

## City of Fort Lauderdale Final 2019 State Legislative Report

### The City of Fort Lauderdale will ENDORSE and SUPPORT legislation that will:

1. **Support the transfer of spending authority for the Tourism Development Tax to cities based on tourism activity:** This specific issue of tax distribution to municipalities did not come up during the Session. The main tourism discussions centered around the elimination of Visit Florida, which the Speaker believes in ending and the Senate temporarily agreed to allow expire. Ultimately, the Speaker and Senate President agreed to a one-year extension of the agency and \$40 million in funding at the Governor's request. The question of Visit Florida's existence will return again in the next Legislative Session.
2. **Permit municipal government to make changes to local law pension plans:** No viable legislation impacting municipal law enforcement pensions was filed this year.
3. **Expand mass transit options:** While not specific to mass transit, the Legislature created a legal framework for micromobility devices, which broadly defined the term to encompass motorized scooters, bicycles and other devices that may be developed that are powered by a motor and reach speeds of up to 20 mph. The bill, [HB 453](#), essentially enables scooters to be operated in bicycle lanes and gives local governments ultimate say over when and how mobility devices are operated within their boundaries. The Legislature also unanimously passed [HB 341](#) Motor Trains & Vehicles by Rep. LaMarca, which enables passenger trains to get back up and moving more quickly after an incident by giving law enforcement discretion in determining which witnesses should be interviewed. Finally, the Legislature also continued to lead the country with the most progressive legal framework on the books for Autonomous Vehicles with the passage of [HB 311](#).
4. **Promote improved water quality and quantity:** Several bills were proposed in the House and Senate that would have addressed topics ranging from water supply, water quality, wastewater treatment, biosolids, septic tanks, and more. However, nearly all of these proposals failed. Key priorities which did pass include roughly \$680 million in funding for water and environmental projects in the state budget and [HB 95](#) C-51 Reservoir by Rep. Jacobs, which furthered a key Palm Beach/Broward water supply project. Key bills that did not pass include [HB 105](#) (Establishing a Blue Star Wastewater Collection System & Maintenance Program), [SB 1758](#) (Clean Waterways Act), and [HB 141](#) (dealing with notification of unlawful sewage discharges, among other things).

Additionally, the Governor put water quality as his top priority. His first order of business was the issuance of a strong environmental executive order: [Executive Order 19-12: Achieving More Now For Florida's Environment](#) which included \$2.5 billion over four years in funding for the Everglades, the establishment of the Office of Environmental Accountability & Transparency, the creation of the Chief Scientist Officer, and establishment of the Blue-Green Algae Task Force. He also called for, and received, the resignations of the board of the South Florida Water Management District, whom he replaced with his own appointees. The higher than usual funding for water quality programs can be attributed in no small part to his leadership on this issue.

5. **Provide for local regulation of short-term rental properties and sober homes and remove the State's preemption of local regulations on vacation rentals:** As expected, legislation ([HB 987](#)/ [SB](#)

[824](#)) was filed to further preempt local government authority over vacation rentals under the auspice of private property rights. Fortunately, our local government coalition was successful in preventing the Senate bill from receiving a hearing and harmed the progression of the House bill, which narrowly passed its second committee by only one flipped vote. The bill notably went further than previous iterations by also infringing upon HOAs. Other legislation that sought out compromise between industry and local governments ([SB 812](#)) and would have brought accountability to online platforms rather than relying on DBPR enforcement ([SB 1196](#)/ [HB 1129](#)), did not receive a hearing.

6. **Preserve and/or enhance municipal home rule:** As with every Legislative Session, there were numerous attempts to erode municipal home rule authority, examples of which are found throughout this report. While the majority of these attempts were successfully stopped (i.e. Vacation Rentals, Occupational Licensure, Sunscreen/Plastics Bans, Tobacco & Nicotine, Towing, Sports Franchise Agreements, etc.) some preemption bills were successful: HB 1159 (Tree trimming preemption), SB 1000 (Small cell preemption), HB 829 (Attorney fees in preemption challenges), HB 7103 (Omnibus developer package), (Building Code Enforcement funds) and SB 82 (Vegetable Gardens). These bills are detailed in the attached Pass/Fail report. Additionally, the legislature passed HB 771, which codified a compromise between local governments and the industry on addressing contaminated materials in recycling contracts but also included a last minute provision preempting plastic straw bans. This bill was [vetoed](#) by Governor DeSantis due to the preemption. To paraphrase his veto letter, plastic straw bans did not frustrate state policies and that local communities that opposed straw bans should elect officials that share their values.
7. **Support municipal government initiatives to curb homelessness:** We successfully secured \$250,000 for the Broward Homelessness Collaborative that was requested by the City. Unfortunately, Sadowski funding was once again swept (mostly due to slow Federal action on Hurricane Michael Recovery). Additionally, a bill ([SB 1218](#)) barely failed that would have created dedicated funding for challenge grants and included Florida Housing Coalition and Department of Elder Affairs appointees on the Council on Homeless. The bill passed the House, but was not heard in its final Senate committee.
8. **Enhance municipal participation in state environmental permitting processes:** No language filed this Legislative Session addressed the environmental permitting processes in detail.
9. **Encourage energy development and conservation and the development and implementation of alternative energy sources:** While several proposals were filed to encourage development and conservation of energy and energy resources, none passed the Legislature and very few were heard in even one committee of reference.
10. **Change the allocation of Florida Department of Emergency Management and Urban Area Security Initiative (UASI) funding to cities to be based on each city's risk profile assessment:** This issue was not addressed this Legislative Session. The Miami/Fort Lauderdale Urban Area received \$6,362,500 in SB 2500 (the FY 2019-20 State Budget).
11. **Enact Complete Street Design Initiatives and legislation that will provide cities with the ability to regulate traffic flow within their city limits (i.e. setting speed limits and use of stop signs for traffic calming):** There were no legislative proposals addressing municipal authority over traffic flow

within city limits or Complete Streets initiatives. There were several appropriations requests filed to support complete streets projects in various municipalities. Few were funded, and fewer made it past the Governor's line item veto process.

