



## **2018 LEGISLATIVE SESSION REVIEW**

The 2018 Florida Legislative Session was impacted by multiple crises, beginning with the impacts of two major hurricanes, Senator resignations from sexual harassment scandals, and ending overall with the tragedy at Marjory Stoneman Douglas. The Legislature ultimately passed an \$88.7 billion dollar budget and only 200 of 3,250 proposed bills. As always, there were several attempted attacks on local home rule powers during the 2018 Legislative Session. Home rule issues, almost all of which failed, included municipal elections, vacation rentals, dockless bicycle sharing, vegetable gardens, employee travel, ethics and more. The most prominent attack would have preempted all local authority to ban, restrict or regulate anything which falls under Chapter 212 (taxation.) This language was placed into the House tax cut package in a strike-all amendment and later revealed to be targeted at local ordinances on pet stores (or “puppy mills” ordinances.) Our coalition of local government advocates were successful in removing the language before its final vote. Additionally, local governments successfully fought a similar proposal based on 2017 legislation that came before the Constitutional Revision Commission (P 95.) In addition to attacks on Home Rule, a number of attempts were also made during the 2018 Legislative Session that would have negatively impacted local revenue through tax cuts, local business tax exemptions, ad valorem exemptions.

### **BUDGET**

The Senate voted 31-5 and the House 95-12 to pass an \$88.7 billion budget. The fiscal year was anticipated to be tight on dollars after Hurricane Irma and Hurricane Maria strained and diverted revenues, however the Legislature faced an additional \$670 million reduction in expected revenue due to lower corporate tax filings, higher than expected Medicaid costs and the immediate need to fund school safety and mental health initiatives in response to the Stoneman Douglas tragedy. Individual member projects faced stiff competition with bigger ticket items, such as tax cuts, and faced strong political pressures during an unusually emotional election year. We want to thank our sponsors for working closely with us until the very last minute of budget negotiations. As its first priority, the House and Senate agreed to fund over \$400 million for school safety and mental health initiatives in response to the Marjory Stoneman Douglas tragedy. This funding will provide \$250,000 minimum for School Resource Officers per local school district. The budget also includes \$100.8 million for Florida Forever, over \$60 million in beach erosion and renourishment projects, and funding for coral reefs. They also agreed to \$69.2 million for affordable housing programs and \$40.5 million for SHIP - along with a plan to potentially draw down Federal block grants. Additionally, Governor Scott’s Job Growth Grant Fund was allocated another \$85 million dollars to allow locals to compete for infrastructure projects that can draw in private investment.

<https://www.flsenate.gov/Session/Bill/2018/05001>

### **MARJORY STONEMAN DOUGLAS ACT-- PASSED**



The House and Senate were dominated by school safety, mental health and firearm reform package to address the tragedy at Marjory Stoneman Douglas and prevent future tragedies from occurring. The bill establishes a statewide commission to study Marjory Stoneman Douglas and other mass shooting events (Pulse Nightclub, Fort Lauderdale Airport) and make recommendations for system improvements. It also funds the creation a MSD memorial and would tear down the current school building and build a new one.

#### Gun Reform Provisions:

- Bans bump stocks
- Raises the minimum age to purchase firearms to 21
- Creates a 3-day wait period for purchasing firearms
- Temporarily restricts gun possession in cases of Baker Acted individuals and when individuals are identified as being a potential violent threat (up to 12 months, determined by a court if petitioned by law enforcement)

#### School Safety/Mental Health Provisions:

- Provides School Resource Officers, threat assessment teams and safety specialists at each school
- Requires active shooter plans and drills for each school
- Creates a multi-agency network for better coordination between DCF, DJJ, etc.
- Provides supplemental funding for mental health initiatives
- Creates an anonymous hotline and app to report suspicious individuals or behavior
- Requires schools to contract with security consulting firms and authorizes districts to use safe school allocations to fund safety improvements

The most controversial provision is the "Aaron Feis Guardian Program" that allows but does not mandate sheriffs to provide training to school personnel whose main duty is not teaching (such as coaches, administrators, custodians) to carry firearms. The individual would have to undergo 136 hours of law enforcement training, 12 hours of diversity training, substance abuse tests, mental health tests, a background check and be approved by the sheriff and district.

This legislation proved to be very intense, emotional and divisive amongst the Legislature with detractors in both parties. The National Rifle Association opposed many of the gun provisions, pressuring Republicans to oppose the bill, while Democrats were pressured to oppose the bill due to the inclusion of the "Guardian Program" for fear it could lead to accidental shootings of students, particularly minorities, and gun reforms being too modest. After full days of debate and over a hundred amendments that were either withdrawn, voted down or adopted, the ending vote was 20-18 in the Senate and 67-50 in the House.

[http://laws.flrules.org/files/Ch\\_2018\\_003.pdf](http://laws.flrules.org/files/Ch_2018_003.pdf)

## **INTERGOVERNMENTAL RELATIONS**

### **VACATION RENTALS-- FAILED**

SB 1400 and HB 773 were not heard in their final committees of reference and did not



appear on the floor as written in an amendment on the floor. The bills both struggled to get out of their first committees in each Chamber and supporters relied on unorthodox and complicated procedures to move them forward. Ultimately, the Senate bill passed through two committees of reference under the guise of a compromise and the House bill passed through one committee of reference. The industry continued to work to push the language through until the last minute of the Session. One attempt was made to a community association bill that would removed an exemption for transient occupancy ordinances in association governing documents in a provision that gives greater rental rights to property owners. This amendment failed. We will continue to educate candidates throughout the state on this issue and anticipate this debate will return in force next year.

