

## 2018 Session: End of Session Review

Lawrence J. Smith <conglis@hotmail.com>

Thu 3/22/2018 10:21 AM

To: Mayor Frank Ortis <fortis@ppines.com>; Comm. Angelo Castillo <acastillo@ppines.com>; Commissioner Jay Schwartz <jschwartz@ppines.com>; City Manager Charles Dodge <cdodge@ppines.com>; City Attorney Sam Goren, Esq. <sgoren@cityatty.com>; Commissioner Iris Siple <isiple@ppines.com>; imonroig@ppines.com <imonroig@ppines.com>;

2 attachments (1 MB)

2018 Session Review - Bills tracked for Pembroke Pines that Passed.pdf; 2018 Session Review - Bills tracked for Pembroke Pines that Died.pdf;

Dear Mayor Ortis, Vice Mayor, Commissioners, Mr. Dodge, and Mr. Goren:

The Florida Legislature adjourned Sine Die on Sunday evening, March 11th, bringing the 2018 Session to a close. 3,192 bills were filed during the 2018 Session, but only 200 were passed by both Chambers by the time the Legislature adjourned. Of the bills that were filed during this Session, we tracked 73 bills which related to the City of Pembroke Pines and municipalities, excluding the City's 5 appropriations requests and the 2 budget bills, and of those 73 bills, 5 *Passed* and are headed to the Governor for his approval, while 68 bills *Died* in Committee, were never heard, or were Substituted for companion bills.

Below this email signature line, you will find a general review of the 2018 Session, including highlights of some of the major legislation that Passed and Died, and other key issues addressed. And, attached to this email, you will find two memos summarizing the 2018 Session for issues relating to the City of Pembroke Pines and municipalities:

1. A memo summarizing the 5 bills we were tracking for the City that Passed, including opinions of the Florida League of Cities, if available, attached as filename **2018 Session Review - Bills tracked for Pembroke Pines that Passed**; and,
2. A memo listing all 68 bills which we were tracking for the City that Died in Committee, were never heard, or which were substituted for companion bills, attached to this email as filename **2018 Session Review - Bills tracked for Pembroke Pines that Died**.

Please review the bills that passed and determine how they may impact the City of Pembroke Pines. You may find the full text of ALL bills by typing the bill number at the top of the screen at [www.flsenate.gov](http://www.flsenate.gov).

It was a pleasure to be of service to you during this legislative session. Please feel free to call if you would like to discuss. Thank you.

### **2018 SESSION REVIEW: LEGISLATURE PASSES \$88.7B BUDGET TO END EMOTIONAL SESSION**

The Florida Legislature on Sunday approved an \$88.7 billion state budget to end a dramatic legislative session that began with lawmakers dealing with the aftermath of one of the state's worst storms in Hurricane Irma and culminating with their response to the state's worst school shooting at Marjory Stoneman Douglas High School.

The House approved the budget, FL HB 5001 (18R), in a 95-12 vote, while the Senate OK'd it by a wide margin, 31-5. The new budget takes effect July 1.

Both chambers also signed off on a \$169 million tax cut package, FL HB 7087 (18R), which includes \$97 million in one-time tax cuts — mostly sales tax holidays — and \$71 million in permanent cuts.

The budget now heads to Gov. Rick Scott, who does have line-item veto power.

This year's 60-day session was extended to Sunday after the House and Senate failed to agree on health care funding. The budget had been sent to lawmakers Thursday, setting off a 72-hour "cooling off" period that concluded Sunday afternoon. Both chambers debated the spending plans on Friday.

The Legislature began this year's session confronting the aftermath of Hurricane Irma, which ravaged a wide swath of the state over two days in September. They pivoted mid-session when a lone gunman opened fire with an assault rifle at Broward County's Marjory Stoneman Douglas High School in Parkland on Valentine's Day. The mass shooting left 17 people dead, including 14 students, and set off state and national protests demanding lawmakers enact stricter gun control measures and bolster security around all schools.

Lawmakers spent the last three weeks of session debating FL SB 7026 (18R), which included \$400 million to pay for more mental health services and efforts to fortify schools. The money for the bill was taken from funds previously dedicated to local projects submitted by House and Senate members. Senate President Joe Negron (R-Stuart) was pleased the bill, which introduces a framework for the Aaron Feis Guardian program — a plan to train and arm qualified school staff — also appropriates money to boost mental health services in schools.

The budget also includes increased funding for education, with per-student spending in the kindergarten through 12th-grade system going up \$101.50. The Senate also pushed through increased funding for nursing homes, while the House blocked a Senate attempt to change the way some Medicaid money is distributed to hospitals.