- 12. Strengthen and expand environmental education, physical activity, and healthy lifestyles for Fort Lauderdale youth while ensuring that they are as protected as possible while participating in parks and recreation programs:** Little to no legislation was filed addressing physical education and recreation of youth, however [SB 7070](#) did include support for wrap around services for public schools.
- 13. Address repeat offenders and other juvenile justice issues:** The Legislature passed the "Florida First Step Act," which focused on strengthening diversion and reentry programs for adults and youth as well as eliminated direct mandatory file. It also increased felony theft thresholds while including compromise language between criminal justice reform advocates, law enforcement and the Florida Retail Federation addressing retail theft. Further details of all criminal justice bills and juvenile justice funding can be found in the attached Pass/Fail report.
- 14. Create smoke-free zones on Fort Lauderdale beaches and smoke-free Fort Lauderdale Parks:** [SB 218](#) by Hutson/ [HB 237](#) by Altman would have prohibited smoking on beaches, punishable by fines set by municipalities and counties. However, neither bill received a hearing.
- 15. Provide for the uniform regulation of police body cameras throughout the State to include privacy and other protection for law enforcement officers:** This issue was not addressed this Legislative Session. Instead, legislation moved through the process that would have required recording of custodial interviews by law enforcement.
- 16. Reverse the changes to the legislation related to the Law Enforcement Trust Fund (LETf). The change in evidentiary standard in a forfeiture proceeding and the use of future forfeitures resulted in a \$1 Million impact to the City's operating budget (School Resource Officers):** Unfortunately, this idea was not included in the school safety package passed by the legislature this year. No legislation filed addressed the Law Enforcement Trust Fund or seizure of contraband. The Legislature did allocate an additional \$18 million for a total of \$180 million to fund school safety initiatives. They also allocated \$50 million in grants for physical security of K-12 schools.
- 17. Allow for vehicles (i.e. golf carts) that travel at a speed of 25 miles per hour or more to travel on State infrastructure system roadways (e.g. A1A). The Florida DMV licenses golf carts for roadway use but the Florida Department of Transportation does not permit them on their roadways within a municipal city limit:** This issue was not addressed this Legislative Session.
- 18. Promote the enactment of policies and funding opportunities that assist in meeting sustainability objectives including energy and water efficiencies, connectivity and mobility improvements, carbon sequestration through natural landscape management and protection:** Please refer to numbers 3,4,9,and 11 of Section 1 of this report as well as the attached Pass/Fail report for further details on this item.

19. **Reduce the impact of the Governor’s emergency declarations that result in extension on permits (building permits, development permits, etc.), in jurisdictions not impacted by the emergency event:** Language clarifying that permit extensions only apply in emergency declarations by the Governor for “Natural Disasters” was successfully passed by the House. Unfortunately, the language was tucked into HB 1299, which was a major preemption bill that had several other undesirable provisions. The bill was fortunately never taken up by the Senate, however efforts to include the permit language into another bill were unsuccessful.
20. **Change the date for the non-ad valorem assessment roll public hearing from September 15<sup>th</sup> to September 25<sup>th</sup> to avoid a special meeting of the City Commission regarding the budget:** Unfortunately, there were no viable vehicles for this language this Legislative Session.
21. **Improve the quality of education for Kindergarten through 12<sup>th</sup> grade students:** The Legislature passed and Governor signed [SB 7070](#) intended to strengthen K-12 education in the state, however the impact of the legislation is controversial and the votes were along partisan lines. The bill allows Schools of Hope to open in Opportunity Zones, creates the Family Empowerment Tax Credit Scholarship to serve children on the waiting list for private school vouchers, cleans up Hope Scholarship policy and adds transportation scholarships, and supports wrap-around services in traditional K-12 schools. Supporters argue the increase in school choice strengthens the entire education system through competition and ensures children receive quality education regardless of zip code. Opponents argue that the bill further erodes the traditional public school system by diverting resources away from it.
22. **Reduce distracted driving:** The Legislature passed [HB 107](#), which makes texting while driving a primary offense and mandates “hands free” zones in school zones and work zones while workers are present. Law enforcement may issue verbal warnings until the end of the year and must record the race/ethnicity of anyone issued a citation in order to ensure against racial bias. Citation penalties are waived upon the first violation if proof of purchase of a hands free device is shown, which is modeled after Georgia law. The intent is to incentivize voluntary compliance to increase safe driving.
23. **Improve lighting on state roads:** This issue was not addressed this Legislative Session.

**The City of Fort Lauderdale will OPPOSE any legislation that will:**

1. **Restrict Home Rule:** Please see #6 of the previous section and the attached Pass/Fail report.
2. **Create unfunded mandates:** Unfunded mandates are proposed each Legislative Session, examples of which can be found throughout this report. Perhaps the largest unfunded mandate, which was supported by many local governments throughout the state, was [SB 429](#) Firefighter Cancer Benefits. Further details can be found in the attached Pass/Fail report.
3. **Restrict or decrease any revenue allocations to local governments:** The Legislature passed [HB 7123](#), this budget year’s tax package. The package included, among other things, a continued decrease in the commercial lease sales tax, two sales tax holidays, and an exemption for paying access to right-of-ways for communications services pass through providers (such as Crown Castle.) Further details are provided in the attached Pass/Fail report.

4. **Decrease the City's tax base through manipulation of tax exemptions on properties:** Several bills were filed to reduce ad valorem tax burdens, including: portability of homestead exemptions and increased discounts to surviving spouses of military veterans; expansion of eligibility to homestead exemptions to certain property owners and family units that receive property tax benefits in another state; and elimination of increased assessments for school district ad valorem for seniors. None of the bills passed this Legislative Session, but are likely to return.
5. **Modify, restrict or eliminate the City's ability to levy, collect or spend franchise fees, communications service taxes or local business taxes:** [SB 1000](#) would have originally reduced the CST by 1% across the board with the intent of only decreasing the state portion of the revenue. However, the cut was eliminated altogether and replaced with policy further preempting local government authority over the Right of Ways. As mentioned above, HB 7123 also exempted pass through providers from paying for access to the Right of Way.
6. **Restrict or decrease allocation of red light camera revenues to local governments:** Legislation to repeal red light camera authority received only one hearing in the Senate, where it was voted down.
7. **Restrict or standardize municipal election dates:** Legislation addressing this topic was not filed this Legislative Session.
8. **Create a negative impact on the administration of park and recreation services and resource management including the imposition of regulatory requirements that provide no added protections or benefit to recreational consumers:** Legislative addressing this topic was not filed this Legislative Session.

## **BUDGET**

The House and Senate agreed to a \$91.1 billion budget which passed in a near unanimous vote (only 2 Representatives and no Senators voted in opposition.) The Governor vetoed \$131 million in budget projects. The final budget included \$250,000 for the Homeless Collaborative of Broward County, requested by the City of Fort Lauderdale.