<http://flsenate.gov/Session/Bill/2018/01400>

<https://www.flsenate.gov/Session/Bill/2018/00773>

### **MUNICIPAL ELECTIONS-- FAILED**

The House voted 70-45 to require municipal elections be held on either the first Tuesday after the first Monday in November in an odd-numbered year or the third Tuesday in March in an odd-numbered or even-numbered year. The bill would not affect elections filling vacancies or recall elections. The bill also allows municipal officials to remain in office until the next election established as a result of the bill. At one point the bill required initial elections are required to be held 10 weeks prior to the general election, which was changed after input from local governments to be 7 weeks prior to avoid elections being held right after or on the holidays. The bill also provided a county can adopt a date for municipalities within its boundaries. The Florida League of Cities opposed the bill, arguing that different election dates protect non-partisan elections, combat voter fatigue, and allow local candidates to reach voters without having to compete with higher offices for TV time, etc. Supporters believed the uniform elections will increase participation and turnout and that the allowance of two different dates accommodates communities that have more seasonal populations. The Senate took up the House bill on the floor but ultimately did not take a vote on the bill. We anticipate this language will return next year, however the main House sponsor is termed out.

<https://www.flsenate.gov/Session/Bill/2018/01262>

### **SANCTUARY CITIES-- FAILED**

The House voted 71-35 to pass a Speaker priority bill that would require local agencies to enforce Federal immigration law similar to legislation filed the previous Session, however the Senate bill was temporarily postponed and ultimately never heard in its first committee of reference. Opponents argued that bill puts a strain on local resources, undermines public safety by creating a fear for immigrants to report crimes and seek help, and supports a policy that tears families apart. Supporters argued in the importance of the rule of law as well as the dangers and strains on resources posed by undocumented immigrants.

<https://www.flsenate.gov/Session/Bill/2018/00009>

### **INTERRUPTION OF SERVICES-- FAILED**

A bill failed that would have required local governments and garbage companies to refund customers for garbage that's not picked-up within 4-days of its regularly scheduled time. It



originally also required cable and electric companies to refund customers for interruptions of over 24 hours, unless caused on the customers end or an alternative service is provided at no cost during the interruption and required final bills for monthly subscriptions be prorated from the date of cancellation. The bill is in response to service failures in the impact of the hurricane and intended to incentivize companies to be more accountable to customers. Businesses and organizations like the Florida Chamber opposed the bill. They argue that collection costs of garbage go up as volume goes up during a storm and that collection times after the storms are subject to evacuation orders and curfews. They also argued that one size does not fit all and that contracts between local governments and waste companies reflect needs of local area. The bill is logistically complicated and could lead to public safety issues if haulers choose to work in dangerous conditions to avoid losing money. The House never took up the full bill once it made it out of committee. The Senate bill was never heard in its first committee.

<http://flsenate.gov/Session/Bill/2018/00971>

#### **TREE TRIMMING AND REMOVAL-- FAILED**

The House voted 107-2 to pass a bill prohibiting local permit requirements for the removal/maintenance of vegetation in right-of-ways established for flood control and drainage by water management districts, certain special districts and water control districts. The district would have to inform local governments five days in advance of any work done except for cases of emergencies. The language also clarified that the bill would not have impacted the ability for the districts to enter into service agreements with local governments regarding maintenance of the right-of-ways. The Senate bill was expanded well beyond the House bill to include electric utility language, but it was ultimately never heard in its second committee of reference.

<http://flsenate.gov/Session/Bill/2018/00521>

#### **PUBLIC MEETINGS-- FAILED**

The Senate unanimously passed a bill to allow two or more board members to gather without public notice so long as official business is not conducted. The bill is meant to correct what some see as a broad interpretation of the Sunshine Law that can impede government process. The House bill made it to the House floor but ultimately died when it was not taken up in time.

<http://www.flsenate.gov/Session/Bill/2018/00192>

#### **SMOKING IN PUBLIC PARKS -- FAILED**

The Senate voted 36-1 to allow counties and cities to ban smoking in parks that they own or to establish non-smoking and smoking areas. Once again, a member offered an amendment that would limit that authority to playgrounds only out of concern the language was too broad. Health advocates and local governments supported the bill. Unfortunately, the House bill was never heard in its first committee of reference.

<https://www.flsenate.gov/Session/Bill/2018/00562>

#### **TOWING & IMMOBILIZING FEES FOR VEHICLES AND VESSELS-- FAILED**



The House voted 98-12 to approve a bill that would require counties to set a maximum rate for towing and immobilizing vehicles and caps immobilization rates at 20% of the towing rate. However, our efforts helped prevent the Senate bill from being heard in its final committee of reference. Municipalities would be allowed to set their own maximum rate or use the county rate. Counties and municipalities would still be allowed to charge a reasonable administrative fee, not to exceed 25% of the maximum towing rate, and to collect local business taxes. It prohibits counties and municipalities from adopting ordinances that place additional fees and charges on authorized wreckers for towing, impounding or storing a vehicle or vessel. It would also allow towers and wreckers to place liens until certain costs are recovered. The House adopted an amendment that grandfathered ordinances adopted by January 1, 2018, but not grandfather fees and rates. Palm Beach, Broward and Miami-Dade Counties oppose the bill. We anticipate this bill will return next Legislative Session.

<https://www.flsenate.gov/Session/Bill/2018/00963>

### **LINEAR FACILITIES-- PASSED**

The Senate voted 34-4 to pass legislation identical to the previous Session that would change the definition of development in relation to transmission lines. Local governments are somewhat split on the bill depending on whether or not they run a utility that expands into other boundaries or if they have utilities crossing into their boundaries, which the bill preempts. The bill is backed by utility companies, who argue that the bill is codifying what has been practice in the state for 45 years and correcting a technical flaw that was found through a recent court ruling in Miami relating to ownership of the right-of-way. Opponents are concerned the bill would vacate the same court decision on undergrounding lines in communities. The sponsors argued that the practice has always been regulated by the Public Service Commission. The House passed the bill in a 105-2 vote in week 3 of Session.

