

MEMORANDUM

TO: Lake County

FROM: GrayRobinson

DATE: February 17, 2019

SUBJECT: 2019 Legislative Session – Committee Week of February 11-15 Summary

It's too early to know what the 2019 Legislative Session will hold. We know that medical marijuana, hurricane relief, environmental funding, and transportation will be major issues. But if the past week is any indication, then education will join them as a major theme through the 60-day lawmaking process.

Governor Ron DeSantis recently called on the Legislature to launch another school choice scholarship program. DeSantis, who has said he wants to empower lawmakers, is leaving much of the blueprint work up to them.

He envisions the program, named the "Equal Opportunity Scholarship," to cover 14,000 students at about \$6,500 per student. Getting the numbers to work, DeSantis said, will largely be up to lawmakers. He suggested a tax credit and revenue hybrid to fund the scholarship, which would help students hoping to attend private and charter schools.

Earlier this week, lawmakers mulled a different change to education policy. The Senate Education Committee passed along party lines a proposal (SPB 7030) that, among other things, would allow teachers to be armed on campus. Republican Senators on the panel supported the idea, noting it is backed by the final report issued from a fact-finding panel spawned after the Parkland shooting in 2018. Democrats, however, are opposed.

Last year, then-Governor Rick Scott said he wouldn't support legislation arming teachers, instead encouraging the Legislature to usher a different program that trains and arms school 'guardians,' a position available only to outside personnel or non-educating faculty.

Also in education news, State Representative Randy Fine, a Palm Bay Republican and influential chair of the House Higher Education Appropriations Subcommittee, signaled that there would be cutbacks in capital projects for university campuses this year. Nearly 40 state college and

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university construction projects could be on the chopping block due to a \$733 million backlog. In addition, schools are expected to face a \$150 million decrease in PECO funds which pay for construction projects.

Aside from education issues, the budget, assignment of benefits, sports stadium funding and beer advertising created noise this week. Those and your priorities are covered below.

Activities on Behalf of Lake County

Appropriation Projects – The House appropriation forms have all been filed by the local delegation. Below are projects with bill numbers.

CR 466A Phase 3 – HB 2067 (Hage) – Now in Transportation & Tourism Appropriations Subcommittee and Appropriations Committee.

HB 2309 (Sabatini)- Lake County - South Lake Regional Park Central Wastewater, Potable and Reclaim Water Connection – Referred to Agriculture & Natural Resources Appropriations Subcommittee and Appropriations Committee.

HB 2305 (Sabatini)- State Road 50 Realignment - Lake County - Referred to Transportation & Tourism Appropriations Subcommittee and Appropriations Committee.

HB 3217 (Sabatini)- Lake County Helena Run Preserve Site Improvements - Referred to Agriculture & Natural Resources Appropriations Subcommittee and Appropriations Committee.

HB 3219 (Sabatini)- Lake County Lake Apopka-Ferndale Preserve - Referred to Agriculture & Natural Resources Appropriations Subcommittee and Appropriations Committee.

Bills of Interest

Local Government Financing of Septic Tank Conversion – SB 282 (Albritton) and HB 63 (Rodrigues) – These bills allow for local government financing of septic tank conversion by amending the “qualifying improvement” definition in section 163.08, *Florida Statutes*, to include sewage treatment improvements; add registered septic tank contractors to list of contractors authorized to make or install a qualifying improvement; and revise contract language provided to prospective purchaser if qualifying improvement has been made on property. The effective date is July 1, 2019.

House Committee References: Local, Federal & Veterans Affairs Subcommittee; Ways & Means Committee; State Affairs Committee

Senate Committee References: Community Affairs; Infrastructure and Security; Appropriations

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UPDATE: No movement yet.

Septic Tank Treatment and Disposal – SB 214 (Gruters) and HB 85 (Robinson) – These bills direct the Department of Health to identify certain information for onsite sewage treatment and disposal systems, update the current database of such systems, and submit a report to the Governor and Legislature by a specified date; require owners of onsite sewage treatment and disposal systems to have such systems periodically inspected; requires an onsite sewage treatment and disposal system disclosure summary for certain properties before or at the execution of a contract for sale, etc. The effective date is October 1, 2019.

House Committee References: Agriculture & Natural Resources Subcommittee; Health Care Appropriations Subcommittee; and State Affairs Committee

Senate Committee References: Health Policy; Environment and Natural Resources; Appropriations Subcommittee on Health and Human Services; and Appropriations

UPDATE: No movement yet.

Texting While Driving – House Bill 107 by Toledo and Senate Bill 76 by Simpson are the vehicles for making texting while driving a primary offense. These bills are detailed below.

Senate Bill 76 by Wilton Simpson was filed on November 20, 2018. The bill makes use of a cellular phone for talking or texting while driving a primary offense. The current exceptions in statute for use of a cellular device for talking or non-texting needs is removed. This bill has an effective date of October 1, 2019.