Federal inaction on disaster recovery squeezed the state's budget, pushing the Legislature to step in and invest \$1.85 billion in funding for Hurricane Michael recovery efforts. Highlights of the FY 2019-2020 budget:

### **Hurricane Michael Recovery**

\$1.8 billion (including \$115 million for housing)

### **Education**

PreK-12- \$242.60 increase total funds per student

Safe Schools Allocation - \$18 million increase for a total of \$180 million

Mental Health Assistance Allocation – \$5.7 million increase for a total of \$75 million  
Teacher Bonuses- \$285 million (+ policy change from Best & Brightest)  
Required Local Effort (RLE) Increase of \$142.5 million for New Construction only; RLE Millage reduced from 4.075 to 3.927 mills  
VPK- \$3.8 million increase  
Family Empowerment Scholarships – new program for up to 18,000 students (worth up to \$130 million, which brings total of State’s voucher programs up to just under \$1 billion)  
Charter School Capital Outlay- \$158 million  
Bright Futures – \$595.1 million

### **Health Care**

State Opioid Funding – \$83.3 million  
Community Mental Health/Substance Abuse Block Grant Funding Increase – \$6.7 million  
Homeless Prevention Challenge Grants Restoration – \$3.2 million  
Early Steps Program Workload - \$3.6 million  
Redirect Hospital Supplemental Payments – \$9.6 million

### **Environment**

Everglades - \$367.2 million  
Water Quality Improvements - \$149.1 million  
Beach Management Funding Assistance - \$50.0 million  
Florida Forever - \$33 million  
Alternative Water Supply - \$40 million  
Blue Green Algae Task Force - \$10.8 million

### **Criminal Justice**

Criminal Justice Data Transparency - \$5.9 million  
DJJ Prevention and Early Intervention Programs and Services – \$10.9 million  
Problem-Solving Courts - \$2.54 million  
Guardian Ad Litem Program - \$1.15 million  
Base Pay Increase for Assistant State Attorney and Assistant Public Defenders to \$50,000

### **Transportation**

Full funding of the Transportation Work Program - \$9.8 billion  
Transportation Disadvantaged Program - \$55.9 million

### **Housing**

State Housing Initiatives Partnership (SHIP) - \$46.6 million  
State Apartment Incentive Loan (SAIL) Programs - \$31 million

### **Economic Development**

Governor’s Job Growth Grant program (which funds local government infrastructure projects and workforce projects)- \$40 million  
Enterprise Florida-\$16 million

Visit Florida (Extended for at least one year after push to eliminate the agency) -\$50 million  
Cultural, Museum, and Historic Preservation Grants and Initiatives - \$39.6 million

## **POLICY**

### **INTERGOVERNMENTAL RELATIONS**

#### **ATTORNEY FEES IN CHALLENGES TO LOCAL ORDINANCES (PASS)**

The Senate voted 25-14 and House voted 77-31 to pass a bill that awards attorneys fees to prevailing parties in lawsuits brought against a local ordinance that allegedly violate state or Federal preemptions. The bill allows local governments to avoid paying attorneys fees if ordinance is repealed within 30 days of receiving written notice that it violates a state or Federal preemption. The ordinance must be “expressly” preempted. The final product is prospective in nature thanks to a hard fought (albeit minor) win by local government advocates.

HB 829

#### **SMALL CELL PREEMPTION (PASS)**

The House voted 96-16 and Senate voted 34-3 to pass legislation 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). 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 attorney fees to the prevailing side.

SB 1000

#### **TREE TRIMMING PREEMPTION (PASS)**

The House voted 77-36 to pass HB 1159 and sent it to the Senate, who reversed its compromise worked on in Community Affairs and passed the House version of the bill in a 22-16 vote. It prohibits local governments from requiring a permit for pruning, trimming, and removal of vegetation and trees that presents a danger. Permits could not be required if the tree is certified to meet these conditions by the International Society of Arboriculture. Local governments also could not require the trees to be replanted if removed according to these conditions. Mangroves are exempted. The bill 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. Finally, it requires a Property Owners Bill of Rights posted on the Property Appraiser website.

The Senate compromise would have limited the prohibition on local governments permits to only a few months leading up to hurricane season each year and to single family, residential. It would have protected endangered, heritage, patriarch and specimen trees. It would have also allowed local governments the ability to require certain trees be replanted.

#### HB 1159

##### **GOVERNMENT ACCOUNTABILITY (PASS)**

The Legislature 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 Litems, 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.

#### SB 7014

##### **VEGETABLE GARDENS PREEMPTION (PASS)**

The House voted 93-16 and to pass a bill banning local governments from regulating vegetable gardens on residential property. The ban does not apply to general regulations that are not specific to vegetable gardens, such as ordinances regulating fertilizer, water use and invasive species. The bill originates out of a Miami Shores ordinance. The Senate voted 35-5 to pass the legislation through its Chamber last month.

#### SB 82

##### **VACATION RENTALS (FAIL)**

Local government advocates were able to prevent the Senate bill that further preempted local vacation rentals ordinances from being heard in its first committee of reference. The House bill passed its final committee of reference only one vote shy of failure after meeting extensions and several amendments that called into question the motives of those advancing the bill. The perennial bill provided that any regulation imposed on one property must apply uniformly to all regardless of the transient nature of its occupancy. The bill would have also invalidated ordinances that had been previously passed before 2011 and taken authority from HOAs.

#### HB 987

### **TOWING & IMMOBILIZATIONS (FAIL)**

The House voted 83-31 to pass a bill that would preempt towing & wrecking ordinances, impacting consumer protection models of local government ordinances. However, its Senate companion was not placed on the agenda for its final Senate committee. 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 carved out Palm Beach and Broward County ordinances, causing some to vote for the bill despite their objections.

SB 1792 & HB 1237

### **PREEMPTION OF LOCAL REGULATION OF OCCUPATIONAL LICENSURE (FAIL)**

The House voted 88-24 to preempt regulations on professions and occupational licensure after the sponsor removed general regulations on businesses. However, its Senate companion was never heard in its first committee and is therefore dead. The bill would have sunsetted all local regulations on professions and occupational licensure by 2021. It would have preempted licensure for certain jobs including, but not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, and decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

HB 3

### **TOBACCO PRODUCTS (FAIL)**

The Senate voted 36-3 to pass a bill that raises the minimum age to purchase tobacco products (including e-cigarettes) to 21 and preempts minimum age requirements. A preemption on regulations of marketing practices was removed as was an exemption for cigars. However, the House did not take the bill up nor did it take up its version, which was on the floor after being filed as a committee bill and moving through one committee of reference.

HB 7119

SB 1618

### **EMPLOYMENT CONDITIONS (FAIL)**

This legislation stalled in its final House committee and second Senate committee. It would have preempted “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. It eventually grandfathered existing ordinances. The bill was 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 have preempted 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.

#### HB 847

##### **ETHICS (FAIL)**

The House unanimously passed an ethics package, however the Senate never heard the bill or its companion. The bill prohibited 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 prohibited taxpayer funds to be used for PSAs that include a name of an officer that is seeking re-election during a designated campaign time. It also modified other disclosure requirements.