<http://flsenate.gov/Session/Bill/2018/00405>

## **FINANCE & TAX**

### **TAX CUT PACKAGE-- PASSED**

The House ultimately voted 93-12 and the Senate voted 33-3 to pass a tax cut package worth over \$170 million. The package includes typical items such as back-to-school and hurricane supply sales tax holidays, commercial lease tax reduction, reductions in traffic fines, and further reduction to aviation fuel taxes. It also contains hurricane relief efforts, including assistance in recovery of the state's agricultural industry, exemption of emergency loans from documentary stamp (doc stamp) taxes, refunding property taxes on damaged property, allowing portability of Save Our Homes on damaged properties that are not repaired by the first of the year, and temporarily exempting sales taxes on emergency generators for nursing homes. It increases in brownfield cleanup tax credits, increases the cap of Community Contribution tax credits, extends exemptions of natural gas fuel taxes, removes a requirement that surviving spouses be married to deceased ex-military service members for five years to qualify for a \$5,000 property tax exemption, and exempts spousal transfer of property within the first year of marriage from doc stamp taxes. It also contains policy provisions: expanding the use of Tourist Development Tax





dollars to include infrastructure projects related to tourism, including buildings used for a governmental purpose in the definition of public facilities that get funding from local option surtaxes, requiring CPAs to conduct a performance audit before referendums on local discretionary surtaxes for the programs related to the surtax, and prohibiting local governments from requiring CST dealers in the right-of-way to pay into a security fund. A last minute “marketplace contractors” amendment to provide that individuals offering service through a third party platform (such as Handy, TaskIt, TaskRabbit) are exempt from certain construction industry regulations and are considered independent contractors for workers compensation purposes. Opponents expressed concern that the passage of annual tax cut packages will lead to a funding hole in the budget and argued the state cannot afford tax cuts without first funding public schools.

<https://www.flsenate.gov/Session/Bill/2018/07087>

### **WORKERS COMPENSATION FOR PTSD BENEFITS OF FIRST RESPONDERS-- PASSED**

The Senate and House unanimously voted to pass a bill that would expand workers compensation benefits to cover indemnity and medical costs of a mental or nervous injury regardless of physical injury. The Senate sponsor, Senator Book, noted the support from Coral Springs Mayor Skip Campbell in light of Marjory Stoneman Douglas impact on Coral Springs first responders. The mental or nervous injury must result from acting within the scope of first responder responsibilities that involve witnessing a murder, suicide, fatal injury, child death or arrive at the scene of a mass casualty incident. The bill had been amended to change the level of proof of the injury back to a standard of “clear and convincing” instead of by a “preponderance of evidence” by a licensed psychiatrist.

<https://www.flsenate.gov/Session/Bill/2018/00376>

### **TOURIST DEVELOPMENT TAX-- PASSED**

While the individual bill ultimately died, the Legislature passed language in its tax cut package to expand use of Tourist Development Tax dollars to include work on “public facilities,” defined essentially as any capital project with a lifespan of 5+ years that is related to enhancing tourism. It also allows for improving estuaries and lagoons. The local tourist development council would make a recommendation for the project to the County Commission for approval. The sponsor characterized the bill as a “glitch fix” because his home county determined that estuaries and lagoons were not included in the use of taxes. Tourism promotion agencies oppose the bill out of concern that more revenue will be diverted from advertising and promotion to other projects that local governments want to do aside from tourism. The intent is to allow for more uses and gives local control to those uses as current statute already treats things like beach enhancement as acceptable uses and is not strictly defined as advertising dollars.

<https://www.flsenate.gov/Session/Bill/2018/00658>

### **GOVERNMENT ACCOUNTABILITY/FISCAL TRANSPARENCY-- FAILED**

Early in the Session, the House passed multiple priority packages that would have imposed auditing, budget reporting and transparency requirements on local governments and special districts. However, the bills died in the final hours of the Session in the Senate. The bills, among other things, included provisions that required the establishment of internal



controls to prevent and address waste, fraud and abuse; minimum timelines for posting tentative and adopted budgets; timelines for submission of budgets and audits to EDR; Form 6 financial disclosure for municipal candidates; additional meetings, public notices, and a debt analysis prior to any tax or fee increase; property tax and commission voting records relating to tax and fee increases be posted on local government websites; and established a statewide travel management system.

Senate Government Accountability: <https://www.flsenate.gov/Session/Bill/2018/00354>

Senate Fiscal Transparency: <https://www.flsenate.gov/Session/Bill/2018/01426>

House Bills:

<https://www.flsenate.gov/Session/Bill/2018/00007>

<https://www.flsenate.gov/Session/Bill/2018/00011>

<https://www.flsenate.gov/Session/Bill/2018/01019>

### **EMPLOYMENT BENEFITS FOR FIREFIGHTERS WITH CANCER-- FAILED**

Senate Governmental Oversight & Accountability unanimously passed a bill that would require full-time firefighter employers to provide insurance coverage for cancer. If diagnosed with cancer, employers must: pay the full cost of treatment including co-pays and deductibles, provide one time cash payment of \$25,000, and consider him/her injured in the line of duty or permanently disabled for employee leave purposes. If the firefighter passes away from cancer or treatment related to cancer, the employer must consider him/her as dying in the line of duty and pay beneficiaries at least 42% of their most recent annual salary for 10 years. The bill still has three committees of reference. Its House companion was also workshopped in House Oversight, Transparency & Accountability this week, but no vote was taken.

