



PBC Legislative Update

MAY 31, 2019

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STATE ISSUES

FLORIDA 2019 SESSION PASS AND FAIL

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

2019-2020 BUDGET

After a week of negotiations, 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.) In his Sine Die remarks, Governor DeSantis vowed to be aggressive in using his veto power on legislative projects, stating it “will not be a \$91 billion budget by the time [he’s] done with it.” 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:

General Appropriations Act

- General Revenue(GR): \$34.0 billion
- Trust Funds(TF): \$57.1 billion
- Reserves: \$3.4 billion

HURRICANE MICHAEL RECOVERY

- Emergency Funds Allocation: \$1,639.8 million
- SB 2500 Fiscal Year 2019-2020 General Appropriations Act: \$220.9 million
- Total: \$1,859.3 million
- Affordable Housing for Hurricane Recovery - \$115.0 million TF

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EDUCATION

- Total Appropriations: \$22.5 billion [\$17.5 billion GR; \$5 billion TF, excludes tuition]
- Total Funding - Including Local Revenues: \$34.7 billion [\$22.5 billion state funds; \$12.2 billion local funds].

Local revenues include required and discretionary local effort for the public schools and tuition and fees for workforce, colleges, and universities.

Florida College System

Total: \$2.04 billion [\$1.1 billion GR; \$150.2 million TF; \$786.8 million tuition/fees]

- Increased Operating Funds - \$30 million
- Compression - \$10 million GR
- General Operating Enhancement for the System - \$10 million
- Operating Enhancements for Individual Colleges - \$10 million
- Student Success Incentive Funds - \$30 million
- 2+2 Student Success Incentive Funds - \$20 million
- Work Florida Incentive Funds - \$10million
- No tuition increase

State University System

Total: \$5.1 billion [\$2.8 billion GR; \$386.4 million TF; \$1.9 billion tuition/fees]

- Performance Based Funding - \$560 million
- \$265 million State Investment
- \$295 million Institutional Investment ▪ Reprioritized from the base of each institution
- General Operating Enhancements - \$55.5 million
- New College Enrollment Growth - \$1.6 million
- National Ranking Enhancement - \$21.8 million GR increase
- IFAS Workload - \$1 million
- No tuition increase

Private Colleges

Total: \$148.1 million GR

- Effective Access to Student Education Grant (EASE) and Access Better Learning Education Grant (ABLE) funded at \$2,841 per award

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- Preemption of Local Regulation of Occupational Licensure

Student Financial Aid

Total: \$921.9 million [\$260.8 million GR, \$661.1 million TF]

- Bright Futures – \$595.1 million
- Children/Spouses of Deceased or Disabled Veterans Workload Increase – \$7.7 mill

HEALTH AND HUMAN SERVICES

Total Budget: \$37.7 billion [\$10.2 billion GR; \$2.75 billion TF]

Agency for Health Care Administration

Total: \$29,418 million [\$7,072.8 million GR; \$22,345.2 million TF]

- Medicaid Price Level and Workload – \$94.4 million
- KidCare Workload – \$91.4 million
- KidCare Combined Risk Pool Implementation – \$6.9 million
- Nursing Home Rate Enhancement – \$15.5 million

Agency for Persons with Disabilities

Total: \$1,415.9 million [\$584.3 million GR; \$831.6 million TF]

- Resources for Persons with Unique Abilities – \$48.7 million
- Increase Residential Habilitation Provider Rates - \$28.7 million
- Fixed Capital for Developmental Disability Facilities – \$1.2 million
- Palm Beach Habilitation Center - \$225,000

Department of Children and Families ,

Total: \$3,298.3 million [\$1,854.4 million GR; \$1,443.9 million TF]; 12,050.75 positions

- Community-Based Care Lead Agency (CBC) Funding: \$24.0 million GR, \$24.0 million TF
- Guardianship Assistance Program – \$12.7 million [\$4.0 million GR; \$8.7 million TF]; 12 positions
 - Safety Management Services Restoration – \$8.1 million
 - Community Based Care Core Services - \$8.1 million
 - Child Abuse Prevention and Treatment Grant Increase – \$4.1 million
- Risk Pool Funding – \$8.1 million
- Maintenance Adoption Subsidies – \$30.7 million
- State Opioid Funding – \$83.3 million
- Mental Health/Substance Abuse Funding Increase – \$6.7 million
- Homeless Prevention Challenge Grants Restoration – \$3.2 million

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Attorney General/ Legal Affairs

Total: \$297.5 million [\$66.1 million GR; \$231.4 million TF]

- Opioid Task Force Support - \$0.2 million

Department of Corrections

- Total: \$2.7 billion [\$2.6 billion GR; \$64 million TF]
- Inmate Health Services - \$147.5 million
- Additional Teachers for Institutions - \$1.5 million American's with Disabilities Act - \$1.3 million GR

