



## 2019 LEGISLATIVE SESSION

### FINAL REPORT



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## *Introduction*

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The 2019 Legislative Session began on March 5, 2019 and ended May 4, 2019. During the 60-day Session a total of 3,492 bills and 1,630 appropriations projects were filed. 197 bills passed both the House and Senate chambers. While transportation and healthcare reform dominated much of the Session dialogue, the overarching issue this year was to provide adequate funding to the Panhandle, which was devastated by Hurricane Michael. More than \$600 million in state appropriations went to the hardest hit counties, which have yet to receive federal disaster funding. Due to budgetary constraints that resulted from Hurricane Michael spending, a record number of appropriation project requests went unfunded.

The Intergovernmental Affairs/Boards Section worked with contract lobby teams to pass County priority legislation and appropriations and lessen the impact of attempts at preemption and unfunded mandates.

Respectfully,

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## **AFFORDABLE HOUSING**

The Board continues to support the full use of Sadowski Funds for affordable housing. This year, the Legislature appropriated \$200.6 million to State Housing Funds. Of those funds, \$115 million will be used to for the Hurricane Housing Recovery Program and Rental Recovery Loan Program for eligible counties and municipalities based on the Hurricane Michael FEMA damage assessment. Additionally, the Legislature transferred a total of \$125 million from the Local Government and State Housing Trust Funds to the General Revenue Fund. This “sweep” is significantly less than in previous years.

Broward Legislative Delegation members, Rep. Gottlieb and Sen. Thurston, filed companion bills (HB 729 and SB 842) related to the ability to levy a discretionary surtax on documents for the purpose of establishing and financing an Affordable Housing Trust Fund in Broward County. Presently, Miami-Dade County maintains a Housing Assistance Loan Trust Fund and implements a Documentary Surtax Program (“The Program”). The Program benefits very low- to moderate-income families. Very low-income families have incomes of 50 percent or less than the median area income. Low-income families are those households with incomes of 80 percent or less of median area income. Moderate-income families have incomes greater than 80 percent, but less than 140 percent of median area income. The legislation would have allowed Broward to implement a similar program. Unfortunately, neither bill was heard in any committee.

## **CRIMINAL JUSTICE REFORM**

### **HB 7125 – Public Safety, Rep. Renner/SB 642 – Sen. Brandes**

*If approved by the Governor, these provisions take effect October 1, 2019. Vote | Not presented as of June 18<sup>th</sup>.*

The *Florida First Steps Act* increases the threshold for various theft offenses, reduces the length of time for various revocations and suspensions of a driver license, requires each clerk of court to establish a Driver License Reinstatement Day Program to assist those wanting their driver license reinstated, and allowing the clerks to waive certain fines and fees.

Further, the legislation prohibits lewd or lascivious exhibition in the presence of any person employed or contracted for a county detention facility, increases the current threshold weight amounts for trafficking in hydrocodone, and requires the Florida Department of Law Enforcement (FDLE) to develop a uniform arrest affidavit.

Additionally, the legislation authorizes the Department of Corrections (DOC) to increase the number of transition assistance specialists, who inform inmates about relevant job credentialing or industry certifications and create a toll-free hotline for released inmates to obtain information about community-based reentry services. It will also require DOC to provide inmates with a comprehensive community reentry resource directory that includes specific information related to services and portals available in the county where the inmate is released and develop a Prison Entrepreneurship Program that includes education with specified curriculum and authorizes the DOC to train inmates to become firefighters.

The legislation also codifies DOC’s current practice of using graduated incentives to promote compliance with probationers and offenders on community control who are under supervision. Generally, technical violations of

probation result in the offender's immediate return to prison – regardless of the probation officer's recommendation. The legislation now requires each circuit to create an alternative sanctions program to handle specified types and occurrences of technical violations of probation or community control with the judge's concurrence. The legislation also removes the requirement for the Department of Juvenile Justice (DJJ) to enter information related to a civil citation or prearrest diversion program into the Juvenile Justice Information System Prevention Web.

Finally, the legislation allows a person who has completed all the terms of their criminal sentence be eligible for an award of certain scholarships and grants for higher education. While the legislation does not address changes in mandatory minimums for most offenses, other than selling horsemeat; it is an issue that will be debated in future sessions.

#### **STATE BEACH MANAGEMENT PROGRAM**

##### **HB 325 – Coastal Management, Rep. LaMarca/SB 446 – Sen. Mayfield**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/28/19.*

The legislation amends the criteria the Department of Environmental Protection (DEP) must consider when determining annual funding priorities for beach management projects and inlet management projects; most notably economic return on investment. Additionally, DEP must develop and maintain a Comprehensive Long-Term Beach Management Plan that requires the following: a strategic beach management plan, critically eroded beaches report, and statewide long-range budget plan that includes a three-year work plan identifying beach nourishment and inlet management projects viable for implementation during the ensuing fiscal years.

##### **HB 95 – C-51 Reservoir, Rep. Jacobs/SB 92 – Sen. Book**

*Approved May 7<sup>th</sup> – Chapter 2019-68.*

The legislation authorizes the South Florida Water Management District (SFWMD) to acquire any portion of the C-51 Reservoir Project not already committed to utilities for alternative water supply purposes. The operation of Phase I of the project must be in accordance with any operation and maintenance agreement approved by the SFWMD. Water made available by the reservoir must be used for natural systems in addition to any permitted amounts for water supply. Finally, the legislation authorizes Phase II of the project to be funded with existing authorized funding sources.

#### **SUBSTANCE ABUSE AND MENTAL HEALTH**

##### **HB 369 – Substance Abuse Services, Rep. Caruso/ SB 900 – Sen. Harrell/SB 528 – Sen. Rouson**

*If approved by the Governor, these provisions will be effective July 1, 2019. Vote | Not presented as of June 18<sup>th</sup>.*

Due to federal law, Florida may not license recovery residences, also known as sober homes. However, Florida incentivizes voluntary sober home certification by prohibiting substance abuse providers from referring patients to these homes unless they are certified under the Department of Children and Families (DCF). The Broward Addiction Recovery Center advised staff that Oxford Houses should be exempt from this legislation. IABS worked with members of the Delegation and the bill sponsors to provide language exempting Oxford Houses from such referral prohibitions, as they are democratically operated residences where residents do not receive a benefit from the referral. The legislation also requires DCF to develop and implement a training program for peer specialist certification and requires a level 2 background check for a peer specialist to provide DCF-funded support services.

The Senate's version of the legislation provided that local governments had the authority to mandate certification of recovery residences and required the Sober Homes Task Force within the Office of the State Attorney for the Fifteenth Judicial Circuit to submit a report containing recommendations on statewide mandatory certification. However, to compromise with the House's version, this language was stripped from the legislation.

**HB 375 – Prescription Drug Monitoring Program, Rep. Pigman/SB 592 – Sen. Albritton**

*Approved June 7<sup>th</sup> – Chapter 2019-70.*

The legislation exempts prescribers and dispensers from the requirement to consult the Prescription Drug Monitoring Program (PDMP) prior to prescribing or dispensing a controlled substance to a patient who has been admitted to hospice. It also authorizes the Department of Health (DOH) to enter into reciprocal agreements to share PDMP data with the U.S. Department of Veterans Affairs, the U.S. Department of Defense, and the federal Indian Health Service. Currently, practitioners employed by these entities may view Florida PDMP data, but without a reciprocal agreement, Florida practitioners are not authorized to view PDMP data maintained by these entities.

**HB 1253 – Prescription Drug Monitoring Program, Rep. Mariano/SB 1700 – Sen. Lee**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/28/19.*

The legislation will ultimately assist the Attorney General in her efforts to sue drug manufacturers for their role in the opioid crisis. Under the legislation, the Attorney General is authorized access to de-identified patient information in the Prescription Drug Monitoring Program (PDMP) database for an active investigation or pending criminal or civil litigation involving prescribed controlled substances. It also authorizes the Attorney General to enter PDMP information into evidence in a civil, criminal, or administrative action against a dispenser, manufacturer, or pharmacy and authorizes program staff to testify in legal proceedings to authenticate this information. During Session, it faced opposition from groups that were concerned over patients' privacy rights by potentially exposing personal information. In order to address these concerns, the legislation specifically provides the Attorney General and her lawyers information from the PDMP on the age, county, city and ZIP code of Floridians who were prescribed opioid medication.

**LOCAL BILL**

**HB 1183 – Broward County, Rep. Jacobs**

The local bill would have allowed the County voters to determine whether the County-related functions stay with the County government or be transferred to the Clerk of Court on January 7, 2025. The functions of ex-officio clerk of the Board of County Commissioners, county auditor, recorder and custodian of all county funds have been functions of the County government for almost 46 years. While the legislation did not pass this year, IABS will refile it for the 2020 Legislative Session.

**OTHER PRIORITY ISSUES**

**HB 829 – Attorney Fees and Costs, Rep. Sabatini/SB 1140 – Sen. Hutson**

*If approved by the Governor, these provisions take effect July 1, 2019. Vote | Not presented as of June 18<sup>th</sup>.*

As passed, the legislation allows for the award of attorney fees and costs in challenges to proposed or adopted local government ordinances on subjects that are expressly preempted by the State Constitution or state law. The

prevailing party is entitled to attorney fees and costs. This is an exception to the general rule, which requires that each party pay its own attorney fees and costs. The legislation also provides a clause which states, a local government must withdraw a proposed ordinance within 30 days or repeal an adopted ordinance within 60 days, upon receiving a written claim that a current or proposed/noticed ordinance is expressly preempted.

**SB 7016 – State-Administered Retirement Systems, Government Oversight and Accountability/HB 5007 – Appropriations**

*Approved April 15<sup>th</sup> – Chapter 2019-008.*

The legislation establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2019. These rates are intended to fund the full normal cost and the repayment of the unfunded actuarial liabilities of the FRS. The total employer contributions anticipated to be paid into the FRS Trust Fund in FY2019-20 will increase by approximately \$123.3 million when compared to the employer contributions paid in FY2018-19.

**SB 7064 – Advanced Well Stimulation Treatment, Agriculture Committee/SB 314 – Sen. Montford/HB 7029 – Agriculture & Natural Resources Subcommittee**

The legislation would have prohibited fracking within the state and provided that a permit for drilling or operating a well does not authorize fracking.

**HB 253 – Independent Living Task Force, Rep. Gottlieb/SB 670 – Sen. Rader**

The proposed legislation would have created the Independent Living Task Force (“Task Force”) within Florida Housing Finance Corporation (FHFC). The Task Force would have developed and evaluated policy proposals that incentivize developers or contractors to create units within mixed-use developments to be used as low-cost, supportive, and affordable housing for individuals with a developmental disability or a mental illness. The Senate bill was not heard in its final committee of reference – Rules, which caused the legislation to die in the final days of Session.

**SB 7066 – Election Administration, Ethics and Elections/SB 7086, HB 7089 – Rep. J. Grant**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/29/19.*

In the 11<sup>th</sup> hour, the elections bill was amended to include the implementation of Amendment 4 to the Florida Constitution – the restoration of voting rights of certain convicted felons. Specifically, the legislation provides that voting rights are restored upon “completion of all terms of sentence,” meaning completion of any portion of a sentence within the four corners of the sentencing document:

- Nonmonetary (imprisonment, probation/community control, monitored supervision (including parole, any other term); and,
- Monetary (victim’s restitution, court-ordered fines/fees, any other term).

Further, restitution, fines, and fees ordered by the court do not include any fines, fees, or costs accrued after the date of the sentence. Additional provisions specify that restitution, fines, and fees be completed in the following manner or in any combination: actual payment; upon the payee’s approval, the termination of such financial obligation by the court; or completion of all community service hours, if the court, unless otherwise prohibited by law, converts the financial obligation to community service. The court is authorized to make certain modifications of the financial obligations to provide relief, if such modifications do not infringe on a defendant’s or victim’s constitutional rights but clarifies that this provision does not apply to the conversion of financial obligations to civil liens.

The Amendment 4 implementation provision mandates that the state and county notify convicted felons of the outstanding terms of their sentence with respect to voting eligibility, upon release from custody/supervision. The legislation also:

- Modifies the voting application to require a person to make an affirmative statement that he or she has been convicted of a felony and if so, has obtained his or her right to vote.
- Defines which offenses constitute “murder” and “felony sexual offenses” under the new constitutional provision.
- Provides that the Department of State (DOS) makes the initial determination on whether the information is credible and reliable regarding whether a person is eligible to vote and forwards such to the supervisor of elections.
- Provides that the supervisor of elections (supervisor) verifies and makes the final determination whether a person who registers to vote is eligible. The supervisor may request additional assistance from the DOS in making the final determination.
- Grants registrants’ immunity from prosecution for submitting false voter registration information regarding their eligibility following a felony conviction on registration applications submitted from January 8, 2019 (effective date of Amendment 4) until, but before July 1, 2019.

In addition to the implementation of Amendment 4, the legislation revises the elections process by:

- Prohibiting the usage of voting systems that cannot simultaneously count and sort ballot overvotes and undervotes in multiple races.

