

## Legislative Update: 2019 Session - Week 2

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By: Mario J. Bailey, José A. Bermudez, Ellyn S. Bogdanoff, Bernie Friedman, José K. Fuentes, Michael A. Grissom, Yolanda Cash Jackson, Nicholas G. Matthews



**Week 2: March 11 - 15, 2019**

### **Elections:**

The House Oversight, Transparency & Public Management Subcommittee heard **HB 613/ (SB 270), Repeal of Public Campaign Financing Requirement**, sponsored by Representative Roth. The bill proposes the repeal of s. 7, Art. VI of State Constitution to eliminate the requirement for public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits. The bill was passed favorably with 8 yeas and 5 nays and will move on to the Public Integrity & Ethics Committee.

The House Oversight, Transparency & Public Management Subcommittee heard **HB 615/ (SB 272), Campaign Finance**, sponsored by Representative Roth. 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 7 yeas and 5 nays and will move on to the Public Integrity & Ethics Committee.

### **Environmental:**

The Senate Appropriations Subcommittee on Agriculture, Environment, and General Government and the House State Affairs Committee heard **SB 446/ HB 325, Coastal Management**, sponsored by Senator Mayfield and Representative LaMarca. 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 Senate bill was passed unanimously and will move on to the Appropriations Committee. The House bill was passed unanimously and will move on to the House Chamber.

The House State Affairs Committee heard **HB 105/ (SB 286), Domestic Wastewater Collection System Assessment and Maintenance**, sponsored by Representative Jacobs. 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 bill was passed unanimously and will move on to the House Chamber.

The House Agriculture & Natural Resources Subcommittee heard **HB 141, Water Quality Improvement**, sponsored by Representative Fine. The bill authorizes the DEP to provide grants for certain projects identified in Indian River Lagoon Comprehensive Conservation and Management Plan, and it directs the DEP to submit an annual report regarding projects to the Governor and Legislature. This bill also requires local governments to submit annual reports regarding projects to the DEP and water management districts. It also requires wastewater facilities, permitted under the National Pollutant Discharge Elimination System program, that unlawfully discharge a certain amount of raw or partially treated sewage to provide written notification and provides penalties. HB 141 also provides for such facilities to make certain upgrades and repairs. The bill was passed unanimously and will move on to its second committee which has yet to be announced.

### **Local Government:**

The Senate 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 read a second time in the Senate Chamber and was placed on the calendar for a third reading scheduled for 03/21/19.

The Senate Community Affairs Committee heard **SB 728/ (HB 437), Growth Management**, sponsored by Senator Lee. The bill authorizes sufficiently contiguous lands located within the county or municipality, which a petitioner anticipates adding to the boundaries of a new community development district,

to also be identified in a petition and to establish the new district under certain circumstances. The bill also provides notification requirements for the petition. The bill was passed unanimously and will move on to the Infrastructure and Security Committee.

The Senate Military and Veterans Affairs and Space Committee and the House Local, Federal & Veterans Affairs Subcommittee heard **SB 886/ HB 717, Homestead Tax Exemption/Surviving Spouse of a Veteran**, sponsored by Senator Brandes and Representative Killebrew. The bill proposes amendments to the State Constitution to provide that the homestead property tax discount for certain veterans who had permanent, combat-related disabilities carries over to the benefit of the veteran's surviving spouse under certain circumstances until he or she remarries, sells, or otherwise disposes of the property. This bill provides that the discount for the surviving spouse is transferrable to another homestead under certain circumstances, and to provide an effective date. The Senate bill was passed unanimously and will move on to the Finance and Tax Committee. The House bill was passed unanimously and will move on to the Ways & Means Committee.

The Senate Military and Veterans Affairs and Space Committee and the House Local, Federal & Veterans Affairs Subcommittee heard **SB 888/ HB 719, Homestead Property Tax Discount**, sponsored by Senator Brandes and Representative Killebrew. The bill provides that if certain conditions are met, the homestead property tax discount for certain disabled veterans carries over to the benefit of the veteran's surviving spouse until the surviving spouse remarries, sells, or otherwise disposes of the homestead property. This bill also provides that if the surviving spouse sells the property, then the discount may be transferred to his or her new primary residence. This is however subject to certain conditions. The Senate bill was passed unanimously and will move on to the Finance and Tax Committee. The House bill was passed unanimously and will move on to the Ways & Means Committee.

The Senate and the House Health & Human Services Committee heard **SB 7012/ HB 7027, Vaping**, sponsored by the Senate Innovation, Industry, and Technology Committee and the 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 read a second time and placed on the calendar for a third reading on 03/21/19. The House bill was passed unanimously and will move on to the House Chamber for a second reading.