<http://flsenate.gov/Session/Bill/2018/00900>

### **IMPACT FEES-- FAILED**

The House voted 108-5 to revise the minimum requirements of impact fees, however the Senate bill was not taken up by the full Senate in time. The bill intended to codify a requirement for a rational nexus of the fee collection and expenditures to impacts/benefits generated by the new construction. Water and sewer connection fees were exempted. It also included DRI-based statutes that prohibit local governments from requiring a developer to pay for land acquisition for public facilities as a condition of approval for a development order unless the requirement applies to all developers and establishes a timeline of 30 days for the local government to review applications, 30 days for applicants to respond to deficiencies and 90 days for local governments to give final approval/denial. Local governments would have been required to earmark fees for use in capital facilities. The Florida Association of Counties and the Florida League of Cities worked with sponsors on the language, particularly at the timing of fees, and took no position.

<https://www.flsenate.gov/Session/Bill/2018/00697>

<https://www.flsenate.gov/Session/Bill/2018/00324>

### **PERMIT FEES-- FAILED**



The House voted unanimously to require local governments post their schedule of building permit and inspection fees on their websites as well as post a permit fee inspection utilization report annually and prior to making changes to the schedule. However, the Senate failed to take the bill up on the floor. The report included costs related to various inspections, number of permits requested/issued, number of inspections/re-inspections conducted, number of personnel employed to enforce the building code/issue permits/conduct inspections, salary and benefits of those personnel, revenues derived from permit fees, investment revenues derived from investing fee revenue, and balances carried forward/refunded by the local government. Local governments would have been required to renew their utilization report prior to making any changes to a fee schedule after December 2019.

<https://www.flsenate.gov/Session/Bill/2018/01144>

### **COMMUNITY DEVELOPMENT DISTRICTS/COMMUNITY REDEVELOPMENT AGENCIES-- FAILED**

Early in the Session, the House passed a CRA accountability package in a 72-32 vote that would phase out existing CRAs unless voted on to extend by a majority of the local government board and required a special act of the Legislature for the creation of any new CRAs after October 1, 2018. It also included requiring CRAs to stick with an adopted budget, capping administrative and overhead costs to 18%, requiring ethics training for board members, requiring audit and performance data be posted online, requiring municipal CRAs to send adopted budgets to the county in which it is created within 10 days since adoption. The bill also prohibited use of tax incremental funding for festivals that promote tourism. The language was also added to a bill that originally addressed "inflexible" boundaries of CDDs by enabling counties to list parcels of land that may be annexed to the CDD within the next 10 years at the time of the creation of the CDD. The land could only be listed with landowner permission, wouldn't change timelines and can exceed 2,500 acres. The CDD language was passed out of the House but was unable to make it out of the Senate.

<https://www.flsenate.gov/Session/Bill/2018/00883>  
<http://www.flsenate.gov/Session/Bill/2018/00017>

### **TRAVEL OF COUNTY & MUNICIPAL OFFICERS AND EMPLOYEES-- FAILED**

The House voted 97-15 to pass a bill on official travel by local government officers, however the Senate bill was never heard in its final committee of reference. Under the bill, official travel requests along with an itemized list of anticipated expenses must be approved at a regularly scheduled meeting. Additional expenses incurred with good cause could be approved at the next regularly scheduled meeting after the travel. The intent of the bill is to prevent employees from taking taxpayer funded vacations.

House <https://www.flsenate.gov/Session/Bill/2018/00815>  
Senate <https://www.flsenate.gov/Session/Bill/2018/01180>

### **LOCAL TAX REFERENDA-- FAILED**

The House voted 84-27 to preempt the timing of holding local tax referenda elections. However, the Senate bill was never heard in its final committee of reference. With little





warning, the Senate and House sponsors reneged on compromise language that had been worked out last year with the Florida League of Cities and Florida Association of Counties that would have allowed for special elections, so long as a 60% threshold was required for passage.

<http://www.flsenate.gov/Session/Bill/2018/00317>

## **AFFORDABLE HOUSING**

### **HURRICANE RECOVERY AFFORDABLE HOUSING-- FAILED**

The House voted 114-1 to approve a bill that seeks to expedite the development of affordable housing in response to the increased need for housing after recent hurricanes. However, the Senate failed to take the bill up for a vote in time.

The bill would have established in statute the Hurricane Housing Recovery Program (HHRP) and Rental Recovery Program (RRLP) administered by the Florida Housing Finance Corporation (FHFC.) The HHRP is designed to assist local governments with housing recovery efforts with funds distributed based on FEMA and population estimates. Local governments submit recovery plans and must use the most of the funding for homeownership (at least 65%). The funds must go to serve households with 120% of area median income (AMI). A certain smaller percentage of funds would be also set aside for households in the 50% AMI and 80% AMI+ range. Administrative costs are capped at 15% and compliance monitoring costs at ¼ of 1%.

The bill required DOT, DEP, the Florida Housing Finance Corporation, and Water Management Districts to evaluate surplus lands for suitability of developing permanent affordable housing and offer suitable land to counties and municipalities in which parcels are located. It required data related to impact fees and affordable housing to be included in annual financial reports and requires evaluation of local government contribution to the SAIL program. The bill also would have reduced the amount of time local governments can deny or approve applications for affordable housing development from 120 to 60 days. Finally, it blocked developers that have committed fraud from eligibility of FHFC funds.