- Moving the primary election back from 10 to 11 weeks before the general election, to allow more time for overseas general election ballots.
- Extending the cure deadline for defective Vote by Mail (VBM) ballot signatures from 5:00 p.m. on the day before the election to 5:00 p.m. on the second day after the election; modifies the ballot-envelope voter's certificate to request additional contact information; creates additional phone and electronic notice requirements, to conform.
- Creating a provisional ballot signature cure process that mirrors the revised VBM signature cure process; provides for cure through 5:00 p.m. on the second day after an election; modifies the ballot-envelope voter's certificate to request additional contact information; creates additional phone and electronic notice requirements, to conform.
- Moving the last day for voters to request VBM ballots from six to 10 days before an election and prohibits supervisors from mailing out such ballots less than eight days prior to the election (currently four days); allows voter designees to physically pick up VBM ballots for electors beginning nine days before an election instead of the current five days, to conform.
- Allowing supervisors to mail domestic VBM ballots between 40 and 33 days before an election (currently 35 to 28 days prior).
- Allowing a voter to drop off his or her VBM ballot at a secure drop-box located at each active early voting location and the supervisor's main or branch office; allows supervisors to set-up drop-boxes at unused early voting locations (i.e., courthouses, county commission buildings), provided that the site is staffed by a supervisors' office employee or law enforcement officer during the county's early voting hours of operation.
- Allowing canvassing of VBM ballots to start one week earlier, at 22 days before an election rather than 15 days before the election.
- Allowing physically present candidates and political party/political committee officials, and/or their designees, to observe duplication of VBM ballots.
- Moving the deadline for a voter to update their signature for purposes of validating a VBM ballot from the beginning of the VBM canvassing period to when the VBM ballot is received.
- Creates a process to use valid provisional and VBM ballot cure affidavits to update voter signatures immediately; provides for postelection notice to electors whose ballots are invalidated due to a signature discrepancy.
- Providing ballot uniformity, requiring ballot instructions either be centered across the top of the ballot or in the leftmost column if there are no individual races below the column instructions, in most cases; requiring all vote targets to be ovals.
- Mandating that voters with disabilities cast a ballot on voting systems that produce a voter verifiable paper output (VVPO) for canvassing and recount purposes; and, authorizing the general use of such VVPO touchscreen systems by all voters, not just those with disabilities.
- Requiring the Department of State rule regarding minimum security standards to address in detail chain of custody of ballots, transport of ballots, and ballot security.
- Allowing supervisors to use ballot-on-demand printing systems at polling places on Election Day, not just at early voting sites.
- Allowing a supervisor to forego publication of a sample ballot in a newspaper of general circulation if the supervisor e-mails or mails every registered voter a sample ballot at least seven days before an election.
- Mandating several meeting notice content and publication requirements, along with measures to make CCB personnel easily identifiable by requiring I.D. badges.

**HJR 53 – Single Subject Requirement for Revisions or Amendments to the Constitution, Rep. Byrd/SJR 74 – Sen. Bradley/SJR 86 – Sen. J. Rodriguez**

HJR 53 and SJR 74 proposed an amendment to the Florida Constitution that would have required any revision or amendment submitted by the Constitution Revision Commission (CRC) be limited to a single subject. This would have prohibited the CRC from bundling separate, unrelated issues into a single proposal for consideration by voters – something the entire state experience during the 2018 General Election cycle. As a joint resolution, three-fifths of the membership of the Legislature is required to approve any proposed constitutional amendment in order to be placed on a General Election ballot. Ultimately The legislation failed; however, they may be back next Session.

**SB 58 – Contempt and Disorderly Conduct Before a Legislative Committee, Sen. Book/HB 1403 – Rep. Drake**

The legislation would have created an enforcement mechanism to punish legislators or non-legislators who engage in contemptuous or disorderly conduct before a legislative committee. Contemptuous conduct was defined to include knowingly making a materially false statement before a legislative committee, regardless of whether the speaker is under oath. The punishment would have included a fine of up to \$1,000 or a term of imprisonment of up to 90 days in the county jail, or both.

**SB 440 – Florida Commission on Human Relations, Sen. Rouson/HB 283 – Rep. Antone**

The legislation would have amended several statutes involving the Florida Commission on Human Relations (“The Commission”). The Commission is responsible for investigating and resolving discrimination complaints in the areas of employment, housing, and certain public accommodations, as well as investigating state employee whistle-blower complaints of retaliation. Specifically, the legislation would have:

- Changed the number of commissioners required for a quorum from seven to a majority of the currently appointed commissioners and establishes a quorum of three for panels.
- Allowed the Commission to nominate fewer than 10 people for the Florida Civil Rights Hall of Fame each year.
- Required the Commission to provide notice to an aggrieved person under specified circumstances and notify the person that he or she must file a civil action within one year or the action will be barred.
- Removed the registration requirement for facilities and communities that claim an exemption for housing the elderly and eliminated related fees and fines.
- Deleted a requirement that the Commission or the Attorney General investigate public housing discrimination complaints and increased the time from 30 to 45 days for the Commission or the Attorney General to resolve the dispute. It also revised various deadlines and time constraints regarding the Commission’s fact-finding investigation period for a retaliation claim.

**HB 639 – Security in Trial Court Facilities, Rep. Perez/SB 762 – Sen. Gruters**

An ongoing issue from the 2018 Session was identifying the party responsible for the implementation of security within a trial or courthouse structure. The legislation would have settled the issue by amending statutory language, to require each county sheriff to coordinate with the board of county commissioners and the chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities. Specifically, the sheriff would retain authority over the implementation of security under the plan, and the chief judge would retain decision-making authority to protect due process rights. The legislation also clarified that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for court facilities.

**SB 1000 – Communications Services, Sen. Hutson/HB 693 – Rep. Fischer**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/29/19.*

In 2017, the Legislature approved the Advanced Wireless Infrastructure Deployment Act (“The Act”) relating to small and micro-wireless facilities. However, this year the Legislature amended the 2017 law by prohibiting a municipality or county from imposing permit fees for the use of public rights-of-way by communications services providers if it had not levied permit fees as of January 1, 2019, while allowing a municipality or county that was imposing permit fees as of that date to continue to do so or to elect to no longer impose permit fees. In addition, local governments are prohibited from instituting a moratorium or other mechanism that would prohibit or “delay” permits for collocation of small wireless facilities or related poles. Local governments no longer have the authority to require performance bonds and security funds and they may only require construction bonds be limited to no longer than 18 months post-construction. Finally, the legislation creates additional requirements for a local government’s permit registration and application process for communication service providers.

**HB 861 – Local Government Financial Reporting, Rep. Fernandez-Barquin/SB 1616 – Sen. Baxley/SB 7014 – Government Oversight and Accountability**

*Approved May 23<sup>rd</sup> – Chapter 2019-56.*

The legislation requires local governments to post their annual budgets to their respective websites for at least two years, and tentative budgets to their website for at least 45 days. Beginning October 15, 2019, the legislation requires each county and municipal budget officer to file an annual report with the Office of Economic and Demographic Research (EDR), including information concerning:

- Government spending per resident, including the rate for the five preceding fiscal years;
- Government debt per resident, including the rate for the five preceding fiscal years;
- Median income within the county or municipality;
- Average county or municipal employee salary;
- Percent of the entity’s budget spent on salaries and benefits for the entity’s employees; and
- Number of special taxing districts that are located wholly or partially within the county or municipality.

The legislation also requires EDR to develop the format and forms for reporting the above information by July 15, 2019. We remained neutral on this legislation, as the County already posts the above requirements on the website.

**HB 15 – Local Government Fiscal Transparency, Rep. Burton/SB 1350 – Sen. Hutson**

The legislation would have required public access to voting records of local governing body members; online access to truth-in-millage notices, four-year history of property tax rates, and total revenue generated; additional public meetings and expanded public notice requirements for local option tax increases and the issuance of new long-term, tax-supported debt; and to conduct a debt affordability analysis prior to issuance of new long-term, tax supported debt. Our biggest concern with this proposal is the requirement to post information for

municipalities without a website on the County's website. Additionally, we were concerned with the requirement to conduct a new debt affordability analysis at additional public hearings prior to issuing new tax-supported debt.

**HB 51 – Property Tax Exemption, Rep. Sirois/SB 202 – Sen. Wright**

The legislation would have increased the existing property tax exemption for Florida residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000.

**SJR 324, SJR 326 – Limitations on Homestead Assessments, Sen. Brandes/HJR 1389, HJR 1391 – Rep. J. Grant**

In 2008, the Florida Constitution was amended to provide for the portability of the accrued benefit of a homestead property under the Save Our Homes assessment limitation. The Save Our Homes amendment limits the amount that the assessed value of a homestead property may increase annually to the lesser of three percent or the percentage increase in the Consumer Price Index. This Joint Resolution would have extended the portability period, from two to three years, which a person may transfer up to \$500,000 of accumulated Save Our Homes benefit from an existing homestead property to a new homestead property.

**HB 399 – Millage Notices, Rep. DiCiegli/SB 564 – Sen. Hooper**

The legislation would have authorized the property appraiser of each county to post "truth in millage notices" (TRIM notice) on their website in lieu of providing such notices by mail. The notice informs the taxpayer of the property taxes and millage rate assessed against the property for the present year, the property taxes and millage rate under the proposed budget of each taxing authority, the property taxes and millage rate if the taxing authority made no budget changes from the previous year, and the date, time, and meeting location at which the taxing authority will adopt the rate for the upcoming year. This online notice would be an option for property appraisers to use – allowing them to continue publishing TRIM notices in the paper. Additionally, the legislation required the property appraiser to conduct an informational presentation at a public meeting of a county commission before posting TRIM notices on their website. Both bills stalled in their second committee of reference.

**SB 432 – Employment Conditions, Sen. Gruters/HB 847 – Rep. Rommel**

The legislation would have prohibited local governments from requiring employers offer specified conditions of employment, including preemployment screening, job classifications, job responsibilities, hours of work, wages, payment of wages, scheduling and schedule changes (predictive scheduling), leave, paid or unpaid days off for holidays, illness, vacation or personal necessity, and employee benefits such as health insurance and retirement benefits. It did not preclude local governments from offering conditions of employment to its own employees, the employees of its contractors and subcontractors, or the employees of any entity receiving a direct tax abatement or subsidy.

It was also amended to exempt valid local government ordinances that prohibited discrimination in certain classifications like the Broward County Human Rights Act, including sexual orientation, gender identity or expression and veteran's status. IABS provided the bill sponsors and amendment to exempt local government ordinances, adopted before January 1, 2019, that establish an alternative dispute resolution mechanism to resolve unpaid wage claim.

**SB 710 – Administrative Review of Property Taxes, Sen. Baxley/HB 1261 – Rep. Fernández**

While the legislation failed, it would have allowed a petition to the value adjustment board (VAB) be filed late for "good cause," identified as circumstances beyond the control of the person seeking the late-filed petition.

Specifically, late-filed “good cause” petitions in counties must be filed within 55 days after the mailing of notices of proposed property taxes. Additionally, in counties where the number of petitions exceeds 5,000 in a year the term “good cause” does not include being scheduled for two separate hearings in different jurisdictions at the same time and date unless the hearings involve the same petitioner.

**HB 715 – Florida Building Code, Rep. Robinson/SB 1036 – Sen. Gruters**

The legislation would have prohibited a local government from carrying forward a budget balance greater than the average cost for enforcing the Florida Building Code for the preceding four fiscal years. It would have required each local government to use any excess funds to rebate and reduce fees and provide funding to non-profit organizations that expand training opportunities for the construction industry. The County was opposed to this legislation as it would have greatly harmed our ability to address unique local issues and would have removed the decision-making authority on how funds could be used. If the legislation would have passed, it would have restricted the amount to be carried forward to \$6 million and restricted the use of the remaining funds for rebates, reduction of fees, enhancing service efficiencies or the creation of a non-profit training fund. Historically, these funds have been utilized after a recession, these monies are budgeted as “reserves” to use in the event of unpredictable economic downturn.

**HB 987 – Vacation Rentals, Rep. J. Grant/SB 812, SB 814 – Sen. Simmons**

Currently, local governments may regulate vacation rentals if the regulations do not prohibit or regulate the duration or frequency of the use of the property as a vacation rental. The legislation would have preempted to the state the regulation of vacation rentals, including, inspection, licensing, and occupancy limits. In addition, it would have eliminated the grandfather provision allowing a local law, ordinance, or regulation of vacation rentals enacted on or before June 1, 2011, to be maintained. As a result, any local law, ordinance, or regulation of vacation rentals would have been void and unenforceable. Further, it would have allowed ordinances and regulations to apply to vacation rentals if they applied uniformly to all residential properties.

The legislation also added occupancy limits, inspections and licensing to the list of prohibited local vacation rental laws, ordinances, or regulations. As a result, locals would not be able to:

- Prohibit vacation rentals;
- Regulate the duration of vacation rentals;
- Regulate the frequency of vacation rentals;
- Impose occupancy limits on vacation rentals;
- Require inspections of vacation rentals; and
- Require licensure of vacation rentals.

**SB 886, SB 888 – Homestead Tax Exemptions/Surviving Spouse of a Veteran, Sen. Brandes/HB 717 – Rep. Killebrew**

The Joint Resolution proposed an amendment to the Florida Constitution allowing the homestead property tax discount granted to veterans aged 65 or older who have permanent, combat-related disabilities to carry over to the veteran’s surviving spouse upon the death of the veteran. The discount would have applied to the property until the surviving spouse remarried, sold or otherwise disposed of the property. Both bills died during Session.

### **SB 1112 – Taxation, Sen. Gruters**

The legislation stalled in the Senate Appropriations committee, but certain provisions were included in the Legislature’s final “Tax Package.” Specifically, it would have:

- Exempted certain heavy equipment rented by a dealer from ad valorem taxation
- Increased from 50 percent to 100 percent a property tax discount for certain multifamily projects that provides for affordable housing.
- Reduced the sales tax on commercial leases from 5.7 percent to 3.5 percent
- Required retailers with no physical presence in Florida to collect Florida’s sales tax delivered to purchasers in Florida if they make a substantial number of sales into Florida.
- Created a sales tax refund for job training organizations.
- Allowed projects that create intellectual property to qualify for the Capital Investment Tax Credit
- Created a tax credit for insurers and health maintenance organizations that cover telehealth services.

As originally filed, it created a sales tax holiday for disaster preparedness supplies, which was eventually incorporated into the final taxation bill passed by the Legislature. Additionally, the reduction of the sales tax on commercial leases was incorporated into the final tax package, although at a reduced rate, from 5.7 percent to 5.5 percent.

### **HB 7053 – Taxation Transparency, Rep. Avila/SB 7104 – Senate Finance and Tax**

The legislation passed all its committees in the House but ultimately couldn’t make it to the floor as it was temporarily postponed in the Senate Finance and Tax Committee. It would have re-designated several state and local revenue sources, renaming a “fee” to “tax.” It also would have required the following local revenue source re-designations:

- Special assessments or non-ad valorem assessments titled and represented to the public as a “special benefit tax”;
- Impact fees or mobility fees titled and represented to the public as a “development impact tax”;
- Franchise fees titled and represented to the public as a “franchise tax”; and
- Charges to pay the cost of regulation titled and represented to the public as a tax in a manner reasonably consistent with the type of regulation and charge in question.