Florida Department of Law Enforcement (FDLE)

Total: \$303.1 million [\$134.4 million GR; \$168.7 million TF]

- Lease Purchase Aircraft - \$3.8 million
- Improve Sexual Offender and Predator Registry - \$1.5 million
- Florida Incident Based Reporting System (FIBRS) – \$10.2 million
- DNA Database - \$1.0 million

Department of Juvenile Justice

Total: \$594 million [\$432.6 million GR; \$161.3 million TF]

- Additional Evidence Based Residential Services - \$4.3 million
- Youth on Supervised Community Release - \$3.2 million
- Prevention and Early Intervention Programs and Services – \$10.9 million GR; \$3.0 million TF

State Court System

Total: \$555 million [\$460 million GR; \$95 million TF]

- Problem-Solving Courts - including upgrading the Case Management System - \$2.54 million
- Clerks of Court Texting Technology Enhancements Project - \$0.04 million

Justice Administration

Total: \$956 million [\$808 million GR; \$148 million TF]
Due Process - \$28.7 million GR (Incl. "Back of the Bill").

- Guardian Ad Litem Program - \$1.15 million
- State Attorney Workload - \$2 million
- Public Defender Resentencing/General Workload and Due Process funding - \$2.25 million
- Criminal Conflict & Civil Regional Counsel Workload, Due Process, Rent, Etc. - \$3.5 million

TRANSPORTATION, TOURISM AND ECONOMIC DEVELOPMENT

Total Budget: \$15.2 billion [\$270.9 million GR; \$15 billion TF]

- Transportation Work Program - \$9.8 billion
- Affordable Housing Programs - \$200.6 million (\$115 million for Hurricane Michael recovery)
- Economic Development Partners - \$84.5 million
- Job Growth Grant Fund - \$40 million
- Library Grants and Initiatives - \$25.3 million

Department of Economic Opportunity

Total: \$1.7 billion [\$107.3 million GR; \$1.6 billion TF]

- Economic Development Toolkit Payments (existing contracts) - \$26.6 million
- Florida Job Growth Grant Fund - \$40 million
- Economic Development Partners - \$84.5 million
 - Space Florida - \$12.5 million TF; \$6 million GR
 - Visit Florida - \$50 million
 - Enterprise Florida - \$16 million
- Affordable Housing Programs - \$200.6 million
 - State Housing Initiatives Partnership (SHIP) - \$46.6 million
 - Florida Veterans – Housing Grant Funding - \$1 million
 - State Apartment Incentive Loan (SAIL) Programs - \$31 million
 - Hurricane Michael Housing Relief - \$115 million, includes:
 - \$65 million for the Hurricane Housing Recovery Program
 - \$50 million for the Rental Recovery Loan Program
- Housing and Community Development Projects - \$20.7 million
- Belle Glade Community Center - \$3.2 Million

Department of State

Total: \$128.9 million [\$96.4 million GR; \$32.5 million TF]

- State Aid to Libraries - \$21.8 million
- Libraries Construction Grant Ranked List - \$1.0 million
- Grants to Library Cooperatives - \$2.5 million
- Cultural and Museum Program Support and Facilities Grants and Initiatives - \$25.4 million
- Cultural & Museum Program Support Grants - \$21.3 million
- Cultural and Museum Ranked List (funds distributed proportionally to all 478 projects)
- Palm Beach County Projects Funded (partial list):
 - African American History Museum and Library - \$150,000
 - Young Singers of the Palm Beaches, Inc - \$27,673
 - Raymond F. Kravis Center for the Performing Arts - \$45,685
 - Boca Museum of Art - \$45,685
 - Maltz Jupiter Theater, Inc - \$45,673
 - Palm Beach Opera, Inc - \$45,276
 - The Henry Flagler Museum - \$45,140
 - Norton Museum of Art, Inc - \$44,959
 - Florida Atlantic University Galleries - \$17,727
- Culture Builds Florida Ranked List (funds all 132 projects)
- Palm Beach County Projects Funded:
 - St Andrews Episcopal Church - \$9,500
 - For the Children Multicultural Arts Program - \$25,000
 - Sofia Valiente Foreverglades - \$25,000
 - Lake Worth Cultural Renaissance Foundation - \$11,900
 - The Children's Museum - \$15,000
- Cultural Facilities Ranked List (funds 19 of the 37 projects)
 - Cultural Facilities Projects - \$2.5 million GR
 - Palm Beach County Projects Funded:
 - Raymond Kravis Center for the Performing Arts - \$500,00
 - Maltz Jupiter Theater - \$500,000
 - Cultural and Museum Projects - \$1.6 million GR
 - Historical Resources Preservation - \$14.2 million
- Historic Preservation Grants - \$13.6 million [\$7.1 million GR; \$6.5 million TF]