<https://www.flsenate.gov/Session/Bill/2018/00987>

### **PREVENTING HOUSING TRUST FUND SWEEPS-- FAILED**

The Senate bill passed one committee and House bill was never heard in committee despite the Senate bill having 7 bipartisan co-sponsors and the House bill having 14 bipartisan co-sponsors. The legislation would have put an end to the sweeping of housing trust fund dollars. The sponsor stated that 52% of the funds that are supposed to go towards affordable housing are being used to balance other areas of the budget. The bill had widespread support from the public, especially from South Florida local governments.

<https://www.flsenate.gov/Session/Bill/2018/00874>

## **PUBLIC SAFETY**



### **PRESCRIPTION DRUG ABUSE-- PASSED**

The House and Senate unanimously passed a Governor-backed proposal to help address prescription drug abuse. It was the final bill to cross the finish line. The package was amended in the Senate to explicitly directed DOH on which medications to purchase with an appropriation provided in the bill. However, the House would not pass this version, forcing an amended bill to go back and forth between the chambers until the House language was ultimately accepted. Another provision amended out would have prohibited step-therapy protocols in offering Medication-Assistance Treatment. The bill limits Schedule II opioid pain prescriptions to three days or seven days, if deemed medically necessary and require physicians to undergo additional training and to review the patient's history in the Prescription Drug Monitoring Database (PDMP) prior to prescribing. It expands data collected by the PDMP and expands access to the PDMP to certain federal agencies, medical examiners, and other states. It also requires the PDMP to interface with health care practitioner and facility electronic health records. It also would require pain-management clinics to obtain a certificate of exemption should it claim exemption from registering with the Department of Health. It also provides recurring and non-recurring funding to the Department of Health for medications, Department of Children & Families for community care services, and Office of the State Court Administration for MAT programs. The bill now heads to the governor's desk.

House <https://www.flsenate.gov/Session/Bill/2018/00021>  
Senate <https://www.flsenate.gov/Session/Bill/2018/00008>

### **SALE OF FIREARMS-- PASSED**

The House and Senate unanimously voted to pass a bill that would expand payment methods for firearm sellers, importers and manufacturers to pay for background checks. Current law only authorizes payments via cashier's checks, money orders or personal checks, while the bill would authorize electronic fund transfers, debit and credit cards. The bill is in effort to encourage more background checks while not burdening private industry.

<https://www.flsenate.gov/Session/Bill/2018/00152>

### **GOOD SAMARITANS-- FAILED**

A bill failed that would have prohibited the arrest, charging, prosecution or penalizing of individual who in good faith seeks medical attention for another individual experiencing or believed to be experiencing a drug or alcohol related overdose. It also would have protected the individual from being penalized for violating certain programs. The bill was intended to prevent people from dying of drug overdoses because others around them did not seek medical assistance for fear of getting busted for drug use. The House bill was never heard in its first House committee, and the Senate bill was never heard in its third and final Senate committee.

<http://flsenate.gov/Session/Bill/2018/00970>

### **SOBER HOMES-- FAILED**

The House and Senate voted unanimously to continue to fine tune regulation of recovery residences or "sober homes," however the bill died in the final hour of the Legislative



Session when the House failed to take up an amended bill returned to the House from the Senate that included changes to peer specialists evaluation requirements among other issues. The legislation expanded crimes and personnel that qualify for background checks, allowing for a process for exceptions. It would have also allowed for licensed service providers to accept referrals from a non certified recovery residence if its determined the individual would benefit from the service and no recovery residence employees/owners directly or indirectly benefit from the referral. It would have also required recovery residences to comply with fire code standards according to the type of facility. At one point the Senate package contained industry-backed language that would reverse much of the progress gained over the past few years. However, the House refused to accept the language.

Senate <http://flsenate.gov/Session/Bill/2018/01418>

House <https://www.flsenate.gov/Session/Bill/2018/01069>

### **EMERGENCY MANAGEMENT-- FAILED**

The House unanimously passed a bill that incorporated recommendations from a select committee on hurricane recovery and preparedness. However, the Senate did not take the bill up. The package, among other things, required counties and the state to develop fuel contingency plans. It directed DOT and DEM to consult with the railroad and fuel industry to plan for supplying fuel during emergencies. It prohibited local governments from holding meetings during a state of emergency during an imposed curfew and extends the time period that a state agency employee can be on leave during an emergency. Counties were also required to post shelter locations and indicate pet friendly locations. Finally, it also authorized CAT funds to be used in local projects for emergency power.

<https://www.flsenate.gov/Session/Bill/2018/07083>

### **E911-- FAILED**

A bill failed that would require DMS to develop and implement a plan by January 1, 2019 to require that a E911 telecommunicator be able to transfer a call from one local, multi-jurisdictional or regional system to another. The bill made it through all of its House committees but was not taken up on the floor. The Senate bill was not heard in its final committee of reference. Likely, the failure was due to a \$200,000 fiscal impact for implementation.

<https://www.flsenate.gov/Session/Bill/2018/01057>

### **ESSENTIAL ELECTRIC UTILITY SERVICE-- FAILED**

The House unanimously passed a bill that would require counties to identify facilities where restoration of services is deemed critical to public health, safety, welfare, and security as part of their local emergency management plans and provide the list to electric utilities. However, the Senate bill was not heard in its first committee of reference. It also would have expanded procedural requirements currently on investor-owned utilities when providing medically essential electricity to municipal utilities and makes changes to the certification process.