The House Ways & Means Committee 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 11 yeas and 6 nays and will move on to the State Affairs Committee.

The House Local, Federal & Veterans Affairs Subcommittee heard **HB 15/ (SB 1350), Local Government Fiscal Transparency**, sponsored by representative Burton. The bill revises the Legislative Auditing Committee duties and specifies the purpose of local government fiscal transparency requirements. The bill also requires local governments to post voting record information on websites and requires property appraisers and local governments to post property tax information and history on websites. It also requires public notices for public hearings and meetings prior to increases of local government tax levies and specifies noticing and advertising requirements. HB 15 also requires local governments to conduct debt affordability analyses under specified conditions and also provides a method for local governments to post certain required information. The bill was passed favorably with 12 yeas and 1 nay and will move on to the Ways & Means Committee.

The House State Affairs Committee heard **HB 207/ (SB 144), Impact Fees**, sponsored by Representative Donalds. 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 House Chamber for a second reading.

The House Ways & Means Committee 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 unanimously and will move on to the State Affairs Committee.

### **Misc.:**

The Senate and the House Health & Human Services Committee heard **SB 184/ HB 7019, Aging Programs**, sponsored by Senator Book and the House Health Market Reform Subcommittee. The bill would transfer the powers, duties, and functions of the Department of Elderly Affairs relating to hospices, assisted

living facilities, adult family-care homes, and adult day care centers to the Agency for Health Care Administration. The bill would also establish that the agency is the lead agency responsible for the regulation of hospices, assisted living facilities, adult day care centers, and adult family-care homes. The Senate bill was read a second time and amendment 590476 was adopted. The Senate bill was then placed on the calendar for a third reading on 03/21/19. The House bill was passed unanimously and will be referred to a third committee.

### **Preemption:**

The House State Affairs Committee heard **HB 3/ (SB 1748), Preemption of Local Regulations**, sponsored by Representative Michael Grant. The bill prohibits local governments from imposing or adopting new regulations on businesses and business entities on or after a specified date. This bill specifies certain regulations expire and may only be readopted or continued to be imposed after meeting specified criteria. This preempts regulation and licensing of professions and occupations to the state, and prohibits local governments from imposing additional regulations unless specified conditions are met. This bill also specifies that local regulations that do not meet specified criteria do not apply, and also specifies that certain specialty contractors are not required to register with the Construction Industry Licensing Board. HB 3 also prohibits local governments from requiring certain specialty contractors to obtain a license, and specifies job scopes for which local jurisdictions may not require a license. The bill was passed favorably with 15 yeas and 7 nays and will move on to the Commerce Committee.

### **Public Records:**

The Senate Rules Committee and the House heard **SB 142/ HB 127, Permit Fees**, sponsored by Senator Perry and 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 Senate Chamber. The House bill was placed on a special order calendar for a second reading on 03/20/19.

The House Commerce Committee heard **HB 327/ (SB 450), Public Records and Public Meetings/Local Government Utility**, sponsored by 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 bill was passed unanimously and will move to the House Chamber for a second reading.

The House Oversight, Transparency & Public Management Subcommittee

heard **HB 407/ (SB 602), Public Records**, sponsored by Representative Ray Wesley Rodrigues. The bill prohibits the agency that receives a request to inspect or copy a record from responding to such request by filing civil action against the individual or entity making said request. The bill was passed favorably with 7 yeas and 4 nays, and will move on to the Civil Justice Subcommittee.

The House Commerce Committee heard **HB 591/ (SB 600), Pub. Rec./Public Utility Held Customer Information and Data**, sponsored by Representative Davis and Yarborough. The bill exempts from public records requirements of customer meter-derived data and billing information in increments of less than one billing cycle that is held by certain utilities. It also provides a statement of public necessity. The bill was passed unanimously and will move on to the House Chamber for a second reading.

### **Substances:**

The House read for the second and third time **HB 7015/ (SB 182), Medical Use of Marijuana**, sponsored by the House Health & Human Services Committee. 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. The bill was passed favorably with 101 yeas and 11 nays and was immediately certified. The bill was then signed by the officers and presented to Governor. (Governor DeSantis must act on this bill by 03/20/19)

The House Health & Human Services Committee 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 a third committee.

The House Criminal Justice Subcommittee heard **HB 595/ (SB 530), Alcohol or Drug Overdose Prosecutions**, sponsored by Representative Silvers. 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

