

PBC 2020 Legislative Update



MARCH 3, 2020
WEEK 7

Page 1-2

1. *Appropriations Update & Session Highlights*

Page 3-4

2. *Housing, Development & Building*

Page 5-7

3. *Environment*
4. *Criminal Justice & Public Safety*

Page 8

5. *Education*

Page 9 - 10

6. *Federal Update*

2020 Legislative Session Week Seven Update

Budget conference had still not begun. However, informal negotiations had been taking place and we have been working with sponsors to ensure we are doing everything we can to match up the budgets with our funding in both sides. Below are highlights from the week seven.

E-Verify SB 644 - As promised by Speaker Oliva last week, the House moved e-verify legislation this week after filing a substitute bill that aligned with the current Senate package. House Commerce voted 15-8 to approve the bill. It does not have exemptions for agricultural or other industries. The Legislation requires private and public employers use an employment verification system to prevent the hiring of undocumented immigrants, a somewhat controversial priority of the Governor. The bill phases in the requirements for private employers. The bill applies to employers with: 500 or more employees on January 1, 2021, 100 or more employees on July 1, 2021, and 20 or more employees on January 1, 2022. It applies to public employers of contractors with a contract value of at least \$35,000 and with 20 or more employees. The business community- especially in certain industries, immigrant advocates, public employers, and more are concerned with the impact of the requirements. The bill also provides civil and criminal immunity for employer hiring decisions made while relying on information provided by an approved e-verify system. The bill has one committee remaining in both Chambers.

Gaming - House Gaming Control Subcommittee canceled it's scheduled Friday meeting for the third week in a row. No legislative proposals have been released.

Voting Systems SB 1312 - Senate Appropriations unanimously passed a bill which allows county canvassing boards and supervisors of elections to use digital imaging, automated tabulating equipment, that is currently used in auditing, for conducting machine and manual recounts. During the machine recount process, the ballots may be run through the automatic tabulating equipment instead of the voting system's tabulators that performed the original tally. While the machine recount is underway, overvotes and undervotes may be identified and sorted physically or digitally, in preparation of a manual recount should one be warranted. To facilitate faster manual recounts of overvotes and undervotes, the bill specifically allows for the counting of the actual paper ballots or the digital image of the ballots. Further, the bill directs the Department of State to adopt by rule "procedures relating to the certification and the use of automatic tabulating equipment that is not part of a voting system." Most provisions of the bill are not effective until after the 2020 General Election. The bill is now eligible for the House and Senate floors.

Issues of Palm Beach County Interest

Taxation HB 7097 - The House tax package passed out of the House Appropriations Committee this week and will now move to the floor for consideration by the full House. Several amendments were made in the committee, including reducing taxes on surplus lines insurance policies, clarifying language on regional transportation system surtaxes, and granting car rental leasing and finance companies a one-time tax credit. Of primary importance to Palm Beach County, were changes made to language which allows Tourist Development Tax funds to be used for water quality improvement projects. The adopted amendment clarifies that qualifying septic to sewer conversion projects are limited to those for which the septic tanks are within five miles of the surface waters designated as Florida waters or within two miles of surface water. HB 7097 passed the Appropriations Committee by a vote of 25-4. A Senate tax package has yet to be released.

Local Government Reporting HB 7069 - The House Appropriations Committee Tuesday approved legislation to require counties and municipalities annually report specific fiscal and economic information to the Department of Financial Services in lieu of reporting economic status data to the Office of Economic & Demographic Research. The Senate has two committees remaining with time running out.

Local Government Fiscal Transparency HB 1149 - The House voted 77-36 to approve HB 1149. Under the bill, a local government would have to hold additional public meetings, provide expanded public meeting notices, and conduct a “debt affordability analysis” prior to the issuance of new, long-term tax supported debt. Additional public meetings and expanded notices would also be required before a vote on local option tax increases. The bill also requires local governments provide easy access to voting history on tax increases and issuance of tax-supported debt; and provide easy, online access to TRIM notices, a four-year history of property tax rates, and total revenue generated by the local government. Its Senate companion has not yet been considered in its first of three committees.

Pub. Rec./Records and Information Provided to Specified Entities for Disaster Recovery Assistance HB 1035 / SB 966 - Provides exemption from public records requirements for property photographs & personal identifying information provided to specified entities by persons for purpose of disaster recovery assistance; provides for future legislative review & repeal of exemption; provides statement of public necessity. HB 1035 passed State Affairs and moves to Second Reading. SB 966 passed the Rules Committee and heads to Second Reading.