#### **Here are some of the other major issues addressed during the 2018 Session:**

**HEALTH CARE:** After years of legal battles in the hospital industry, lawmakers approved a plan to revamp the approval of new trauma centers. They also approved a long-discussed proposal that could lead to the use of "direct primary care" agreements, which involve patients and doctors contracting directly for primary care, reducing the role of insurers. The House, however, was unable to convince the Senate to go along with eliminating the controversial "certificate of need" regulatory process for hospitals.

**HIGHER EDUCATION:** Throughout his term as Senate president, Stuart Republican Joe Negron has made a top priority of revamping the higher-education system. Gov. Rick Scott on Sunday signed a wide-ranging bill that includes permanently expanding Bright Future scholarships. The bill also calls for expanding some need-based aid programs and would require the state university system to use a four-year graduation rate as part of its performance-funding formula, instead of the current six-year measure.

**HURRICANE IRMA:** Lawmakers came into the Session still grappling with the effects of Hurricane Irma, which slammed into the state in September and caused billions of dollars in damage. The House and Senate took steps such as ratifying rules for nursing homes and assisted living facilities to have backup generators and fuel supplies to help keep the facilities cool. Scott's administration issued the rules after residents of a sweltering Broward County nursing home died after Irma knocked out the building's air-conditioning system.

**INSURANCE:** The two highest-profile insurance issues of the Session involved proposals to eliminate the no-fault auto insurance system and revamp a controversial practice known as "assignment of benefits." In the end, however, both issues died. The House approved repealing no-fault, which includes a requirement that motorists carry personal-injury protection, or PIP, coverage. But the proposal couldn't get through Senate committees. Similarly, the Senate did not approve changes sought by insurers in assignment of benefits.

**K-12 EDUCATION:** House Speaker Richard Corcoran and other school-choice supporters got a victory Sunday when Scott signed a controversial bill that will expand voucher-like scholarship programs. The bill includes creating the “hope scholarships” program, which will help pay for children who have been bullied in public schools to transfer to private schools. The bill also includes a heavily debated change that targets teachers’ unions whose membership falls below 50 percent of the employees they represent.

**OPIOID EPIDEMIC:** In one of the final issues decided during the Session, lawmakers late Friday approved a bill to stem the opioid epidemic that has caused a surge in overdoses across the state. A key part of the bill calls for placing limits on prescriptions for opioids. In most cases, the bill would place three- or seven-day limits on prescriptions, though it includes exemptions for people who are terminally ill, need palliative care or suffer from major trauma. The idea behind the limits is to prevent patients from getting addicted to painkillers.

**PARKLAND AFTERMATH:** The February 14th shooting deaths of 17 people at Marjory Stoneman Douglas High School in Parkland forced lawmakers to quickly deal with school-safety issues and spurred a contentious debate about gun laws. Scott on Friday signed a \$400 million package that includes improving mental-health services and allowing trained employees to bring guns to schools. The package also raises the minimum age to 21 and imposes a three-day waiting period for people buying rifles and other long guns. The National Rifle Association quickly filed a federal lawsuit challenging the age restriction.

**TEXTING WHILE DRIVING:** With support from Corcoran, it appeared lawmakers this year could approve a long-discussed idea to toughen Florida’s ban on texting while driving. But the proposal did not make it through the Senate, at least in part because of concerns about racial profiling of minority drivers. Currently, texting while driving is a “secondary” offense, meaning motorists can only be cited if they are pulled over for other reasons. The proposal would have made it a primary offense, with police able to pull over motorists for texting behind the wheel.

**TAX CUTS:** Getting ready to hit the campaign trail, lawmakers Sunday approved a bill that includes about \$170 million in tax breaks. The measure includes holding a three-day tax “holiday” in early August to allow back-to-school shoppers to buy clothes and school supplies without paying sales taxes. A similar seven-day “holiday” will be held in early June for residents to buy hurricane supplies. These sales tax holidays are explained below. The bill also includes tax breaks for farmers and ranchers who suffered damage in Hurricane Irma and would trim a lease tax paid by many businesses.

#### **SALES TAX HOLIDAYS:**

**Back-to-School Holiday:** The bill provides for a 10-day sales tax holiday from August 3, 2018 through August 12, 2018. During the holiday, the following items that cost \$60 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Clothing (defined as an “article of wearing apparel intended to be worn on or about the human body,” but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Footwear (excluding skis, swim fins, roller blades, and skates);
- Wallets; and,
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

The bill also exempts “school supplies” that cost \$15 or less per item during the holiday. The bill also exempts the first \$1,000 of the sales price of personal computers and related accessories purchased for noncommercial home or personal use. This would include tablets, laptops, monitors, input devices, and non-recreational software. Cell phones, furniture and devices or software intended primarily for recreational use are not exempted.