- Historic Preservation Small Matching Grants Ranked List (funds all 56 projects)
Palm Beach County Funded Projects:
 - Lake Worth Historic Resources Survey Update - \$50,000
 - Lake Park – Lake Park Town hall Structural Condition Assessment and Report - \$28,000
 - Delray Beach - Historic Resources Survey Update - \$50,000
 - Lake Worth – Lake Worth Digital - \$50,000
 - Delray Beach Education and Outreach – Digitizing Historical Records - \$50,000
- Historic Preservation Special Category Grants Ranked List (funds 18 of 54 projects)
- Historic Preservation Grants for Hurricane Recovery - \$5 million
- Historic Preservation Projects - \$1.3 million
- Division of Elections - \$6.1 million GR; \$1.8 million TF
- Cyber Security Grants to Supervisors of Elections - \$2.8 million
- County Elections Assistance - \$2.4 million

Department of Transportation

Total: \$10.8 billion TF

- Transportation Work Program - \$9.8 billion
- Highway and Bridge Construction - \$3.6 billion
- Resurfacing and Maintenance - \$1.1 billion
- Design and Engineering - \$1.1 billion
- Right of Way Land Acquisition - \$673.1 million
- Public Transit Development Grants - \$668.1 million
- Rail Development Grants - \$222.9 million

County Transportation Programs:

- Small County Road Resurface Assistance Program (SCRAP) - \$29.3 million
- Small County Outreach Program (SCOP) - \$71.3 million, including: Municipalities in Rural Areas of Opportunity - \$9 million
- Municipalities and Counties Impacted by Hurricane Michael - \$15 million
- Aviation Development Grants - \$266.5 million
- Seaport and Intermodal Development Grants - \$229.2 million
- Local Transportation Initiatives (Road Fund) Projects - \$85.3 million, including: Hurricane Michael Recovery Projects - \$5.6 million TF
- Transportation Disadvantaged Program - \$55.9 million

Department of Military Affairs

Total: \$66.9 million [\$22.9 million GR; \$43.6 million TF]

Division of Emergency Management

Total: \$2.06 billion [\$44.3 million GR; \$2.02 billion TF]

- Federally Declared Disaster Funding - \$1.94 billion
- State Operations - \$92.4 million TF
- State Emergency Operations Center Design - \$1 million
- Rural Emergency Operation Centers Design - \$1.8 million
- Emergency Operations Centers and Generators - \$10 million
- Disaster Recovery and Preparedness Projects - \$1.2 million
- Statewide Regional Evacuation Study - \$1.2 million
- Hurricane Michael Recovery Grant Program - \$25 million
- Hurricane Michael Recovery Projects - \$4.4 million

AGRICULTURE, ENVIRONMENT AND GENERAL GOVERNMENT

Total Budget: \$6.1 billion [\$848.9 million GR; \$876.3 million LATF; \$4.3 billion Other TF]

Department of Agriculture & Consumer Services

Total: \$1.7 billion [\$132.9 million GR; \$115.2 million LATF; \$1.5 billion TF]

- Wildfire Suppression Equipment/Aircraft - \$11.6 million
- Water Supply Planning - \$1.5 million
- African Snail Eradication Program - \$1.3 million
- Citrus Crop Decline Supplemental Funding - \$2.4 million
- Citrus Health Response Program - \$6.4 million
- Citrus Greening Research - \$8 million
- Lake Okeechobee Agriculture Projects - \$4 million
- Farm Share and Food Banks - \$5.8 million
- Agriculture Education and Promotion Facilities - \$5 million
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Department of Business & Professional Regulation

Total: \$157.4 million [\$1.4 million GR; \$155.9 million TF]

- Compulsive and Addictive Gambling Prevention - \$0.3 million TF

Department of Citrus

Total: \$23 million [\$1.6 million GR, \$21.4 million TF]

Department of Environmental Protection

Total: \$1.8 billion [\$359.4 million GR; \$659.8 million LATF; \$807.7 million TF]

- Everglades - \$367.2 million [\$249.8 million LATF; \$74.5 million GR; \$3.0 million TF]
- Water Quality Improvements - \$149.1 million
- Septic-to-Sewer/Wastewater Treatment - \$25 million
- North of Lake Okeechobee / Everglades - \$50 million
- Water Projects - \$49.1 million
- Blue-Green Algae Task Force - \$10.8 million
- Innovative Technology Grants for Harmful Algal Blooms - \$10 million
- Petroleum Tanks Cleanup Program - \$110 million
- Hazardous Waste/Site Cleanup - \$8.5 million TF
- Beach Management Funding Assistance - \$50.0 million [\$9.8 million GR; \$40.2 million LATF]
- Palm Beach County Projects Funded:
 - Delray Beach Segment - Palm Beach County Shore Protection Project - \$27,293
 - Ocean Ridge Segment - Palm Beach County Shore Protection Project - \$25,650
- Drinking Water Revolving Loan Program - \$125.5 million
- Wastewater Revolving Loan Programs - \$181.7 million
- Alternative Water Supply - \$40 million
- Small County Wastewater Treatment Grants - \$13 million
- Local Parks - \$2.7 million
- Florida Forever - \$33 million
- Working Waterfronts - \$1.5 million
- State Parks Maintenance and Repairs - \$31.5 million