The legislation was amended from its original form to more explicitly state that it does not affect a county’s power under the constitution to impose non-tax levies and expresses the Legislature’s intent that such levies only be “titled and represented to the public as taxes.” It was also amended to clarify that the legislation is not intended to affect existing case law.

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*Communications Technology*

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**HB 441 – E911 Systems, Rep. DuBose/SB 536 – Sen. Brandes**

*If approved by the Governor, these provisions take effect July 1, 2019. Vote | Not presented as of June 18<sup>th</sup>.*

The legislation addresses recommendations of the Marjory Stoneman Douglas High School Public Safety Commission regarding inter-agency communications and 911 call routing. Specifically, requiring each county to develop and implement a countywide text-to-911 service by January 1, 2022. After discussions with the bill sponsor and other first responder agencies, language provided clarification that certain communications requirements for each public safety answering point (PSAP) apply only if the PSAP may reasonably receive 911 calls for a primary first responder agency or within the areas served by a first responder agency. It also provides that an important state interest is served when a PSAP that receives a 911 communication can directly communicate by radio with first responders and dispatchers within the surrounding area for which the PSAP would not otherwise provide dispatch service.

Finally, all counties must implement a text-to-911 service. Currently, 35 counties in Florida provide fully active and operational text-to-911 service. By the end of this calendar year, an additional 26 counties are expected to implement text-to-911 service – Broward County launched this service on April 2, 2019.

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*County Attorney*

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**HB 9 – Community Redevelopment Agencies, Rep. LaMarca/SB 1054 – Sen. Lee**

*If approved by the Governor, these provisions take effect October 1, 2019. Vote | Not presented as of June 18<sup>th</sup>.*

One of the House Speaker’s priorities passed the Legislature – the gradual phasing out of existing and inactive CRAs. As passed, the legislation increases accountability and transparency by requiring the commissioners of a CRA to undergo four hours of ethics training annually, requires a CRA to use the same procurement and purchasing processes as the county or municipality that created it; and expands the annual reporting requirements for CRAs to include audit information and performance data and requiring the information and data to be published on the agency website

In addition, beginning October 1, 2019, monies in the CRA redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners for the CRA and only for those purposes specified in current law, including overhead and administrative costs. Further, a CRA created by a municipality is required to provide its proposed budget and any amendments to the budget, to the board of county commissioners for the county in which the CRA is located 10 days after the adoption of such budget. A county or municipality that created a CRA is required to include the CRA’s audit report with its submission of the annual financial report to the Department of Financial Services.

If the CRA has no revenue, expenditures, or debt for six consecutive fiscal years, the Department of Economic Opportunity (DEO) may declare such CRA inactive and provide for its termination. The governing board of the creating local government entity may prevent the termination of a CRA by a majority vote. Finally, any local

governing body that created a CRA may adjust the level of tax increment financing available to the CRA, setting the level of funding at any amount between 50 percent and 95 percent of the increment.

**SB 168 – Federal Immigration Enforcement, Sen. Gruters/HB 527 – Rep. Byrd**

*Approved June 14<sup>th</sup> – Chapter 2019-102.*

The legislation seeks to ensure the state, local governments, and law enforcement cooperate with federal government officials to enforce immigration laws. Specifically, it prohibits localities from enacting a sanctuary jurisdiction policy, establishes certain court procedures to reduce a defendant’s sentence by up to 12 days, which would allow law enforcement to transfer the defendant to a federal facility to complete the terms of the sentence. A law enforcement agency is now required to notify the judge of the immigration detainer request, record in the person’s file the existence of the detainer and comply with the detainer. A last-minute provision now allows the governor to initiate judicial proceedings against any executive or administrative state, county, or municipal officer to enforce compliance with duties under the act or restrain unauthorized actions contrary to the Act. If any jurisdiction in Florida has a sanctuary policy in effect, it must be repealed within 90 days after the effective date (July 1, 2019).

**SB 186 – Public Records/Victims of Mass Violence, Sen. Lee/HB 7017 – Rep. Brown**

*Approved May 23<sup>rd</sup> – Chapter 2019-46.*

As passed, the legislation creates a new public records exemption providing that a photograph, video, or audio recording depicting or recording the killing of a victim of mass violence is confidential and exempt from public disclosure. This exemption only applies to photographs, video, and audio recordings held by an agency. In addition, it defines the term “killing of a victim of mass violence” as events depicting either a victim being killed or the body of a victim killed in an incident with three or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence. Finally, it specifies that a surviving spouse, parent, or adult child of the victim is not precluded from sharing or publicly releasing such photograph or video or audio recording.

**HB 337 – Courts, Rep. Leek/SB 328 – Sen. Brandes**

*Approved May 24<sup>th</sup> – Chapter No. 2019-58.*

The legislation requires that the county courts’ jurisdictional amount be raised incrementally over the next three years as follows:

- For cases filed on or after January 1, 2020, raised to \$30,000; and
- For cases filed on or after January 1, 2023, raised to \$50,000.

The current maximum jurisdictional amount of the county courts in civil cases is \$15,000 or less. This amount has not been changed since 1992. The legislation retains the circuit courts’ current appellate jurisdiction over county court cases demanding no more than \$15,000 until January 1, 2023. Additionally, it authorizes the Office of State Courts Administrator (OSCA) to study and provide feedback by February 1, 2021, on the impact of adjusting the county courts’ jurisdiction and the feasibility of adjusting the circuit courts’ appellate jurisdiction. Finally, it permits the Clerk of Courts to carry forward unspent funds from the prior fiscal year and any remaining funds in the Clerks of Court Trust Fund for budgetary purposes.

## **HB 7021, HB 7023 – Financial Disclosure, Rep. Altman/SB 7040 – Ethics and Elections**

*Approved June 7<sup>th</sup> – Chapter 2019-97.*

The legislation would require the electronic submission of Form 6 – Disclosures of Financial Interest beginning 2023, and Form 1 – Statements of Financial Interest beginning 2023. Specifically, the Commission on Ethics must provide notice and other communications to filers via email that information entered electronically will be publicly released. In addition, all disclosures must be for the calendar year, rather than the taxable year.

## **SB 7030 – Implementation of Legislative Recommendations of the Marjory Stoneman Douglas (MSD) High School Public Safety Commission, Education**

*Approved May 8<sup>th</sup> – Chapter 2019-22.*

The legislation addresses the school safety and security recommendations stemming from the MSD Public Safety Commission recommendations. While the overall bill obtained bipartisan support, it was evident the language allowing for teachers to be armed received partisan support. A school guardian may be a school district employee or a charter school employee who volunteers to serve as a school guardian in addition to his or her official job duties or an employee of a school district or a charter school who is hired for the specific purpose of serving as a school guardian. It removes the prohibition on an individual who exclusively performs duties as a classroom teacher from participating in the guardian program. It is important to note this continues to keep the language allowing a school district to “opt-in” to the guardian program through majority vote and requires employees who volunteer to pass a psychological evaluation and complete 144 hours of required training.

The legislation also improves student safety by establishing comprehensive information sharing and reporting requirements for district school boards and charter school governing boards, including responses to emergency situations, safety incident reporting, data collection, and data sharing. Finally, it provides funding opportunities to enhance school security, and to provide additional mental health services to students.

## **HB 1 – Ethics Reform, Rep. Sabatini/SB 1702 – Sen. Baxley**

As proposed, the legislation would have prohibited a governmental entity, a person acting on behalf of a governmental entity, or an elected official from using or authorizing the use of an elected official’s name, image, likeness, official uniform, badge, or other symbol of office in a publicly-funded public service announcement if such person qualifies as a candidate for reelection or election.

In addition, a public officer or employee would be prohibited from soliciting employment or a contractual relationship from an entity regulated by his or her agency. The exception would be solicitation of future employment. Further, statewide elected officers and members of the Legislature are prohibited from soliciting or accepting investment advice from lobbyists and principals or soliciting investment advice arising out of official or political activities. Finally, officers and employees of political subdivisions would be exempt from the requirement to register as executive branch lobbyists.

## **HB 3 – Preemption of Local Occupational Licensing, Rep. M. Grant/SB 1748 – Sen. Perry**

The legislation specifically precluded local governments from requiring a license for: 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. However,

it allowed local government to issue journeymen licenses in the plumbing, pipe fitting, mechanical and HVAC trades, and electrical and alarm system trades.

The County has specific advisory boards – the Central Examining Boards – which provides for procedures to register, license, and issue Certificates of Competency for individuals who perform/practice a variety of construction trades. These boards also provide the public a means by which to register complaints, mediate disputes, and to be heard with respect to issues which arise during construction. If this passed, the necessity for these boards and the licensing department within the County would be eliminated.

**HB 995 – Regional Planning Council Meetings, Rep. Geller/SB 1004 – Sen. J. Rodriguez**

Presently, board members may participate and vote in public meetings via communications media technology so long as it appears on the meeting notice. Clear authority exists allowing state agencies to participate in public meetings and vote via communications media technology, however this does not exist for local government entities. Instead, local board members may only participate in meetings where formal action will be taken and vote remotely if a quorum of a local board is physically present. The legislation would have authorized the use of communications media technology for board meetings of regional planning councils (RPC) that cover three or more counties if at least one-third of the voting members are physically present at the meeting location.

**SB 1618 – Tobacco Products, Sen. Simmons/HB 1041 – Rep. Duran**

The legislation known as the “Tobacco 21 Act” would have increased the age to purchase tobacco products from 18 to 21 years of age. The Tobacco 21 Act would have preempted local governments from passing ordinances dealing with the age to purchase tobacco or vaping products. The Senate bill died in messages to the House chamber, while the House bill, which would have also raised the age from 18 to 21 for smokable medical marijuana, did not receive a hearing in its first committee of reference.

**HB 1383 – Private Property Rights, Rep. J. Grant/SB 1720 – Sen. Simmons**

The legislation would have required a local government to treat similar properties in the same way when settling property rights claims. If the government settles or the owner secures a judgment declaring an undue burden, there is a presumption that similarly situated parcels are also unduly burdened and entitled to equivalent settlement terms or a judicial determination. In addition, it would have been easier for a private property owner to challenge a local government’s regulation burdening his or her property by:

- Allowing a jury to consider business damages in making its damages calculation.
- Removing a provision allowing the government to seek attorney fees and costs when a property owner unreasonably refuses a bona fide offer to settle a property claim.

**HB 1399 – Workers’ Compensation, Rep. Byrd/SB 1636 – Sen. Perry**

The legislation would have made substantial changes to the workers’ compensation law addressing the delivery of benefits and cost drivers. Specifically, it would have required a good faith effort by the claimant and their attorney to resolve disputes prior to filing a petition for benefits, increased the total combined temporary wage replacement benefits (TTD/TPD) from 104 weeks to 260 weeks, filled a benefit gap that happens when TTD/TPD ends, expanded the authorization of a provider to include palliative care by providers affiliated with the authorized provider, including diagnostic testing, treatment, and limited value of medical supplies, and eliminated the charge-based reimbursement of health care facility outpatient medical care in favor of reimbursing them at 200 percent

(unscheduled care) and 160 percent (scheduled surgery) of Medicare. There was a potential for positive savings to the County as a result of reduced premiums.

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### *Criminal Justice*

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#### **SB 406 – Theft, Sen. Brandes/HB 589 – Rep. Donalds**

Presently, a third-degree felony theft offense equals \$300. The legislation attempted to increase the felony threshold from more than \$300 to \$1500. Eventually the bills were amended to increase the threshold to \$750 – but still faced opposition from several key conservative members and the Florida Retail Association.

#### **HB 575 – Direct Filings of an Information, Rep. Bush III/SB 876 – Sen. Powell/SB 1260 – Sen. Wright/HB 6051 – Rep. Sirois**

The legislation would have repealed all mandatory direct file provisions for juveniles and would have provided discretion to the state attorney to direct file an information against a qualifying child when the public interest requires that adult sanctions be considered and imposed.

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### *Economic Development*

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#### **HB 7071 – Workforce Education, Rep. Mariano/SB 770 – Sen. Hutson**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/29/19.*

This workforce education legislation promotes career education and readiness opportunities for students in public schools. The legislation also provides flexibility and support to public schools regarding teacher recruitment and training, strengthens pathways to college and career opportunities, and aligns education and workforce needs.

#### **SB 522 – Apprenticeship Programs, Sen. Diaz/HB 367 – Rep. Donalds**

The legislation would have created the Florida Apprenticeship Grant (FLAG) Program, providing grant awards to eligible registered apprenticeship program sponsors who do not require assistance from a career educational institution. These apprenticeship programs continue to be a focal point for the County, especially with the recent creation of the \$20 million incubator and accelerator called the “NSU Broward Innovation Center.”

#### **SB 526 – Entertainment Industry, Sen. Gruters/HB 1401 – Rep. Buchanan**

The legislation would have given grants to certified projects in film, television, and digital media production to expand the industry’s impact and encourage more family-friendly productions in Florida. After production has completed, each certified project would be eligible to receive a grant for up to 23 percent of its qualified expenditures, or \$2 million, whichever is less. A project’s qualified expenditures must be verified before the project may receive its grant payment and any such payment is subject to claw back as a result of fraudulent information.

## **SB 1708 – Tourist Development Councils, Sen. Hutson**

Presently, the law allows counties to impose a tourist development tax (TDT) on short-term rentals or leases of accommodations. Depending on the county's eligibility, the maximum rate varies from three to six percent. Broward is one of nine counties eligible to levy a high tourism impact tax, where an additional one percent may be levied by a supermajority vote of the County Commission. In adopting a TDT, a county's tourist development council (TDC) must prepare a plan for tourist development and present it before the governing board of the county.

It also would have permitted counties with a population of 900,000 or more to form more than one TDC. If a county has more than one TDC, a recommendation for a TDT-funded public facility project must originate from the TDC in the area where the proposed project is located. With no House companion, it was slated to fail.