<https://www.flsenate.gov/Session/Bill/2018/01081>



### **DRONES-- FAILED**

The House voted 114-1 to authorize law enforcement use of drones under a reasonable suspicion that swift action is needed to collect evidence of a crime or traffic incident. However, the bill was not heard in its final Senate committee of reference. It would have also allowed local governments to use drones to monitor and collect scientific data, for land management and to assess damages, flooding and wildfires. It also included county detention facilities, state and private correctional facilities, and juvenile detention/ high-risk residential facilities in the definition of critical infrastructure facility, meaning drones can be used at these facilities.

<http://flsenate.gov/Session/Bill/2018/00624>

### **MENTAL/BEHAVIORAL HEALTH OF MINORS-- FAILED**

The House voted unanimously to approve a bill that would implement three recommendations from a state task force created to examine involuntary examinations of minors. The bill encourages school districts to adopt a standardized suicide risk assessment tool for mental health counselors to use prior to initiating a Baker Act; requires Crisis Intervention Team or Youth Mental Health First Aid training for School Resource Officers and any law enforcement that conduct Baker Acts from schools; and increases timeframe to report the Baker Act to DCF from one day to five days to allow for a complete report that includes the outcome (admitted, released, or filed court petition.) The Senate did not take the bill up.

<http://flsenate.gov/Session/Bill/2018/00947>

## **CRIMINAL JUSTICE**

### **DIVERSION PROGRAMS/CRIMINAL JUSTICE DATA TRANSPARENCY-- PASSED**

The Senate voted 36-1 and the House voted unanimously to pass SB 1392 that requires the state attorney, clerk of circuit court, public defender and law enforcement to establish a juvenile civil citation program in each judicial circuit court. Each group would determine criteria for the program, such as number and type of offenses. It also permits local communities and educational centers to develop their own programs. It would permit arrest of individuals who fail to complete programs and expunction of certain first offenses, require FDLE to adopt rules for expunction of certain offenses by minors, and require data to be collected and submitted to DJJ. The bill also contained the House and Senate priority language of criminal justice transparency, which is to act as a national model for criminal justice data collection that would require weekly collection and reporting of data to FDLE by clerks, state attorneys, public defenders, county jail operators and DOC.

<https://www.flsenate.gov/Session/Bill/2018/01392>

### **CONTRABAND SEIZURE REPORTING-- PASSED**

The House and Senate voted unanimously to pass legislation revising the law enforcement agency reporting deadline for contraband seizures from October 10 to December 1 annually. The date change is supported by law enforcement.



<https://www.flsenate.gov/Session/Bill/2018/01678>

### **DEPARTMENT OF JUVENILE JUSTICE PACKAGE-- PASSED**

The Senate voted unanimously and House voted 77-37 to pass the DJJ package, which combines legislation relating to Prolific Juvenile Offenders, specialty license plates, review of predispositions prior to committing children and establishment of Direct Support Organizations (DSOs) to further the department goals.

<https://www.flsenate.gov/Session/Bill/2018/01552>

## **ENVIRONMENT/GROWTH MANAGEMENT**

### **ENVIRONMENTAL REGULATION-- VETOED**

The House voted 86-21 and Senate voted 27-10 to approve a wide-reaching environmental regulation package. The bill requires local governments address contamination in recyclable material in future contracts for the transportation, collection and processing of residential recycling material. Among other things, local governments would negotiate with collectors and municipal recycling facilities (MRFs) in contracts executed after the bill's effective date to: define contamination based on available local markets; lay out processes for identification and handling of contaminated material; and decide how to reduce contamination through public education. However, they may not require collectors or MRFs to collect, transport, or process contaminated material. Originally, the bill would have uniformly defined contamination and allowed the rejection of material with 15% contamination. The bill also includes language that would allow impact offsets for consumptive use permits of water for use of reclaimed water for things like raising aquifer levels, improving water quality and fighting saltwater intrusion. Environmental groups opposed using reclaimed water to recharge the aquifer. It revises what qualifies for a permit exemption when repairing/replacing a dock or pier. Rather than being the same location and dimension, the new dock or pier would have to be within 5 ft. of the location, no larger than the existing dock and not adversely/permanently impair additional aquatic resources. If exempted, local governments cannot request additional verification from DEP. It establishes a blue star collection assessment and maintenance program for domestic sewer systems. To be eligible, a local utility must provide: the rate of investment for its collection system and pump station maintenance; periodic structural condition assessments; programs to limit fat, grease, oil and roots; a system with direct stormwater connections and private pump stations and later lines free of defects; and a power outage contingency plan. Eligible utilities will receive a number of benefits including ten-year permits, presumption of compliance with state law relating to pathogens, participation in the state Clean Water Revolving Loan program, reduced penalties for sanitary sewer overflows and recognition on DEP's website. The bill also includes language from the C-51 Reservoir package detailed below.

<https://www.flsenate.gov/Session/Bill/2018/01149>

### **C-51 RESERVOIR-- VETOED**

The Senate voted unanimously to pass a bill designed to further the C-51 reservoir project to provide alternative water source for local governments in Palm Beach and Broward. While the House failed to take the package up in time, the language passed officially in the





Environmental Regulation package detailed above (HB 1149). The language provides authorizes the South Florida Water Management District to enter into capacity allocation agreements with a water supply entity and requires water supply provided in Phase I and II be in accordance with those agreements, provides that C-51 be operated to relieve Lake Okeechobee only to the “extent practicable” and that water from Lake Okeechobee only be used for consumptive use permits in accordance with rules for the restricted allocation area, and requires Phase I operation follow operation and maintenance rules adopted by SFWMD. It also provides waiver of repayment from the Department of Environmental Protection.

<https://www.flsenate.gov/Session/Bill/2018/00992>

### **CORAL REEFS-- PASSED**

The House and Senate unanimously passed a bill that would establish the Southeast Florida Coral Reef Ecosystem Conservation Area offshore of the Florida coastline from the Biscayne National Park to the St. Lucie Inlet. The bill was a priority of counties along the Southeastern portion of the state.