Fish & Wildlife Conservation Commission

Total: \$393.1 million [\$43.6 million GR; \$101.3 million LATF; \$248.2 million TF]

- Hurricane Irma Marine Fisheries Disaster Recovery - \$23.7 million
- Invasive Species Response - \$1.0 million
- Red Tide Research - \$4.2 million
- Boating Infrastructure and Improvement Program - \$5.7 million
- Derelict Vessel Removal - \$4.0 million
- Law Enforcement Body Worn Cameras - \$0.7 million GR

LEGISLATION PASSED

GENERAL POLICY

INTERGOVERNMENTAL RELATIONS

ATTORNEY FEES IN CHALLENGES TO LOCAL ORDINANCES (HB 829)

The Senate voted 25-14 and House voted 77-31 to pass a bill that awards attorney's 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 attorney's 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 (SB 1000)

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, 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 (HB 1159)

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 on 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 government's 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 (SB 7014)

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 Litem, etc.) and others to establish internal controls to prevent and detect waste, fraud and abuse. It requires local governments to maintain budget documents on websites for specified times. 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 (SB 82)

The House voted 93-16 and the Senate 35-5 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.

[SB 82](#)

FINANCE & TAX

TAX PACKAGE (HB 7123/HB 7127)

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 referendum 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 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) (HB 5)

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 (HB 9)

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 (SB 426)

The House and Senate both voted unanimously to pass legislation where, 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 (HB 7021)

The House and 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.

[HB 7021](#)

ENVIRONMENT & ENERGY

ANCHORING & MOORING (SB 1666)

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](#)

DEVELOPMENT

DEVELOPMENT PACKAGE (HB 7103)

The House voted 66-42 and Senate voted 26-13 to pass a bill that includes: a rewrite of the impact fee bill passed earlier this Session; inclusionary housing; private inspection providers; attorney’s fees in development challenges; school impact fees; and 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 are:

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. 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. 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.

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.

Impact Fees: This bill overrides the bill passed previously this Session (see next bill below) 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](#)

IMPACT FEES (HB 207)

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](#)

BUILDING PERMITS (HB 447)

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 cost of building code enforcement for the previous 4 fiscal years. It requires excess funds be used to reduce and rebate fees. It 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.

[HB 447](#)

SMALL SCALE COMPREHENSIVE PLAN AMENDMENTS (HB 6017)

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.

[HB 6017](#)

PERMIT FEES (HB 127)

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.

[HB 127](#)

COMMUNITY DEVELOPMENT DISTRICTS (CDD) (HB 437)

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.

[HB 437](#)

HEALTH & HUMAN SERVICES/PUBLIC SAFETY

E-911 SYSTEMS (HB 411)

The House & Senate unanimously passed legislation to require the Department of Management Services to develop a plan to upgrade 911 public safety answering points to transfer emergency calls to other responding law enforcement agencies by February 1, 2020 and 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.

[HB 441](#)

CARRYING OF FIREARMS BY TACTICAL MEDICAL PROFESSIONALS (HB 487)

The Senate voted 39-1 and House voted 109-7 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 bill will allow certain physicians and paramedics embedded in law enforcement SWAT teams to carry firearms while in active support of a tactical operation. The medics have advanced life-saving skills and respond to calls with SWAT teams in order to quickly address medical emergencies and save the lives of victims, law enforcement, and even perpetrators. The bill is supported by the Florida Sheriffs Association, Florida Fire Chiefs Association, Broward Sheriff's Office, and Broward Police Chiefs Association.

[HB 487](#)

FEDERAL IMMIGRATION ENFORCEMENT (SB 168)

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 that sent the bill back and forth between the Chambers. The bill requires state and local entities to comply with federal immigration detainers. 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.

[Final language](#)

[SB 168](#)

OPIOID LAWSUIT (HB 1253)

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. 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 (HB 595)

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.

[HB 595](#)

HUMAN TRAFFICKING (HB 851)

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 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](#)

NEEDLE EXCHANGE (SB 366)

The House voted 111-3 and Senate unanimously voted to pass a bill that would authorize a county commission to establish a sterile syringe and needle exchange program within their county. The bill provides oversight, 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.

