



# Broward SLI

State Legislative Information

February Committee Week Recap

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The Office of Intergovernmental Affairs and Professional Standards (OIAPS) continues to provide updates and tweets to keep you up-to-date. We encourage you to follow us at @BrowardSLI.

## THE GOVERNOR’S PROPOSED BUDGET

The Governor released his proposed \$83.4 billion dollar budget for FY 17-18 and is as follows:

- Decreasing the tax on commercial leases by \$454 million;
- Increasing the corporate tax exemption from \$50,000 to \$75,000 to save businesses \$15 million;
- \$8.1 million in additional fee cuts for seniors, teachers, veterans, and businesses;
- \$283 million for 24 Regional CareerSource Boards responsible for providing workforce services linked to job seekers and businesses;
- \$10.1 billion for the FDOT Work Program to ensure residents and visitors are able to move safely and effectively throughout the state; specifically, \$157.8 million for aviation improvements and \$178.2 million in seaport infrastructure improvements; and

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- \$1.1 billion for early child education and care – a \$36 million increase.

Also included in the budget is an investment of more than \$3.9 billion to protect agricultural and natural resources; including \$77 million in response to damages to beaches caused by Hurricane Matthew. The \$77 million are in addition to \$50 million for statewide beach and dune restoration, beach renourishment, and other coastal restoration projects. The budget also includes \$20 million for the C-51 reservoir, which will provide more than 24 billion gallons of water storage in addition to providing a needed water supply source for South Florida.

An important portion of the Governor's budget includes \$85 million for economic incentives to bring in more jobs; \$119 million for economic development public-private partnerships which include \$76 million for VISIT Florida and \$23.3 million for Enterprise Florida. Gov. Scott has also proposed working with the Legislature to pass comprehensive legislation requiring financial accountability and transparency to the taxpayers.

The budget also targets community-based care, mental health and substance abuse, care for seniors, defense against Zika, and persons with developmental disabilities. Particularly, the budget looks to save \$298 million in hospital costs by eliminating supplemental payments to hospitals providing less charity in comparison to for-profit hospitals and save \$581 million by allowing Medicaid managed care plans to reimburse hospitals at more efficient rates. The proposal also increases mental health and substance funding by \$25 million. In total, the budget proposes over \$1 billion for individuals with behavioral needs.

Specifically, the budget supports additional community behavioral health funding to include:

- \$3 million to add four additional Community Action Treatment Teams (CAT Teams);
- \$1.8 million to add four additional Family Intensive Treatment Teams (FIT Teams);
- \$1.25 million to add an additional Forensic Assertive Community Treatment Team (FACT Team) in Broward County;
- \$632 million to provide care services to children dependent on the child welfare system;
- \$4.7 million in new funding to serve frail individuals in the Home Care for the Elderly waiting list;
- \$3 million in new funding for the Alzheimer's Diseases Initiative Program; and
- \$4 million in new funding to serve individuals in the Community Care for the Elderly Program.

The budget also provides FDLE an additional \$1.1 million in addition to the \$5.4 million allocated in FY 16-17 – for state crime laboratories. To view more of the Governor's budget recommendations, click the following links:

**Budget highlights:** <http://fightingforfloridasfuturebudget.com/web%20forms/OtherInfo/Reports/BudgetHighlights.pdf>

**Budget FAQ:** <http://fightingforfloridasfuturebudget.com/web%20forms/OtherInfo/Reports/BudgetFAQ.pdf>

**Complete Budget:** <http://fightingforfloridasfuturebudget.com/web%20forms/OtherInfo/reports/Governors-Bill.pdf>

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## MENTAL HEALTH

SB 358 by Sen. Garcia, relating to Mental Health and Substance Abuse is quickly moving through the Senate. The bill clarifies some provisions found in SB 12, passed and signed into law by the Governor in 2016. The bill authorizes DCF to approve behavioral healthcare receiving systems, rather than merely designate such systems; designate and monitor receiving and treatment facilities; and suspend or withdraw such designation for failure to comply with state law and the department's adopted rules. This bill also revises the reporting requirements to the crisis stabilization unit database by the managing entities. The bill is now in Senate Appropriations.

