

PBC 2020 Legislative Update



JANUARY 10, 2020
WEEK 1

OFFICE OF LEGISLATIVE AFFAIRS

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This Week in Congress: Senate Impeachment Trial Looms After Pelosi Breaks Impasse

House takes up Financial Services suspension bill.

Lawmakers resumed legislative business later on January 13th as the Senate gears up for the next phase of the impeachment process. In a “Dear Colleague” letter to lawmakers late last week, Speaker Nancy Pelosi (D-CA) announced that the House will take up a resolution to appoint managers and transmit the articles of impeachment against President Donald Trump to the Senate. Senators are expected to begin the impeachment trial process upon disposition of the resolution.

The House has queued up seven suspension bills [r20.rs6.net] out of the Financial Services Committee. This includes a bipartisan measure [r20.rs6.net] would mandate a Fed report on cybersecurity with respect to the functions of the Federal Reserve System. Other notable items up for consideration include: (1) a bill [r20.rs6.net] that would require the prudential banking regulators to provide annual testimony to Congress on their supervision and regulation activities; (2) legislation [r20.rs6.net] that would allow public housing agencies (PHA) to disclose information about people that are homeless to the local Continuum of Care (CoC) in order to help those people access services; and (3) an act [r20.rs6.net] that would mandate the Securities and Exchange Commission (SEC) to issue rules to prevent corporate executives from trading during the so-

called “8-K gap” before significant information is disclosed to the public.

Also on the floor this week, the House will take up a bill [r20.rs6.net] that would amend the Age Discrimination in Employment Act to bolster federal age-discrimination protections in the workplace.

A successful Palm Beach County Day to kickoff the 2020 Session!

Nearly 300 Palm Beach County residents made the 402-mile trip to travel to Tallahassee for the opening of the 2020 Legislative Session and for Palm Beach County Day 2020.

Forty-two scheduled meetings with individual legislators on county issues and concerns, combined with higher-level briefings with Senate President Galvano, Governor DeSantis’ Chief of Staff Shane Strum, Lt. Governor Jeannette Nunez, CFO Jimmy Patronis, Ag & Consumer Services Commissioner Nikki Fried, DEP Secretary Noah Valenstein, DOT Secretary Kevin Thibault, as well as a Speakers Forum featuring Attorney General Ashley Moody, VISIT FLORIDA CEO Dana Young, Florida Dept. of Economic Opportunity CEO Ken Lawson, and the Director of the Florida Division of Emergency Management, Jared Moskowitz, made for a very busy Tuesday afternoon and Wednesday.

Thank you to all the Commissioners, County Staff, municipal partners and business leaders who joined us in Tallahassee. Together we presented our issues with a united front!

The 2020 Legislative Session officially convened on January 14th. Governor DeSantis, Senate President Galvano, and House Speaker Oliva delivered opening addresses to the Legislature.

Here are just some of the bills we are following:

Preemptions:

Vacation Rentals SB 1128 - Senate Innovation, Industry & Technology voted 8-2 to approve a short-term rental preemption bill. The bill

removes the authority of local ordinances passed after 2011 that regulate vacation rentals

Drug and Cosmetic Sunscreen SB 172 - Senate Rules voted 12-4 to approve a bill that would preempt regulation of over-the-counter drugs and cosmetics to the state. The bill is largely targeted to Key West's ban on sunscreen with certain chemicals. The bill is now ready to go before the full Senate, where it is being sponsored by the Senate Appropriations chair. The House bill is scheduled for its second committee of reference next week.

Professional Licensure HB 3 - House Business & Professions Subcommittee voted 12-2 to move a House Leadership and Governor DeSantis priority to create universal licensure. The bill preempts licensure of occupations to the state and sunsets local ordinances adopted by July 1, 2020 in July of 2022.

Preemption on Conditions of Employment HB 305 - House Workforce Development & Tourism voted 9-5 to approve a bill that would preempt local ordinances on employment conditions, including pre-employment screenings, job classifications, job responsibilities, hours of work, and schedules. The bill has two more committee stops in the House. The Senate companion has not yet been heard.

Development and Building:

Impact Fees HB 637 - House Local, Federal & Veterans Affairs voted 13-1 to move new impact fee legislation forward after adopting a strike-all amendment. The bill would require each county and municipality that assesses impact fees to establish a 7-member Impact Fee Review Committee and hire an impact fee consultant.

Bert Harris HB 519 - House Civil Justice voted 10-5 to move forward Bert Harris legislation that requires a local government apply terms reached in settling a claim to all properties similarly situated to that which brought the claim. It makes it easier for property owners to sue local governments by disallowing local governments to go after attorneys fees, allowing property owners to file suit for an impending government action rather than a written notice, and allowing a jury to consider business damages. The bill has two more committee stops in the House. The Senate companion has not yet been heard.