[SB 366](#)

SOBER HOMES AND SUBSTANCE ABUSE TREATMENT (HB 369)

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. The bill continues to tighten up sober home standards and address unintended consequences of previously passed 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. The final product did not contain language directing 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. The final product also did not contain fire safety standards language.

[HB 369](#)

PUBLIC SAFETY PACKAGE/FLORIDA “FIRST STEP ACT” (HB 7125)

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; and doubles penalty thresholds for trafficking hydrocodone. This initiative has been applauded nationally for accountability and measuring of the impact of reforms.

[HB 7125](#)

[Final Language](#)

LEWD AND LASCIVIOUS EXHIBITION (HB 599)

The Legislature unanimously approved legislation to afford the same protections to county corrections officers as those of state correctional officers in enhancing penalties for sexually harassing inmate behavior. The disparate standards have forced county female correctional officers in some areas to have to file lawsuits alleging facilities are not taking steps to protect them against a sexually hostile work environment. The bill makes it an unlisted third-degree felony for an inmate who engages in certain sexually harassing behaviors towards a correctional employee. The bill is supported by the AFL-CIO and the Palm Beach County Sheriff.

[HB 599](#)**SAFE MEDICAL USE OF MARIJUANA (SB 182)**

Early in Session, the legislature rushed to adhere to the Governor's March 15th deadline to permit the use of smokable marijuana. The House voted 101-11 and the Senate voting 34-4 to approve the bill. 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](#)**HEMP (SB 1020)**

The Senate voted 39-0 and House voted 112-1 to direct the Florida Department of Agriculture and Consumer Services to craft a state plan permitting the cultivation of hemp. Authorized by the most recent federal farm bill, states are permitted to submit plans with requirements, processes and enforcement provisions for cultivating hemp. The program does reflect more of the provisions of the original House bill, with the Department required to establish a plan with mandatory registrations and background checks of farmers with random annual inspections of each licensee. The bill also has the language from the Senate side creating a "Hemp Advisory Council". The Department has already begun preparing for developing the plan once the bill is signed into law.

[SB 1020](#)**DRUG IMPORTATION (HB 19)**

The Senate voted 27-13 and the House voted 93-22 to establish two international drug importation programs. The bill establishes two

programs, the first is narrowly focused to only allowing importation from Canada, and the second sets the state up to import from any other nation if authorized by the federal government. The Canadian importation program has been permitted in federal law for over a decade but has never been authorized by the US Department of Health and Human Services.

[HB 19](#)

TRANSPORTATION

TEXTING WHILE DRIVING (HB 107)

The House voted 108-7 and Senate voted 33-5 to make texting while driving a primary offense. The final product includes “hands free” zones in school zones and work zones while workers are present. Law enforcement will issue verbal warnings from Oct-Dec 2019 and must record the race/ethnicity of those issued violations in order to determine if the law is being enforced with a racial bias. First time violators can avoid penalties if they can show they have purchased a hands free device.

[HB 107](#)

MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS (HB 453)

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.

[HB 453](#)

PASSENGER TRAINS (HB 341)

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 has been criticized as lengthy and causing unnecessary delays in getting trains back up and running.

[HB 341](#)

AUTONOMOUS VEHICLES (HB 311)

The Legislature unanimously passed a bill that updates statutes to embrace developments in autonomous vehicle technology. It includes minimum insurance thresholds, prohibits the levying of fines or fees by local entities (with the exception of seaports and airports), establishes minimum driving conditions for the use of any automatic driving systems, and provides for on-demand autonomous networks.

[HB 311](#)

NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (HB 411)

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 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 (SB 7068)

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.

[SB 7068](#)

DEPARTMENT OF TRANSPORTATION PACKAGE (HB 905)

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. While seaports were exempted, airports were not. Despite several attempts to include airports in the exemption, including in a later engineering bill that also amended the definition of contractor for the same purpose, the sponsors only agreed to state on the floor that the intent was to not impact current projects or projects pending approval.

[HB 905](#)

EDUCATION

ANTI-SEMITISM (HB 741)

The Florida Educational Equality Act (FEEA) requires equal access to, and prohibits discrimination against, any student or employee of the state's K-20 public education system on the basis of race, ethnicity, national origin,

gender, disability, or marital status. The bill amends the FEEA to add religion as a protected class with regard to discrimination against students and employees in Florida’s K-20 public education system. The bill requires a public K-20 educational institution to treat discrimination by students or employees or resulting from institutional policies motivated by anti-Semitism in an identical manner to discrimination motivated by race. The bill also amends the FEEA to add a definition of anti-Semitism similar to the definition adopted by the U.S. Department of State’s Special Envoy to Monitor and Combat Anti-Semitism, providing that “anti-Semitism” is a certain perception of Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities; the definition includes examples of what classifies as anti-Semitism including those related to Jewish people generally and the State of Israel. The bill includes legislative intent that the new law defining anti-Semitism may not diminish or infringe upon any right protected under the First Amendment to the U.S. Constitution, or the Florida Constitution, and prohibits construction of the law in conflict with federal or state discrimination laws.