## CRIMINAL JUSTICE

SB 192 by Sen. Powell, relating to Juvenile Justice (also known as "Direct File of Juveniles") barely pass its first committee stop of Criminal justice. Presently, there are three methods of transferring a child to adult court for prosecution: judicial waiver, indictment by a grand jury, or direct filing an information. SB 192 eliminates mandatory direct file of a child and changes the discretionary prosecution of children as adults by: (1) modifying the list of crimes that a 14 or 15 year old can be prosecuted for as an adult; (2) prohibiting the prosecution of a 16 or 17 year old as adults for the offenses of grand theft, burglary, or possession of a controlled substance; (3) providing a child transferred to adult court, the opportunity to request a hearing before the court to determine whether or not the case should remain in adult court; and (4) requiring the state attorney to document the decision to prosecute a child as an adult and file it with the court at the disposition of the case. Direct file is when a state attorney files an information charging a child in adult court and under s. 985.557, F.S., it can either be discretionary or mandatory. This method is the predominant method to transfer a juvenile to adult court – 98% of the transfers each year use this method. The bill also eliminates involuntary mandatory waiver from the judicial waiver process. The bill now moves to the Senate Appropriations Subcommittee on Criminal and Civil Justice but faces long odds as the Chairman of that subcommittee voted against the bill.

The House Criminal Justice Committee unanimously passed HB 367 by Rep. Plakon – Prearrest Diversion Program, which encourages local law enforcement to establish prearrest diversion programs, such as civil citations, for adults committing misdemeanor offenses. The bill does not require, but instead encourages, the establishment of adult civil citation programs. This bill essentially provides local governments, who do not have home rule authority to create civil citation programs, the authority to do so.

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## RED LIGHT CAMERA REPEAL DIES SENATE, KEEPS MOVING IN THE HOUSE

The Senate Transportation effectively halted the progress of SB 178 by Sen. Artiles, relating to Traffic Infraction Detectors (Red Light Cameras). In a 2-2 vote, the bill was laid on the table; however, it can be resurrected at any time during the Legislative Session as the companion bill (HB 6007) has cleared all committees and is headed to the floor.

SB 178 repeals and amends various provisions of law to remove authorization for the use of traffic infraction detectors, known as “red light cameras.” These cameras are currently used to enforce specified provisions of traffic law by automatically photographing vehicles whose drivers run red lights. Although this is a repeal bill, the express preemption to the state of regulation of the use of red light cameras remains, effectively prohibiting the implementation of red light camera programs by local ordinance. Sen. Artiles emphasized that the implementation of red light cameras is not for the safety of citizens, but a mechanism in which localities are able to profit. The Revenue Estimating Conference (REC) has estimated that the bill will reduce state and local government revenues by increasing annual amounts over the next five years. Unlike its Senate counterpart, HB 6007 by Rep. Avila, has passed all of its committees and is ready for the House floor.

## ECONOMIC AND TOURISM DEVELOPMENT

HB 7005 relating to Economic Programs has attracted a number of business CEOs, tourism directors, local government advocates, college and university personnel, small business owners and more, to publicly oppose the bill with a number of free market advocates supporting the bill. The first iteration of the measure eliminated the following agencies, organizations, and incentive programs:

- Enterprise Florida, Inc. (EFI)
- Florida Tourism Industry Marketing Corporation (VISIT FLORIDA) and related programs and funds
- Office of Film & Entertainment and entertainment industry tax programs
- The Urban High-Crime Area Job Tax Credit Program
- The Capital investment tax credit
- The Florida Small Business Development Center Network
- Florida’s international offices and International Trade and Promotion Fund
- Cooperative advertising matching grants program
- Quick-response training programs
- Qualified defense contractor and space flight business tax refund programs
- Qualified target industry businesses tax refund programs
- Brownfield redevelopment bonus refunds
- The High-impact business program
- The Economic Gardening Business Loan and Technical Assistance Pilot Programs
- The Quick Action Closing Fund
- The Innovation Incentive Program