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### *Elections*

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## **HB 5 – Ballot Measures, Rep. DiCiegli/SB 336 – Sen. Brandes/SB 1040 – Sen. Lee**

*Approved June 7<sup>th</sup> – Chapter 2019-64.*

The legislation mandates that all referenda to adopt or amend a local discretionary sales surtax be held at a general election. It also creates additional requirements and procedures relating to the constitutional amendment initiative process and paid petition signature gatherers, specifically:

- Paid petition circulators (circulators) must register with Secretary of State prior to obtaining signatures, and consent to jurisdiction in the State.
- A person is prohibited from compensating a petition circulator on a per-signature basis.
- The Florida Division of Elections (DOE) or county supervisors of elections (supervisors) are responsible for making petition forms available to circulators and must develop a tracking system for petition forms and circulators.
- Circulators verify, under penalty of perjury, that they witnessed the signature on the petition.
- Petition sponsors are fiduciaries responsible for ensuring submitting signed petitions to supervisors within 30 days after they are signed. The sponsor is liable for fines, with exceptions, for petitions submitted late or not at all.
- The initiative financial impact statement included on the ballot and prepared by the Financial Impact Estimating Conference (FIEC) is expanded in length (75 to 150 words) and scope, to include the economic impact on the state and local economies. If an initiative will result in increased costs, decreased revenues, a negative impact on the state or local economy, or an indeterminate impact, the ballot must include a statement in bold font to such effect. Finally, the supervisors must distribute the summary of each initiative's financial information statement (also prepared by the FIEC) along with their sample ballots.
- The DOE must adopt rules to ensure the integrity of the petition gathering process, including providing for a complaint process for voters to challenge signature issues and a requirement that sponsors account for all petition forms used.

**HB 281 – Pub. Rec./Voters and Voters Registration, Rep. Stevenson/SB 342 – Sen. Lee**

*Approved May 23<sup>rd</sup> – Chapter 2019-55.*

As passed, the legislation continues to provide public records exemptions relating to a person's voter registration location, social security number, driver license number, and Florida identification number. In addition, a voter applicant's prior felony conviction and whether their voting rights were restored is also exempt from inspection and copying requirements.

**HJR 57 – Percentage of Elector Votes Required to Approve Constitutional Amendment or Revision, Rep. Roth/SJR 232 – Sen. Baxley**

The Joint Resolution would have changed the threshold required to approve a constitutional amendment or revision from sixty percent to sixty-six and two thirds percent. For an amendment to become effective, at least sixty percent of the voters voting on the measure must approve it. The legislation died in their respective committees.

**HB 131 – Voter Registration Maintenance, Rep. Mariano/SB 230 – Sen. Gruters**

As a result of the 2018 General Election, the legislation would have required each supervisor of elections to enter into an agreement with the clerk of the circuit court in their jurisdiction to receive monthly, change-of-address information and a list of potential jurors who identified themselves as aliens. It also requires the Department of Highway Safety and Motor Vehicles (DHSMV) to furnish to the Department of State (DOS) a list of persons who identified themselves as aliens. The DOS must compare the list received from DHSMV with the information in the Florida Voter Registration System (FVRS). If DOS determines that a registered voter in the FVRS is an alien, it must provide the name of that voter to the supervisor of the county in which that voter is registered. The legislation failed in their respective committees.

**SB 582 – Voting Systems, Sen. Diaz/HB 881 – Rep. Jenne**

The legislation would have given county canvassing boards and supervisors of elections the option to use digital imaging, which is automated tabulating equipment that is not part of the voting system to conduct both machine and manual recounts. Currently, ballots are run through the digital imaging tabulators and not the voting system's tabulators that performed the original tally, causing a slower manual recount of overvotes and undervotes. Broward is one of seven counties that purchased and use such equipment to conduct post-certification, automated audits. It died in the early days of Session and was not adopted in the overall elections reform bill.

**HB 521 – Wetland Mitigation, Rep. McClure/SB 532 – Sen. Lee**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/28/19.*

Currently, a governmental entity is prohibited from creating or providing mitigation for a project other than its own, unless it uses land that was not previously purchased for conservation and provides the same financial assurances as those required for private mitigation banks.

The legislation provides legislative findings regarding the availability of mitigation credits and allows, if state and federal mitigation credits are not available, a local government to permit mitigation consisting of the restoration or enhancement of conservation lands purchased and owned by a local government.

**HB 827 – Engineering, Rep. Toledo/SB 616 – Sen. Perry**

*Approved June 7<sup>th</sup> – Chapter 2019-86.*

The legislation amends various statutory provisions relating to the practice of engineering and licensure. It amends s. 337.14, F.S., to prohibit an entity from performing both design services and construction engineering and inspection services for a project wholly or partially funded by the Department of Transportation and administered by a local governmental entity. Additionally, amendments to s. 553.79, F.S., specify the stages of construction during which a special inspector must perform structural inspections on a threshold building, described as a building higher than three stories or 50 feet in height, or which has an assembly occupancy classification exceeding 5,000 square feet in area and an occupancy of greater than 500 persons.

Further amendment to s. 553.791, F.S., relating to alternate construction inspection services and plans review, establish shortened deadlines for local building official notices and responses, for projects on which a private provider has been retained to perform inspections and plans reviews on behalf of the project owner. Specifically, a local building official may not prohibit a private provider from performing inspections outside the official's normal operating hours, including after hours, weekends, or holidays. Finally, it shortens deadlines for issuance of building permits and notices of plan deficiencies by local building officials.

**SB 1552 – Florida Red Tide Mitigation and Technology Development Initiative, Sen. Gruters/HB 1135 – Rep. M. Grant**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/29/19.*

This legislation directs \$3 million a year to a red tide research initiative between the state and Mote Marine Laboratory per year for six years beginning in FY 2019-2020. The marine lab will receive funding in partnership with the Florida Fish and Wildlife Conservation Commission (FWC) to conduct research on how to better handle severe red tide. It also establishes the Initiative Technology Advisory Council and requires the submission of annual updates to the governor and Legislature. Additionally, the 2019-2020 General Appropriations Bill, appropriates \$6.6 million from the General Revenue for red tide research. The red tide outbreak research was a priority of Governor DeSantis during the 2019 Session.

**HB 1159 – Private Property Rights, Rep. LaRosa/SB 1400 – Sen. Albritton**

*If approved by the Governor, the legislation will be effective July 1, 2019 |Not presented as of June 18<sup>th</sup>.*

The legislation imposes restrictions on enforcement of local government tree trimming ordinances. A local government may not enforce its tree requirements against a residential property owner for the trimming or removal of a tree if the owner obtains documentation from a certified arborist or a licensed landscape architect that the tree presents a danger to persons or property. It specifically prohibits a local government from requiring the property owner to replant a tree that was removed under such circumstances.

IABS and other associations lobbied unsuccessfully to amend the language to make beneficial changes for local governments relating to removal of trees under power lines.

**HB 27 – Deregulation of Professions and Occupations, Rep. Ingoglia/SB 1640 – Sen. Albritton**

The legislation would have deregulated the following occupations: interior designers and interior design businesses, hair braiders, hair wrappers, and body wrappers, nail polishers and makeup applicators, boxing announcers and timekeepers, auctioneers, talent agents, and labor organizations. It also would have eliminated the additional business license required for the following licensees: asbestos abatement consultants and contractors, architects, engineers, landscape architects, and geologists.

**SB 588 – Preemption of Local Regulations, Sen. Hutson/HB 1299 – Rep. Roach**

This legislation would have prohibited a county, municipality or other local government entity from adopting or enforcing an ordinance or other regulation relating to over-the-counter proprietary drugs and cosmetics before July 1, 2021. Any attempt by a county municipality or other local government entity to adopt or enforce these ordinances would have resulted in the imposition of a \$25,000 fine. Additionally, the offending local government entity would have been responsible for the attorney fees and costs of any party filing a civil action to enforce the terms of the moratorium.

**HB 105 – Domestic Wastewater Collection System Assessment Maintenance, Rep. Jacobs/SB 286 – Sen. Albritton**

The legislation would have created the blue star collection system assessment and maintenance program, which would have been a voluntary incentive-based program to assist public and private utilities in limiting sanitary sewer overflows (SSOs) and unauthorized discharges of pathogens. It provided several incentives for becoming a certified blue star facility, including an opportunity for reduced penalties based on a person’s investment in assessment, maintenance, rehabilitation, or expansion of a permitted facility. This legislation was supported by Broward County’s Water and Wastewater Services, however it died in the Senate at the end of Session.

**HB 141 – Water Quality Improvements, Rep. Fine/SB 216 – Sen. Gruters/HB 1395 – Rep. Raschein/SB 1758 – Sen. Mayfield**

The legislation would have created the “Clean Waterways Act,” including a grant program for wastewater treatment facilities or onsite sewage treatment and disposal systems (OSTDS) improvements or connections within a basin management action plan or alternative restoration plan. This legislation would have required a wastewater treatment facility that unlawfully discharged raw or partially treated sewage into a waterway or aquifer to provide notification to its customers within 24 hours after discovering the discharge. However, none of these bills made it through all their committees and died during this Session.

### **SB 376 – Land Acquisition Trust Fund, Sen. Montford/ HB 555 – Rep. Drake**

In 2014, Florida voters approved Amendment 1, a constitutional amendment providing a dedicated funding source for land and water conservation and restoration. The Amendment specified for a period of 20 years, beginning July 1, 2015, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF).

The legislation would have created a statutorily required distribution from the LATF of an annual appropriation of \$50 million through FY 2025-2026 for conservation and management projects to Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Wakulla, Walton, and Washington counties, which were heavily impacted by Hurricane Michael.

### **HB 405 – Biosolid Management, Rep. Grall/SB 1278 – Sen. Mayfield**

In 2018, the Department of Environmental Protection (DEP) created a Biosolids Technical Advisory Committee (TAC) to evaluate current management practices and explore opportunities to better protect Florida’s water resources. Based on the deliberations of the TAC and feedback from public participants, it was concluded that biosolids must be permitted in a manner that minimizes migration of nutrients to prevent impairment to waterbodies. To achieve this, the DEP should modify current permitting rules; increase the inspection rate of land application; develop site specific groundwater and/or surface water monitoring protocols to detect nutrient migration; develop and conduct biosolids and nutrient management research; and promote innovative technology pilot projects for biosolids processing that could provide a wider range of beneficial end products.

While the legislation did not pass, it would have provided the legislative intent to regulate biosolids management to minimize the migration of nutrients that impair waterbodies and to expedite the implementation of the Biosolids TAC recommendations and implementation of biosolids processing innovative technologies.

### **HB 529 – Use of Vessel Registration Fees, Rep. Mariano/SB 436 – Sen. Hooper**

The legislation would have specified that a county or municipality may use its optional vessel registration fee for channel and other navigational dredging, the construction, expansion, or maintenance of public boat ramps and other public water access facilities, including associated engineering and permitting costs. They both died in committee during Session.

### **SB 628 – Water Resources, Sen. Albritton/HB 1199 – Rep. Jacobs**

The legislation would have required the Department of Environmental Protection (DEP) to complete a comprehensive and quantitative needs-based review of the state’s water resources and submit the report to the Governor and the Legislature by January 1, 2021. Specifically, it would have required that the report do the following:

- Determine the level of need by considering infrastructure funding needs, including, but not limited to, residential, commercial, environmental, agricultural, and industrial needs.
- Be based on a short-term, five-year planning period and a long-term, 20-year planning period.
- Include water supply infrastructure, water quality protection and restoration, wastewater infrastructure, stormwater infrastructure, flood control infrastructure, and environmental infrastructure.
- Identify potential funding options, including public and private funding options, to meet the anticipated demand on water resources in the state, to comply with the legislative intent that enough water be

available for all existing and future reasonable-beneficial uses and natural systems, and to avoid the adverse effects of competition for water supplies.

#### **SB 944 – Land Acquisition Trust Fund, Sen. Stewart/HB 1341 – Rep. Ausley**

In 1999, the Florida Forever program created the Florida Forever Trust Fund to serve as the repository for Florida Forever bond proceeds. This program was created to receive \$3 billion over its first 10 years and was subsequently reauthorized to receive \$300 million annually for 10 years beginning in 2008. These monies were allocated for the procurement and protection of sensitive land parcels throughout the state. Over the past few years, this fund has been left unfunded or underfunded. While these bills failed, they would have required \$100 million of LATF monies be appropriated to the Florida Forever Trust Fund annually, in accordance with the Florida Forever Act.

#### **HB 973 – Water Quality Improvements, Rep. Payne/SB 1022 – Sen. Albritton**

The Clean Water Act (CWA) requires states to adopt water quality standards (WQS) for navigable waters. The CWA requires states to develop lists of water bodies that do not meet WQS, which are called impaired waters. States are then required to develop a total maximum daily load (TMDL) for the pollutants causing the impairment. The TMDL is the maximum allowable amount of the pollutants the water body can receive while maintaining WQS.

While it failed, the legislation provided for many substantive changes to Florida Statutes and would have addressed multiple water quality issues including:

- Creating an onsite sewage treatment and disposal systems (OSTDS) technical advisory committee and requires the DEP to submit recommendations to the Governor and the Legislature.
- Creating a clean water grant program, subject to appropriation, and requires the DEP to submit recommended processes for the prioritization of projects and allocation of funds.
- Requires specified sewage discharge notification for domestic wastewater treatment facilities that unlawfully discharge sewage.
- Requiring advanced wastewater treatment for domestic wastewater discharges into the Indian River Lagoon and requires the DEP to submit a progress report.
- Prohibiting the land application of biosolids under certain conditions, requiring the DEP to conduct rulemaking to implement the findings of the Biosolids Technical Advisory Committee (TAC), creating a Biosolids Alternative Management TAC, and requiring a report of its findings to be submitted to the Governor and the Legislature.

#### **HB 1319 – Vessels, Rep. Diamond/SB 1530 – Sen. Rouson**

The legislation would have increased the civil penalties for a vessel deemed at risk of becoming derelict for a second offense from \$100 to \$250 and for a third offense from \$250 to \$500. Additionally, penalties would have increased for anchoring or mooring in a prohibited area for a second offense from a maximum of \$100 to \$250 and for a third offense from \$250 to \$500. Finally, it would have provided that a person cited more than three times in a 12-month period may have their vessel impounded by law enforcement. Neither proposal passed all their committees of reference during Session.