Building Design SB 459 - House Business & Professions unanimously approved a bill that limits how local governments can require design

elements on single- and two- family dwellings unless it is historic property or the requirement relates to the National Flood Insurance Plan (NFIP).

Housing SB 998 - Senate Community Affairs unanimously passed a housing package after adopting a strike-all amendment that removed most concerns of local governments, though not all concerns. The bill is sponsored by the Chair of the appropriations subcommittee that oversees housing dollars and is the result of a series of workshops. The bill has two more committees in the Senate. Its House companion has not yet been heard in its first committee of reference.

Independent Living Task Force HB 39 - House State Affairs unanimously approved a bill establishing an Independent Living Taskforce housed within the Florida Housing Finance Corporation. Its purpose will be to develop strategies for developers and governments to provide affordable housing for individuals with developmental disabilities and mental health needs. The bill is now before the full House. Its Senate companion has one stop remaining.

Environment:

DeSantis - State Will Buy Oil-Drilling Site - Governor Desantis announced a the would buy 20,000 acres with part in western Broward County where the state had been fighting to prevent oil drilling in the Everglades. The Governor stated the land buy, which will cost \$16-\$18 million, will permanently protect the land from oil drilling. According to the Governor, the land houses over 60 endangered or threatened species and is the largest wetland acquisition in over a decade.

Florida Forever SB 7024 - Senate Environment & Natural Resources unanimously approved a bill that requires \$10 million annually from Forever Florida be set aside to acquire land and conservation easements in areas impacted by a hurricane within the prior five years.

Office of Resiliency SB 7016 - Senate Environment & Natural Resources unanimously voted to file a committee bill that would codify in statute the Governor's creation of the Statewide Office of Resiliency (SOR) headed by the Chief Resiliency Officer.

Recycling: Contaminated Materials CS/HB 73 - House State Affairs unanimously approved a contaminated materials recycling bill that represents a compromise between local governments and the waste industry. The language has passed two years in a row, but was

subsequently vetoed due to unrelated language that was included in each package. The language requires local governments negotiate an agreement within contracts on how to identify and handle contaminated materials

Child Welfare:

Children Services Council HB 661 - House Local, Federal & Veterans Affairs voted 10-4 to approve a bill that would require CSCs to include “performance data” in its annual report: high school graduation rate, teen alcohol and drug use, teen pregnancies, infant mortality, poverty level, and juvenile arrests. It also requires them to file with the county a monthly financial report with itemized receipts. The bill is scheduled for its second committee of reference. The Senate companion has not yet been heard.

Criminal Justice & Public Safety:

Firearms SB 7028 - Senate Infrastructure & Security unanimously voted to file a committee bill with moderate firearm reforms as was tasked to them by the Senate President during a summer of incidents of mass violence around the country. It has two more committees in the Senate and does not have a House companion.

Criminal Justice Reform SB 346 - Senate Appropriations unanimously approved a landmark criminal justice reform package that authorizes a court to depart from the mandatory minimums for specific drug trafficking offenses. While this does not eliminate mandatory minimums, it allows a judicial discretion if a defendant meets certain criteria including: no prior violent felony convictions, no involvement with a criminal enterprise, cooperation with law enforcement, no bodily harm or injury caused, and no possession of a firearm at the time of the offense.

Non-Opioid Alternatives SB 1080 - Senate Health Policy committee unanimously approved a bill that would exempt medical providers from a requirement to first provide non-opioid alternatives in certain circumstances if patient is provided with information on opioid abuse prepared by the Department of Health.

Court Security HB 131 - House Criminal Justice unanimously passed a bill to require sheriffs to coordinate with chief judges and county commissions on the development of court security plans. The House passed the same legislation in the 2019 Legislative Session, but its Senate

companion fell one committee shy of reaching the Senate floor. It provides that sheriffs have the authority to implement the plans and provide law enforcement personnel. Chief judges would retain administrative authority over court schedules and conduct for the protection of due process rights. The bill has two more committee stops in the House. The Senate companion is scheduled for its second of three committees next week.

Transportation:

Aviation Fuel Tax SB 1192 - Senate Commerce & Tourism voted 4-1 to repeal the excise tax on aviation fuel. Fuel tax revenues are deposited in the State Transportation Trust Fund which sets aside 15% for airports, seaports and space ports. While not a high amount, the fund is critical for drawing down significant Federal aviation grants. Additionally, airports have five-year capital plans that could be impacted. The bill has two more committee stops in the Senate. The House companion has not yet been heard.