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- Professional sports franchise, spring training franchise, and related sports development programs
- The International Game Fish Association World Center facility
- The Florida Small Business Technology Growth Program
- The Florida Opportunity Fund
- The Institute for the Commercialization of Public Research
- The Florida Technology Seed Capital Fund
- The New Markets Development Program Act
- The Microfinance Guarantee Program
- Economic development transportation projects (Road Fund)
- The State Economic Enhancement and Development Trust Fund
- Tourism Promotional Trust Fund
- The Florida International Trade and Promotion Trust Fund

The most prominent of these organizations are Enterprise Florida, Inc. (EFI) and the Department of Economic Opportunity (DEO). The original bill eliminated EFI and VISIT FLORIDA and transfers all duties to DEO. Further, the bill requires FDOT to assume VISIT FLORIDA's management responsibilities for the welcome centers that are located on FDOT property.

Subsequently, the bill was amended to retain VISIT FLORIDA subject to a maximum \$25 million per year budget and new transparency and accountability measures. The amended version of the bill would still dissolve EFI. The bill is now primed for the House floor. However, the measure's fate is uncertain as there is currently no senate sponsor and it's unlikely to move in that chamber. Even if a companion were to pass the Senate, the Governor would likely veto the bill.

## COUNTY HOME RULE PREEMPTION

**HB 17** – Local Regulation Preemption moved through the Careers and Competition Subcommittee by a vote of 9-6. The Committee Substitute prohibits local governments from imposing or adopting new regulations on businesses, professions, and occupations after July 1, 2017. The term "regulation" is defined to mean a "rule or regulation, license, permit or requirement, along with any associated fee."

The bill preempts the regulation of businesses, professions, and occupations to the state, and all local regulation is superseded with the exception of the following: 1) Any regulation adopted before July 1, 2017 without general law authority, but those regulations will expire on July 1, 2020. Moreover, these "retained" regulations may not be modified to impose additional regulatory effects on businesses, professions, or occupations, except to repeal or reduce the regulations; and 2) Any local government regulation expressly authorized by general law. Local government regulations affecting businesses, professions, or occupations that are not expressly authorized by general law, may not be applied or enforced. At this point, there is no Senate companion measure filed.

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## ***TNC LEGISLATION SPEEDS FORWARD IN THE HOUSE***

[HB 221](#) relating to Transportation Network Companies (TNCs) is being fast tracked through the House. For some time there has been debate as to whether or not TNCs such as Uber and Lyft should operate within local regulations. In 2016, a TNC bill failed to pass either Chamber; however, this year's outlook may be different. Specifically, the bill establishes a statewide regulatory framework for TNCs operating in Florida, while preempting local government regulation. Further, the bill also:

- Defines "transportation network company" as an entity operating in this state using a digital network to connect a rider to a TNC driver, who provides prearranged rides.
- Provides that a TNC is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service.
- Requires a TNC to maintain an agent for service of process in the state.
- Requires a TNC to disclose certain information related to the collection of fares.
- Requires a TNC's digital network to display a photograph of the TNC driver and the license plate number of the TNC vehicle.
- Provides minimum insurance requirements for TNCs and TNC drivers; and prescribes certain TNC and insurer disclosures and exclusions.
- Provides that TNC drivers are independent contractors if certain conditions are met, and applies this status retroactively.
- Establishes certain TNC driver requirements including background and driving record checks; prohibits persons from being a TNC driver if they have been convicted of certain crimes, or have been cited for a certain number of moving violations.
- Requires TNCs to adopt and TNC drivers to comply with policies related to nondiscrimination and disability access.
- Preempts all regulation of TNCs to the state except that airports may charge a fee and regulate staging areas for pickup.