**HB 7123 – Taxation, Rep. Avila/SB 1412 -Sen. Gruters**

*Approved April 15<sup>th</sup> – Chapter 2019-42.*

Considered the Legislature’s “tax package,” this legislation contains specific provisions pertaining to sales tax holidays, commercial rent, hurricane recovery, school voted taxes, contributions to scholarship organizations, documentary stamp tax, traffic infraction reduction, donations to a charitable organization, right-of-way fees, and general appropriations. The package provides \$121 million in tax breaks; however, it is expected to cut state and local revenue by \$87 million in FY 2019-20. Specifically, there is:

- A five-day Back-to-School sales tax holiday from August 2, 2019 through August 6, 2019. This holiday will temporarily eliminate sales taxes on clothes that cost \$60 or less, school supplies that cost \$15 or less and personal computers that cost less than \$1,000.
- A seven-day Disaster Preparedness sales tax holiday from May 31, 2019 through June 6, 2019. During this holiday period, sales taxes will not be collected on items such as battery packages and non-electric food storage coolers that sell for \$30 or less; self-powered light sources that cost \$20 or less; tarpaulins, self-powered radios, ground anchor systems, and weather-band radios that cost \$50 or less; and portable generators that cost \$750 or less.
- Reduction of the sales tax on commercial leases from 5.7 percent to 5.5 percent.
- Refunds of sales tax paid on certain Hurricane Michael materials (fencing, fuel, farm operation, agricultural processing facilities, etc.).
- The removal of the 1-year limitation on the transfer of homestead property between spouses.
- An exemption from the sales and use tax property purchased by a business for resale that is donated to charity.
- An exclusion in the definition “pass-through provider” as a person who does not remit communication services tax to a municipality or county, but who does sell communication services for resale to a person who sells those services at a retail store who remits CST to that municipality or county.
- An appropriation of \$237,000 to implement the “back-to-school” sales tax holiday, and \$91,319 to implement the commercial rent tax rate reduction.

**SB 76 – Texting While Driving, Sen. Simpson/HB 107 – Rep. Toledo**

*Approved May 17<sup>th</sup> – Chapter 2019-44.*

Effective July 1, 2019, HB 107 changes the current enforcement ban on texting while driving from a secondary offense to a primary offense, which will allow a law enforcement officer to stop a vehicle solely for texting while driving. Effective October 1, 2019, the legislation authorizes enforcement of a ban on the use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or active work zone area as a primary offense punishable as a moving violation. The legislation provides for enforcement only by a warning from October 1, 2019, through December 31, 2019, after which a person may be issued a citation. The ban does not apply to:

- An emergency vehicle operator while performing official duties, a law enforcement or fire service professional, or EMS profession;
- A motor vehicle reporting an emergency, criminal, or suspicious activity to law enforcement authorities;
- Receiving messages that are: related to the operation or navigation of a motor vehicle; safety-related information; data used primarily by the motor vehicle; or radio broadcasts;
- Using a wireless communications device or system in a hands-free manner for navigation or in a voice-operated mode; or
- Operating an autonomous vehicle in autonomous mode.

For both texting while driving and use of a wireless communications device, in a handheld manner, while operating a motor vehicle in a designated school crossing, school, or work zone the legislation:

- Allows for a statewide public education and awareness campaign;
- Requires a law enforcement officer to inform the motor vehicle operator that he or she has a right to decline a search of his or her wireless communications device;
- Prohibits a law enforcement officer from accessing the wireless communications device without a warrant, confiscating the device while waiting for the issuance of a warrant, or using coercion or other improper method to convince the operator to provide access to such device without a warrant; and
- Requires a law enforcement officer to record the race and ethnicity of a person issued a citation for texting while driving or for the use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or active work zone area.

**HB 127 – Permit Fees, Rep. Williamson/SB 142 – Sen. Perry**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/28/19.*

The legislation requires local government to post its building permit and inspection fees schedule on its website. In addition, the legislation now requires local government to post a newly required building permit and inspection utilization report on its website by December 31, 2020. This report includes costs incurred and revenues derived from the enforcement of the Florida Building Code and the report must be updated prior to amending the fee schedule.

## **HB 207 – Impact Fees, Rep. Donalds/ SB 144 – Sen. Gruters**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/28/19.*

The legislation prohibits local governments from requiring the payment of impact fees prior to issuing a property's building permit. It also codifies the 'dual rational nexus test' for impact fees, which requires an impact fee to have a reasonable connection, or rational nexus, between 1) the proposed new development and the need and the impact of additional capital facilities, and 2) the expenditure of funds and the benefits accruing to the proposed new development. Impact fees collected by a local government may not be used to pay existing debt or pay for prior-approved projects unless such expenditure has a rational nexus to the impact generated by the new construction. Water and sewer connection fees are exempt from the above-mentioned prohibitions.

## **HB 411 – Nonemergency Medical Transportation Services, Rep. Perez/SB 302 – Sen. Brandes**

*Approved June 7<sup>th</sup> – Chapter 2019-72.*

Medicaid is a health care coverage safety net for low-income Floridians. Medicaid is a partnership between federal and state governments, established to provide coverage for health services for eligible persons. The program is administered by the Agency for Health Care Administration (AHCA) and financed by federal and state funds. Medicaid benefits include transportation services.

Non-emergency medical transportation (NEMT) includes transportation services offered to health care consumers who face barriers getting to their medical appointments. Depending on the recipient's individual needs, NEMT services can range from taxis, city buses to air ambulances equipped for advanced life support.

A transportation network company (TNC) is a transportation entity that uses a digital network to connect an individual with a private driver for a fee. The legislation authorizes a transportation network company, subject to compliance with state and federal Medicaid requirements, to provide nonemergency medical transportation services to a Medicaid recipient via the following arrangements:

- Under contract with a Medicaid managed care plan;
- Under contract with a transportation broker that is under contract with a Medicaid managed care plan or with AHCA; or
- By referral from a transportation broker contracting with Medicaid managed care plans or AHCA.

The legislation states that requirements for TNCs providing NEMT may not exceed those imposed under s. 627.748, F.S., which governs TNCs, except as necessary to conform with state and federal Medicaid requirements. It also requires drivers of TNCs providing NEMT to comply with the Level I background screening requirements for Medicaid NEMT providers but allows TNCs to use AHCA-approved alternative background screening procedures for its drivers that are functionally equivalent to a Level I background screening. Further, by October 1, 2019 ACHA is required to update the Florida Medicaid Non-Emergency Transportation Services Coverage Policy to reflect the policies set forth in the legislation. Finally, the legislation stipulates provisions may not be construed to:

- Expand or limit the existing transportation benefit provided to Medicaid recipients or to require a Medicaid managed care plan to contract with a transportation network company or a transportation broker.
- Exempt any person, firm, corporation, association, or governmental entity that engages in the business or service of basic life support or advanced life support transportation from licensure requirements provided in s. 401.25, F.S.

**HB 447 – Construction, Rep. Diamond/SB 902 – Sen. Perry; HB 1333 – Rep. Payne/SB 1800 – Sen. Gibson; HB 715 – Rep. Robinson/SB 1036 – Sen. Gruters**

*Approved June 7<sup>th</sup> – Chapter 2019-75.*

The Florida Building Codes Act provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. Local governments enforce the Florida Building Code, issue building permits, review building plans, and perform building inspections. The legislation creates provisions related to building permits and fees as well as the enforcement and updating of the Florida Building Code. The legislation establishes several processes and related procedures for property owners and local governments to close open and expired building permits. Specifically, it also:

- Allows local governments to provide written notice to a property owner and contractor no less than 30 days before a building permit is set to expire;
- Creates a procedure for property owners to close open or expired building permits by retaining the original contractor or a different contractor to perform the work necessary and obtain the inspections required to close the permit;
- Clarifies that a subsequent contractor is only liable for the work she or he performs when working to close a permit;
- Allows the owner of a residential property to close a permit by assuming the role of an owner-builder upon approval from the local government;
- Provides a local government may close a building permit after 6 years, if the agency determines that no apparent safety hazards exist;
- Prohibits a local government from penalizing or denying issuance of a building permit to a subsequent arms-length purchaser solely because a previous owner applied for a permit which was not closed;
- Prohibits a local government from denying issuance of a building permit to a contractor solely because the contractor is listed on other building permits that are not closed; and
- Limits a local government to only charge one search fee for identifying building permits for a tax parcel.
- Prohibits a local government from carrying forward an amount greater than its average cost for enforcing the Florida Building Code for the previous four fiscal years;
- Requires a local government to use any excess code enforcement funds to rebate or reduce code enforcement fees; and
- Prohibits a local government from charging surcharges or similar fees not directly related to enforcing the Florida Building Code.

Additionally, the legislation clarifies the risk horizon of construction industry participants by providing that a notice of claim to resolve construction defects does not toll any statute of repose on limitations of actions and adverse possession. This effectively reverses a September 2018 4th DCA decision in *Gindel v. Centex Homes*, (43 Fla. L. Weekly D2112d) that held a service of pre-suit construction defect notice pursuant to s. 558.004, F.S., constitutes an “action” for purposes of initiating an action within the ten-year statute of repose for actions founded upon the improvement of real property under s. 95.011(3)(c), F.S. Finally, during the triennial update process of the Florida Building Code, the Florida Building Commission may approve certain amendments without a finding that they are needed to accommodate the specific needs of the state. As passed, HB 447 contained parts of various other building code and construction related bills, including HB 715, HB 1333, SB 1036, and SB 1800.

**HB 6017 – Small-scale Comprehensive Plan Amendments, Rep. Duggan/SB 1494 – Sen. Perry**

*If approved by the Governor, these provisions take effect July 1, 2019 | Not presented as of June 18<sup>th</sup>.*

This legislation repeals the 120-acre cumulative annual limit on small scale development amendments that may be approved by a local government. Comprehensive plans are intended to provide for the orderly and balanced future economic, social, physical, environmental, and fiscal development in a county or municipality. Small-scale comprehensive plan amendments involve less than 10 acres of land, do not impact land in an area of critical state concern, preserve the internal consistency of the overall local comprehensive plan, and do not require substantive changes to the text of the plan. The local government is authorized to adopt a cumulative total of 120 acres of small-scale comprehensive plan amendments in a calendar year.

**HB 7103 – Community Development and Housing, Rep. Fischer/SB 1730 – Sen. Lee**

*If approved by the Governor, these provisions take effect upon becoming a law | Not presented as of June 18<sup>th</sup>.*

This comprehensive package underwent extensive change in the final week of Session, relating to community planning, land development regulations, affordable housing, and condominium fire safety requirements. Originally, it would have negatively impacted a local government’s attempt to make housing more affordable for its residents. However, it allows for local inclusionary housing ordinances but requires local governments to fully offset all costs to the developer of its affordable housing contributions.

It imposes requirements and time limits for a local government to review an application for a development permit or development order and provides procedures for addressing deficiencies. Within 120 days after an application is deemed complete, or 180 days for applications requiring a quasi-judicial hearing or a public hearing, the local government must approve, approve with conditions, or deny the application. Comprehensive plans effective after January 1, 2019, must incorporate a development order existing before the comprehensive plan’s effective date. In challenges to the consistency of a development order, the parties may invoke summary proceedings, and the prevailing party is entitled to recover its reasonable attorney fees and costs. The legislation addresses a county concern relating to permit extension by limiting the exercise of rights under a building permit or development order to be tolled only during a declared emergency or natural disaster. Generally, extensions for building permits and development orders can be extended during a declared manmade and natural disaster – even if the emergency has no rational nexus to the permit.

It codifies the dual rational nexus test for impact fees by requiring an impact fee to be proportional and have a rational nexus both to the need for additional capital facilities, and to the expenditure of funds collected and the benefits accruing to the new construction. Local governments must designate the funds collected by the impact fees for acquiring, constructing, or improving capital facilities to benefit new users. Impact fees collected by a local government may not be used to pay existing debt or pay for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction.

The legislation also states that if a local government increases its impact fee rates, the holder of any impact fee credits in existence prior to the increase is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established, and impact fees may be waived for the development or construction of affordable housing – a strategy already adopted by Broward County. Local governments must also credit against an impact fee any contributions related to public educational facilities.

Scope of services of private providers is expanded by allowing them to approve plans and perform inspections for portions of a project that are not part of the building structure, such as services involving the review of site plans and site work engineering plans; and a local government may not charge an inspection fee when a private provider is used; however, a local government may charge a reasonable administrative fee. Local governments may replicate the plan reviews or inspections done by a private provider, unless specifically authorized. There is a reduction to the time period to notice a local building official regarding the use of a private provider from seven days to two business days prior to the scheduled inspection, the time period a local building official has to review a permit application from 30 business days to 20 business days, and clarifies the building official has the remainder of the tolled 20-day period plus five business days, from the resubmittal date, to either issue the requested permit or provide a second written notice stating the remaining deficiencies. Moreover, a building official's review of a resubmitted permit application from a private provider is limited to the deficiencies cited in the written notice.

Addressing fire safety requirements for residential condominiums, the legislation allows condominium associations to continue voting to waive fire sprinkler system retrofitting requirements and extends the date local authorities may require a condominium association to complete retrofitting of a fire sprinkler system or an engineered life safety system to January 1, 2024. These provisions do not apply to timeshare condominium associations. Further, it delays the date that a local authority may require a condominium to retrofit the common areas (not including balconies) of a high-rise building with handrails and guardrails, which comply with the Fire Code, to the end of 2024.

Finally, the legislation directs the State Fire Marshal to issue a data call to local fire officials to collect data regarding high-rise condominiums greater than 75 feet in height, not retrofitted with a fire sprinkler system or an engineered life safety system. The submitted data is to include for each individual building, the address, the number of units, and the number of stories. A compiled report, by each city and county, must be sent by September 1, 2020, to the Governor, President of the Senate, and the Speaker of the House of Representatives.