<https://www.flsenate.gov/Session/Bill/2018/00232>

### **DEVELOPMENTS OF REGIONAL IMPACT-- PASSED**

The House voted 110-1 and the Senate voted unanimously to pass a DRI revision package supported by local governments and the Florida Association of Community Developers. The package, among other things, transfers more responsibilities and authority to local governments.

<https://www.flsenate.gov/Session/Bill/2018/01151>

<https://www.flsenate.gov/Session/Bill/2018/01244>

### **FLORIDA FOREVER PACKAGE-- FAILED**

The House failed to take up a bill that would improve state implementation of Amendment 1 passed by voters in the 2014 elections after it passed all three committees of reference. The bill would have organized the Florida Forever program to three main programs: the traditional Land Acquisition and Conservation (bolstered by Amendment 1), Florida Communities Trust (local government land program), and Rural & Family lands (ag lands.) It dedicated \$200 million to Florida Forever annually, which will be deducted from existing bonds. The state currently borrows the \$300 million that annually goes to the program, leaving the state with a \$143 million debt obligation that will be paid off within a decade. The bond deduction would have allowed the state to grow the cash position of the program instead. The bill also included coastal management language that established a five-year beach management plan and added economic objective criteria in order to plan for future allocations. It allowed local governments to partner with the Rural and Families Land program to use the department’s resources and expertise and elevate priorities through cost sharing. It incentivized the removal of invasive species by offering park passes for volunteer work and incentivizes innovative nutrient cleanup programs through cost sharing. It also developed regional water supply coordination that would allow the state to prioritize local government water project requests based on asset management plans that can help determine level of need. Finally, it included the same C-51 reservoir language as



SB 992, which ultimately passed in HB 1149. The bill had widespread support and praise from environmental groups. A much narrower package that included dedicated annual funding to Florida Forever was passed by the Senate unanimously early in the Session.

<https://www.flsenate.gov/Session/Bill/2018/07063>

### **ENERGY 2040 TASK FORCE-- FAILED**

A bill failed that would have rebooted a task force within the Public Service Commission to project the state's energy needs and supply while increasing competition and consumer choice. The previous task force was established under Governor Bush when energy technology and projections were radically different. The task force would have studied energy supply and government revenue as well as emerging technologies, including solar, electric vehicles, and the smart grid. It would make recommendations to the Legislature by January 1, 2020. The Senate bill was never heard in its second of three committees and the House bill was never heard in its first committee.

<https://www.flsenate.gov/Session/Bill/2018/01038>

## **TRANSPORTATION**

### **TEXTING WHILE DRIVING-- FAILED**

The House voted 112-2 to make texting and driving a primary offense and with almost 70 House cosponsors, however the Senate bill was never heard in its final committee of reference despite the aggressive advocacy efforts of a broad coalition. The policy would have allowed law enforcement to pull a driver over solely for texting while driving but does not change penalties. Law enforcement would have been required to notify drivers that they have a right to deny officers access to their phones. Search of phones had to be voluntary and unequivocal and required a warrant. The bill required the drivers race/ethnicity to be recorded and provided to DHSMV to be included in an annual report of statewide totals in order to address racial profiling concerns. The legislation was supported by a wide coalition of private industries, local governments, law enforcement and public safety advocates.

<https://www.flsenate.gov/Session/Bill/2018/00090>

<http://flsenate.gov/Session/Bill/2018/00033>

### **ELECTRIC VEHICLES-- FAILED**

The House voted 111-2 to pass a bill that would require the Florida Transportation Commission to study electric and hybrid vehicles for longterm transportation planning purposes once the percentage of registered electric vehicles in the state reaches a certain threshold. The Senate bill, however, was formed into a "train" bill which ultimately died on the final day of the regularly scheduled Session. The bill allows the FTC to perform the study prior to the percentage threshold being reached. The intention of the bill is to prepare the state for the increased use of the technology, including understanding infrastructure needs and declining gas tax revenues. The bill also requires emergency evacuation/power and advances in autonomous technology to be considered in longterm planning.



<https://www.flsenate.gov/Session/Bill/2018/00981>

### **BICYCLIST AND PEDESTRIAN SAFETY-- FAILED**

Despite unanimously passing all House committees, a bill ultimately died that would have provided greater direction to motorists overtaking a bicyclist or pedestrian. The bill requires motorists in the same travel lane as a pedestrian or cyclist to exit the lane in order to pass or to stay a safe distance behind the motorist until it is feasible to vacate the lane. Motorists would be required to pass at a maintained distance of 3 feet. If a separate bicycle lane exists, motorists are allowed to pass without added precautions. The bill also requires that motorists be at least 20 ft ahead of the bicyclist prior to making a right turn and must use a turn signal. It also instructs groups of cyclists to come to a full stop at a stop sign intersection and proceed only groups of 10 and motorists would be required to allow the group of 10 to cross the intersection before proceeding. The bill never had a Senate companion.

<https://www.flsenate.gov/Session/Bill/2018/00117>

### **RED LIGHT CAMERAS-- FAILED**

The House voted 83-18 to approve a bill that would repeal all local red light camera programs. The bill was "fast tracked" by the House as it was only assigned to one committee. The Senate companion was never heard in its first committee of reference.