[SB 340](#) relating to Transportation Network Companies has not been heard in its first committee of reference – the Senate Banking and Insurance committee.

## ***GAMING EXAMINED IN BOTH CHAMBERS***

The Senate and House have competing gaming proposals and each were heard during the last committee week. SB 8 provides for the ratification of the 2015 Compact Agreement between the Governor and Seminole Tribe of Florida (Tribe), subject to certain exclusivity exceptions. The bill raises the state's revenue share to \$3 billion, up from \$1 billion, in exchange for giving the Tribe exclusive rights to offer craps and roulette at its casinos. The

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bill allows greyhound tracks and jai-alai frontons to cease live competitions but continue to offer slot gaming. The bill further allows for slot machines in certain counties with pari-mutuel facilities, black jack in Miami-Dade and Broward counties, and authorizes fantasy style sports betting. SB 8 – Gaming has moved through each of its two committees and is headed to the Senate floor.

The House proposal replaces the 2010 compact with a new deal (2017 Compact) provides for a 20-year term, increases the state's share of revenue from \$1 billion to \$3 billion for the first 7 years, prohibits slot machine gaming outside Miami-Dade and Broward counties, and gives the tribe exclusive access to blackjack games. The House proposal (TGC 17-01) was approved as a committee bill by the Tourism & Gaming Control Subcommittee on a 10-5 vote.

## **TOURIST DEVELOPMENT TAX BILL MOVES TO NEXT COMMITTEE STOP**

CS/SB 68 by Sen. Grimsley, relating to Tourist Development Tax unanimously passed the Senate Commerce and Tourism Committee. Current law allows the revenue acquired from TDT to be used:

- To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more: (1) publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums; or (2) aquariums and museums that are publicly owned and operated, or owned and operated by a non-profit organization that is open to the public;
- To promote zoological parks that are publicly owned and operated or owned and operated by a non-profit organization that is open to the public;
- To promote and advertise tourism in the state;
- To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies; or
- To finance beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control.

The bill authorizes counties to use the revenue derived from local option tourist development taxes (TDT) to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote a publicly-owned auditorium that is operated by a 501(c)(3) tax-exempt, non-profit organization.

## **GUN BILLS DISMANTLED TO GIVE BETTER SHOT AT PASSAGE**

Sen. Greg Steube had originally filed one bill (SB 140) addressing guns; however, he's decided to break the bill apart to give the various parts of his bill a better chance at being heard in committee. Gun bills filed by Sen. Steube are as follows:

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- [SB 610](#) – Requiring a business, organization, or entity that prohibits a concealed weapon or firearm licensee from carrying a weapon or firearm onto its property to assume certain responsibility for the safety and defense of such licensee; providing a cause of action for a concealed weapon or firearm licensee who incurs injury, death, damage, or loss as the result of certain acts or attacks occurring on the property of such business, organization, or entity or on other specified properties.
- [SB 616](#) – Authorizing a concealed weapons or concealed firearms licensee to temporarily surrender a weapon or firearm if the licensee approaches courthouse security or management personnel upon arrival and follows their instructions.
- [SB 618](#) – Authorizing a concealed weapons or concealed firearms licensee to carry a concealed weapon or firearm into any area of an airport excluding the sterile area.
- [SB 622](#) – Prohibiting a concealed weapons or concealed firearms licensee from carrying a concealed weapon or firearm into any athletic event for a K-12 school, college, or university which is not related to firearms; and deleting an exception authorizing a student, employee, or faculty licensee to carry specified nonlethal weapons.
- [SB 626](#) – Allows individuals with concealed weapons licenses to carry a concealed weapon or firearm into any meeting of the governing body, of a county commission, public school district, municipality, or special district. Presently, individuals holding concealed weapons carriers are prohibited from carrying weapons into those specified meetings.
- [SB 640](#) – Authorizing a concealed weapons or concealed firearms licensee to carry a concealed weapon or firearm into any career center.
- [SB 644](#) – Authorizing a concealed weapons or firearms licensee to openly carry a handgun.
- [SB 646](#) – Providing that a person licensed to carry a concealed weapon or firearm who is lawfully carrying a firearm does not violate certain provisions if the firearm is temporarily and openly displayed; and authorizing each member of the Florida Cabinet to carry a concealed weapon or firearm if he or she is licensed to carry a concealed weapon or firearm and does not have full-time security provided by the Department of Law Enforcement (FDLE).