Committee References: Infrastructure and Security; Innovation, Industry and Technology; Judiciary and Rules

House Bill 107 by Jackie Toledo was filed on December 17, 2018. The bill prohibits person from operating motor vehicle while using wireless communications device for purpose of text or voice communication; redefines term "wireless communications device" to include voice communications; requires deposit of fines into Emergency Medical Services Trust Fund; removes provision requiring that enforcement be accomplished only as secondary action. The effective date is October 1, 2019.

Committee References: Transportation & Infrastructure Subcommittee; Appropriations Committee; and State Affairs Committee

UPDATE: The Senate bill is on the agenda for the Infrastructure and Security on Tuesday, February 19. The House bill has had no movement yet.

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Fertilizer Ordinances - HB 157 (Thompson) – The bill (1) requires county & municipal governments to adopt & enforce Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; (2) specifies that county & municipal governments must require use of specified slow-release fertilizers; (3) provides additional requirements for counties & municipalities within estuary runoff areas; and (4) authorizes county & municipal governments to adopt additional standards if certain criteria are met. The effective date is July 1, 2019.

Committee References: Agriculture & Natural Sciences Resources Subcommittee; Local, Federal & Veterans Affairs Subcommittee; and State Affairs

Senate Companion: None yet

UPDATE: As of the time of this memorandum, the bill has not been heard in its first committee of reference.

Traffic Infraction Detectors - SB 622 (Brandes) and HB 6003 (Sabatini) - The bill repeals provisions relating to installation & use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at traffic signal, provisions that authorize DHSMV, county, or municipality to use such detectors, & provisions for distribution of penalties collected for specified violations. The effective date is July 1, 2022.

Senate Committee References: Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism and Economic Development; and Appropriations

House Committee References: Transportation & Infrastructure Subcommittee; Appropriations Committee; and State Affairs Committee

UPDATE: The House bill has not been heard yet in the Appropriations Committee. The original Senate Bill 306 was withdrawn prior to introduction on Thursday, January 31. SB 622 was filed on 1/30 and was assigned the same committee references.

Permit Fees – SB 142 (Perry) and HB 127 (Williamson) –These identical bills would require 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; require certain governing bodies of local governments to post their building permit and inspection utilization reports on their websites by a specified date.

Notes: This is the same bill filed last year. If not for Parkland and the ensuing legislation that followed, this bill would have passed.

Senate Committee References: Community Affairs; Innovation, Industry, and Technology; and Rules

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House Committee References: Local, Federal & Veteran Affairs Subcommittee; Business & Professions Subcommittee; and State Affairs Committee

UPDATE: On Wednesday, Business & Professions Subcommittee passed the House bill 15-0. Its next stop is State Affairs Committee. The Senate bill is waiting to be heard in Innovation, Industry, and Technology.

Impact Fees – SB 144 (Gruters) and HB 207 (Donalds) –These similar bills would require that the earliest a government can collect impact fees is the issuance of the certificate of occupancy for the property. This bill would exempt water and sewer connection fees from the Florida Impact Fee Act. The effective date is July 1, 2019.

Notes: This bill is nearly identical to the legislation filed by former Senator Dana Young last session. The addition of the water and sewer connection exemption is new. Also like the Permit Fees legislation, this bill had momentum and likely would have passed if not for Parkland last session.

Senate Committee References: Community Affairs; Finance & Tax; Appropriations

House Committee References: Local, Federal & Veterans Affairs Subcommittee; Commerce Committee; and State Affairs

UPDATE: The Senate bill has had no movement yet. The House bill is on the agenda for the Federal and Veterans Affairs Subcommittee on Wednesday, February 20.

Local Government Public Construction Works – HB 167 (Andrade) and SB 806 (Perry) – This bill requires the governing board of local government to consider estimated costs of certain projects using generally accepted cost-accounting principles that account for specified costs when making specified determination; and requires estimated total construction project costs for certain projects to include specified costs. The effective date is July 1, 2019.

House Committee References: Oversight, Transparency & Public Management Subcommittee; Business & Professions Subcommittee; and State Affairs Committee

Senate Committee References: Community Affairs; Governmental Oversight and Accountability; and Rules.

UPDATE: The House bill is on the agenda for the Oversight, Transparency & Public Management Subcommittee on Wednesday, February 20. As noted above, the Senate bill received its committee references on Friday, February 15.

Affordable Housing Trust Fund – SB 70 (Mayfield) – The bill would exempt the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision

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authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and the General Revenue Fund, etc. If passed, there would no longer be trust fund “sweeps” of the Sadowski Fund. The effective date July 1, 2019.

