

Legislative Update: 2019 Session - Week 1

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Week 1, March 4 - 8, 2019

Elections:

The Senate Ethics and Elections Committee heard **SB 272/ (HB 613), Campaign Finance**, sponsored by Senator Baxley. The bill repeals provisions relating to the Florida Election Campaign Financing Act; specifically deleting provisions governing the public funding of campaigns for candidates for statewide office who agree to certain expenditure limits. The bill was passed favorably with 4 yeas and 3 nays and will move on to the Judiciary Committee.

The Senate Ethics and Elections Committee heard **SB 7066, Ballot Processes**, sponsored by the Senate Ethics and Elections Committee. The bill modifies requirements for updating voter registration signatures, to conform, and revises dates relating to the selection and qualification of a lieutenant governor running mate, to conform. It also modifies the Provisional Ballot Voter's Certificate and Affirmation, and establishes a process to cure a provisional ballot with a signature deficiency. The bill was passed unanimously and will move on to the Rules Committee.

Environmental:

The House Agriculture & Natural Resources Appropriations Subcommittee/ Senate Environment and Natural Resources Committee heard **HB 105/ SB 286, Domestic Wastewater Collection System Assessment and Maintenance**, sponsored by Representative Jacobs and Senator Albritton. The bill establishes the Blue Star Collection System Assessment & Maintenance Program within DEP for domestic wastewater utilities, and provides defensible expectation that certified utilities complied with state water quality standards. It also directs the DEP to issue certain permits to certified utilities, and authorizes the DEP to reduce penalty amounts. The bill also provides that

certain utilities are eligible to participate in the Clean Water State Revolving Fund Program and receive Small Community Sewer Construction Assistance Grants. The House bill was passed unanimously and will move on to the State Affairs Committee. The Senate bill was passed unanimously and will move on to the Appropriations Subcommittee on Agriculture, Environment, and General Government.

The House Agriculture & Natural Resources Appropriations Subcommittee/ Senate Environment and Natural Resources Committee heard **HB 325/ SB 446, Coastal Management**, sponsored by Representative LaMarca and Senator Mayfield. The bill revises criteria the DEP must use in determining and assigning annual funding priorities for specified beach management and erosion control projects, and specifies tiers for such criteria. It requires these tiers be given certain weight, and requires the DEP to update active project lists on its website. The bill also specifies allowable uses for certain surplus funds, and requires that funding for certain projects remain available for a specified period. It also revises the method the DEP ranks and funds certain inlet management projects, and requires the DEP to update and maintain a report regarding progress of certain inlet management projects. HB 325 also revises requirements for a comprehensive long-term management plan, and requires the DEP to submit a three-year work plan and related forecast for availability of funding to Legislature. The House bill was passed unanimously and will move on to the State Affairs Committee. The Senate bill was passed unanimously and will move on to the Appropriations Subcommittee on Agriculture, Environment and General Government.

The House Agriculture & Natural Resources Appropriations Subcommittee heard **HB 973/ (SB 1022), Onsite Sewage Treatment and Disposal Systems**, sponsored by Representative Payne. The bill transfers the Onsite Sewage Program in the DOH to the DEP; and removes provisions relating to the DOH technical review and advisory panel and research and review advisory committee. This bill directs the DEP to appoint a technical advisory committee, initiate rulemaking, and adopt rules. It also directs county health departments to coordinate with the DEP to administer evaluation programs, and directs WMDs to submit consolidated annual reports to OEDR. HB 973 also directs the DEP to submit certain cost estimates to OEDR. The bill was passed unanimously and will move on to the Appropriations Committee.

Local Government:

The House Commerce Committee / Senate Community Affairs Committee heard **HB 207/SB 144, Impact Fees**, sponsored by Representative Donalds and Senator Gruters. The bill revises minimum requirements for adoption of impact fees by specified local governments, and authorizes the prevailing party to recover attorney fees under certain circumstances. This would also exempt water and sewer connection fees from the Florida Impact Fee Act. The House bill was passed unanimously and will move on to the State Affairs Committee. The Senate bill was passed unanimously and will move on to the Finance and

Tax Committee.