## JUDICIAL TERM LIMITS OVERCOMES FIRST HURDLE

The House Civil Justice & Claims committee voted 8-7 to move [HJR 1](#), relating to Judicial Term Limits, forward to the House Judiciary Committee. Presently, Justices of the Florida Supreme Court and judges of the District Courts of Appeal are appointed to office by the Governor. While there are no limits on these judicial offices, each justice or appellate judge is subject to removal pursuant to a merit retention election every 6 years, and is further subject to mandatory retirement at the age of 70.

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As passed, the joint resolution provides a justice or district court of appeal judge may not appear on a ballot for retention if he or she has served more than 12 years in the same office. Additionally, the joint resolution applies to justices and district court of appeal judges currently in office, however the 12-year limit does not include time served in office prior to January 9, 2019. A justice or district court of appeals judge ineligible for retention, or who resigns, may not be reappointed to the same court for a period of one year.

If passed by three-fifths of the Legislature, HJR 1 would be placed before Florida voters at the 2018 general election. If voters approve the amendment by the constitutionally mandated 60 percent, the amendment will take effect on January 9, 2019. The Senate companion has not yet moved.

## STATEWIDE LOBBYIST DATABASE

The House Public Integrity and Ethics Committee unanimously approved a committee bill (PCB 17-03), which will require lobbyists to register with the Florida Commission on Ethics when lobbying a local government. The bill seeks to create a statewide lobbyist registration system and requires each local governmental entity to conform its registration system, if any, to accommodate regular receipt of lobbyist registration data from the Commission on Ethics. Local governments must also inform the commission about any lobbying requirements that are more stringent than those of the statewide registration system. This data exchange will assist each local governmental entity in retaining whatever more stringent standards it has in place.

## SOLAR BILLS PICK UP ENERGY

SB 90, by Sen. Brandes – Renewable Energy Source Devices, implements the solar power device tax break passed by voters last August. The bill authorizes the Legislature to expand the exemption to include commercial property. The bill revises the definition of “renewable energy source device” to include the following: power conditioning and storage devices; wiring, structural supports, components used as integral part of systems; or any equipment or structure that would be required in the absence of the renewable energy source device; and power conditioning and storage devices that store or use solar energy, or energy derived from geothermal deposits to generate electricity or mechanical forms of energy.

Additionally, the bill prohibits consideration of renewable energy source devices when determining the assessed value of real property. Finally, the bill also exempts renewable energy source devices from ad valorem taxation and this exemption is valid until December 31, 2037. The bill has two committee stops left.

## “STAND YOUR GROUND” CHANGES MOVING IN BOTH CHAMBERS

HB 245 by Rep. Payne, Self-Defense Immunity cleared its first the House Criminal Justice Subcommittee on a 9-4 vote. The legislation shifts the burden of proof in “stand your ground” self-defense cases from the defendant

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to prosecutors, after a prima facie claim of self-defense immunity is raised at the pretrial immunity hearing. Under the bill, prosecutors must defeat a defendant's claim of immunity by proof beyond a reasonable doubt. A similar measure, SB 128 by Sen. Bradley, is ready for consideration before the full Senate.