#### HB 1

### **FINANCE & TAX**

##### **TAX PACKAGE (PASS)**

The House voted 81-25 and Senate 23-17 to pass a tax cut package in the final hours of the Session. The Chambers originally agreed to \$91 million in tax reductions that would include back-to-school and disaster preparedness sales tax holidays and a reduction on commercial leases. However, each Chamber had priorities that were negotiated down to the wire. The final product contains the sales tax holidays; address property tax assessments and refunds in hurricane affected counties; lowers the commercial lease tax by .2 (from 5.7 to 5.5); provides that any future school district millage levied via referenda must share the increase with charter schools proportionate to their FTE enrollment; and expand tax credits for private school scholarships. At the last minute, the House added language that would exempt pass-through providers (such as Crown Castle) from having to pay local governments for access to the right-of-way. Such language had not been seen or vetted before the final day of Session. The House did not get some priorities. It wanted the school district millage requirement to be retroactive, to restrict property tax exemptions for nonprofit hospitals, and telehealth credits. The Senate did not get a requirement online retailers to collect sales tax as allowed by the recent *Wayfair* court decision (estimated to bring in an additional \$700 million for the state budget), charitable property tax exemptions for affordable housing, and the addition of intellectual property developed by certain companies qualify for the Capital Investment Tax.

The Legislature also passed a Corporate Income Tax base expansions that were exemptions removed by the Federal Tax Cuts & Jobs Act in order to balance with the federal cuts given to the same corporations. The bill decouples from federal law regarding the Global Intangible Low-Taxed Income retroactively, which is a indeterminate but significant impact.

#### HB 7123

#### HB 7127

#### **LOCAL TAX REFERENDA (CONSTITUTIONAL AMENDMENTS BY PETITION) (PASS)**

At the last minute, a pre-emption on local tax referenda elections was amended to include higher restrictions on constitutional amendments sponsored by petition drives and then passed along party lines by the Legislature after a bitter, partisan debate. The underlying bill requires that a referendum to adopt or amend a local government discretionary surtax must be held at a general election and must be submitted to OPPAGA at least 180 days before the referendum is held or be rendered void. The last minute language added on was the substance of a bill considered dead, which increased barriers to constitutional amendments sponsored by petitions such as increasing requirements and cost of collecting signatures. Opponents felt that it was directly aimed at initiatives underway that would raise the minimum wage to \$15/hour. Supporters claimed that the Constitution should be more protected than allowing the latest topic du jour (like pregnant pigs as the famous example) through an easy petition initiative. They also claim that they were not getting rid of petition initiatives and that the people had an opportunity to create change via the Legislature. In the end, the House voted 67-43 and Senate voted 22-17.

Additionally, an amendment that would have only applied to Broward County and essentially given up all authority over municipal road projects funded by the transportation surtax was repeatedly offered and, thanks to quick action, repeatedly withdrawn.

#### HB 5

#### **COMMUNITY REDEVELOPMENT AGENCIES (PASS)**

The Senate voted 36-1 and the House voted 80-31 to pass CRA reform. The legislation 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 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.

#### HB 9

#### **FIREFIGHTER CANCER BENEFITS (PASS)**

After the House reversed course on a firefighter cancer benefit proposal under pressure from its membership, the public and the CFO, the House and Senate both voted unanimously to pass the bill. Upon initial diagnosis of cancer, firefighters would be provided cancer treatment at no cost and a one-time cash payout of \$25,000. Diagnosis and treatment of cancer would be presumed to have been contracted in the line of duty. To be eligible for benefits, firefighters must be full-time, must have been employed by the same employer for at least five years, must have not used any

tobacco products in the preceding five years, and cannot have previous employment that has a higher risk of cancer. Employers must provide coverage through an employer-sponsored health plan or group insurance plan. Firefighters cannot be required to pay co-pays, deductibles, or co-insurance or a local government must timely reimburse these out-of-pocket costs. The bill would raise FRS contributions to the Special Risk Class by .08% in order to fund benefits and would prohibit employers from requiring employee increases to the FRS in order to fund the benefit.

#### SB 426

##### **FINANCIAL DISCLOSURES (PASS)**

The Senate unanimously passed a bill that would establish a state electronic filing system for Form 1 and Form 6 financial disclosures and alter reporting requirements. The House unanimously passed the bill the previous week. It now heads to the Governor for approval.

#### HB 7021

##### **LOCAL GOVERNMENT FISCAL TRANSPARENCY (FAIL)**

The House voted 111-3 to increase fiscal transparency for local governments. However, Its Senate companion was never heard in its first committee and is therefore dead. 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.

#### HB 15

##### **SPORTS FRANCHISES (FAIL)**

The House voted 103-13 to pass a Miami-Dade Delegation priority repealing the Sports Development Program, which enables sports franchises to apply for sales and use tax revenue for facility construction and improvements. However, the Senate bill stalled during the February committee weeks. The House bill went much further than the Senate bill and would have repealed tax funding for Spring Training and motorsports facilities. It required lease or sale of public lands to sports franchises be at fair market value. The bill grandfathered contracts entered into before July 1, 2019 and provides that it cannot be construed to impact existing contracts without consent of both parties.

#### HB 791

##### **“REBRANDING” OF TAXES & FEES (FAIL)**

This bill lost momentum after reaching the House floor. It would have rebranded “fees” as “taxes” in an apparent effort to raise public awareness on government levies. The bill required specified fees be renamed “taxes” including those levied on the local level. An amendment clarified 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 had several concerns with the “rebranding.” It 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 questioned 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 made many wary the bill could have been expanded into something more harmful.

HB 7053

## **ENVIRONMENT & ENERGY**

### **RECYCLING + PLASTIC STRAW BAN MORATORIUM – ~~(PASS)~~ VETOED BY GOVERNOR**

The House voted 87-23 and Senate 24-15 voted to advance a bill from last year that requires local governments to address contamination in their contracts with waste companies and processing facilities. The House amended the bill before it sent it to the Senate to include a moratorium on plastic straw ordinances until 2024 with no DEP study of environmental impacts or alternatives. Rather, the bill requires OPPAGA to study the data local governments used in determining their ordinances. In the underlying bill, 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 bill does not restrict type of materials being recycled and does not mandate how local governments should structure their contracts. 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.

HB 771

### **COASTAL MANAGEMENT (PASS)**

The Senate and House unanimously passed beach management legislation sponsored by Rep. Larmarca and supported by advocates for beach preservation, tourism and coastal communities. The legislation would require DEP to create three-year Comprehensive Long-Term Beach Management Plan that lays out a long-term strategy for beach re-nourishment and inlet management projects. The plan must include a critically eroded beaches report. The bill requires DEP to create a four-tiered scoring system for evaluating and prioritizing beach management

projects, including economic importance, storm damage and sand management. The bill also revises criteria for DEP to rank inlet management projects, allows for DEP to fund up to 75% of a large inlet project. Supporters believe the bill would provide stability and continuity similar to the FDOT work program for Florida's beaches.