SCHOOL SAFETY AND SECURITY (SB 7030)

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. 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.

[SB 7030](#)

K-12 EDUCATION (SB 7070)

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. 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.

[SB 7070](#)

RESTORATION OF VOTER RIGHTS

AMENDMENT 4

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 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](#)

PUBLIC RECORDS

Public Records & Public Meetings/Local Government Utilities (HB 327)

Background: Florida’s sunshine laws require records pertaining to a matter of public interest to be open to public review, while meetings of any government body where public matters are discussed must be open to the public, unless an exception is provided by general law. Information pertaining to IT security for publicly owned or operated utilities is currently exempt from the public records requirement, but not from public meeting requirements. This bill exempts any meeting during which IT security for public utilities is discussed from the public meeting requirement, however, the meeting must still be recorded and transcribed, and the record kept confidential unless a court of competent jurisdiction

determines that the information is of a non-exempt nature after a review of the meeting records. Even then, only those portions of the transcript or recording detailing non-exempt data may be disclosed to a third-party. This exemption is subject to the Open Government Sunset Review Act and will stand repealed October 2, 2024 unless extended by the Legislature.

ENVIRONMENTAL

C-51 Reservoir (HB 95)

Background: The C-51 Reservoir is a planned water conservation project in two phases to be located on land in western Palm Beach County formerly used for rock mining. Completion of Phase I of the project is estimated to store 14,000 acre-feet of water storage from the local basin and Lake Okeechobee (Lake O) for water supply, while Phase II of the project is estimated to provide a further 46,000 acre-feet of water storage for alternative water supply projects and other environmental purposes. The ultimate aim of the project is to reduce discharges from Lake Okeechobee through the C-51 Canal. High lake levels, which lead to discharges, have placed stress on the aging Herbert Hoover Dike. The discharges also contribute to blooms of toxic blue-green algae in the St. Lucie and Caloosahatchee Rivers, their associated estuaries, the Indian River Lagoon, and near shore marine environments.

SFWMD has already entered into a public-private partnership with Palm Beach Aggregates, LLC (PBA) to operate and maintain the completed reservoir. Under current law, the WMD must operate Phase I & II of the project to the utmost in reducing discharges from Lake O, and no water recovered from Lake O may currently be used to support consumptive use permits (CUPs).

Changes: This bill enacts the following changes:

- Expands provisions of the C-51 project currently restricted to Phase II of the project to apply to Phase I, including the ability of the SFWMD to acquire portions of the reservoir's capacity not already allocated to alternative water supply projects and the ability to acquire more land near the reservoir for project implementation;
- Relaxes the current language mandating the project to reduce Lake O discharges to include the phrase "to the extent practical"; and
- Clarifies that CUPs issued from the reservoir are not supported by water received from Lake O, and that CUPs issued from the reservoir must be in accordance with SFWMD rules.

Coastal Management (HB 325)

This bill revises the statutory criteria by which local beach and inlet project grant requests are ranked by the DEP. It requires DEP to divide the criteria into a four-tier scoring system, to assign each tier a certain percentage of overall point value, and to weigh the criteria equally within each tier. The bill also:

- Provides that if the DEP identifies specific reasonable and documented concerns that the project will not proceed in a timely manner, DEP may choose not to include the project in the annual funding priorities submitted to the Legislature;
- Eliminates the requirement that the DEP assign points for the financial and administrative commitment to the project by the local sponsor, including a long-term financial plan with a designated funding source or sources for initial construction and periodic maintenance;
- Amends the statutory definition of “significant change” to include a project-specific change or cumulative changes that exceed the project's original allocation by \$500,000. Currently, when a funding level for a project significantly changes from the amount the local sponsor requested and was approved in the funding allocation, DEP must notify the governor and Legislature how the surplus funds will be used;
- Allows surplus funds due to significant changes to be expended on beach restoration and beach re-nourishment projects, not just inlet management projects, other priority projects, or as part of a reversionary appropriation.
- Authorizes the DEP to use surplus funds from projects that do not have a significant change for inlet management projects, beach restoration and nourishment projects, as a reversionary appropriation, or for other specified priority projects on the active project lists. Does not require the DEP to notify the legislature or the governor as would be the case with a surplus resulting from a significant change; and
- Requires funding for specific projects on annual project lists approved by the Legislature to remain available for such projects for 18 months.
- The changes relating to beach ranking criteria have an effective date of July 1, 2020, while the changes relating to surplus funds have an effective date of July 1, 2019.