**Disaster Preparedness Sales Tax Holiday:** The bill provides for three seven-day sales tax holidays from May 4, 2018 through May 10, 2018; from June 1, 2018 through June 7, 2018; and from July 6, 2018 through July 12, 2018 for specified items related to disaster preparedness. During the holiday, the following items are exempt from the state sales tax and county discretionary sales surtaxes:

- A portable self-powered light source selling for \$20 or less;
- A portable self-powered radio, two-way radio, or weather band radio selling for \$50 or less;
- A tarpaulin or other flexible waterproof sheeting selling for \$50 or less;
- A ground anchor system or tie-down kit selling for \$50 or less;
- A gas or diesel fuel tank selling for \$25 or less;
- A package of AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less;
- A nonelectric food storage cooler selling for \$30 or less;
- A portable generator that is used to provide light or communications or preserve food in the event of a power outage selling for \$750 or less; and,
- Reusable ice selling for \$10 or less.

The sales tax holidays in the bill do not apply to the following sales:

- Sales within a theme park or entertainment complex, as defined in s. 509.013(9), F.S.;
- Sales within a public lodging establishment, as defined in s. 509.013(4), F.S.; and,
- Sales within an airport, as defined in s. 330.27(2), F.S.

**Here are some of the higher-profile issues that died when the session ended:**

**FRACKING:** The effort (SB 462 and HB 237) to ban the controversial oil- and natural-gas drilling process known as “fracking” gained support from some Senate Republicans, along with Democrats. But the House never took up the issue in committees.

**GAMBLING:** Lawmakers made a late attempt to reach agreement on a gambling deal amid concerns about a proposed constitutional amendment on the November ballot that would give voters, not the Legislature, control of future gambling decisions. But legislative leaders abandoned the effort Friday, as negotiators grappled with issues such as a gambling agreement with the Seminole Tribe of Florida and allowing slot machines in counties where voters have approved referendums.

**GUNS AT CHURCH:** A proposal (SB 1048) that would have allowed people with concealed-weapons licenses to carry guns at churches and other religious institutions that share property with schools appeared headed toward passage this year. The measure got through the Senate Judiciary Committee — where a number of gun bills have failed in recent years — and had reached the Senate floor. But then came the mass shooting at Marjory Stoneman Douglas High School in Broward County. The church-related bill remained pending in the Senate throughout the rest of the session and did not get a vote.

**INSURANCE:** Neither of the big issues — to revamp laws dealing with a controversial practice known as “assignment of benefits” and to eliminate the “no-fault” auto insurance system — passed. The House approved a bill (HB 19) to repeal the no-fault system, which requires motorists to carry personal-injury protection, or PIP, coverage. But the Senate proposal (SB 150), which included a requirement for motorists to carry \$5,000 in what is known as medical payments coverage, or MedPay, couldn’t get through committees. The insurance industry and business groups pushed for changes in assignment of benefits, an issue that involves policyholders signing over benefits to contractors, who then pursue payment from insurers. But the issue stalled early in the session in the Senate.

**RED LIGHT CAMERAS:** Among the first issues (HB 6001) out of the House this year was the annual effort to eliminate a law, known as the Mark Wandall Traffic Safety Act of 2010, that allows local governments to use red-

light cameras. But as happened in past years, the idea once again failed to get the green light in the Senate.

**“SANCTUARY” CITIES:** A priority of House Speaker Richard Corcoran, the House passed a measure (HB 9) aimed at requiring local governments to comply with federal immigration laws — an issue that has become known as preventing “sanctuary cities.” But the Senate version of the controversial measure (SB 308) stalled in the Senate Judiciary Committee because of opposition from Democrats and two Republicans, Sen. Rene Garcia of Hialeah and Sen. Anitere Flores of Miami.

**SEXUAL HARASSMENT:** One of the hot topics as the session began — with once-powerful Sen. Jack Latvala resigning after a damaging investigation — the House and Senate were unable to agree on how to prevent and punish people who engage in sexual harassment. The House approved a bill (HB 7007) that attached anti-sexual harassment language to other ethics issues. But the Senate didn’t go along with tying the issues together.

**TEXTING WHILE DRIVING:** With the backing of Corcoran, a proposal (HB 33 and SB 90) to allow law-enforcement officers to pull over people for texting while driving cruised through the House and had advanced through the Senate. But Bradley let the proposal die in the Senate Appropriations Committee. The bill faced concerns about issues such as minority drivers facing increased racial profiling if texting while driving became a “primary” traffic offense. Bradley was unswayed by arguments that the bill would require law-enforcement officers to record the race and ethnicity of each person pulled over for texting while driving.

**TRAINS AND “BO’S BRIDGE”:** Derailed for the second year, Treasure Coast lawmakers failed to pick up needed support from outside their region to impose state rules (SB 572 and HB 525) about passenger trains, particularly All Aboard Florida’s Brightline service, which is expected to eventually run from Miami to Orlando. Also, lawmakers didn’t approve a proposal to acquire the financially troubled Garcon Point Bridge — known in Tallahassee as “Bo’s Bridge — near Pensacola. The bridge, named after former House Speaker Bo Johnson who championed the project, has been in default for years. Toll revenue fell well short of what was projected in the original \$95 million bond agreement. Debt on the bridge has ballooned to \$135 million.