#### [HB 325](#)

##### **C-51 RESERVOIR (PASS)**

The Legislature unanimously passed C-51 reservoir project legislation which advances an alternative water source for local governments in Palm Beach and Broward. The bill instructs the South Florida Water Management District (SFWMD) to acquire any portion of the reservoir not committed to utilities and any available land needed for the project. The final product provides that the project must be used to maximize reduction of harmful discharges to the Lake Worth Lagoon, permitted water supply, and natural systems. The project must be operated under the rules and maintenance agreements of the SFWMD and may also be funded by an appropriation of the Legislature.

#### [HB 95](#)

##### **PUBLIC UTILITY STORM PROTECTION PLANS (PASS)**

The House voted 110-3 and the Senate voted 39-1 to pass 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.

#### [SB 796](#)

##### **ANCHORING & MOORING (PASS)**

The Legislature unanimously passed 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 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.

#### [SB 1666](#)

##### **FRACKING (FAIL)**

The Legislature failed to pass a ban on fracking, despite encouragement by the Governor. HB 7029 and SB 7064 would have banned most types of fracking but controversially left an exemption for

matrix acidization. Opponents charged that the legislation was a bait and switch that would have allowed a form of backdoor fracking through matrix acidization. Supporters argued that the bill banned all forms of fracking currently taking place in the state and that matrix acidization was a safe and typical method of cleaning wells and not fracking. The bills ultimately died.

#### [HB 7029](#)

##### **DISPLACEMENT OF PRIVATE WASTE COMPANIES (FAIL)**

The House voted 107-9 on 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 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. 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. 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.

#### [HB 1169](#)

##### **DOMESTIC WASTEWATER COLLECTION SYSTEM (FAIL)**

The House unanimously passed legislation that creates a Blue Star Domestic Wastewater Collection System & Maintenance Program under DEP. However, the Senate bill was not heard in its final committee of reference. 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 storm water 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.

## HB 105

### DEVELOPMENT

#### DEVELOPMENT PACKAGE (PASS)

The House voted 66-42 and Senate voted 26-13 to pass huge legislation for developers. There are several elements to this package: a rewrite of the impact fee bill passed earlier this Session; inclusionary housing; private inspection providers; attorneys fees in development challenges; school impact fees; shortened or specific timelines for local government actions and limitations on reviews; and data collection on high rise condominiums (above 75 ft) that are not retrofitted for sprinklers or life safety systems. Some of the main provisions: **Inclusionary Zoning:** The bill requires local governments to provide incentives that would make developer whole for any inclusionary zoning (affordable housing) requirements. This is slightly watered down from an outright ban on inclusionary zoning policies, but still limits local government models. Supporters claim this is a “carrot” rather than a “stick” approach that will lead to more affordable housing in the market while driving down costs. It carves out the Florida Keys as an Area of Critical State Concern. **Private Providers:** It prohibits local governments for charging building inspection fees if the fee owner or contractor hires a private provider, however they may charge a reasonable administrative fee. This is problematic for several reasons: Many local governments charge a flat rate and do not track an inspection fee vs. administrative fee. Local governments must also still fund the costs associated with (among other things) hiring inspectors that can immediately provide inspections should a contract with a private provider be terminated midway through a project. It also limits audits of private providers to only four times per year per company despite some private provider companies performing dozens of inspections. It also limits the scope of subsequent reviews to only those cited in the initial written notice, which could exclude deficiencies arising after initial inspections and those arising from repairs to deficiencies. **Development Orders:** Local governments will have 30 days to review a development order application for completeness, 30 days for applicants to address deficiencies, 120 days (or 180 days for quasi-judicial) to make a final decision to approve, approve with conditions, or deny the application. Both parties can agree to extend this timeframe. **Attorney Fees:** The bill provides that prevailing parties are entitled to reasonable attorney fees incurred in challenging or defending development orders brought to enforce local comprehensive plans. Some opposed this provision as harming the ability of local neighborhoods to enforce local comprehensive plans. **Impact Fees:** This bill overrides the bill passed previously this Session that codified the “dual rational nexus test” for impact fees. It provides that fees must be “proportionate and reasonably connected to” OR have a rational nexus with the impact/benefits of the new construction. It also requires local governments to credit contributions from public education

facilities based on the amount of the impact fee not on the type of school. It also authorizes local governments to waive impact fees for affordable housing without having to offset the cost.

#### HB 7103

##### Final Language

#### **BUILDING PERMITS (PASS)**

The Legislature unanimously approved a bill that allows the Florida Building Commission to adopt triennial amendments to the Florida Building Code. The final product prevents local governments from carrying over excess funds in its building inspection budget greater than the average cost of building code enforcement for the previous 4 fiscal years. It requires excess funds be used to reduce and rebate fees. Previous iterations of the language would have allowed for excess funds to be used for enhancement of service fees and construction workforce development in addition to rebates and fee reductions, however the final language slipped into the package restricted use to only fee reductions and rebates. The bill also prevents surcharges and fees not directly related to enforcing the Florida Building Code and provides that local governments may only charge one search fee for identifying permits associated with one unit or sub-units. The bill originally required 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. However, it was amended on the Senate floor to be the substance of other building permit bills that were no longer viable vehicles and removed the notice provisions.

#### HB 447

#### **SMALL SCALE COMPREHENSIVE PLAN AMENDMENTS (PASS)**

The House voted 108-5 and the Senate voted unanimously to pass a bill that repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government. The bill is intended to help speed up the development process and was praised by a member of the committee for helping to encourage density and community planning.

#### HB 6017

#### **PERMIT FEES (PASS)**

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

### **IMPACT FEES (PASS)**

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. However, the provisions of this bill were rewritten by HB 7103 to include that they must be “proportional or have a rational nexus.” The rule being that the bill passed last has the ultimate say.

### HB 207

### **COMMUNITY DEVELOPMENT DISTRICTS (CDD) (PASS)**

The House voted 106-9 and the Senate unanimously passed 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.

### HB 437

### **PUBLIC CONSTRUCTION PROJECTS (FAIL)**

The House voted 105-3 to pass legislation requiring local governments to use generally accept 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. Its Senate companion has two committees of reference and is likely dead.

### SB 806 (HB 167)

### **RETAINAGE FEES (FAIL)**

The House voted 104-10 to reduce the allowable amount of retainage public entities may withhold from contractors during a construction project that is \$200,000 or more. However, its Senate companion has one more committee of reference. The legislation reduced the allowable amount of retainage from 10 to 5% across the board, after removing language that would place it at 5% until 50% completion of the project and from 5 to 2.5% after 50% completion. It exempted contracts entered into by October 1, 2019 rather than July 1. It also exempts DOT projects. Opponents argued the importance of flexibility in retainage rates as they act as an insurance policy to hold contractors accountable. Supporters argued current rates were prohibiting small

contractors from participating in public projects who lose working capital when payments are delayed. 31 states have adopted the same caps and supporters claim that Florida is losing talented general contractors as a result.