Housing, Development and Building:

Home-Based Business HB 537 - Specifies conditions under which business is considered home-based business; authorizes home-based business to operate in residential zone; prohibits local government from certain actions relating to licensure & regulation of home-based businesses; authorizes certain business owners to challenge local government actions; authorizes prevailing party to recover specified attorney fees & costs. HB 537 passed the Commerce Committee 17-7 and now is placed on Second Reading. SB 778 awaits a hearing in its first committee of reference.

Housing HB 1339 - HB 1339 is a comprehensive bill that addresses several housing issues related to development zoning and impact fees, the provision of affordable housing, and other issues related to mobile homes. The House Commerce Committee passed a CS/HB 1339 which now heads to Second Reading. The Senate bill, CS/SB 998, remains in the Appropriations Committee.

Public Financing of Construction Projects SB 178 - On Thursday, the Senate Appropriations Committee passed this bill which requires any public entity that manages or commissions a publicly financed construction within a coastal construction zone to conduct a sea-level impact projection (SLIP)

study prior to commencing construction. SB 178 heads to Second Reading; HB 579 remains in House State Affairs awaiting a hearing.

Local Government Public Construction Works HB 279 - House State Affairs unanimously approved a bill requiring local governments to include 20 percent overhead costs, employee compensation, benefits, insurance costs, and cost of materials in its cost estimates when deciding whether to use its own services for projects. The costs must be based on those used for road and bridge projects. The local government must provide the calculated cost in a public report. It also requires that local governments provide in a solicitation bid a list of all other governmental entities that may have permits or fees generated by the project. The committee adopted an amendment that removed the threshold increase required to competitively bid projects. The Senate and House bills no longer contain a prohibition on performing in-house work if estimated costs exceed that of outsourcing. The bill is now eligible for the House floor. Its Senate companion has one committee remaining.

Growth Management HB 203 - The bill requires local comprehensive plans to have a property rights element requiring the local government to consider certain private property rights affecting the possession, use, enjoyment, and disposal of property in its decision-making process. On Thursday, the House State Affairs Committee adopted two amendments to CS/CS/HB 203. The first amendment provides that the timely processing of utility right-of-way permits fulfills an important state interest. The second amendment makes changes in language, but not substance, in that section prohibiting municipalities from extending or executing their corporate powers within an unincorporated area of a county without county consent. CS/CS/CS/HB 203 heads to Second Reading. CS/SB 410 is scheduled to be heard next week in the Senate Rules Committee.

Public Construction: Retainage SB 246 - The Senate unanimously voted to pass HB 101. The House voted 118-1 previously to pass HB 101. The bill would reduce the maximum amount of retainage governments are allowed to withhold from contractors from 10% to 5%. It would not apply to DOT contracts. The bill is supported by the Florida Homebuilders Association, Associated Builders & Contractors (ABC), and NACM. Supporters contend that there is a major cash flow issue for contractors and the current practice prevents smaller companies from taking on work as well as subcontractors from getting paid timely.

Environment:

Environmental Regulation: Contaminated Materials Recycling HB 73 - This bill is 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. On Wednesday, the Senate substituted the bill with its identical House companion, CS/HB 73 and passed it 40-0.

Petroleum Cleanup SB 702 - Senate Appropriations Subcommittee on Agriculture, Environment and General Government unanimously approved a bill that streamlines petroleum cleanup by allowing Advanced Cleanup work to begin prior to a limited contamination assessment completion by the property owner and would allow DEP to assist with the assessment's cost. The House and Senate bills are ready to be considered by the full chambers.

Environmental Accountability SB 1450 - Senate Appropriations and House State Affairs unanimously voted to address the Department of Environmental Protection's ability to enforce environmental fines and penalties and increases those penalties by 50%. Each day certain violations occur constitutes a separate offense and each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense, punishable by civil penalties. The Senate bill was amended to include authorizing cities and counties to establish sanitary sewer lateral inspection and rehabilitation programs for commercial and residential properties. The House and Senate bills are ready to be considered for the full Chambers.

Environmental Resource Management HB 1343 - House State Affairs voted 15-7 to approve a Governor-backed bill to, among other things, codify the recommendations of the Blue-Green Algae Task Force. The committee adopted an amendment that requires a study of consumptive use of water for bottled water. Septic Tanks: The bill moves oversight of septic systems from DOH to DEP; Requires DEP to adopt rules by July 2022 that will supersede current law on setbacks; requires local governments to develop remediation plans within basin management action plans upon certain DEP determinations. It also creates a Technical Advisory Committee to make recommendations to the Legislature. Wastewater: The bill establishes a wastewater grant program with a 50% local match for septic-to-sewer, septic upgrade, or advance wastewater treatment projects. It requires DEP to adopt rules to reduce and eliminate leaks, seepages, or inputs in underground sanitary sewer pipes. It requires sanitary sewer facilities to develop an assessment, replacement