#### **SB 78 – Public Financing of Construction Projects, Sen. J. Rodriguez/HB 169 – Rep. Fernández**

This legislation would have required a public entity that commissions or manages a construction project within the coastal building zone using funds appropriated from the state to conduct a sea level impact projection study and submit it to the Department of Environmental Protection (DEP) prior to commencing construction. Additionally, it required the DEP to adopt rules establishing standards for the studies, including requirements for conducting a study and information the study must contain. The DEP would be required to publish and maintain copies of the studies for 10 years after receipt.

The legislation authorized the DEP to bring a civil action in order to seek injunctive relief to cease construction, enforce the section or rules adopted by the DEP, or seek recovery of state funds expended on a coastal structure. However, the legislation's provisions could not be construed to create a cause of action for damages.

#### **SB 102 – Recovery Residences, Sen. Book/HB 103 – Rep. Jacobs**

The legislation would have required that all recovery residences operating throughout the state obtain certification through a credentialing entity approved by the Department of Children and Families (DCF). Currently, certification of recovery residences in Florida is voluntary.

### **HB 291 – Growth Management, Rep. Clemons/SB 428 – Sen. Perry**

The legislation provided that a local government may develop its own property rights language if such language did not conflict with the legislation’s model statement of rights found in their comprehensive plans by July 1, 2020. The model statement of rights required local government to consider the following in local decision-making:

- Physical possession and control of the property owner’s interests in the property, including easements, leases, or mineral rights;
- Quiet enjoyment of the property, to the exclusion of all others;
- Use, maintenance, development, and improvement of the property for personal use or the use of any other person, subject to state law and local ordinances;
- Privacy and exclusion of others from the property to protect the owner's possessions and property; and
- Disposal of the property owner’s property through sale or gift.

Further, it provided that a municipal comprehensive plan effective after January 1, 2019, and all land development regulations adopted to implement the plan, must incorporate a development order existing before the comprehensive plan’s effective date. The plan may not impair a party’s ability to complete development in accordance with the development order and must vest the density and intensity approved by the order without any limitations or modifications.

### **SB 250 – Pilot State Workforce Housing Tax Credit, Sen. Flores/HB 413 – Rep. Aloupis**

As amended in committee, the bill would have created the State Workforce Housing Tax Credit Program to stimulate creative private sector initiatives to increase the supply of workforce housing in Florida. The goal of the program would incentivize developers to construct workforce rental housing targeted to serve residents with household incomes up to 90 percent of the area median income or up to 120 percent in areas of critical state concern. Taxpayers owning an interest in an eligible housing development could apply the tax credits against the state’s insurance premium tax or insurance retaliatory tax over a 10-year period. The maximum aggregate dollar amount of tax credit awards was \$50 million in each of calendar years 2020, 2021, and 2022. Awards could not be made after 2022. The Florida Housing Finance Corporation would administer the program.

### **SB 350 – Affordable Housing, Sen. Hutson/HB 1155 – Rep. Plasencia**

Local governments are authorized to waive or exempt impact fees for affordable housing and would be required to report specified data on any impact fees they charge. The legislation proposed a new local permit approval process for affordable housing and revises features of the Community Workforce Housing Innovation Loan Pilot Program. Provisions for local government contributions and local housing incentive strategies related to affordable housing were also outlined.

### **HB 443 – Assessment of Property, Rep. Rodriguez (Ant)/SB 568 – Sen. Diaz**

The Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes, and provides for specified assessment limitations, property classifications, and exemptions. While it failed, the legislation provided that the property appraiser must consider a restrictive covenant when determining the just value of a property, if a county and municipality entered into an agreement with a property owner authorizing the local government to record with the clerk of court a restrictive covenant running with the land for a term of at least 20 years requiring that a property will be used to provide affordable housing to extremely-low income to moderate-income persons.

Additionally, local governments would be required to provide the property appraiser with a list of all agreements entered into for the current calendar year, by January 10<sup>th</sup> annually. The property appraiser must consider the covenant, any amendments, or resale restrictions when determining the just value of a property subject to a restrictive covenant. Property appraisers would now have discretion to allow the owner of tangible personal property to qualify for the tangible personal property exemption without filing an initial return, and allowed the lone general partner of a Florida limited partnership applying for a tax exemption for non-profit homes for the aged to be a Florida limited liability company whose sole member is a not-for-profit corporation.

**HB 565 – Housing Discrimination, Rep. Davis/SB 1142 – Sen. Thurston, Jr.**

This legislation would have amended the Florida Fair Housing Act (FFHA) to establish that a person alleging a discriminatory housing practice is not required to petition for an administrative hearing or exhaust his or her administrative remedies prior to bringing a civil action under the FFHA. Therefore, a person who alleges he or she has been injured by unlawful housing discrimination may file a civil action at any time under the FFHA, regardless of whether a complaint has been filed with the Florida Commission on Human Relations (FCHR) or the status of any such complaint. This change addresses three separate state district court of appeals cases that have recently held a person must exhaust his or her administrative remedies prior to filing a civil action under FFHA, placing Florida’s law in conflict with the federal case law and the federal Fair Housing Act. It also prohibits the filing of a civil action under the FFHA if the claimant and the respondent have entered into a conciliation agreement which has been approved by the FCHR, other than to enforce the terms of the agreement or file a civil action once an administrative hearing has begun. These changes were designed to make the FFHA “substantially equivalent” for purposes of the FCHR’s certified Fair Housing Assistance Program.

**HB 1139 – Inspections and Permits, Rep. Plakon/SB 1752 – Sen. Perry**

This legislation would have required each local government that imposed permitting or inspection fees to establish a priority process by which an inspection may be expedited. Local governments were authorized to charge an additional fee for the expedited process, but the fee could not exceed two times the baseline fee for the inspection type being expedited. It limited local governments to collecting 50 percent of the fee due when a building permit application was filed. If the local government failed to meet an established application deadline, the original amount of the permitting fee is reduced by 10 percent for every 10 business days by which the local government failed to meet the established deadline. Upon approval of the building permit application, local government is required to notify the applicant of any fee balance. If the applicant owed additional fees, the fees were to be paid before the issuance of any certificate or permit. Similarly, if a refund was owed, then the refund was due to the applicant when the certificate or permit issued.

**HB 1237 – Towing and Immobilizing Vehicles and Vessels, Rep. McClain/SB 1792 – Sen Gruters**

The legislation prohibited a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The prohibition stemmed from administrative fees and charges imposed by Miami-Dade and the City of Miami Beach on certain towers performing services within the county or the city. While it failed, it would have created a new section of law allowing counties and cities to impose a reasonable administrative fee or charge on the parking violator, limited to 25 percent of the maximum towing rate, to cover the cost of towing enforcement. Additionally, a towing business or authorized wrecker operator could impose the fee or charge on the parking violator and remit the fee to the county or municipality as a “pass-through” after it’s collected.

It also prohibited counties and municipalities from requiring the acceptance of credit cards, exempting ordinances in place as of January 1, 2019. If a towing company did accept credit cards as a form of payment, the towing business must maintain an ATM on-site. Furthermore, the regulation of attorney fees in towing cases was preempted to the state. Thus, a consumer that pursued a private right of action against a towing company for a wrongful tow and prevailed could continue to recover damages and court costs but would not be able to recover attorney fees.

IABS staff worked hard to include amendments designed to exempt the towing licensing, regulatory, and enforcement programs of Broward and Palm Beach Counties; allowing both counties to make future changes to these programs, and maintain the enforcement authority of Broward, Palm Beach, and Miami-Dade Counties' towing programs. Also included was a limited exemption to Miami-Dade County's towing regulatory program.

**HB 6003 – Traffic Infraction Detectors, Rep. Sabatini/SB 622, SB 306 – Sen. Brandes**

Effective July 1, 2022, the legislation removed the authorization for the DHSMV, counties, and municipalities to install and maintain red light cameras. It also maintained statutory provisions that expressly preempts the use of cameras for enforcing the Florida Uniform Traffic Control law to the state. Had this repeal proven successful, counties and municipalities would no longer have the authority to implement red light camera programs by local ordinance.

**HB 19, HB 7073 – Prescription Drug Importation Program, Rep. Leek/SB 1452 – Sen. Gruters**

*Approved June 11<sup>th</sup> – Chapter 2019-99.*

If approved by the federal government, Floridians will have access to prescriptions at a lower cost. As one of the House Speaker’s priority bills, it authorizes the Canadian Prescription Drug Importation Program (CPDI) in the Agency for Health Care Administration (AHCA) and the International Prescription Drug Importation (IPDI) Program in the Department of Business and Professional Regulation (DBPR). The CPDI program would be for state health-care programs, while the IPDI program would be for all state residents. Neither program can be implemented without approval from the federal government, which has yet to approve any similar laws in any other state.

The legislation specifically establishes eligibility criteria for the types of prescription drugs which may be imported. These criteria include the importation process, safety standards, testing requirements, drug distribution requirements, and penalties for violations of program requirements. The AHCA and DBPR will establish a licensing and fee structure as necessary.

**SB 182 – Medical Use of Marijuana, Sen. Brandes/HB 7015 – Rep. R. Rodrigues**

*Approved March 18<sup>th</sup> – Chapter 2019-001.*

In 2016, 70 percent of Floridians voted in favor of a constitutional amendment allowing for the legalization of medical marijuana. Though the 2017 legislation legalized medical marijuana in edible, oil, pill, and vape form, the legislation signed into law by then-Governor Rick Scott made smoking it illegal. This reverses the 2017 law and now patients may receive 2.5 ounces of whole flower cannabis every 35 days as recommended by their skilled physician. Patients younger than 18 can smoke medical marijuana if they have a terminal condition and get a second opinion from a pediatrician.

**SB 184 – Aging Programs, Sen. Book/HB 7019 – Rep. Tomkow**

*Approved April 26<sup>th</sup> – Chapter 2019-011.*

The legislation transfers rulemaking authority, along with all powers, duties, functions, records, personnel, property, salary rates, budget authority and administrative authority from DOEA to AHCA for assisted living facilities, hospices, adult family care homes, and adult day care centers. As signed into, one, rather than two, state agencies would be responsible for regulating these facilities.

**SB 366 – Infectious Disease Elimination Programs, Sen. Braynon II/HB 171 – Rep. Jones**

*Signed by Officers and presented to Governor | Governor must act on this bill by 06/28/19.*

The County has been supportive of the “needle exchange” legislation since 2016. As passed, the legislation creates the Infectious Disease Elimination Act (IDEA), which authorizes counties to adopt ordinances opting-in to the sterile needle exchange program, allowing for the free exchange of clean, unused needles and hypodermic syringes for used needles and hypodermic syringes to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users and their sexual partners and offspring. It also prohibits state, county, or municipal funds to be used to operate an exchange program; however, an exchange program

may be funded only through grants and donations from private resources. Further, certain requirements (below) must be adopted before a county commission can establish an exchange program:

- Authorize the program under a county ordinance;
- Execute a letter of agreement with the Department of Health (DOH) in which the county commission agrees to operate the program in accordance with the IDEA’s statutory requirements;
- Enlist the local county health department (CHD) to provide ongoing advice, consultation, and recommendations for program operations; and
- Contract with one of the following entities to operate the county program:
  - A hospital licensed under chapter 395;
  - A health care clinic licensed under part X of chapter 400;
  - A medical school in Florida accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation;
  - A licensed addictions receiving facility as defined in s. 397.311(26)(1), F.S., or
  - A 501(c)(3) HIV/AIDS service organization.

Other programmatic requirements for a county’s exchange program include:

- Development of an oversight and accountability system which meets the approval of the county commission, ensures compliance with statutory and contractual requirements, including measurable objectives and a tracking mechanism, application of consequences for noncompliance, and a requirement for routine reporting;
- Provision for maximum security at sites where needles and syringes are exchanged, or equipment is used;
- A requirement that educational materials must be offered wherever needles and syringes are exchanged;
- Provision of on-site counseling and referrals for drug abuse prevention, education, and treatment;
- Provision of on-site HIV and viral hepatitis screening and referrals for such screening, or if not able to test and screen on-site, provide a referral where a test can occur within 72 hours in rural areas;
- Provision of emergency opioid antagonist kits or referral to a program that can provide such kits; and
- Collection of data as statutorily required for reporting to the CHD, county commission, and the state.

**HB 851 – Human Trafficking, Rep. Fitzenhagen/ SB 540 – Sen. Book**

*If approved by the Governor, these provisions take effect July 1, 2019 | Not presented as of June 18<sup>th</sup>.*

Florida law defines human trafficking as a form of modern-day slavery whose victims are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor. The legislation requires police officers and workers in hotels, massage parlors and other businesses to complete training to recognize potential trafficking victims is currently being reviewed by the Governor’s office. While the creation of a statewide database listing anyone convicted of soliciting was highly contested and remained in the legislation, it passed both chambers prior to the end of Session.

This legislation will also mandate that people in variety of fields that require professional licenses — including massage therapists, doctors, chiropractors, acupuncturists and others — complete a one-hour course on human trafficking, including how to identify potential victims and how to report cases. Hotels and other lodging establishments will be required to provide annual training on human trafficking awareness to housekeeping employees and those who work at a front desk or reception area. Most importantly, officers are required to

complete four hours of training in identifying and investigating human trafficking. The four hours would count toward the 40 hours of training required every four years to be a certified law enforcement officer in the state.

**HB 59 – Prescription Drug Donation Repository Program, Rep. Yarborough/SB 104 – Sen. Book**

The legislation would have created a Prescription Drug Donation Repository Program (program) in the Department of Health (DOH) to facilitate donation and distribution of prescription drugs and supplies to indigent, underinsured, and uninsured patients in the state. The program would have used a system of repositories to distribute donated prescription drugs throughout the state to eligible patients.

**HB 69 – Child Care Facilities, Rep. Antone/SB 94 – Sen. Stewart**

If the legislation passed through the committee process, it would have expanded the application of the minimum safety standards to family day care homes in addition to childcare facilities and large family childcare homes. Specifically, requiring the Department of Children and Families (DCF) adopt minimum safety standards regarding procedures to avoid inadvertently leaving a child in a vehicle, including systems to ensure accountability for children transported by a facility or home. DCF would have been required to issue an emergency suspension of the license of a facility or home if a child dies due to being left in a vehicle owned, used, or operated by that facility or home.