**UCF DEFEATED:** The annual push to create a slew of new specialty license plates combined during the session with euphoria following the University of Central Florida’s perfect football season. In the end, lawmakers punted on a license plate to commemorate UCF’s season and most other specialty tags, including an attempt by Auburn University alumni to create a license plate for the Alabama school.

**VACATION RENTALS:** Lawmakers again waded into the controversial issue of preventing local regulation of vacation rental properties. But despite backing from industry and business groups, bills (SB 1400 and HB 773) never were heard on the Senate or House floors.

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Please feel free to call if you would like to discuss. Thank you.

Lawrence J. Smith, Esq.

Congressman Lawrence J. Smith (Ret.)

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# Memo

**To:** Mayor Frank Ortis, Vice Mayor Angelo Castillo, Commissioner Iris Siple, Commissioner Jay Schwartz, Commissioner Ismael Monroig, Jr., City Manager Charles Dodge, City Attorney Sam Goren

**From:** Lawrence J. Smith, P.A.

**Date:** March 22, 2018

**Re:** 2018 Session: Bills that Passed

### 2018 Legislative Session

Of the 73 bills relating to the City and issues affecting municipalities that we tagged and tracked throughout the 2018 Session for the City of Pembroke Pines, excluding the City's 5 appropriations requests and the 2 budget bills, 5 *PASSED* and will go to the Governor for his signature or veto:

- **SB 186: Resign-to-run Law;**
- **SB 376: Workers' Compensation Benefits for First Responders;**
- **HB 1149: Environmental Regulation;**
- **HB 5007: State-Administered Retirement Systems; and,**
- **HB 6003: Participant Local Government Advisory Council.**

### 2018 Session: Bills tracked for the City that Passed

#### **2018 Session: Bills (5) that Passed relating to the City of Pembroke Pines**

<u>Number</u>	<u>Title</u>	<u>Sponsor</u>	<u>Last Action</u>	<u>Date Foldered</u>
SB 0186	<b>Resign-to-run Law</b>	Hutson	03/16/18	08/29/17 02:28PM

(I: 105 )

Resign-to-run Law; Requiring an officer who qualifies for federal public office to resign from the office he or she presently holds if the terms, or any part thereof, run concurrently; prescribing requirements for the written resignation; providing for an automatic irrevocable resignation in the event of noncompliance, etc. Effective Date: Upon becoming a law

08/21/17 SENATE Filed

08/28/17 SENATE Referred to Ethics and Elections; Judiciary; Rules

10/02/17 SENATE On Committee agenda - Ethics and Elections, 10/10/17, 2:00 p.m., 412 K

10/10/17 SENATE Favorable by Ethics and Elections; 8 Yeas, 0 Nays

10/11/17 SENATE Now in Judiciary

10/16/17 SENATE On Committee agenda - Judiciary, 10/24/17, 3:00 pm, 110 S

10/24/17 SENATE Favorable by Judiciary; 5 Yeas, 3 Nays

10/25/17 SENATE Now in Rules

01/08/18 SENATE On Committee agenda - Rules, 01/11/18, 9:00 am, 110 S

01/11/18 SENATE Favorable by Rules; 9 Yeas, 1 Nay

01/11/18 SENATE Placed on Calendar, on 2nd reading

01/22/18 SENATE Placed on Special Order Calendar, 01/24/18

01/24/18 SENATE Read Second Time; Amendment Adopted (732966); Ordered Engrossed; Placed on Third Reading, 01/31/18

01/24/18 SENATE Engrossed Text (E1) Filed

01/31/18 SENATE Read Third Time; Passed (Vote: 27 Yeas / 7 Nays)

02/01/18 HOUSE In Messages

03/05/18 HOUSE Referred to Calendar

03/05/18 HOUSE Placed on Special Order Calendar, 03/06/18

03/06/18 HOUSE Substituted for HB 0105; Read Second Time; Placed on Third Reading, 03/07/18

03/07/18 HOUSE Read Third Time; Passed (Vote: 87 Yeas / 27 Nays)

03/07/18 SENATE Ordered enrolled

03/08/18 SENATE Enrolled Text (ER) Filed

03/16/18 Signed by Officers and presented to Governor (Governor must act on this bill by 03/31/18)

**Comments:**

FLC was watching SB 186. HB 105 (Santiago) and SB 186 (Hutson) require an elected or appointed officer (including municipal) who qualifies for federal public office to resign from his or her current office if the terms of the current office and the federal office run concurrently. The bills specify the timeframes and manner for submission of a resignation and procedures for filling a vacancy created by a resignation.