and repair plan based on I&I studies and requires pollution permittees to report revenues, expenditures and any deviation from I&I plans. It allows facilities that are following their plans to qualify for a 10-year permit. The House bill authorizes DEP to assess a \$2,000 penalty for not adequately taking proactive steps outlined by the bill and Department. The Senate bill allows for a \$4,000 penalty with a \$50,000 cap. Stormwater: Creates a real-time water quality monitoring program; Requires DEP and Water Management Districts to update stormwater rules; Has DEP examine inspection data and make recommendations for improving self-certification; Requires DEP and DEO to focus on nutrient reduction and green infrastructure in their stormwater management program. Biosolids: Requires DEP to adopt rules on biosolids. Agriculture: Provides FDACS greater oversight of agricultural pollution and allows the agency to work with educational institutions on implementing best management practices. The bill is now eligible for the House floor. Its Senate companion is before the full Senate.

Land Acquisition Trust Fund SB 332 - Senate Appropriations Subcommittee on Agriculture, Environment, & General Government unanimously approved a bill that would direct \$100 million annually to the Land Acquisition Trust Fund and explicitly restrict the funding for being used towards agency administrative and support costs. The bill is meant to further Amendment 1 and clarify the law after a recent court decision ruled that the Legislature appropriated funding correctly. Advocates felt that the Legislature was still not funding enough for land acquisition specifically. Some environmental groups, however, supported funding going to other programs within the spirit of the amendment. Committee members stated it was important to recommit to Amendment 1. The bill has one more committee stop in the Senate. However, it's House companion was never considered in its first committee of reference.

Criminal Justice & Public Safety:

Recovery Residences SB 1120 - Senate Appropriations unanimously approved legislation backed by the Sober Home Task Force that clarifies patient brokering statutes and provides exemptions to disqualifying background information that prevents recovered addicts from working in sober homes in addition to the patient brokering provisions. The committee adopted a substitute bill that requires applicants be three to five years removed, depending on their role, from completion of sentences for criminal violations that would no longer be disqualified. The House and Senate bills are both eligible for the Chamber floors.

Jordan's Law SB 122 - The House unanimously voted to pass legislation addressing interagency collaboration, communication, training, and inefficiencies in child welfare incident response. The bill is named for a 2-year-old who died from abuse despite adequate warning signs to multiple agencies. It would require child welfare workers, law enforcement, and guardian ad litem to be trained in recognizing head trauma. For children under six years old, it authorizes an intensive family reunification program and a pilot program in three high-removal counties to improve case management services. It also requires a process be followed to determine a child welfare investigation was mishandled. Senate Appropriations unanimously approved the Senate bill, which is now eligible for the Senate floor, after adopting a strike-all which aligned the language with the House.

Emergency Reporting HB 865 - The House Appropriations unanimously passed HB 865 that would require counties and municipalities to report certain emergency incidents that occur within their boundaries to the State Watch Office under the Division of Emergency Management as soon as practicable following the initial response. The Senate bill moves to 2nd Reading. HB 865 moves to its last committee of reference.

Public Nuisance HB 625 - House Judiciary Committee unanimously approved HB 625 on Thursday. The bill expands locations that may be declared a public nuisance, and may be abated or enjoined, to include any place where, two or more times within a six month period, one of a list of crimes occurred. HB 625 goes to Second Reading. SB 888 remains in the Senate Rules Committee.

Statewide Emergency Shelter Task Force SB 1272 - Establishing the task force adjunct to the Department of Management Services; specifying the task force's purpose; providing for the membership of the task force; providing requirements and restrictions for members of the task force; requiring the task force to report recommendations to the Governor and the Legislature by a specified date, etc. On Thursday, SB 1272 passed the Senate Rules Committee and heads to Second Reading.

Emergency Sheltering of Persons with Pets SB 752 / HB 705 - The Senate Rules Committee unanimously approved SB 752 that requires each county to have at least one pet-friendly evacuation shelter in preparation for a natural disaster. HB 705 is now on Second Reading. SB 752 moves to the Senate Second Reading calendar.

Underground Facility Damage Prevention & Safety SB 1464 - Senate Rules unanimously approved a bill that would expand enforcement of the

Underground Facility Damage Prevention & Safety act by increasing civil penalties for excavators that fail to comply with various requirements of Ch. 556, adding state Fire Marshalls and local fire chiefs to the list of those able to issue citations for violations, creating an underground facility review panel, and requiring Sunshine 811 incident reports for HPSI incidents be transferred authorities that can issue citations for violations. Authorities include local law enforcement, local fire chiefs, code enforcement, and code inspectors in addition to the state Fire Marshall and other state authorities. 95% of the civil fine will go to the investigating authority and 5% to the clerk for administrative costs. The bill is now eligible for the floor of each chamber.