**HB 259 – Comprehensive Health in Public Schools, Rep. Williams/SB 982 – Sen. Thurston, Jr.**

The legislation would have required that a health education curriculum include techniques for students and teachers to recognize and respond to child abuse, and the dangers and warning signs of human trafficking. Additionally, it provided that a student may opt-out of portions of the comprehensive health education program upon written request from his or her parent to the school principal.

**HB 875 – Statewide Taskforce on Opioid Drug Abuse, Rep. Sirois/SB 1658 – Sen. Simpson**

In April, Governor DeSantis issued an Executive Order (19-97) establishing the Office of Drug Control and the Statewide Task Force on Opioid Abuse to Combat Florida’s Substance Abuse Crisis (“Task Force”). Attorney General Ashley Moody has since been appointed as the Chair of the Task Force, which will study the cost of the crisis on state and local governments; identify available programs that have been successful in combating opioid abuse; work to better understand the sources of addiction; explore whether there is a need for additional regulatory activity; and evaluate and identify ways to reduce the demand for opioids and decrease the supply. The proposed legislation would have codified in Florida Statutes a task force that would provide for similar measures.

**HB 955 – Medicaid Eligibility Requirements, Rep. Perez**

Medicaid is a partnership between the federal and state governments to provide coverage for health services for eligible persons. The program is administered by the Agency for Health Care Administration (AHCA) and financed by federal and state funds. While Florida does not cover all low-income Floridians, it has added optional benefits to its Medicaid program (i.e. prescription drugs, ambulatory surgical center services, and dialysis). Subject to federal approval, the legislation would have imposed work requirements as a condition of eligibility for Medicaid and enrollment in a Managed Medicaid Assistance (MMA) plan. Work requirements would apply to able-bodied adults with children, and able-bodied adults without children ages 19-20, who meet the current income eligibility requirements.

## **SB 1218 – Homelessness, Sen. Book/HB 1353 – Rep. Altman**

The legislation would have changed the definition of homelessness to include people who lack fixed, regular and adequate nighttime addresses and who could imminently lose their primary nighttime residences. This proposed legislation also would have increased grants to combat homelessness from \$500,000 to \$750,000 and would have reduced matching-fund or in-kind support requirements. The grants are issued by the state Office of Homelessness, which would have changed its makeup under the legislation with the addition of two members: a representative from the Florida Housing Coalition and the secretary of the Department of Elder Affairs.

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### *Public Works, Water Wastewater Services*

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## **HB 771 – Environmental Regulation, Rep. Overdorf/SB 816 – Sen. Perry**

*Governor Vetoed May 10<sup>th</sup>.*

Originally, the legislation was proposed to require counties and municipalities to address non-hazardous contamination of recyclable materials in contracts with residential recycling collectors and recovered materials processing facilities. Counties and municipalities would not have been able to require residential recycling collectors or recovered materials processing facilities to collect or process contaminated recyclable material except pursuant to a contract.

In addition, the legislation would have allowed water management districts and the Department of Environmental Protection (DEP) to require environmental resource permits for construction activities that negatively impact water resources and it would have prohibited local governments from requiring further verification from DEP that a specific activity meets an environmental resource permit exception. The legislation was amended at the end of session to include a preemption of local governments by creating a moratorium on the regulation of single-use plastic straws. The late addition of this preemptory language caused the governor to veto the legislation stating, “the State should allow local communities to address this issue through the political process.”

## **HB 101 – Public Construction, Rep. Andrade/SB 246 – Sen. Hooper**

Retainage is a portion of an agreed upon contract price that is deliberately withheld until the work is substantially complete to assure that a contractor or subcontractor satisfies its obligations and complete the construction project. Retainage is a common construction practice. As originally filed, HB 101 amended current law to lower the retainage percentage that could be withheld on state and local government construction contracts. Specifically, for construction contracts exceeding \$200,000, the legislation reduced the amount that could be retained from:

- 10 percent to 5 percent before 50% of the work is complete;
- 5 percent to 2½ percent after 50% of the work is complete;
- 10 percent to 5 percent for the entire project if the government entity is a municipality with a population of 25,000 or less or a county with a population of 100,000 or less; and
- 5 percent to 2½ percent of a payment from a contractor to a subcontractor after half of the work is complete.

For contracts less than 200,000, a reduction in the amount the state and local governments could retain from each progress payment made to a contractor decreased from 10 percent to 5 percent. Also provided was an exemption for FDOT construction projects authorized by Chapter 337, F.S. and contracts for construction services entered, pending approval, or advertised by a government entity, on or before October 1, 2019.

IABS worked with the Florida League of Cities and other local governments, proffering a compromise which would have provided for a straight five percent retainage rate that could be withheld from each progress payment made pursuant to a public construction contract. The Senate companion, SB 246, stalled and was not heard in its last committee, thus ending its hopes for passage in 2019. It's expected the legislation will return for the 2020 Session.

#### **HB 167 – Local Government Public Construction Works, Rep. Andrade/SB 806 – Sen. Perry**

Generally, local governments and other political subdivisions must competitively bid public construction projects for buildings and structure if the projected cost is in excess of \$300,000. The governing board of a local government may forego competitive procurement for any such project when it determines that it is in the public's best interest to use its own services, employees, and equipment with which to perform the project if the estimated cost of a project is less than specified thresholds depending upon the type of project. Further, counties must competitively bid and award all projects for construction and reconstruction of roads and bridges that utilize the proceeds from the 80-percent portion of the surplus of the constitutional gas tax.

This legislation specified the method in which the estimated cost of a public building construction project be determined when a local government governing board is deciding whether it is in its best interest to perform the project using its own services, employees, and equipment. Specifically, the estimated cost of a project must be determined using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment costs and maintenance, insurance costs, and the cost of materials. Finally, a local government that performs a public building construction project using its own services, employees, and equipment must, after a project's completion, disclose the project's actual costs to the Auditor General (AG) for review as part of his or her routine audits of local governments.

#### **HB 1169 – Displacement of Private Waste Companies, Rep. McClure/SB 1572 – Sen. Albritton**

Local jurisdictions are required to regulate waste disposal services but may contract some or all these services to others. Currently, a local government must provide three years' notice to the displaced private company or pay an amount equal to the company's gross receipts for the preceding 15 months. The legislation would have made the three years' notice to a private company mandatory and required a local government to pay a displaced private waste company an amount equal to 18 months of the company's preceding gross receipts after the notice period ends. Local governments and private companies would also have lost the ability to negotiate different notice periods or buyout terms.

**HB 385 – Transportation, Rep. Avila/SB 898 – Sen. Diaz**

*If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise provided | Not presented as of June 18<sup>th</sup>.*

During Session, Broward County expressed its concerns with the transportation surtax language found in the original bill. IABS staff took this concern to the bill sponsor, and it was ultimately removed. However, as passed, it contains various transportation-related issues, most relating to the newly created Greater Miami Expressway Agency, as well as various miscellaneous provisions.

Greater Miami Expressway Agency

- Effective upon becoming law, it repeals the existing part I of Chapter 348, Florida Statutes, and dissolves the Miami-Dade County Expressway Authority.
- Creates a new part I of the same chapter, to which the bulk of the existing provisions are relocated, and transfers all assets, powers, duties, and operations and maintenance control to the Greater Miami Expressway Agency (GMX), subject to all bond terms and covenants.
- Provides for appointment of nine members to the GMX governing body and prohibits appointment of persons who were members of the governing body or employees of the former MDX on or after July 1, 2009, with certain exceptions.
- Provides various definitions and sets out multiple ethics requirements applicable to members, employees, officers, and consultants of the GMX, the latter group of which does not include firms or individuals retained by the GMX to provide architectural, engineering, landscape architecture, or registered surveying and mapping services.
- Prohibits the GMX from increasing its toll rates until July 1, 2029, except as necessary to comply with bond covenants or, on or after July 1, 2024, as approved by a supermajority vote of the GMX governing body; and requires approval of any toll rate increase by a two-thirds vote of the governing body.
- Restricts the amount of toll revenues used for administrative costs to no more than ten percent above the annual state average of administrative costs, with the average to be determined by the Florida Transportation Commission based on the annual administrative costs of all the expressway authorities in the state.
- Requires a distance of at least five miles between main through-lane tolling points, not including entry and exit ramps, and authorizes the GMX to establish toll rates such that the rate per mile is equal to the rates in effect on July 1, 2019.
- Authorizes the GMX to finance or refinance the planning, design, acquisition, construction, extension, etc., of a public transportation facility or transportation facilities owned or operated by Miami-Dade County; an intermodal facility or facilities; multimodal corridors, bicycle facilities or greenways, or any programs or projects that will improve levels of service on an expressway system.
- Creates the Greater Miami Toll Rebate Program within the GMX, subject to certain conditions, affording monthly rebates beginning January 1, 2020, in the form of SunPass account credits for SunPass holders with vehicles registered in Miami-Dade County who incur \$12.50 or more each month in tolls. It specifies

a goal of rebating 25 percent of tolls paid, requires the GMX to review the amount of the toll rebate once every five years, and authorizes the GMX to adjust the toll rate.

- Before October 1, 2019, requires the Auditor General to submit a report assessing the financial situation of the GMX, the financial feasibility of the toll rebate program, and the financial feasibility of a toll rate reduction.
- Requires the GMX, beginning October 1, 2020, to annually submit to the Miami-Dade County metropolitan planning organization (MPO) and post on the GMX's website a report providing information regarding the amount of tolls collected and how the tolls were used in the GMX's previous fiscal year.

#### Other Miami-Dade County Provisions

- Prohibits the Miami-Dade County MPO from assessing any fees for municipalities, counties, or other governmental entities that are members of the MPO.
- Effective October 1, 2022, and to the extent not prohibited by bond contracts or bond covenants, revises the authorized uses of the proceeds of discretionary sales surtaxes in Miami-Dade County; limits the distribution of such proceeds to municipalities in that county to no more than 25 percent; and specifies the authorized uses of such proceeds by municipalities.
- Revives and makes permanent the rebuilt motor vehicle inspection program in Miami-Dade County repealed on July 1, 2018, to be implemented by the Department of Highway Safety and Motor Vehicles (DHSMV) by October 1, 2019; provides additional requirements for program participants and facilities; and requires the DHSMV to submit a report by July 1, 2021, evaluating the effectiveness of the program and whether to expand it to other counties.

#### Miscellaneous Provisions

- Authorizes an electronic copy, rather than a paper copy, of rental or lease documentation issued for a motor vehicle to be in the possession of the vehicle operator or carried in the vehicle and exhibited upon demand of any authorized law enforcement officer or DHSMV agent.
- Provides that the act of presenting an electronic device displaying an electronic copy of such rental or lease documentation does not constitute consent to access any information on the device other than the displayed rental or lease documentation, and provides the person presenting the device assumes liability for any resulting damage to it.
- Prohibits a person from renting a motor vehicle to another unless he or she inspects the driver license of the renter and verified that the driver license is unexpired.
- Deems a rental car company follow certain statutory requirements regarding physical driver license verification under certain conditions relating to rentals made by digital or electronic means or rentals to renters who do not execute a rental contract at the time of taking possession of the vehicle.
- Requires the Florida Department of Transportation (FDOT), for portions of transportation projects on, under, or over an FDOT-owned right-of-way to review the project's design plans for compliance with FDOT design standards.
- Changes the FDOT's authorization for innovative "highway" projects to innovative "transportation" projects, including projects demonstrating innovative techniques of bridge design, along with those of highway construction, maintenance, and finance, with the intended effect of measuring resiliency and structural integrity.

- Repeals the Osceola County Expressway Authority, which has transferred its projects to the Central Florida Expressway Authority; and relocates from the repealed part I of Chapter 348, F.S., public-private partnership authorization for the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority.
- Authorizes 40 honorary or memorial transportation facility designations around the state and directs the FDOT to erect suitable markers.

**HB 905 – Department of Transportation, Rep. Andrade/SB 1044 – Sen. Albritton/ HB 6011 – Alligator Alley Toll Road, Rep. Rommel/SB 72 – Sen. Passidomo**

*If approved by the Governor, these provisions take effect July 1, 2019 |Not presented as of June 18<sup>th</sup>.*

This legislation provides that notwithstanding any law, rule, or ordinance to the contrary, a local government may not adopt standards or specifications that are contrary to the Florida Department of Transportation’s (FDOT) standards or specifications for permissible use of aggregates that have been certified for use. It also defines the phrase “certified for use” to mean the aggregates and materials have been certified by the producer in accordance with FDOT’s rules. Multicounty independent special districts created by a special act of the Legislature are exempted from this prohibition, which includes approximately 41 special districts.

Local governments are prohibited from adopting standards or specifications that are contrary to FDOT’s standards or specifications for permissible use of reclaimed asphalt in construction. Moreover, reclaimed asphalt may not be considered solid waste for purposes of transportation construction projects. Notwithstanding any other provision of law to the contrary, for a project wholly or partially funded by the federal Department of Transportation (DOT) and administered by a local governmental entity, the same entity may not perform both design services and construction engineering and inspection services. However, it modifies the identical prohibition contained in another passed bill – HB 827 – by exempting seaports. IABS will work on including airports to this exemption.

**SB 1368 – Fleet Vehicle Rebate Program, Sen. Simpson**

This legislation would have created an electric and hybrid fleet vehicle rebate program within the Department of Agriculture and Consumer Services (DACs) to reduce the state’s transportation costs and encourage freight mobility investments. DACs would be required to award rebates for eligible costs incurred by an applicant in connection with an investment in the conversion, purchase, or lease of at least five years, of an electric or hybrid fleet vehicle placed into service on or after July 1, 2019. Forty percent of the annual rebate allocation would be reserved for governmental applicants, with the remaining funds allocated for commercial applicants. Rebates could not exceed 50 percent of the eligible costs. Applicants would be eligible to receive a maximum rebate of \$25,000 per vehicle, up to a total of \$250,000 per fiscal year. Between June 1 and June 30 of each fiscal year, DACs could receive additional applications from applicants who have met the program maximum of \$250,000 per fiscal year and could apply for additional funds for vehicles that had not received the maximum allowable rebate.