HB 101& SB 246

## **HEALTH & HUMAN SERVICES/PUBLIC SAFETY**

### **FEDERAL IMMIGRATION ENFORCEMENT (PASS)**

The Senate voted 22-18 and the House voted 68-45 to ban “sanctuary” jurisdictions. The Legislature passed this bill after days of emotional and intense debate and roughly 130 floor amendments (mostly filed by Democrats that failed, were withdrawn or not considered) that sent the bill back and forth between the Chambers. The bill requires state and local entities to comply with federal immigration detainers. The final product did not include House language providing a civil cause of action for wrongful deaths or injuries “attributable to a sanctuary policy” and penalties for sanctuary jurisdictions and local officials that subvert compliance. The bill requires local jurisdictions to cooperate with ICE if certain federal detainer documentation is provided and for county correctional facilities to enter into agreements with a federal immigration agency on reimbursement for costs of holding detainees. The bill also added in some protections for illegal aliens who report crimes or are necessary witnesses or victims of crimes. It also “prohibits discrimination” for gender, race, religion and disability. A surprise win for Democrats that would have exempted employees of the Department of Children & Families was short-lived and removed from the bill.

The criteria for what constitutes a sanctuary jurisdiction and whether any currently exist in the state is a subject of disagreement. Proponents of the bill believe it is necessary to ensure jurisdictions are following the rule of law. Opponents argue the bill is unnecessary, a burden on local resources, stigmatizes immigrants, and prevents the immigrant community from engaging with law enforcement to report crimes or seek needed assistance.

Final language

SB 168

### **OPIOID LAWSUIT (PASS)**

After adopting a sunset provision to access of data, the Legislature voted unanimously to authorize the Attorney General to have indirect access to the Prescription Drug Monitoring Program for use in pending controlled substances criminal and civil litigation. The bill hit a snag over concern whether the bill adequately protects identities of those in the database. Under the bill, each patient in the database would be given a unique identification number and data collected is limited to only what is relevant to case discovery. The unique identifier is a

combination of birthdate and zip code. The AGs office filed a lawsuit in May that alleges opioid manufacturers, distributors, and sellers (including Purdue Pharma, CVS and Walgreens) pushed sales of opioids despite knowledge of the dangers and of increasing demand that clearly showed addiction and abuse. The lawsuits alleges they engaged in a deceptive marketing campaign, which included funding ostensibly neutral physicians and organizations, and continuously allowed diversion of their products and filled suspicious prescriptions despite alarmingly high numbers. Without the legislation, the Attorney General believes it could take years and millions of dollars to build a case.

#### HB 1253

##### **ALCOHOL & DRUG RELATED OVERDOSES (PASS)**

The Senate and House unanimously passed a bill to expand the Good Samaritan Act to give immunity from arrest, charge, prosecution, or penalties for a persons who, in good faith, seek help for themselves or other individuals believed to be in need of medical attention while experiencing an alcohol or drug related overdose. The bill is intended to prevent the loss of life in situations where people do not seek needed help due to fear of being charged with underage drinking and drug possession. In order to qualify for immunity from charges related to providing alcohol to minors, the individual is required to stay with the minor until medical assistance arrives and to cooperate with law enforcement. The bill includes immunity from charges related to possession of paraphernalia, possession of drugs below a certain amount, and probation violations.

#### HB 595

##### **HUMAN TRAFFICKING (PASS)**

The Legislature unanimously passed the human trafficking bill as its final bill of the 2019 Legislative Session. The bill would establish a Direct Support Organization to foster private and community partnerships to provide resources to human trafficking victims. It requires the Florida Department of Law Enforcement to develop and implement a training program for law enforcement. It sets up a massage establishment database modeled after the PDMP to prevent someone convicted of trafficking or prostitution from opening a new business license. It provides a penalty for adult strip clubs that falsify age verification documents. It requires employee training on identifying and reporting suspected trafficking activity for public lodging and massage establishments, and licensed medical practices. It requires that all of these businesses post signage containing the National Human Trafficking hotline and establish hotline procedures for employees. The bill would not provide a cause of action or liability for public lodging establishments where human trafficking takes place. However, it does fine them \$2,000 per day if it doesn't meet training requirements. Fines would go to fund the Direct Support Organization. It creates the Soliciting for Prostitution Registry for "johns" and "pimps" to deter demand.. 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.

#### HB 851

(CHANGE)

### **E911 (PASS)**

The House & Senate passed legislation sponsored by Rep. Dubose to require the Department of Management Services to develop a plan to upgrade 911 public safety answering points to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state by February 1, 2020. It also requires the development of communications systems to allow direct communication between 911 radio systems. 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. The Marjory Stoneman Douglas High School Commission will continue to meet over the summer to refine further recommendations and specifically examine Broward's communications systems.

### **HB 441**

### **RECOVERY RESIDENCES (PASS)**

The Legislature unanimously passed legislation from the Sober Home Task Force. The Senate pulled the bill from the final committee reference in the final days of Session after it was deemed "dead" when it was not considered by its final Senate committee. The bill continues to tighten up sober home standards and address unintended consequences of past legislation. The bill exempts "Oxford Homes" from certification requirements, strengthens patient brokering and deceptive practices statutes, provides for certification and background checks of peer specialists, expands background check requirements for recovery residence administrative personnel and expands violations eligible for exemption, and covers residences that have day/night treatment centers.

Sen. Book held a workshop dedicated to mandatory certification of recovery residences to expose the Legislature to the idea that not only was it possible but the right direction the state should move in. While she was able to pass her bill unanimously out of her committee, it stalled in the next committee (Chaired by the sponsor of the Task Force bill.) The sponsors worked out a compromise that would have directed the Sober Home Task Force to provide recommendations to the Legislature by the end of 2020 on how to address mandatory certification for recovery residences. However, as the Senate took the House bill in order to secure the bill's passage, the final product did not contain this language. The final product also did not contain fire safety standards language.