For inlet management projects, the bill:

- Revises and updates the criteria that DEP must consider when ranking inlet management projects for funding consideration, and to weigh each criterion equally;
- Authorizes DEP to pay up to 75 percent of the construction costs of an initial major inlet management project component, and allows DEP to share the costs of the other components of inlet management projects equally with the local sponsor;
- Requires DEP to rank the inlet monitoring activities for inlet management projects as one overall subcategory request for funding separate from the beach management project funding requests.

Lastly, the bill requires the DEP to develop and maintain a Comprehensive Long-Term Beach Management Plan that must include the following: a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan that includes a three- year work plan identifying all the beach nourishment and inlet management projects viable for implementation during the ensuing fiscal years.

Effective Date: July 1, 2019, unless otherwise specified

Wetland Mitigation (HB 521)

This bill provides that local government may use permittee-responsible mitigation consisting of the restoration or enhancement of lands purchased and owned by the local government whenever state/federal mitigation credits are not available to offset the adverse impacts of a local project. This mitigation must still conform to permitting requirements under s. 373.4136, F.S., and mitigation credits may not be used for any other projects except those located on land purchased for conservation by the local government entity.

Public Utility Storm Protection Plans (SB 796)

This bill creates a new statute requiring a recovery clause for storm protection costs. Each utility (excluding gas utilities) will be required to file a transmission and distribution storm protection plan with the PSC detailing 10-years of planned improvements, which the PSC will have 180 days to approve or modify.

The variables that must be considered are:

- The extent to which the plan is expected to reduce restoration costs and outage times associated with extreme weather events and

enhance reliability, particularly in areas with lower reliability performance;

- The extent to which the plan is feasible, reasonable, or practical in certain areas of the utility's service area, including in flood zones and rural areas;
- The estimated costs and benefits to the utility and its customers if the proposed improvements are made; and
- The estimated annual rate impact resulting from the plan over the first 3 years of implementation.

These plans must be resubmitted to the PSC every 3 years for further review and modification. Additionally, the PSC must hold proceedings on an annual basis with the IOUs on whether they can justify and recover these mitigation costs through the cost recovery clause. Under the bill, these costs may automatically be deemed prudent, although a third party may challenge this. If the commission finds that costs were properly incurred, no further review or disallowance is allowed, except in situations involving fraud, perjury, or intentional withholding of information.

The annual transmission and distribution storm protection plan costs that are recoverable through the storm protection cost recovery clause must be stated separately from the public utility's base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the commission.

Department of Environmental Protection (HB 5401)

This bill re-creates the Division of Law Enforcement within the DEP and transfers all the primary powers and duties of the FWC with regard to the investigation of certain environmental crimes and the enforcement of related laws, in accordance with the memorandum of agreement to be entered into between the two agencies. The FWC will retain law enforcement authority over the patrol of state-owned lands managed by the DEP, and the FWC will coordinate with the DEP in that regard.

The bill requires the FWC and the DEP to develop a new memorandum agreement detailing the respective responsibilities of the FWC and the DEP with regard to at least all of the following:

- Support and response for oil spills, hazardous spills, and natural disasters;
- Law enforcement patrol and investigative services for all state-owned lands managed by the DEP;

- Law enforcement services, including investigative services, for all criminal law violations of chs. 161, 258, 373, 376, 377, 378, and 403, F.S.;
- Enforcement services for civil violations of the DEP's administrative rules related to all of the following program areas:
 - The Division of Recreation and Parks.
 - The Office of Coastal and Aquatic Managed Areas.
 - The Office of Greenways and Trails; and
 - Current and future funding, training, or other support for positions and equipment being transferred from the FWC to the DEP, which can be funded through any trust fund.

To further effectuate the transfer, the bill also:

- Requires the Secretary of Environmental Protection and the Executive Director of the FWC to appoint two staff members each to a transition advisory working group to review the administrative rules of both agencies to conform them with the changes made by this bill;
- Establishes a joint-enforcement role for the DEP and FWC in policing the state's parks and preserves;
- Authorizes a statewide radio communications system to serve state and local law enforcement units, and appoints a DEP representative to the task force charged with designing, planning, and implementing that system;
- Authorizes the DEP to expend available monies from the Inland Protection Trust Fund to enforce laws related to protection from contamination of stored petroleum or petroleum products;

LEGISLATION THAT DID NOT PASS

GENERAL POLICY

INTERGOVERNMENTAL RELATIONS

VACATION RENTALS (HB 987)

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 by only one vote. 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. – Died on the calendar.

[HB 987](#)

TOWING & IMMOBILIZATIONS(SB 1792/HB 1237)

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 would have set licensure and notice requirements, and prohibited ordinances or rules that impose a fee on wrecker operators and immobilization of vehicles or vessels. It also would have 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. – Died on the calendar.

[SB 1792](#) & [HB 1237](#)

PREEMPTION OF LOCAL REGULATION OF OCCUPATIONAL LICENSURE (HB 3)

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. 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 (HB 7119/SB 1618)

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 (HB 847)

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.