Transportation Disadvantaged HB 55 - House Transportation & Infrastructure unanimously approved legislation to improve Transportation Disadvantaged mobility between counties after adopting a substitute bill. The bill has one more committee stop in the House. The Senate companion has not yet been heard.

Other Bills:

Online Public Notices HB 7 - House Local, Federal, & Veterans Affairs voted 7-5 to approve a bill that would allow local governments (and self-service storage facilities) to publish public notices on a publicly accessible website. The bill has two more committees of reference. The Senate companion has not yet been heard.

Penalties for Abuse of Public Position HB 7009 - House State Affairs unanimously approved a bill that would codify penalties, developed by the Ethics Commission, for violations of the Constitutional prohibition on abuse of public positions. The bill implements a portion of Amendment 12, adopted by voters in 2018, which prohibits public officials and employees from taking actions that can “disproportionately benefit” them. The bill provides that public officials and employees can also not take actions that “disproportionately benefit” their spouse, children, employer, or entities with which they have a business interest. The penalties go into effect December 31, 2020. The bill is now ready for the full House. The Senate companion has not yet been heard.

Smoking in Parks SB 630 - Senate Community Affairs unanimously approved a bill allowing counties and municipalities to prohibit smoking in public parks owned by them. The bill has two more committee stops in the Senate. It does not have a true House companion; however, Rep. Lamarca has a similar bill that would allow counties to prohibit smoking in public areas, including beaches. This bill has not yet been heard.

Week one was a busy week for appropriations. These PBC delegation-sponsored appropriation requests have passed favorably out of their subcommittees and are now waiting for the appropriations process to begin.

Monday, January 13

- HB 2451 Boca Raton 20-inch Critical Wastewater Force Main Resiliency Project Replacement/Redundancy by Rep. Caruso
- HB 3223 Palm Springs Davis Road North Basin Drainage Improvements by Rep. Silvers
- HB 3399 Haitian American Food Bank of South Florida by Rep. Jacquet
- HB 3665 South Florida Fairgrounds Multi-Purpose Exhibition *
- HB 2309 Palm Beach County-Lake Okeechobee Shoreline Restoration by Rep. Polsky
- HB 2369 Lake Worth Beach Florida Ocean Current Energy Initiative by Rep. Caruso
- HB 2405 Palm Beach County-Lake Worth Lagoon Continuing Authorities Program Section 1135 Project by Rep. Caruso
- HB 4007 West Palm Beach Supervisory Control and Data Acquisition (SCADA) Cybersecurity Technology Upgrades by Rep. Roth
- HB 3803 Mangonia Park Bryn Mawr Water and Sewer Connection Phase 1 by Rep. Jacquet
- HB 4045 Delray Beach Reclaimed Water Main Construction along SW 4th Street by Rep. Caruso
- HB 4001 Riviera Beach Utilities Special District Intracoastal Essential Force Main Replacement by Rep. Jacquet
- HB 4003 Riviera Beach Utilities Special District Intracoastal Critical Water Main Replacement by Rep. Jacquet
- HB 4103 Palm Beach County Public Land Decontamination Project by Rep. Willhite
- HB 4097 Loxahatchee Groves Canal System Rehabilitation by Rep. Willhite

Tuesday, January 14

- HB 4639 City of Riviera Beach Youth Empowerment Program by Rep. Jacquet
- HB 4751 Palm Beach County - Glades Homeless Resource Center by Rep. Polsky
- HB 4451 The Guatemalan Maya Center - The All-County Community Empowerment Project by Rep. Silvers
- HB 4183 Alpert Jewish Family and Children's Service - Mental Health First Aid by Rep. Silvers
- HB 2895 The American Association of Caregiving Youth's Florida Caregiving Youth Expansion Project by Caruso

Friday, January 17

- HB 4089 Glades Communities Street Resurfacing and Reconstruction by Polsky
- HB 9089 Everglades Restoration Workforce Training Program by Polsky
- HB 4005 Riviera Beach Utilities Special District Water Treatment Plant Crucial Infrastructure Improvements by Jacquet

Timeline:

Friday, January 31, 2020 - House and Senate Budget complete

Monday February 3, 2020 - Deadline for main amendments 1:30 pm

Tuesday, February 4, 2020 - Amendments available electronically at 8:00 am;
Adhering amendment at 1:30 pm

Wednesday, February 5, 2020 – Amendment available at 8:00 am

Wednesday, February 5, 2020 - Appropriations Committee meets and adhering amendments available at 8:00 am

- Amendments must be balanced within same subcommittee
- No amendments less than \$250k unless fully funds an issue
- No multiple issues in one amendment