Applications for a rebate must be submitted to the department by a specified date each year, as established by department rule. The application must require:

- A complete description of all eligible costs;
- Proof of purchase of or lease of the vehicle;
- A copy of the vehicle registration certificate;

- A description of the total rebate the applicant seeks;
- An affidavit from the applicant certifying that all information contained in the application is true and correct; and
- Any other information the department deems necessary.

The legislation required DACS to adopt rules to implement and administer the program by December 31, 2019. DACS also had to publish on its website the amount of available funding for rebates remaining in each fiscal year. A requirement was included for DACS to provide an annual assessment of the rebate program to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The assessment had to include the following information:

- Name of each applicant awarded a rebate;
- Amount of the rebates awarded to each applicant;
- Type and description of each eligible vehicle; and
- Aggregate amount of funding awarded for all applicants claiming rebates.

Finally, the legislation appropriated \$6 million in recurring funds for the natural gas fuel fleet vehicle rebate program beginning FY 2019-2020 and each year thereafter through FY 2023-2024; and \$3 million in recurring funds for the electric and hybrid fleet vehicle rebate program beginning FY 2019-2020 and each year thereafter through FY 2023-2024. The legislation ultimately failed by the end of Session.

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## *County Appropriations*

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During this year's Session, a significant portion of total appropriations went to the Panhandle, which incurred significant losses from Hurricane Michael. Due to this, funding was limited for all other programs.

### **Nancy J. Cotterman Center Human Trafficking Outreach Coordinator | Amount Received: \$100,000**

This program will target youth and other victims of human trafficking; at-risk individuals, at-risk of becoming involved in the juvenile justice system, and/or who are already involved in the juvenile justice system. This program will provide human trafficking survivors with intensive case management and linkages to trauma-focused intervention counseling and services and place a strong emphasis on prevention, interventions and community outreach services. Youth enrolled will undergo an intake assessment to foster safety and empowerment, assess needs and develop a service and safety plan for appropriate linkages to behavioral health services, medical care, shelter counseling, long-term care and legal services. Extensive outreach activities will be conducted to increase the identification of victims of human trafficking including emergency response to survivors of human trafficking.

### **Nancy J. Cotterman Center State Attorney Liaison Program | Amount Received: \$100,000**

This program uses a trauma-informed approach and highly skilled staff to engage victims who either do not report a sexual assault crime for reasons of self-blame or guilt, shame, embarrassment, or are hesitant and mistrusting to engage with law enforcement and the state attorney's office. The fear of not being believed or of being accused of playing a role in the crime along with a lack of trust in the criminal justice system negatively influence the cooperation of victims and family members with prosecution. Anyone residing or visiting Broward County could be affected, directly or indirectly, regardless of age, sex, gender, religion, race, education level, or socioeconomic position.

### **Osborne Reef Waste Tire Removal Project | Amount Received: \$1,000,000**

Broward County was successful in receiving funds to continue the removal of submerged tires off the coast of Fort Lauderdale. These tires were originally intended to create a fishing reef 40 years ago, known as Osborne Reef. The tires eventually drifted onto corals, creating an environmental issue approximately one mile off the coast, which prompted the request for funding to remove the tires. Over the past few fiscal years, funding from the State has allowed for the retrieval of approximately 300,000 of the two million tires.

### **Davis Isles Septic-to-Sewer Conversion Project | Amount Requested: \$750,000; Amount Received: \$ -0**

The County would have replaced a Davis Isles drinking water main pipe during the sewer conversion construction project to optimize resource allocation and minimize neighborhood disruption. The County has eliminated over 16,000 septic tanks through a comprehensive neighborhood improvement program. This project is the first major County septic-to-sewer conversion project located next to a waterway with Department of Environmental Protection (DEP) bacteria inflow limits. While we did not receive this specific appropriation, the Legislature appropriated \$25 million towards projects that include septic-to-sewer conversions.

### **Test and Treat (TnT) Program | Amount Requested - \$2 million; Amount Received: \$ -0**

The funds for this program would have been spent to provide medications for clients who are not eligible for AIDS Drug Assistance Program or other coverage. The amount requested reflects the total cost for providing

prescription drugs to patients for one fiscal year. All counties, including Broward, first rolled out the Test and Treat program in 2017. Between May 2017 and June 2018, 1362 clients were referred to the Test and Treat. Of the 1362, 1049 clients were enrolled where the average prescription cost was \$2,000. The Florida Department of Health funded \$2 million with 340B program rebates. Broward County provided \$425,000 using Ryan White Part A Program grant funds. The amount per county depends on the volume of client utilization per county.

**TY Park Reclaimed Water Irrigation System | Amount Received: \$ -0**

This project supports the delivery of reclaimed water into the park and necessary capital improvements that include reclaimed water mains, master valves, reclaimed water booster pumps, irrigation systems, and electrical improvements. If funded, it would have reduced the volume of wastewater released to coastal waters, resulting in better offshore ocean water quality and progress towards compliance with ocean outfall legislation; offset additional withdrawals of fresh groundwater under the City of Hollywood's consumptive use permit; and improved landscaping within the park property.

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General Budget Overview

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**Health & Human Services**

**Agency for Health Care Administration (AHCA)**

**Medicaid Services to Individuals**

Community Mental Health Services

FY 15-16 Appropriated	\$270,859,631	
FY 16-17 Appropriated	\$277,492,868	
FY 17-18 Appropriated	\$274,914,391	
FY 18-19 Appropriated	\$276,886,108	
<b>FY 19-20 Appropriated</b>	<b>\$299,118,100</b>	<b>\$22,231,992</b>

**Medicaid Long Term Care**

Home and Community Based Services

FY 15-16 Appropriated	\$1,020,223,743	
FY 16-17 Appropriated	\$1,133,893,400	
FY 17-18 Appropriated	\$1,096,811,343	
FY 18-19 Appropriated	\$1,081,827,835	
<b>FY 19-20 Appropriated</b>	<b>\$1,151,188,373</b>	<b>\$69,360,538</b>

**Department of Health (DOH)**

Child Protection Teams

FY 15-16 Appropriated	\$20,918,729	
FY 16-17 Appropriated	\$16,500,000	
FY 17-18 Appropriated	\$22,657,762	
FY 18-19 Appropriated	\$42,613,846	
<b>FY 19-20 Appropriated</b>	<b>\$42,460,517</b>	<b>(\$153,329)</b>

**Department of Children and Families (DCF)**

Grants to Sheriffs for Protective Investigations

FY 15-16 Appropriated	\$55,812,406	
FY 16-17 Appropriated	\$57,012,406	
FY 17-18 Appropriated	\$56,812,406	
FY 18-19 Appropriated	\$57,673,013	
<b>FY 19-20 Appropriated</b>	<b>\$57,673,013</b>	<b>Level Funding</b>

**Mental Health Services**

Mental Health and Substance Abuse Local Match Grant

FY 15-16 Appropriated	\$3,000,000	
FY 16-17 Appropriated	\$9,000,000	

FY 17-18 Appropriated	\$9,000,000	
FY 18-19 Appropriated	\$9,000,000	
<b>FY 19-20 Appropriated</b>	<b>\$9,000,000</b>	<b>Level Funding</b>

**Substance Abuse Services**

ALL - Community Substance Abuse Services

FY 15-16 Appropriated	\$230,065,271	
FY 16-17 Appropriated	\$236,154,641	
FY 17-18 Appropriated	\$235,833,831	
FY 18-19 Appropriated	\$221,364,287	
<b>FY 19-20 Appropriated</b>	<b>\$303,740,047</b>	<b>\$82,375,760</b>

**Economic Self Sufficiency**

Homeless Housing

FY 15-16 Appropriated	\$3,800,000	
FY 16-17 Appropriated	\$0	
FY 17-18 Appropriated	\$3,840,800	
FY 18-19 Appropriated	\$3,590,800	
<b>FY 19-20 Appropriated</b>	<b>\$4,490,800</b>	<b>\$900,000</b>

**Elder Affairs**

Community Care for the Elderly

FY 15-16 Appropriated	\$64,344,996	
FY 16-17 Appropriated	\$66,390,120	
FY 17-18 Appropriated	\$69,887,294	
FY 18-19 Appropriated	\$71,187,294	
<b>FY 19-20 Appropriated</b>	<b>\$73,345,627</b>	<b>\$2,158,333</b>

**General Government**

**Housing and Community Development**

Florida Housing Finance Corporation (SAIL/SHIP Funds)

FY 15-16 Appropriated	\$105,000,000	
FY 16-17 Appropriated	\$135,500,000	
FY 17-18 Appropriated	\$100,000,000	
FY 18-19 Appropriated	\$123,630,000	
<b>FY 19-20 Appropriated</b>	<b>\$200,600,000</b>	<b>\$76,970,000</b>

**Department of Environmental Protection**

Fixed Capital Outlay - Statewide Beach Projects

FY 15-16 Appropriated	\$32,106,500	
FY 16-17 Appropriated	\$32,562,424	
FY 17-18 Appropriated	\$50,000,000	

FY 18-19 Appropriated	\$50,000,000	
<b>FY 19-20 Appropriated</b>	<b>\$50,000,000</b>	<b>Level Funding</b>

Strengthening Domestic Security

FY 15-16 Appropriated	\$30,954,281	
FY 16-17 Appropriated	\$30,764,189	
FY 17-18 Appropriated	\$41,224,929	
FY 18-19 Appropriated	\$41,579,914	
<b>FY 19-20 Appropriated</b>	<b>\$33,891,715</b>	<b>(\$7,688,199)</b>

**Transportation & Economic Development**

**Department of Transportation**

Aviation Development Grants

FY 15-16 Appropriated	\$298,580,253	
FY 16-17 Appropriated	\$250,597,532	
FY 17-18 Appropriated	\$257,056,198	
FY 18-19 Appropriated	\$351,370,671	
<b>FY 19-20 Appropriated</b>	<b>\$266,471,920</b>	<b>(\$84,898,751)</b>

Public Transit Development Grants

FY 15-16 Appropriated	\$468,089,885	
FY 16-17 Appropriated	\$404,382,492	
FY 17-18 Appropriated	\$558,512,207	
FY 18-19 Appropriated	\$434,904,833	
<b>FY 19-20 Appropriated</b>	<b>\$561,340,057</b>	<b>\$126,435,224</b>

Seaport - Economic Development

FY 15-16 Appropriated	\$15,000,000	
FY 16-17 Appropriated	\$15,000,000	
FY 17-18 Appropriated	\$15,000,000	
FY 18-19 Appropriated	\$15,000,000	
<b>FY 19-20 Appropriated</b>	<b>\$15,000,000</b>	<b>Level Funding</b>

Seaport - Access Program

FY 15-16 Appropriated	\$10,000,000	
FY 16-17 Appropriated	\$10,000,000	
FY 17-18 Appropriated	\$10,000,000	
FY 18-19 Appropriated	\$10,000,000	
<b>FY 19-20 Appropriated</b>	<b>\$10,000,000</b>	<b>Level Funding</b>

Seaport - Grants

FY 15-16 Appropriated	\$105,846,949	
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FY 16-17 Appropriated	\$114,480,263	
FY 17-18 Appropriated	\$140,097,833	
FY 18-19 Appropriated	\$132,525,084	
<b>FY 19-20 Appropriated</b>	<b>\$122,727,917</b>	<b>(\$9,797,167)</b>

Seaport Investment Program

FY 15-16 Appropriated	\$11,407,044	
FY 16-17 Appropriated	\$11,405,612	
FY 17-18 Appropriated	\$11,448,082	
FY 18-19 Appropriated	\$12,255,813	
<b>FY 19-20 Appropriated</b>	<b>\$12,904,547</b>	<b>\$648,734</b>

**Governor - Office of Economic Development**

Economic Development Tools

FY 15-16 Appropriated	\$43,000,000	
FY 16-17 Appropriated	\$18,000,000	
FY 17-18 Appropriated	\$24,300,000	
FY 18-19 Appropriated	\$29,100,000	
<b>FY 19-20 Appropriated</b>	<b>\$26,600,000</b>	<b>(\$2,500,000)</b>

Economic Development Projects

FY 15-16 Appropriated	\$30,951,400	
FY 16-17 Appropriated	\$26,055,400	
FY 17-18 Appropriated	\$16,150,000	
FY 18-19 Appropriated	\$12,856,783	
<b>FY 19-20 Appropriated</b>	<b>\$9,150,000</b>	<b>(\$3,706,783)</b>

**Secretary of State**

**Historical Resources Preservation**

Grants and Aids - Historic Preservation Grants

FY 14-15 Appropriated	\$2,006,151	
FY 15-16 Appropriated	\$2,025,224	
FY 16-17 Appropriated	\$1,886,785	
FY 17-18 Appropriated	\$4,704,501	
FY 18-19 Appropriated	\$3,368,250	
<b>FY 19-20 Appropriated</b>	<b>\$2,337,733</b>	<b>(\$1,030,517)</b>

**Library, Archives and Information Services**

Grants in Aid - Library Grants

FY 15-16 Appropriated	\$24,449,440	
FY 16-17 Appropriated	\$24,449,440	

FY 17-18 Appropriated	\$28,349,440	
FY 18-19 Appropriated	\$22,454,678	
<b>FY 19-20 Appropriated</b>	<b>\$23,954,678</b>	<b>\$1,500,00</b>
 <u>Grants in Aids - Library Resources</u>		
FY 15-16 Appropriated	\$3,789,236	
FY 16-17 Appropriated	\$3,789,236	
FY 17-18 Appropriated	\$3,789,236	
FY 18-19 Appropriated	\$3,789,236	
<b>FY 19-20 Appropriated</b>	<b>\$3,789,236</b>	<b>Level Funding</b>
 <b>Cultural Support and Development Grants</b>		
<u>Aid to Local Government - Arts Grants</u>		
FY 15-16 Appropriated	\$232,231	
FY 16-17 Appropriated	\$232,231	
FY 17-18 Appropriated	\$232,231	
FY 18-19 Appropriated	\$232,231	
<b>FY 19-20 Appropriated</b>	<b>\$232,231</b>	<b>Level Funding</b>

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*Notes Pages*

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