[HB 847](#)

ETHICS (HB 1)

The House unanimously passed an ethics package, however the Senate never heard the bill or its companion. The bill would have 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 would have 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.

[HB 1](#)

LOCAL GOVERNMENT FISCAL TRANSPARENCY (HB 15)

The House voted 111-3 to increase fiscal transparency for local governments. However, Its Senate companion was never heard in its first committee. The Florida League of Cities and Florida Association of Counties had concerns as it relates to “debt ratio” requirements. The bill would have required 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.

[HB 15](#)

SPORTS FRANCHISES (HB 791)

The House voted 103-13 to pass a bill repealing the Sports Development Program, which enables sports franchises to apply for sales and use tax revenue for facility construction and improvements. The House bill would have repealed tax funding for Spring Training and motorsports facilities. The Senate bill remained in committee and was not heard on the floor.

[HB 791](#)

“REBRANDING” OF TAXES & FEES (HB 7053)

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 would have required specified fees be renamed “taxes” including those levied on the local level.

[HB 7053](#)

ENVIRONMENT AND ENERGY

DISPLACEMENT OF PRIVATE WASTE COMPANIES (HB 1169)

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 would have made the 3 year waiting period mandatory and increased the payout option by two years, negotiating a settlement from 15 to 18 months. Opponents said 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 (HB 105)

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 passed 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. The American Water Works Association, Florida Association of Counties, Florida League of Cities, Broward County and other public utilities supported the bill.

DEVELOPMENT

PUBLIC CONSTRUCTION PROJECTS (SB 806/HB 167)

The House voted 105-3 to pass legislation requiring local governments to use generally accepted cost accounting methods when determining whether it should complete a construction project using in-House employees, services and equipment instead of bidding for a contract. Its Senate companion died in committee.

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

RETAINAGE FEES (HB 101/SB 246)

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 died in committee. The legislation would have 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.

[HB 101](#) [SB 246](#)

HEALTH AND HUMAN SERVICES

SECURITY IN TRIAL COURT FACILITIES (HB 639/SB 762)

This bill stalled in its final of four Senate committees although it made it to the House floor. It would have required sheriffs to coordinate a plan for court security with the Board of County Commissioners and the chief judge of the judicial circuit court.

[HB 639](#) [SB 762](#)

HOMELESSNESS (HB 1353/SB 1218)

The House unanimously passed homelessness legislation. However, its Senate companion was not scheduled for its final Senate committee. It would have 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.

[HB 1353](#) [SB 1218](#)

JORDAN'S LAW (HB 315/SB 634)

The House unanimously passed "Jordan's Law," however the Senate bill was not heard in its final Senate committee. The bill 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.

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

PUBLIC NUISANCE (HB 551/SB 688)

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](#)

CAPS TO THC CONTENT IN SMOKABLE MARIJUANA (HB 7117/SB 188)

After passing SB 182, which authorized smokable medical marijuana early in Session, the House attempted to place THC-caps on any cannabis sold as whole flower for ingestion through smoking. The Senate never filed a bill on their side.

[HB 7117](#)

[SB 188](#)

TRANSPORTATION

VEHICLES FOR RENT OR LEASE (HB 1111)

This bill stalled during the committee process. The bill clarified that car rental transactions, no matter how they are conducted, are subject to the rental car surtax. It also allowed for electronic documentation, changes license verification and requires sharing platforms to have an agreement with a public airport in order to provide services there. The bill attempted to create parity between traditional car-rental services and peer-to-peer car sharing programs in requirements for agreements with airports and for daily surcharges on rentals. Drivers license verification language passed after being added to HB 385, but not the rental surcharge language.

[HB 1111](#)

EDUCATION

CHARTER SCHOOLS (HB 1197)

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

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.

ENVIRONMENTAL REGULATION (HB 771)

This bill touches on two different areas of environmental law: local government recycling programs and ERP permits.

Recycling Programs

The bill would have required contracts entered into between local governments and residential recyclable waste collectors and recycling facilities to address non-hazardous contamination of recyclable material in their contracts.

Environmental Resource Permits

This bill would have prohibited local governments from requiring a person claiming an ERP exemption to provide further verification from the DEP that he or she is exempted.

Plastic Straw Ordinances

This bill would have placed a moratorium on local government ordinances regulating plastic straw use with a sunsets on July 1, 2024.

OPPAGA was directed to conduct a study of straw ordinances to be completed and submitted to the Legislature by December 1, 2019

This bill was subsequently vetoed by the Governor and included a favorable nod to local governments and the ability of local elected officials to exercise their home rule rights in making policy decisions. Whether the governor’s veto is evidence of a broader policy position is unknown, however, he was particularly strong in his words defending the rights of local government.