## NOTABLE FILED BILLS

### Relating to Constitutional Officers

SJR 132, by Sen. Artiles, relating to the Selection and Duties of County Officers/Tax Collector is an amendment to the Florida Constitution to remove the authority of a county to provide for the election of certain county officers through its home rule charter. In 1974, Broward County voters adopted the Broward County Charter and abolished the Tax Collector's Office, transferring its duties and functions to the Finance and Administrative Services Department (FASD). In addition, certain functions of the Clerk of Courts was given to FASD and the County Administrator. Sen. Artiles has filed four separate similar bills affecting the Sheriff (SJR 134), Property Appraiser (SJR 136), Clerk of the Circuit Courts (SJR 130), and Supervisor of Election (SJR 138) offices. SJR 134 moved through its first committee, but has three more remaining.

### Fracking

SB 98 by Sen. Farmer – Well Stimulation (“Stop Fracking Act”), *prohibits* extreme well stimulation. The bill also prohibits the Department of Environmental Protection from issuing permits authorizing extreme well stimulation and prohibits DEP from authorizing certain permit holders from engaging in extreme well stimulation on or after July 1, 2017. The bill defines extreme well stimulation as: “all stages of a well intervention performed by injecting fluids into a rock formation at a high pressure that exceeds the fracture gradient of the rock formation in order to increase fractures in the rock formation to increase production at an oil or gas well by improving the flow of hydrocarbons from the formation into the wellbore”. The term also includes, but is not limited to, acid fracturing, matrix acidizing, pneumatic fracturing, fracturing with dynamic loading, and other techniques to physically deform the rock formation.

SJR 108 by Farmer – Well Stimulation, proposes an amendment to the Florida Constitution prohibiting hydraulic fracturing, acid fracturing, matrix acidizing, pneumatic fracturing, fracturing with dynamic loading, and certain other types of oil and gas well stimulation activities that deform underground rock formations. The proposed amendment also provides exemptions to this prohibition for routine well cleaning, treatment, maintenance, and other routine oil and gas well activities that do not affect well or rock formation integrity.

SB 442 by Young – Advanced Well Stimulation, *prohibits* the performance of advanced well stimulation treatments; and clarifies that permits for drilling or operating a well do not authorize the performance of advanced well stimulation treatments. An identical bill has been filed in the House by Rep. Miller – HB 451.

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[HB 35](#) by Jenne – Well Stimulation Treatments prohibits well stimulation treatments for exploration or production of oil or natural gas.

## Sheriff Budgets

Rep. Jacobs has filed, [HB 621](#), relating to Sheriff Budgets. The bill allows a sheriff to reallocate funds among any budget expenditure category without approval from the Board of County Commissioners. An identical bill, [SB 652](#), has been filed by Sen. Book.

## Federal Immigration Enforcement

The adoption and enforcement of anti-sanctuary city bills have been filed in both the Senate and the House. Similar to bills filed in the 2016 Session, Sen. Bean has filed [SB 786](#) known as the “Rule of Law Adherence Act” which prohibits the adoption and enforcement of sanctuary policies. The bill will also require state entities, local governmental entities, and law enforcement agencies to comply with, and support the enforcement of, federal immigration laws and prohibit restrictions by such entities and agencies on taking certain actions with respect to information regarding a person’s immigration status. Further, the bill provides whistle-blower protections for persons who report violations.

Rep. Metz has filed a similar bill, [HB 697](#), which goes further and authorizes law enforcement agencies to transport unauthorized aliens; authorizes ordinances for recovery immigration detainer costs; and provides whistle-blower protections for certain officials. The bill also requires the Florida Attorney General to prescribe the format for complaints; provides injunctive relief & civil penalties against sanctuary entities; prohibits the expenditure of public funds for specified purposes; and creates a cause of action for personal injury or wrongful death attributed to a sanctuary policy. Finally, the bill prohibits discrimination on specified grounds; makes sanctuary entities ineligible for state grants for a period of five years; and requires the repeal of existing sanctuary policies.

## Property Tax Assessment

[SJR 76](#) by Sen. Lee proposed an amendment to the Florida Constitution to remove the scheduled January 1, 2019, repeal of the 10-percent assessment limitation on non-homestead property. If approved by at least 60 percent of the electors, the 10-percent assessment limitation will continue.