SB 186: Resign to Run by Senator Hutson. The bill requires a state or local officer seeking a federal public office to submit his or her resignation at least

10 days before the first day of qualifying for the federal office if the terms of the two offices overlap. Failure to submit the resignation constitutes an automatic, immediately effective resignation from the current office. A similar "resign-to-run" law already applies to state or local officers who seek another state, district, county, or municipal public office where the terms overlap. The bill specifically exempts an elected state or local officer running for federal office at the next primary/general election period if the electors will choose a successor to his or her office during the same election, since he or she will be out of office anyway. This exemption addresses a calendar glitch in some years where the federal-office term overlaps the current state or local officer's term by a few days at the beginning of January in the year immediately following the election. Other than the specific exemption discussed above, the only substantive difference between the current bill language and a pre-2008 resign-to-run law applicable to state or local officers seeking federal office is that under the current bill the resignation deadline is 10 days before qualifying. Under the prior law, an officer had until the time of qualifying to submit his or her resignation. Vote: Senate 27-7; House 87-27. If approved by the Governor, these provisions take effect upon becoming law. The Governor must act on this bill by March 31<sup>st</sup>.

SB 0376

**Workers'  
Compensation  
Benefits for First  
Responders**

Book

03/12/18

10/09/17  
12:52PM

(C: 126 629 )  
(S: 227 )

Workers' Compensation Benefits for First Responders; Providing that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable by workers' compensation benefits; specifying that benefits do not require a physical injury and are not subject to certain apportionment or limitations, etc. Effective Date: 10/1/2018

10/02/17 SENATE Filed

10/25/17 SENATE Referred to Banking and Insurance; Commerce and Tourism; Appropriations; Rules

11/27/17 SENATE On Committee agenda - Banking and Insurance, 12/05/17, 10:00 am, 110 S

12/05/17 SENATE Favorable with CS by Banking and Insurance; 10 Yeas, 0 Nays

12/07/17 SENATE Committee Substitute Text (C1) Filed

12/13/17 SENATE Now in Commerce and Tourism

01/11/18 SENATE On Committee agenda - Commerce and Tourism, 01/16/18, 1:30 pm, 110 S

01/16/18 SENATE Favorable by Commerce and Tourism; 8 Yeas, 0 Nays

01/17/18 SENATE Now in Appropriations

02/22/18 SENATE On Committee agenda - Appropriations, 02/27/18, 11:00 am, 412 K

02/27/18 SENATE Favorable with CS by Appropriations; 20 Yeas, 0 Nays

02/28/18 SENATE Committee Substitute Text (C2) Filed

02/28/18 SENATE Now in Rules

02/28/18 SENATE On Committee agenda - Rules, 03/01/18, 9:00 am, 412 K

03/01/18 SENATE Favorable by Rules; 12 Yeas, 0 Nays

03/01/18 SENATE Placed on Calendar, on 2nd reading

03/01/18 SENATE Placed on Special Order Calendar, 03/02/18

03/02/18 SENATE Read Second Time; Placed on Third Reading

03/03/18 SENATE Read Third Time; Passed (Vote: 33 Yeas / 0 Nays)

03/03/18 HOUSE In Messages

03/05/18 HOUSE Received; Referred to Calendar; Substituted for HB 0227; Read Second Time; Read Third Time; Passed (Vote: 114 Yeas / 0 Nays)

03/05/18 SENATE Ordered enrolled

03/05/18 SENATE Enrolled Text (ER) Filed

03/12/18 Signed by Officers and presented to Governor (Governor must act on this bill by 03/27/18)

#### **Comments:**

FLC was opposed to SB 376 as an unfunded mandate, but the FLC is now no longer tracking SB 376. SB 376 (Book) and the identical companion bill, HB 227 (Willhite), provide that a mental or nervous injury suffered by a law enforcement officer, firefighter, emergency medical technician or paramedic is compensable under the workers' compensation law if the mental or nervous injury was shown to meet the criteria for post-traumatic stress disorder. The Florida League of Cities raised concerns about the costs to local governments who pay for police and fire departments. After the high school mass shooting in Parkland, strong vocal opposition to the bill pretty much faded.

SB 376: Workers' Compensation Benefits for First Responders by Appropriations Committee; Banking and Insurance Committee; and Senators Book, Young, Taddeo, Monford, Stewart, Rader, Campbell, and Torres. The bill revises the standards for determining compensability of employment-related posttraumatic stress disorder (PTSD) under workers' compensation insurance for first responders, which includes volunteers or employees engaged as law enforcement officers, firefighters, emergency medical technicians, and paramedics. The bill allows first responders that meet certain conditions to access indemnity and medical benefits for PTSD without an accompanying physical injury. Current law provides only medical benefits for a mental or nervous injury without an accompanying physical injury and requires the first responder to incur a compensable physical injury to receive indemnity benefits for a mental or nervous injury. Generally, the bill will increase the likelihood of compensability for workers' compensation indemnity

benefits for PTSD.