### **HB 369**

### **CARRYING OF FIREARMS BY TACTICAL MEDICAL PROFESSIONALS (PASS)**

The Senate voted 39-1 and House voted 109-7 to pass a bill entitled "Carrying of Firearms by Tactical Medical Professionals" after adding in provisions that prohibited firearms and ammunition on fire apparatus and EMS vehicles and required the law enforcement agency to issue any firearms or ammunition carried. The House previously voted 111-2 without the added provisions. The bill will allow certain physicians and paramedics embedded in law enforcement SWAT teams to carry

firearms while in active support of a tactical operation. In his introduction, the bill sponsor clarified that this does not allow firefighters to carry firearms any time they want, he clarified that it only for when they are engaged in SWAT operations. 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 passage of this bill would not have been possible without the hard work of our sponsors: Rep. David Smith, Rep. Michael Gottlieb and Sen. Hooper. We appreciate all of the efforts of the Coral Springs Fire and Police Departments, Florida Sheriffs Association, Florida Fire Chiefs Association, Broward Sheriff's Office, Broward Police Chiefs Association, Fort Lauderdale Police Department, and Plantation Police Department.

#### HB 487

##### **MEDICAL MARIJUANA (PASS)**

As many expected, the Legislature passed legislation this Session aimed at cleaning up mistakes in the implementing legislation hastily passed during the 2017 Special Session. Unfortunately, while several comprehensive bills were filed, the successful language was narrowly targeted to allowing smokable marijuana, which issue the Governor had set a deadline for the Legislature to act upon before executive action was exercised (SB 182 described below.) This was the first law passed by the Legislature, and first signed into law by the Governor in 2019. The House did pass one other piece of Legislation that would have capped the amount of THC allowed in Medical Marijuana. Though the House attempted to sweeten the language for the Senate with special fee exemptions for veterans and certain testing deadline exemptions, the Senate never filed a companion and refused to concur with a House amendment that contained the language on a Department of Health package. The House allowed the bill to die rather than strip the language off.

**(SB 182):** Early in Session, the legislature rushed to adhere to the Governor's March 15th deadline to permit the use of smokable marijuana. Members shared concerns over the use of marijuana in general, others shared the same concern, but ultimately voted in favor of the bill to honor the intention of the voters with the House voting 101-11 and the Senate voting 34-4. The bill allows minors to smoke medical marijuana only if they are terminally ill and approved by a second physician. It limits patients to 2.5 ounces every 35 days, unless the Department of Health approves an increase at a patient's request. Physicians would be required to show why smokable marijuana is the best avenue for the patient to ingest the medicine. The bill was quickly signed into law by Governor DeSantis (Chapter No. 19-001).

#### SB 182

##### **NEEDLE EXCHANGE (PASS)**

The House voted 111-3 and Senate unanimously voted to passed a bill that would authorize a county commission to establish a sterile syringe and needle exchange program within their county. The bill provides oversight, onsite substance abuse counseling and HIV education, security and reporting requirements. The bill was amended to prohibit any state, county or municipal funding and only allow grants and private donations. It was also amended to remove the ability for a county to provide a waiver for a one-to-one exchange requirement, where one used needle is exchanged for a clean one. 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.

#### SB 366

#### **PUBLIC SAFETY PACKAGE/FLORIDA "FIRST STEP ACT" (PASS)**

The Legislature passed a large, somewhat watered-down criminal justice reform package with only one vote in opposition. The final product raises felony theft thresholds from \$300 to \$750, directs OPPAGA to review thresholds every 5 years, while addressing organized retail theft. It completely overhauls driver license suspension laws, reducing suspension time periods and creating driver license reinstatement days. It increases penalties and ability to report crimes involving contraband in county facilities, lewd and lascivious acts, cyberstalking and animal welfare. It also repeals mandatory direct file; strengthens court-ordered treatment programs; improves reentry programs; creates the Prison Entrepreneurship Program; doubles penalty thresh holds for trafficking hydrocodone (etc.); Finally, it furthers the state's criminal justice data transparency initiatives by changing reporting requirements for agencies, correctional facilities, and law enforcement. This initiative has been applauded nationally for accountability and measuring of the impact of reforms.

#### HB 7125

#### Final Language

#### **PUBLIC NUISANCE (FAIL)**

The House passed this legislation providing additional activities and properties subject to be enjoined as a public nuisance. However, its Senate companion was not scheduled for its final committee of reference. The bill would have deemed 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 extended and strengthened notice requirements to abate the nuisance and limited liability to owners of rental properties provided they rehabilitate the property within 30 days.

#### HB 551

#### SB 668

#### **RISK PROTECTION ORDERS (FAIL)**

This bill was created and filed by the Senate Education Committee, however it was not heard in its next and final committee of reference nor did it have a House companion. The bill would have allowed family members to petition for a Risk Protection Order against an individual without assistance from law enforcement. A Risk Protection Order restricts possession of firearms and ammunition for persons deemed to pose a danger to others and/or themselves. Eligible family members included: biological or legal parents, legal guardians, stepparents, grandparents, and siblings. The bill had significant opposition from conservatives who view it as further infringement on Second Amendment rights.

#### SB 7106

##### **EMOTIONAL SUPPORT ANIMALS (FAIL)**

This bill stalled after getting through all of its committees in the House and the Senate. It would have provided individuals with disabilities that have emotional support animals full access to housing accommodations without being required to pay extra to have the animal. Housing accommodations could have requested documentation from a health care provider that verifies the disability. "Emotional support animals" provide value to the disabled by virtue of their presence rather than particular training. Animals that pose a danger or risk to public safety and health would not have been required to be accommodated and the bill also provides penalties for fraudulent documentation verifying the disability. The committee adopted an amendment that permitted documentation from licensed out-of-state health care providers and permitted housing providers to deny ESAs only if another reasonable accommodation could not mitigate the danger to safety and health.

#### SB 1128

##### **HOMELESSNESS (FAIL)**

The House unanimously passed homelessness legislation. However, its Senate companion was not scheduled for its final Senate committee. It adopted the federal definition of homelessness, reduced required matching funds for challenge grants from 100% to 25%, increased allowable Continuum of Care lead agency's administrative cost to 10%, and prioritized CoC agencies that have proven success in moving families out of homelessness. It also encouraged Rapid Rehousing and removes background checks and substance abuse treatment barriers to Housing First policies. It also appointed a member of the Florida Housing Coalition and designee of the Department of Elder Affairs to the Council on Homelessness.

#### HB 1353

#### SB 1218

##### **JORDAN'S LAW (FAIL)**

The House unanimously passed "Jordan's Law," however the Senate bill was not heard in its final Senate committee. The bill would have established new procedures and requirements to work to prevent the tragedy around Jordan Belliveau's death. It would have added 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 would have added 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 required 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.

[HB 315](#) & [SB 634](#)

## TRANSPORTATION

### **MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS (PASS)**

The Legislature passed with only 1 vote in opposition a bill that would create a regulatory framework to authorize motorized scooters and micromobility devices and place them under the same road requirements as a bicycle (i.e. get them off sidewalks and into bike lanes.) The final language allowed local governments to retain full regulatory authority over roads and sidewalks. It also requires persons offering the devices to secure them during a storm.

