community Affairs Committee**

*Anchoring & Mooring of Vessels Outside of Public Mooring*

On Tuesday, the Senate Community Affairs Committee passed SB 1666 with a delete-all amendment.

The delete-all makes the following changes:

- Removes a provision that repeals an existing exemption for persons born on or after January 1, 1988 to have a boater safety identification card before operating a vessel with an engine capable of 10-horsepower or higher. Instead, it adds provisions prohibiting a person of any age without a safety certification or temporary certification to rent and operate a 10-horsepower or greater vessel
- Adds provisions authorizing the FWC to appoint agents for administering boater safety courses or temporary certificate examinations and sets fees for such services. Private safety courses must meet state requirements and rules adopted by the FWC. Temporary certificates may not be valid for more than a 90-day period
- Adds provisions allowing a boater to submit an out-of-state certification, provided that certification that meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators
- Extends prohibition on wastewater discharges from vessels into no-discharge zones to include floating-structures that are not capable of being used as transports
- Adds provision requiring undisbursed vessel registration fees to be available for re- appropriation to the Florida Boating Improvement Program to improve public boating access; and
- Provides that a vessel must be deemed derelict through an administrative or criminal proceeding, and that no person may dwell aboard that vessel until it has either been removed from state waters or returned to sailing conditions.

SB 1666 will next be heard in the Senate Rules Committee, its last committee of reference.

[CS/SB 1666](#)

*Tree Trimming Preemption*

Senate Community Affairs 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 bill was amended to apply only to residential properties during the months leading up to hurricane season, May 1- June 1. Property owners would have to get a approval by a certified arborist that the tree should be removed. It would protect heritage, patriarch and specimen trees and entirely exempt mangroves from the permit prohibition. It was also amended to allow local governments the ability to require certain trees be replanted. It 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. They also amended out the Property Bill of Rights provisions. Meanwhile, House Commerce voted 19-4 to advance an unamended

version. This unamended 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. The bill has one more committee of reference in the House and two more in the Senate.

[HB 1159](#)

[SB 1400](#)

*Attorneys fees in Challenges to Local Ordinances*

Senate Community Affairs voted 3-2 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 committee adopted an amendment that exempts challenges against growth management ordinances not preempted by statutes regarding Florida Building Code permits and inspections. The bill has one more committee of reference in the House or Senate.

[SB 1140](#)

*Clean Waterways Act*

Senate Community Affairs unanimously approved the “Clean Waterways Act,” which would strengthen Basin Management Action Plans (BMAP), increase requirements for local governments located in BMAP. The bill is one of the top priorities for the chair that oversees the environmental and general government budget. It would also require cities and counties to fix water infrastructure and notify the public in geographic range of sewage spills that pollute into waterways. The committee adopted an amendment to prohibit noncompliant local governments from participation in DEP’s wastewater grant program, but it also removed a prohibition on local moratoriums on building permit issuances for new construction. A past committee had controversially removed best management practices for agriculture near impaired waterways, however the sponsor committed to working with environmentalists on the language. The bill has one more committees in the Senate. Its House companion, HB 1395, is currently in the House Agriculture & Natural Resources Subcommittee.

[SB 1758](#)

[HB 1395](#)

**Senate Criminal Justice Committee**

*Public Nuisance*

Senate Criminal 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. The bill has two more committees of reference in the House and the Senate.

[HB 551](#)

**Florida House of Representatives**

*Budget*

The House voted 105-8 to pass its initial \$88.9 billion budget and the Senate voted unanimously to pass its \$90.3 billion dollar budget. The budget faced a significant strain from the \$2 billion cost of Hurricane Michael. Lawmakers must reconcile the \$400 million difference along with several other key differences between the Chambers.

The Senate and House are \$540 million apart on health care and the Senate is proposing to change the distribution of charity care supplements to divert it to private hospitals rather than giving the full amount to “safety net hospitals” that see higher rates of Medicaid and the uninsured.

The Senate keeps all \$332 million of affordable housing dollars in the trust fund, allocating a portion to Hurricane Michael affected areas. However, the House sweeps the trust fund with the exception of \$123 million to Hurricane Michael areas. The House contends that an anticipated \$607 million block grant from the Federal government will cover the gap.