PTSD is a psychiatric disorder that can occur in persons who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war, combat, rape, or other violent personal assault. A diagnosis of PTSD requires direct or indirect exposure to an upsetting traumatic event. Although estimates vary across occupations and the general population, some studies indicate that first responders and other professionals who are exposed to potentially traumatic events in their workplace are significantly more likely to develop PTSD compared to the general population.

The bill creates an exception to current law to authorize the compensation of indemnity benefits for PTSD, if the first responder: 1.) Has PTSD that resulted from the course and scope of employment; and, 2.) Is examined and diagnosed with PTSD by an authorized treating psychiatrist of the employer or carrier due to the first responder experiencing one of the following qualifying events relating to minors or others: 2.a.) Seeing for oneself a deceased minor; 2.b.) Witnessing directly the death of a minor; 2.c.) Witnessing directly the injury to a minor who subsequently died prior to, or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department; 2.d.) Seeing for oneself a decedent who died due to grievous bodily harm of a nature that shocks the conscience; 2.e.) Witnessing directly a death, including suicide, due to grievous bodily harm; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence; 2.f.) Witnessing directly an injury that results in death, if the person suffered grievous bodily harm that shocks the conscience; or, 2.g.) Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered grievous bodily harm, if the injured person subsequently died prior to or upon arrival at a hospital emergency department.

The PTSD must be demonstrated by clear and convincing evidence. Medical and indemnity benefits for a first responder's PTSD are due regardless of whether the first responder incurred a physical injury, and the following provisions do not apply: 1.) Apportionment due to a preexisting PTSD; 2.) The one percent limitation on permanent psychiatric impairment benefits; or, 3.) Any limitation on temporary benefits under s. 440.093, F.S.

The first responder must file the notice of injury with their employer or carrier within 90 days of the qualifying event, described above, or manifestation of the PTSD. However, the claim is barred if it is not filed within 52 weeks of the qualifying event. The bill requires an employing agency of a first responder to provide educational training relating to mental health awareness, prevention, mitigation, and treatment.

State and local governments may incur additional costs as a result of the implementation of this bill. The National Council on Compensation Insurance estimates the fiscal impact of the bill on Florida's workers' compensation system is approximately 0.2 percent, or approximately \$7 million. Vote:

Senate 33-0; House 114-0. If approved by the Governor, these provisions take effect October 1, 2018. The Governor must act on this bill by March 27<sup>th</sup>.

HB 1149	<b>Environmental Regulation</b>	Payne	03/09/18	01/05/18 11:03AM
(C: 244 837992 7063 ) (S: 1308 )				
Environmental Regulation: Directing the Department of Environmental Protection and water management districts to reissue the construction phase of an expired environmental resource permit under certain conditions; encouraging the development of aquifer recharge for reuse implementation; requiring counties and municipalities to address contamination of recyclable material in specified contracts; providing an exemption from certain requirements for mitigation areas created by a local government under a permit issued before a specified date and for certain mitigation banks, etc.				
Effective Date: upon becoming a law				
01/03/18 HOUSE Filed				
01/07/18 HOUSE Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee				
01/07/18 HOUSE Now in Natural Resources & Public Lands Subcommittee				
01/19/18 HOUSE On Committee agenda - Natural Resources & Public Lands Subcommittee, 01/23/18, 12:00 pm, 12 H				
01/23/18 HOUSE Favorable with CS by Natural Resources & Public Lands Subcommittee; 12 Yeas, 1 Nay				
01/25/18 HOUSE Committee Substitute Text (C1) Filed				
01/26/18 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee				
02/02/18 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 02/06/18, 12:30 pm, 17 H				
02/06/18 HOUSE Favorable by Agriculture & Natural Resources Appropriations Subcommittee; 11 Yeas, 1 Nay				
02/06/18 HOUSE Now in Government Accountability Committee				
02/20/18 HOUSE On Committee agenda - Government Accountability Committee, 02/22/18, 9:00 am, 17 H				
02/22/18 HOUSE Favorable with CS by Government Accountability Committee; 16 Yeas, 7 Nays				
02/26/18 HOUSE Committee Substitute Text (C2) Filed				
02/27/18 HOUSE Placed on Calendar, on 2nd reading				
02/27/18 HOUSE Placed on Special Order Calendar, 03/02/18				
03/02/18 HOUSE Read Second Time; Amendment Withdrawn (246447); Amendment Adopted (816455); Placed on Third Reading, 03/05/18				
03/02/18 HOUSE Engrossed Text (E1) Filed				
03/05/18 HOUSE Read Third Time; Amendment Adopted (511723); Passed (Vote: 86 Yeas / 21 Nays)				