The House Commerce Committee heard **HB 6017/ (SB 1494), Small-scale Comprehensive Plan Amendments**, sponsored by Representative Duggan. The bill removes acreage limitations that apply to small-scale comprehensive plan amendments. The bill was passed unanimously and will move on to the State Affairs Committee.

The Senate Community Affairs Committee heard **SB 426/ (HB 857), Firefighters**, sponsored by Senator Flores. The bill would grant certain benefits to a firefighter upon receiving a diagnosis of cancer if certain conditions are met, such as requiring an employer to make certain disability payments to a firefighter in the event of a total and permanent disability. This bill would provide for death benefits to a firefighter's beneficiary if a firefighter dies as a result of cancer or cancer treatments. The bill was passed unanimously and will move on to the Appropriations Committee.

The House Local, Federal & Veterans Affairs Subcommittee heard **HB 9/ (SB 1054), Community Redevelopment Agencies**, sponsored by Representative LaMarca. The bill specifies ethics training requirements for community redevelopment agency commissioners, and establishes procedures for appointing community redevelopment agency board members. It also requires referendum to create community redevelopment agency, and establishes procurement procedures. The bill provides reporting and boundary map requirements, as well as termination dates for certain community redevelopment agencies. HB 9 also provides phase-out period for existing community redevelopment agencies, and requires the DEO to declare certain community redevelopment agencies inactive. The DEO would be required to maintain a website identifying inactive community redevelopment agencies, and specifies the level of tax increment financing that governing body may establish. The bill also revises requirements for budgets of community redevelopment agencies, and revises requirements for annual audit. The bill was passed favorably with 10 yeas and 4 nays and will move on to the Ways & Means Committee.

The House Local, Federal & Veterans Affairs Subcommittee heard **HB 437/ (SB 728), Community Development Districts**, sponsored by Representative Buchanan. The bill specifies procedure for establishing and adding parcels to new community development districts, and provides noticing and filing requirements. It also specifies that expansion of districts' boundaries does not alter voting methods, and authorizes the use of existing procedures for adding parcels to community development districts. The bill was passed favorably with 12 yeas and 1 nay and will move on to the Ways & Means Committee.

The House Local, Federal & Veterans Affairs Subcommittee heard **HB 641/ (SB 1244), Community Development District Bond Financing**, sponsored by Representative Andrade. The bill requires district boards to authorize bonds by two-thirds majority vote. The bill was passed favorably with 12 yeas and 1 nay

and will move on to the Ways & Means Committee.

The Senate Rules Committee heard **SB 82/ (HB 145), Vegetable Gardens**, sponsored by Senator Bradley. The bill prohibits local governments from regulating vegetable gardens on residential properties except as otherwise provided by law, and specifies that such regulations are void and unenforceable. The bill was passed unanimously and was placed on the Senate calendar for a second reading.

The Senate Rules Committee/ House Government Operations & Technology Appropriations Subcommittee heard **SB 7012/ HB 7027, Vaping**, sponsored by the Senate Innovation, Industry, and Technology Committee/ House Health Quality Subcommittee. The bill Implements s. 20, Art. X of the State Constitution, as amended by Amendment 9 (2018), and prohibits vaping in an enclosed indoor workplace, except as otherwise provided. This bill provides exceptions to the prohibition against vaping and smoking in an enclosed indoor workplace, and requires the proprietor or other person in charge of an enclosed indoor workplace to develop and implement a policy regarding specified smoking and vaping prohibitions. The Senate bill was passed unanimously and was placed on the Senate calendar for a second reading. The House bill was passed unanimously and will move on to the Health & Human Services Committee.

Preemption:

The Senate Commerce and Tourism Committee heard **SB 588/ (HB 603), Preemption of Local Regulations**, sponsored by Senator Bradley. The bill provides that a food service establishment may distribute a single-use plastic straw to a customer only if requested to do so by the customer, providing exceptions. A food service establishment may make single-use plastic straws available through self-serve straw dispensers. The bill was passed favorably with 3 yeas and 1 nay, and will move on to the Community Affairs Committee.

Public Records:

The Senate Innovation, Industry, and Technology Committee/ House State Affairs Committee heard **SB 142/ HB 127, Permit Fees**, sponsored by Senator Perry/ Representative Williamson. The bill requires the governing bodies of counties and municipalities to post their permit and inspection fee schedules and building permit and inspection utilization reports on their websites, and requires certain governing bodies of local governments to post their building permit and inspection utilization reports on their websites by a specified date. The Senate bill was passed unanimously and will move on to the Rules Committee. The House bill was passed unanimously and was placed on the House calendar for a second reading.