Senate Committee References: Community Affairs; Infrastructure & Security; Appropriations Subcommittee on Transportation, Tourism and Economic Development; and Appropriations.

House Committee References: No House bill filed yet.

UPDATE: No movement yet.

Vegetable Gardens – SB 82 (Bradley) and HB 145 (Fetterhoff) – These bills would prohibit local governments from regulating vegetable gardens on residential properties except as otherwise provided by law; and specify that such regulations are void and unenforceable, etc. The effective date is July 1, 2019.

Notes: This bill is nearly identical to the bill filed during 2018 session. If not for the Parkland legislation that created delays in the final days of session, it would have likely passed. We are monitoring to ensure that the bill does not expand its reach.

Senate Committee References: Community Affairs and Rules

House Committee References: Local, Federal & Veterans Affairs Subcommittee; Commerce Committee; and State Affairs Committee

UPDATE: The House bill is now waiting a hearing in the Commerce Committee. The Senate bill is awaiting a hearing in Rules Committee.

Statewide Procurement Efficiency Task Force – SB 490 (Albritton) would create the task force to evaluate procurement laws and policies and make specified recommendations; specify membership of the task force appointed by Governor, Speaker and Senate President; provide for administrative and technical support of the task force; and require task force members to serve without compensation or reimbursement of expenses, etc. The effective date is July 1, 2019.

Committee References: Governmental Oversight and Accountability; Appropriations Subcommittee on Agriculture, Environment, and General Government; and Appropriations

House Companion: None yet.

UPDATE: The bill is waiting a hearing in its first committee.

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Impact Fees on Affordable Housing – SB 350 (Hutson) would prohibit local governments from charging impact fees on affordable housing projects. The effective date is July 1, 2019. No committee references yet.

Committee References: Community Affairs; Infrastructure and Security; and Appropriations.

House Companion: None yet.

UPDATE: The bill is waiting a hearing in its first committee.

Public Meetings – HB 265 (Newton) and SB 518 (Rader) would specify that certain boards & commissions are subject to public meetings requirements; revise public meeting notice requirements to three days; provide that member of public has right to speak at public meeting; require members of board or commission to respond to questions made at public meetings within a specified timeframe; repeal provision relating to reasonable opportunity to be heard at public meetings; and provide penalties. The effective date is July 1, 2019.

House Committee References: Oversight, Transparency & Public Management Subcommittee; Public Integrity & Ethics Committee; State Affairs Committee

Senate Committee References: Governmental Oversight and Accountability; Community Affairs; and Rules.

UPDATE: The bill is waiting a hearing in its first committee.

Local Tax Referenda – SB 336 (Brandes) and HB 5 (DiCeglie) - provides that a referendum to adopt or amend a local discretionary sales surtax must be held at a general election, etc. The effective date is upon becoming a law.

House Committee References: None yet.

Senate Committee References: Ethics and Elections; Finance and Tax; and Rules.

UPDATE: On Wednesday, February 13, the bill received its House companion and is waiting committee references. Also on Wednesday, Ethics and Elections voted on the Senate bill 5-2. Its next stop is Finance and Tax.

Preemption of Local Regulations - HB 3 (Grant) would prohibit local governments from imposing or adopting new regulations on businesses & business entities on or after specified date; specifies certain regulations expire & may only be readopted or continue to be imposed after meeting specified criteria; preempts regulation & licensing of professions & occupations to state; prohibits local governments from imposing additional regulations unless specified

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conditions are met; specifies that local regulations that do not meet specified criteria do not apply; specifies certain specialty contractors are not required to register with Construction Industry Licensing Board; prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local jurisdiction may not require license. The effective date is July 1, 2019.

House Committee References: Business & Professions Subcommittee; Local, Federal & Veterans Affairs Subcommittee; and Commerce Committee.

Senate Companion: None yet.

UPDATE: As noted above, the bill received its committee references on Wednesday, February 13. The bill is now in the agenda for Business & Professions Subcommittee on Thursday, February 21.

Single-use Plastic Straws - SB 588 (Hutson) and H 603 (Sabatini) – These identical bills provide 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; providing that a food service establishment may make single-use plastic straws available through self-serve straw dispensers, etc. The effective date is July 1, 2019.

Senate Committee References: Commerce and Tourism; Community Affairs; and Rules.

House Committee References: Business and Professions Subcommittee; Local, Federal and Veterans Affairs Subcommittee; and Commerce Committee.

UPDATE: The House bill is now in Business and Professions Subcommittee. The Senate bill has no movement yet.

State Shared Revenues - SB 594 (Hutson) would require the Attorney General, at the request of one or more members of the Legislature, to investigate whether a certain official action of the governing body of a county or municipality violated state law or the State Constitution; requiring the Attorney General to report his or her findings and conclusions to the Governor, the Legislature, and the Secretary of State; providing requirements if no violation is found, etc. The effective date is July 1, 2019.