03/05/18 HOUSE Engrossed Text (E2) Filed

03/05/18 SENATE In Messages

03/06/18 SENATE Received; Referred to Environmental Preservation and Conservation; Community Affairs; Appropriations

03/09/18 SENATE Withdrawn from Environmental Preservation and Conservation; Community Affairs; Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 1308; Read Second Time; Read Third Time; Passed (Vote: 27 Yeas / 10 Nays)

03/09/18 HOUSE Ordered enrolled

03/09/18 HOUSE Enrolled Text (ER) Filed

**Comments:**

FLC was watching HB 1149. CS/HB 1149 (Payne) and CS/CS/SB 1308 (Perry) amend current state laws that address water and wastewater permits, local government recycling and solid waste responsibilities, and projects exempt from state environmental permit requirements.

HB 1149: Environmental Regulation by Government Accountability Committee; Natural Resources and Public Lands Subcommittee; and Rep. Payne and others (CS/CS/CS/SB 1308 by Appropriations Committee; Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senator Perry). CS/CS/HB 1149 provides that when a water management district (WMD) evaluates a consumptive use permit (CUP), impact offsets may be created if the applicant proposes to use reclaimed water for one or more of several water supply development purposes. The bill requires the Department of Environmental Protection (DEP) to develop criteria for the application of an impact offset or a substitution credit to a CUP or to a recovery or prevention strategy and requires the DEP and the WMDs to enter into a memorandum of agreement providing for a coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a CUP.

The bill requires a governing board or DEP to reissue the construction phase of an expired individual permit under Part IV of ch. 373 when certain conditions are met.

The bill provides criteria by which counties and municipalities must address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material, including that residential recycling collectors and materials recovery facilities may not be required to collect, transport, or process contaminated recyclable material. The criteria apply to contracts between a municipality or county and a residential recycling collector or materials recovery facility executed or renewed after July 1, 2018.

The bill revises the exemption from the requirement to obtain an environmental resource permit (ERP) for the replacement or repair of an existing dock or pier and prevents a local government from requiring that an

individual claiming an exemption from an ERP provide further verification from the DEP for all of the activities and projects exempted from the ERP requirements.

The bill provides that the prohibition against a governmental entity creating or providing mitigation for a project does not apply to mitigation areas created by a local government which were awarded certain mitigation credits under a permit issued before December 31, 2011, when credits are not available at a permitted mitigation bank.

The bill makes minor changes to operational requirements of the C-51 reservoir project and authorizes the South Florida Water Management District to: 1.) Enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility; and, 2.) Request DEP to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund.

The bill creates within DEP the blue star collection system assessment and maintenance program for domestic sewer systems. Certification under the program requires a utility to demonstrate: 1.) A rate of reinvestment in its collection system and pump station maintenance program; 2.) Periodic structural condition assessments, and as-needed maintenance and replacements; 3.) A program designed to limit fats, roots, oils, and grease in its collection system; 4.) For public utilities, a local requirement that the private pump stations and lateral lines connecting to the public system be free of defects and direct storm water connections; and, 5.) A power outage contingency plan.

Public and private utilities certified under the program could receive the following incentives: 1.) Publication on the DEP's website; 2.) Participation in the Clean Water State Revolving Loan Fund Program; 3.) Reduced penalties for a sanitary sewer overflow; 4.) Ten-year operating permits; and, 5.) A presumption of compliance with state water quality standards for pathogens.

The bill expands the Small Community Sewer Construction Assistance Grant Program to include private utilities and expands the uses of the grants. Vote: Senate 27-10; House 86-21. If approved by the Governor, these provisions take effect upon becoming law.

HB 5007	<b>State- Administered Retirement Systems</b>	Appropriations Committee	03/16/18	03/13/18 11:41AM
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(C: 2500 5001)  
(S: 7014 7014)

State-Administered Retirement Systems: Revises required employer retirement contribution rates for members of certain membership classes & subclasses of FRS; provides finding of important state interest. Effective Date: July 1, 2018

02/01/18 HOUSE Filed (Formerly PCB APC4)

02/01/18 HOUSE Referred to Calendar

02/01/18 HOUSE Placed on Special Order Calendar, 02/07/18

02/07/18 HOUSE Read Second Time; Placed on Third Reading, 02/08/18

02/08/18 HOUSE Read Third Time; Passed (Vote: 111 Yeas / 0 Nays); Immediately Certified; Requests that the Senate pass the bill as passed by the House or agree to include the bill in the Budget Conference

02/08/18 SENATE In Messages

02/08/18 SENATE Received; Referred to Governmental Oversight and Accountability, Appropriations; Withdrawn from Governmental Oversight and Accountability, Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 7014; Read Second Time; Read Third Time; Passed (Vote: 32 Yeas / 0 Nays); Immediately certified

02/08/18 HOUSE Ordered enrolled

02/09/18 HOUSE Enrolled Text (ER) Filed

03/14/18 Signed by Officers and presented to Governor (Governor must act on this bill by 03/29/18)

03/16/18 Approved by Governor; Chapter No. 2018-012

#### Comments:

FLC did not track HB 5007 during the 2018 Session.