The Senate wants to fund Visit Florida at \$40 million and Enterprise Florida at \$37 million. However the House contains only \$19 million for Visit Florida, which will fund the agency until its scheduled sunset on October 1<sup>st</sup> with no legislative action to extend. The Senate had a bill to extend Visit Florida, which stalled with no House companion. Some were hoping the sunset could be addressed in an implementing bill, however the House temporarily postponed its implementing bill due to Senate requests that budget bills do not craft policy changes as they have done in Sessions past.

The Senate and House are \$520 million apart in Prek-12 education, with the Senate proposing a much higher increase in per student spending. Additionally the House wants to reduce higher education funding, while the Senate wants to increase it.

Finally, the budget does not contain \$350 million annual payment from the Seminole Tribe for the Compact, which agreement is set to expire without a resolution. The Speaker has suggested that he is open to reviewing proposals from the Senate. The Compact has been a priority of the Senate President throughout his legislative career. An agreement may contain decoupling of horse racing and parimutuels.

[HB 5001](#) - General Appropriations Act

[SB 2500](#) - Appropriations

**House Appropriations Committee**

*Local Government Financial Reporting*

House Appropriations 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 House and in its second of three committees in the Senate next week.

#### [HB 861 & SB 1616](#)

##### *Onsite Sewage Treatment & Disposal Systems*

On Tuesday, the House Appropriations Committee passed a delete-all for CS/HB 973.

The delete- all:

- Requires the DEP and DOH to enter into a memorandum of agreement, as in the Senate Version;
- Adds language relating to lot size calculations;
- Requires DEP to consult with DOH in appointing TAC members; and
- Moves back the date by which the TAC must consider regulatory options from December 1, 2019 to July 1, 2020.

Other changes were technical and conforming.

CS/CS/HB 973 will next be taken up in the House State Affairs Committee, its last committee of reference. CS/SB 1022 is currently in the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government Committee.

#### [HB 973](#)

#### [SB 1022](#)

##### **House Pre-K - 12 Appropriations Subcommittee**

House Pre-K-12 Appropriations Subcommittee unanimously passed HB 1127 which requires the Department of Education to maintain a list of disqualified personnel who engaged. In closing, the sponsor assured committee members that per committee staff, the Department has enough resources to administer the program. The bill has one committee of reference remaining, its Senate companion has two stops left.

#### [HB 1127](#)

##### *Charter Schools*

House Pre-K-12 Appropriations Subcommittee passed HB 7095 pertaining to school choice. The bill sponsor shared that he believes in the premise of school choice because 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. Under the bill, there is an exemption for the permitting process or an impact study for any land that is owned or by a library, church, etc. The League shared that they are working with the bill sponsor on tightening up the language. 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.

[HB 7095](#)

**House Justice Appropriations Subcommittee**

*Security in Trial Court Facilities*

House Justice Appropriations 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. The bill has two more committees of reference in the Senate.

[HB 639](#)

[SB 762](#)

*County Court Filings*

House Justice Appropriations 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 bill has one more committee of reference in the House and two more in the Senate.

[SB 328](#)

[HB 337](#)

*Cell Phone Contraband*

House Justice Appropriations voted unanimously to advance a bill that would make introduction of cell phones and other communications devices into county detention facilities a third-degree felony. Currently, it is a third-degree felony to introduce such contraband to state facilities, but only prohibited by internal rules at county facilities. The bill has one more committee of reference in the House. Its Senate companion, which also contains provisions related to recording interrogation at facilities, also has one more committee of reference.

[HB 1029](#)

**House Judiciary Committee**

*Carrying of Firearms by Tactical Medical Professionals*

House Judiciary advanced 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, and Coral Springs Fire Department. The bill is now before the full House. Its Senate companion is in its final committee of reference.

[SB 722](#)

[HB 487](#)

#### *Theft Thresholds*

House Judiciary 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 service member and veterans problem solving court. The bill is now before the full House and the language is in multiple Senate vehicles.

[HB 589](#)

#### *Lewd and Lascivious Exhibition*

House Judiciary and Senate Criminal Justice 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 bill has one more committee of reference in the Senate. The House bill is ready to go before the full House. Additionally, House Judiciary unveiled a proposed committee bill to be considered next week as a public safety package, which also contains the language.

[HB 599](#)

#### **House Government Operation & Technology Appropriations Subcommittee**

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

House Government Operations & Technology 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. 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. HB 797 will next be taken up in the House Commerce Committee. SB 796 is currently in the Senate Appropriations Committee.