Education:

Early Learning and Early Grade Success SB 1688 - The legislation repeals the Office of Early Learning and establishes a Division of Early Learning within the Department of Education, moves the function of Gold-Seal oversight from DCF to DOE, requires DOE inspector general to assume investigative duties relating to the early learning program. In terms of local administration, the bill subjects Early Learning Coalitions to the State Board of Education's oversight enforcement authority. HB 1013 is on Second Reading.

The Senate bill has many of the same provisions, however, it re-organizes the functions to now be placed under the State Board of Education and requires the establishment of the Council for Early Grade Success within DOE to oversee the coordinated screening and program monitoring program. On Thursday, SB 1688 passed the Senate Appropriations Subcommittee on Education and moves to Appropriations.

Alyssa's Law SB 70 - The Senate fast-tracked Alyssa's Law in the Senate with the bill unanimously passing both the Education and Appropriations Committees while the House's version unanimously passed the Education Committee. The bill requires each public school be equipped with a panic alarms system. Alarm systems can be silent, non-silent, or app based. In all committees, there were vendors during public testimony who shared their concern over the bill creating one statewide procurement for the Department of Education to provide to all schools. Committee members ridiculed the vendors and the process of creating a "vendor food fight". Both bills are now ready to be considered by both Chambers.

WEEK 8 -

[HB 0007](#) Legal Notices

[HB 0689](#) Department of Business and Professional Regulation

[HB 0705](#) Emergency Sheltering of Persons with Pets
[HB 0877](#) Ad Valorem Tax Discount for Spouses of Certain Deceased Veterans Who Had Permanent, Combat-Related Disabilities
[HB 0879](#) Surviving Spouse Ad Valorem Tax Reduction
[HB 7065](#) School Safety
[SB 0344](#) Courts
[SB 0004](#) Relief of Dontrell Stephens by the Palm Beach County Sheriff's Office
[SB 0160](#) Peer-to-peer Support for First Responders
[SB 0230](#) Department of Health
[SB 0410](#) Growth Management
[SB 0504](#) Local Government Public Construction Works
[SB 0510](#) Bail Pending Appellate Review
[SB 0736](#) Coverage for Air Ambulance Services
[SB 0826](#) Marina Evacuations
[SB 0888](#) Public Nuisances
[SB 1128](#) Vacation Rentals
[SB 1148](#) Electric Bicycles
[SB 1258](#) Commercial Service Airports
[SB 1270](#) Fiduciary Duty of Care for Appointed Public Officials and Executive Officers

This Week in Congress: House Calls Up Legislation on Flavored Tobacco Products

Sanders wins Nevada caucuses, takes lead for 2020 Democratic nomination.

Congress will return from the Presidents' Day district work period to resume legislative business, with the Senate returning later this afternoon and the House picking back up tomorrow. On the Senate floor this week, Majority Leader Mitch McConnell (R-KY) has queued up a pair of abortion-related measures that are designed as a messaging exercise for the 2020 election. The measures up for consideration would: (1) establish requirements for the degree of care a health care practitioner must exercise in the event a child is born alive following an abortion or attempted abortion (S. 311 [r20.rs6.net]); and (2) seek to boost protections for pain-capable unborn children (S. 3275 [r20.rs6.net]). Senators will also consider

four presidential nominations, including Katharine MacGregor's nomination to be Deputy Secretary of the Interior.

Meanwhile, House lawmakers have queued up a comprehensive tobacco-related measure [r20.rs6.net] that seeks to curb the use of e-cigarettes among youths. Specifically, the Reversing the Youth Tobacco Epidemic Act would amend the Federal Food, Drug, and Cosmetic Act to: (1) prohibit the sale of flavored tobacco products; (2) promulgate Food and Drug Administration (FDA) regulations on synthetic nicotine and graphic health warnings for cigarette packing; and (3) ban the marketing, advertising, or promotion of any e-cigarette products to individuals under the age of 21. The lower chamber will also consider suspension bills out of the House Natural Resources and Veterans' Affairs Committees.

Over the weekend, Sen. Bernie Sanders (I-VT) took the lead for the Democratic presidential nomination after decisive victory in Saturday's Nevada caucuses. The Vermont Senator earned 40 percent of the vote in the Silver State's contest, besting former Vice President Joe Biden and former South Bend, IN Mayor Pete Buttigieg who finished second and third respectively. The race for the Democratic nomination now shifts to South Carolina's Feb. 29 primary, where recent polling suggests a tight race between Sen. Sanders and Vice President Biden.

Thanks to our partners at Ericks Consultants, Inc.,
Anfield Consulting Group, Johnson & Stewart and Thorn Run Partners for
their
contributions to the Weekly Legislative Update.