HB 5007: State-Administered Retirement Systems, by Appropriations Committee and Rep. Trujillo (SB 7014 by Government Oversight and Accountability Committee) The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2018. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly \$178.5 million more in revenue on an annual basis beginning July 1, 2018. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities. Vote: Senate 32-0; House 111-0. HB 5007 was approved by the Governor on March 16th, and these provisions take effect July 1, 2018.

HB 6003	<b>Participant Local Government Advisory Council</b>	White	03/09/18	08/21/17 11:42AM
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(I: 614 ) Participant Local Government Advisory Council: Abolishes the Participant Local Government Advisory Council. Effective Date: upon becoming a law

08/18/17 HOUSE Filed

08/30/17 HOUSE Referred to Oversight, Transparency & Administration Subcommittee; Government Accountability Committee

08/30/17 HOUSE Now in Oversight, Transparency & Administration Subcommittee

10/04/17 HOUSE On Committee agenda - Oversight, Transparency & Administration

Subcommittee, 10/11/17, 9:00 am, 17 H

10/11/17 HOUSE Favorable by Oversight, Transparency & Administration Subcommittee; 12 Yeas, 0 Nays

10/11/17 HOUSE Now in Government Accountability Committee

10/31/17 HOUSE On Committee agenda - Government Accountability Committee, 11/07/17, 1:30 pm, 17 H

11/07/17 HOUSE Favorable by Government Accountability Committee; 23 Yeas, 0 Nays

11/07/17 HOUSE Placed on Calendar, on 2nd reading

01/25/18 HOUSE Placed on Special Order Calendar, 01/31/18

01/31/18 HOUSE Read Second Time; Amendment Adopted (492903); Read Third Time; Passed (Vote: 112 Yeas / 1 Nay)

01/31/18 HOUSE Engrossed Text (E1) Filed

02/07/18 SENATE In Messages

02/08/18 SENATE Received; Referred to Community Affairs; Appropriations Subcommittee on General Government; Appropriations

03/08/18 SENATE Withdrawn from Community Affairs; Appropriations Subcommittee on General Government; Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 0614; Read Second Time; Placed on Third Reading, 03/09/18

03/09/18 SENATE Read Third Time; Passed (Vote: 36 Yeas / 0 Nays)

03/09/18 HOUSE Ordered enrolled

03/09/18 HOUSE Enrolled Text (ER) Filed

**Comments:**

FLC supported HB 6003. CS/HB 6003 (White) and CS/SB 614 (Montford) repeal the Participant Local Government Advisory Council. The six-member council was created by the Legislature in 2008, following an unanticipated liquidity crisis in Florida PRIME, to regularly review the administration of Florida PRIME and make recommendations regarding its administration.

HB 6003: Participant Local Government Advisory Council by Rep. White (CS/SB 614 by Community Affairs Committee and Senator Montford). The Local Government Surplus Funds Trust Fund (Florida PRIME) was created in 1977 to promote, through state assistance, the maximization of net interest earnings on invested surplus funds of local governments. All units of local government in Florida are permitted to invest their surplus funds in Florida PRIME. The State Board of Administration is responsible for administering Florida PRIME, and independent oversight is provided by the Investment Advisory Council and the Participant Local Government Advisory Council (PLGAC). The six member PLGAC was created by the Legislature in 2008 following an unanticipated liquidity crisis in Florida PRIME for the purpose of regularly reviewing the administration of Florida PRIME and making recommendations regarding such administration to the Trustees. In its 2017

report, the PLGAC expressed that it had achieved all of its objectives, and recommended discontinuing the PLGAC. The bill abolishes the Participant Local Government Advisory Council and makes conforming changes due to the abolishment. The State Board of Administration anticipates a reduction in expenditures of approximately \$25,000 associated with the abolishment of the PLGAC. Vote: Senate 36-0; House 112-1. If approved by the Governor, these provisions take effect upon becoming law.

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Please review these bills and determine how they may impact the City of Pembroke Pines. We will continue to monitor all the bills we have been tracking this Session for the City and all issues of interest to municipalities as they continue to make news and as the bills reach the Governor's desk. You may find the full text of all bills by typing the bill number at the top of the screen at [www.flsenate.gov](http://www.flsenate.gov).

Once again, it has been my honor and pleasure to represent the City of Pembroke Pines in Tallahassee during this session of the Legislature.

Please feel free to call if you would like to discuss. Thank you.

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