[HB 797](#)

[SB 796](#)

#### *Vacation Rentals*

House Government Operations & Technology Appropriations voted 9-2 to pass a bill that would further preempt local government ordinances on vacation rentals. The bill emphasizes property rights, which the sponsor called “sacrosanct,” and provides that any regulation imposed on one property must apply uniformly to all. The bill would invalidate ordinances that had been previously identified Local governments would still be able to place regulations on AirBnB, which was placed on the Scrutinized Companies list due to its policy on Israel. The House bill also messes with HOA authority, which many members have concerns over. The House sponsor stated that he does not love the bill and is open to changes. The bill has one more committee of reference in the House. The Senate bill is rescheduled for its first committee of reference. If the Senate bill passes its first committee, it will be eligible as a amendment to any piece of legislation that it is germane to. There are several “Private Property Rights” bills moving through the process that are prime vehicles for this type of amendment.

[HB 987](#)

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

##### *Small Cell Preemption*

House Ways & Means voted 14-1 to advance a bill 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 bill has in its final committee stop in the House. It is scheduled for its third of four committees in the Senate next week. This bill is likely to pass based on its support and the industry is giving little to no

concessions, including minor requests that include the ability to request FEIN numbers from providers to verify they are communications services providers.

[SB 1000](#)

[HB 693](#)

### **House State Affairs Committee**

#### *Ethics*

The House State Affairs Committee unanimously approved HB 1 which tightens up the state's ethics laws. The bill prohibits public officers and employees from soliciting an employment or contractual relationship from entities that do business or are regulated by the government that they are employed by, it prohibits taxpayer funds to be used for PSAs that include a name of an officer that is seeking re-election during a designated campaign time, and it modifies other disclosure requirements. The bill is ready for consideration by the full chamber, its Senate companion was temporarily postponed in its first committee and has yet to be re-considered.

[HB 1](#)

#### *Financial Disclosures*

House State Affairs 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 House and has one more committee in the Senate.

[HB 7021](#)

#### *“Rebranding” of Taxes & Fees*

House State Affairs Committee passed HB 7053 that would rebrand “fees” as “taxes” in an apparent effort to raise public awareness on government levies. The bill requires that specified fees must be renamed taxes including those levied on the local level. The bill's sponsor filed amendments which clarifies that nothing in the bill impedes on the ability of cities, counties or special districts to levy taxes, align TRIM notice requirements, correct a technical issue and declares legislative intent. The Florida Association of Counties and Florida League of Cities have several concerns with the “rebranding.” The bill could cause major confusion as taxes and fees are consistently defined in existing law, case law, and local ordinances. This would cause an inconsistency between established documentation and in the information given to the public. They also question the cost of updating the terms and at what value to the public. Not to mention, the curious nature of this bill and its inference that the public is not intelligent enough to understand a government fee makes many wary the bill could be expanded into something more harmful. The bill is ready to be considered by the full chamber. Senate Finance & Tax temporarily postponed consideration of filing a Senate companion as a proposed committee bill.

[HB 7053](#)

#### *Texting While Driving*

House State Affairs Committee unanimously approved HB 107 which makes texting and driving a primary offense. She shared that 1.6 million accidents happen every year because of the use of a mobile device. The bill requires law enforcement to inform motor vehicle operators of their right to decline a search of their wireless communications device, it prohibits law enforcement from accessing mobile records without a warrant and requires the law enforcement officer to record the race and ethnicity of the operator. Representatives of cities and counties, advocacy organizations, and family members of victims of texting and driving incidents spoke or waived in strong support of the bill. The bill now awaits consideration by the full chamber, the Senate version includes a grace period where law enforcement can issue warnings before being fully implemented in 2020.

[SB 7046](#)

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

#### *Nonprofit Hospital Property Taxes*

House Health & Human Services 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 before the full House. The same provision was also included in the House's draft tax proposal unveiled by Ways & Means this week. It does not have a Senate companion.

[HB 1295](#)

### **Legislative Session 2019**

#### *Statewide Opioid Task Force*

The Governor made an announcement in Seminole County that he is issuing an executive order to establish the Attorney General's priority statewide opioid task force. The executive order calls for a panel of 21 experts (rather than 25 in the legislation) to study the opioid epidemic, including identifying its sources, and examine strategies for treatment, demand-reduction, and funding. Legislation to establish the task force was temporarily postponed in each of its committees and will be withdrawn in order to allow way for the Governor's task force.

<https://www.flgov.com/wp-content/uploads/2019/04/EO-19-97.pdf>