Senate Committee References: Community Affairs; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

House Companion: None yet.

UPDATE: No movement yet.

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Tax Increment Revenues - HB 605 (Casello) and SB 1038 (Rader) – these similar bills would authorize counties and municipalities to use increment revenues under specified conditions. The effective date is July 1, 2019.

House Committee References: Local, Federal & Veterans Affairs Subcommittee; Ways & Means Committee; and State Affairs Committee.

Senate Committee References: None yet.

UPDATE: The bill received its Senate companion on Thursday, February 14. It is waiting its Senate committee references. The House bill is now in Local, Federal & Veterans Affairs Subcommittee.

Newly Filed Bills

Community Redevelopment Agencies – HB 9 (LaMarca) and SB 1054 (Lee) – these comparable bills prohibits a person from lobbying a community redevelopment agency until he or she has registered as a lobbyist with that agency. The effective date is July 1, 2019. No committee assignments yet.

Collections of Residential Recyclable Material – HB 771 (Overdorf) and SB 816 (Perry) – these similar bills require counties and municipalities to address contamination of recyclable material in specified contracts. The effective date is July 1, 2019.

House Committee References: None yet.

Senate Committee References: Environment and Natural Resources; Community Affairs; and Appropriations.

Local Government Financial Reporting – HB 861 (Roach) – requires county and municipality budget officers to submit certain information to EDR within specified timeframe. The effective date is upon becoming law. No committee references yet.

Summary of February 11-15 Committee Week

Budget Update

Senate Appropriations Chair Rob Bradley, a Fleming Island Republican, said he intends to maintain level funding for the state's citrus programs. The industry has in recent years suffered setbacks from citrus greening disease. Hurricane Irma, which swept through citrus groves in 2017, delivered a fatal strike to the crop.

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Bradley said that the \$23.2 million in funding should remain for the upcoming fiscal year. Some of that money is used for research aimed at strengthening future crops.

Meanwhile, some recent developments outside of the Legislature might give lawmakers more room to breathe as they craft a spending plan this Session.

Triumph Gulf Coast, an appointed panel charged with administering settlement money from the BP oil spill, recently set aside \$15 million for some counties hit by Hurricane Michael. Local governments in Bay, Gulf, Franklin, and Wakulla counties are eligible to receive assistance, which would help cover shortfalls in local ad valorem property tax collections.

The panel, which notably includes former House Speaker Allan Bense and former Senate President Don Gaetz, said it would be open to using more money for things like short-term loans — but the Legislature would have to write a law promising loans would be paid back by the state if other parties default.

Lawmakers are approving — and stalling — policy proposals.

Sports Stadiums - State Senator Tom Lee, a Thonotosassa Republican, got the OK from a Senate panel this week for a bill (SB 414) that would repeal a program that lays out steps for the public financing of sports facilities and stadiums.

Assignment of Benefits - A Senate bill (SB 122) to tighten access to Florida's one-way attorney fee law stalled in the Banking and Insurance Committee, despite being sponsored by the panel's chair, Doug Broxson. The Gulf Breeze Republican seeks to curb AOB, or assignment of benefits, abuse through the legislation.

Beer Advertising in Theme Parks - The House Business & Professions Subcommittee cleared in a narrow 8-7 vote a bill (HB 261) that permits "cooperative advertising," which allows for cost-sharing between beer interests and the parks. The measure is sponsored by state Rep. Josie Tomkow, a Polk City Republican.

Appropriation Project Bills Update

As of Friday, one thousand and seventy-six (1076) House appropriations project bills have been filed, totaling \$2,039,077,386 in funds requested. 32 bills have met the minimum requirements (favorable report in subcommittee) for inclusion in the House's proposed Budget.

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Preview of Sixth Committee Week (February 18-22)

Lawmakers will meet again in Tallahassee for a third-consecutive committee week.

Both main budget panels in the House and Senate could consider their chambers' respective efforts to make smokable marijuana legal for patients in Florida.

Recall: Gov. Ron DeSantis gave the Legislature a March 15 deadline to pass legislation lifting the ban.

The House Appropriations Committee will take up its measure at 8 a.m. on Thursday. The Senate is expected to consider its version (if received) at 10 a.m. on Thursday. The House panel will meet in room 212 of the Knott building. The Senate will meet in Knott 412.

The Senate committee schedule for Week 6 can be found here:

https://www.flsenate.gov/Session/Calendar/2019/Weekly_Schedules_2019-02-06_160256.PDF

The House committee schedule for Week 6 can be found here:

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Interim&CommitteeId=&Session=2019&DocumentType=Interim%20Weekly%20Schedules&FileName=Interim%20Weekly%20Schedule%20for%20February%2018%20-%2022,%202019.pdf>