[HB 453](#)

### **PASSENGER TRAINS (PASS)**

The Legislature 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.

[HB 341](#)

### **AUTONOMOUS VEHICLES (PASS)**

The Legislature unanimously passed a bill that continues Florida's status one of the leading states in the country on autonomous vehicle technology. The bill allows for the operation of AVs without a human driver and addresses issues such as teleoperations and the notification/rendering of aid in the event of an incident. It includes minimum insurance thresholds, establishes minimum driving conditions for the use of any automatic driving systems, and provides for future funding and planning. Finally, it creates on-demand autonomous networks and prohibits the levying of fines or fees by local entities (with the exception of seaports and airports),

[HB 311](#)

### **NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (PASS)**

The Legislature unanimously passed legislation that would allow Transportation Network Companies to contract with Medicaid Managed Care plans and transportation brokers to provide Nonemergency Medical Transportation to Medicaid patients to and from doctor appointments. It directs the Agency for Health Care Administration to update its policies accordingly and provides that TNC drivers must be screened according to applicable laws. Plans would not be required to contract with TNCs and the bill does not allow exemptions from the Certificate of Public Convenience and Necessity (COPCN) process. Brokers and insurance companies would be in charge of understanding the specific needs of patients, such as wheelchair bound individuals, who would require special vehicles or drivers with special training. The bill is intended to fill a gap in services where patients are not being picked up or transported to medical appointments in a timely manner.

#### HB 411

#### Final Language

### **SENATE PRESIDENT'S TRANSPORTATION PRIORITY (PASS)**

The Senate voted 37-1 and House voted 76-36, despite heightened concerns of environmental groups and a large recurring fiscal impact to general revenue, to pass the Senate President's priority legislation. 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. 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. The language also states that the extra TDTF funding will be in the form of grants to community transportation coordinators and Transportation Network Companies.

The Governor signed this bill into law over the objections of environmentalists across the state, recognizing his strong partnership with Legislative leadership.

## SB 7068

### **DEPARTMENT OF TRANSPORTATION PACKAGE (PASS)**

The Legislature unanimously approved a transportation package prohibiting local governments from adopting standards for permissible aggregates and reclaimed asphalt pavement contrary to DOT standards. It also prohibits the same firm from being used for design and construction if the project receives any state funding with the exception of seaports. It requires contractors bidding for projects over \$50 million to have successfully completed two previous contracts for \$15 million (amended from \$25 million). It also increases the threshold for claims going before the State Arbitration Board.

## HB 905

### **EDUCATION**

#### **SCHOOL SAFETY AND SECURITY (PASS)**

After days of emotional debate, the Senate voted 22-17 and House voted 65-47 to pass its School Safety package. The bill controversially expands the Guardian program to include willing teachers in districts that have opted to use the program. The bill contains a wide range of recommendations from the Marjory Stoneman Douglas High School Commission, including collection and sharing of data, strengthening school security plans and oversight, and more. The MSD Commission had recommended the expansion of the guardian program in order to make up for the shortfall of SRO officers in schools. Supporters argue that very few teachers and very few school districts will volunteer for the Guardian program. Instead, it would increase flexibility for the security dollars to be used. Opponents bemoaned that the bill contained the Guardian expansion as it would be passed unanimously for its provisions strengthening data sharing, school hardening, safety policies, and mental health resources for students.

The Governor has signed this bill into law, and the Marjory Stoneman Douglas High School Commission will continue to meet over the summer to refine further recommendations.

## SB 7030

### **K-12 EDUCATION (PASS)**

The Senate voted 23-17 and House voted 76-39 to advance a bill that implements many of the priorities announced by the Senate and Governor earlier this Session on school choice on the premise that access to a high-quality education should not be based on zip code. The bill creates the Family Empowerment Tax Credit program that expands publicly funded (through business tax credits) vouchers for children to attend private schools. Children currently enrolled in charter schools or in the school for the Deaf & Blind are not eligible for the vouchers. It also expands and funds wrap around services for kids in after school care. 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. It removes what had become a perverse incentive to report incidents of bullying. It also allows a governing charter to require charter schools to reimburse the school district for any costs incurred in a charter school violation of Civil Rights or Equal Employment Opportunity.

#### SB 7070

##### **VPK Provider Accountability (FAIL)**

Like due to its \$11.5 million fiscal impact to the state, this bill snagged in its second committees of reference in the House and Senate. It would have scored VPK providers based on program assessments, required statewide end-of-prekindergarten screenings and post kindergarten assessments, included math and executive functioning skills in student performance standards, provided professional development and training, and required the Office of Early Learning to track student progress through 2<sup>nd</sup> grade.

#### HB 1193

##### **EDUCATIONAL EMPLOYEES (FAIL)**

After passing all committees in the House and Senate, this legislation stalled on the floor of both Chambers. It required the Department of Education to maintain a list of disqualified personnel who engaged in particularly egregious behaviors. All schools, including charter schools, would be prohibited from hiring employees on the list.

#### HB 1127

##### **CHARTER SCHOOLS (FAIL)**

This bill would have authorized both state universities and Florida College System institutions to sponsor charter schools in an effort to provide alternative pathways to receiving a charter. During committee stops, members and the bill sponsor also pointed to the opportunities for career and professional academies to be offered by the charter schools with the higher education institution's support. While the bill passed the House 74-37, its Senate companion never received a hearing.

#### HB 1197

##### **MISCELLANEOUS**

##### **GAMING (FAIL)**

Despite a loss of nearly \$346 million in the budget the Legislature, Governor and Seminole Tribe were unable to reach an agreement in time for the Legislative Session's end date to extend the Seminole Compact. The Governor spent a significant time reviewing a plan that would have extended the Compact from 20 to 31 years. While details of the plan were not shared with the public, leaders stated it intended to address a card-room rule that courts ruled violated the Compact in favor of pari-mutuels (a change pari-mutuels adamantly opposed) and sports betting. Rumors of a Special Session existed for a time, however House Speaker Oliva has publicly

suggested that the issue will not be addressed until the next Legislative Session.

#### **AMENDMENT 4 (PASS)**

One of the most contentious bills this legislative session was the implementation of Amendment 4, which restored the rights of convicted felons to vote. 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. Some opponents did acknowledge that an implementing bill was needed in order to specify the crimes covered in the amendment as opposed to being “self-executing.” However, they opposed the financial obligations as a barrier for the poor to have rights restored. Supporters countered that the text and interpretation thereof offered during Supreme Court testimony required the satisfaction of “all terms,” including fines and restitution. They also argued it would be unfair to victims of crimes to not require restitution payments. Legislators before the final vote noted they had spent multiple weekends away from their families to try to reach a middle ground but were ultimately faced with a product they could not support. The bill itself ultimately died, however the language was placed into an elections reform bill.

HB 7089