The Senate Innovation, Industry, and Technology Committee/ House Oversight, Transparency & Public Management Subcommittee heard **SB 450/ HB 327,**

Public Records and Public Meetings/Local Government Utility, sponsored by Senator Gibson and Representatives Davis and Yarborough. The bill exempts from public meetings requirements certain exempt information concerning information technology systems held by specified utilities, and provides for future legislative review and repeal of the exemptions. It also provides a statement of public necessity. The Senate bill was passed unanimously and will move on to the Governmental Oversight and Accountability Committee. The House bill was passed unanimously and will move to the Commerce Committee

Public Safety:

The Senate read for the second and third time **SB 182/ (HB 7015), Medical Use of Marijuana**, sponsored by Senator Brandes. The bill redefines the term “marijuana delivery device” to eliminate the requirement that such devices must be purchased from a medical marijuana treatment center, and redefining the term “medical use” to include the possession, use, or administration of marijuana in a form for smoking. The bill also restricts the smoking of marijuana in enclosed indoor workplaces, and prohibits a physician from certifying a patient under 18 years of age to smoke marijuana for medical use unless the patient is diagnosed with a terminal condition and the physician makes a certain determination in concurrence with a second physician who is a pediatrician. When read a second time amendments 733576, 264942, and 320934 were adopted and amendments 897266, 219464, 944380, 299090, and 876992 were withdrawn. The bill was passed favorably with 34 yeas and 4 nays and was immediately certified. The bill is now in the House messages and placed on their calendar for a second reading.

Substances:

The Senate Innovation, Industry, and Technology Committee heard **SB 1020/ (HB 333), Hemp**, sponsored by Senator Bradley. The bill authorizes the Department of Agriculture and Consumer Services to adopt rules to administer a state hemp program. The bill was passed unanimously and will move on to the Agriculture Committee.

The House Health Quality Subcommittee heard **HB 451/ (SB 630), Non-opioid Alternatives**, sponsored by Representative Plakon. The bill requires the DOH to develop and publish on its website an educational pamphlet regarding use of non-opioid alternatives for treatment of pain, and provides requirements for health care practitioners. The bill was passed unanimously and will move on to the Health Care Appropriations Subcommittee.

The Senate Judiciary Committee heard **SB 530/ (HB 595), Alcohol or Drug Overdose Prosecutions**, sponsored by Senator Stewart. The bill prohibits the arrest, charge, prosecution, or penalization under specified provisions of a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related overdose. It would also prohibit the arrest, charge, prosecution, or penalization under

specified provisions of a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, a drug-related overdose. The bill was passed unanimously and will move on to the Rules Committee.

Transportation:

The Senate Innovation, Industry, and Technology Committee heard **SB 76/ (HB 107), Driving While Distracted**, sponsored by Senator Simpson. The bill designates the “Florida Driving While Distracted Law”; defining the term “driving while distracted”; prohibiting a person from operating a motor vehicle when driving while distracted, and revises crash reports for which a user’s billing records for a wireless communications device or the testimony of or written statements from certain authorities are admissible as evidence. The bill was passed unanimously and will move on to the Judiciary Committee.

The State Affairs Committee heard **HB 453/ (SB 542), Micromobility Devices and Motorized Scooters**, sponsored by Representative Toledo. The bill authorizes county or municipality to regulate the operation of micromobility devices & for-hire motorized scooters, and authorizes county or municipality to require licensure and proof of certain insurance coverage. This bill also provides that regulation of micromobility devices & for-hire motorized scooters is controlled by state and federal law, and provides that the operator has all rights and duties applicable to a rider of a bicycle. This exempts a micromobility device or motorized scooter from certain requirements, and provides that a person is not required to have a valid driver license to operate a micromobility device or motorized scooter. HB 453 also authorizes parking on sidewalk, and removes requirements for sale of motorized scooters. This exempts micromobility devices & motorized scooters from certain emblem requirements. The bill was passed unanimously and will move on to the Local, Federal & Veterans Affairs Subcommittee.