<http://www.flsenate.gov/Session/Bill/2018/06001>

### **SMART CITY CHALLENGE GRANT PROGRAM**

Despite passing through all of its House and Senate committees, the Smart City Challenge Grant Program ultimately failed to pass this Session when it was tied into a transportation omnibus bill that failed in the final hours. The bill would have created a Smart City Challenge Grant Program modeled after the Federal Smart City Challenge Grant Program to encourage innovation and adoption of emerging technologies in transportation. The bill allows counties, municipalities, regional authorities, MPOs, universities among other entities to apply for the grants in order to fund projects that utilize autonomous vehicles, connected vehicle technology, electric and grid-integrated vehicles and infrastructure, and shared mobility innovation and deployment. The bill required FDOT to publish an RFP by Sept. 1, 2018 and requires the agency to grant at least three recipients up to \$6 million. It also allowed FDOT to contract with a third party to provide guidance on program development. At one point, the bills would have appropriated \$15 million from the State Transportation Trust Fund, however the appropriation was removed due to fiscal impact concerns. We anticipate this legislation to return next year as technology continues to advance.

<https://www.flsenate.gov/Session/Bill/2018/00633>

### **METROPOLITAN PLANNING ORGANIZATIONS**

Two proposals altering MPO board makeup moved this year, but did not ultimately pass. One would have allowed for multiple MPOs to merge, which is desired by the Tampa Bay area. Another bill originally would have restricted the number of voting members allowed



on the board of MPOs according to population. In the original language, MPOs in regions with populations fewer than 500,000 would be restricted to 11 voting members, regions with populations greater than 500,000 would be restricted to 15 voting members, and regions above 1 million would remain the same. Voting members would be apportioned geographically. The original language also prohibited entire county commissions from serving on the board, prohibit weighted voting and require by-laws. The sponsor's concerns largely deal with local issues in Leon County and he worked willingly with stakeholders to ensure he would not impact MPOs that are being effective. While the bill moved through two House committees, its Senate companion was not heard in the Senate. The House sponsor later filed an amendment onto another bill that contained language to only populations below 500,000 but included language that would have prevented more than one official from each municipality from serving and term limited M.P.O. board members to three four-year terms. The sponsor clarified that the term limits would not be retroactive, and M.P.O.s would be able to determine for themselves when terms would start and for which members. They would have to update their interlocal agreement/governing documents by July 1, 2019. This was later amended again to remove the municipal restrictions.

The final strike-all to the transportation train included language from both proposals that would have allowed Tampa Bay to merge its MPOs as well as established term-limits for MPO board members. However, the transportation train failed to pass on the final day of Session (detailed under Transportation Trains.)

<https://www.flsenate.gov/Session/Bill/2018/00575>

### **TRANSPORTATION "TRAINS"-- FAILED**

All three transportation "trains" failed: SB 852, SB 1104 and HB 1287. The bills contained provisions for the Smart City Challenge Grant Program and electric vehicle study by the Florida Transportation Commission, a modified version of the Statewide Alternative Transportation Authority bill previously moving in a separate bill (which was removed in a final iteration), priority language for DHSMV, the autonomous vehicle package, specialty license plates, and commercial motor vehicles. They also included provisions that would term limit M.P.O. board members to three four-year terms. The sponsor clarified that the term limits would not be retroactive and M.P.O.s would be able to determine for themselves when terms would start and for which members. They would have to update their interlocal agreement/governing documents by July 1, 2019. The provisions also included Florida Turnpike rate calculation changes and allowing electronic proof of insurance and driver licenses. Finally, language would have also clarified that central FDOT establishes the policy and procedures for FDOT district offices. Language that removed the Florida Transportation Commission from the DOT Secretary selection process was also included at one point but ultimately not in the final iteration.

SB 1104: <https://www.flsenate.gov/Session/Bill/2018/01104>

HB 1287: <https://www.flsenate.gov/Session/Bill/2018/01287>

SB 852: <https://www.flsenate.gov/Session/Bill/2018/00852>

### **DOCKLESS BICYCLE SHARING-- FAILED**

The House voted unanimously to pass a compromise preemption of certain local regulation



of dockless bicycle sharing companies, however the Senate did not hear the bill in its final committee and did not include the language in its omnibus transportation package after an amendment to insert it was withdrawn. The omnibus package ultimately failed in any case. Dockless bicycle sharing companies use advanced technology to track the GPS location of bikes and have a locking system that does not require a dock. Local governments couldn't limit or ban bike sharing/rental companies from operating within its jurisdiction but can enter into agreements for placement on public land. A bike sharing company has to meet insurance requirements, register with the Division of Corporations, secure bikes during storms, maintain and rebalance bikes, remove inoperable bikes, provide a way for users to report maintenance issues, ensure bicycles are properly marked, etc. As part of the compromise, all language prohibiting local regulations on business license, entry, rate, operational and other requirements were removed. Local governments can also impose fines on the companies for violating requirements (up to \$5000 and a cease and desist for failing to provide proof of insurance/up to \$1000 for failing to file with the Division/up to \$1000 for not securing bikes during a storm/ \$10 per day up to \$100 for each day a bike is unlawfully parked.)

<https://www.flsenate.gov/Session/Bill/2018/01033>

## **EDUCATION**

### **EDUCATION PACKAGES-- PASSED**

The House and Senate spent significant time on HB 7055, the Speaker's education package that was allegedly tied to the budget as part of an agreement between Leadership. The bill modifies capital outlay formulas to ensure a greater share of millage dollars for charter schools. The bill also deals with Schools of Hope, private vouchers, turnaround options for failing schools, higher autonomy for high-performing traditional schools, the ability for high-performing principles to manage multiple traditional schools in a "franchise" model, and a Speaker priority of decertifying teachers unions. Meanwhile, HB 495 was significantly expanded to contain some of the less controversial provisions as well as a Senate-backed creation of three new FEFP categories, including mental health initiatives, and requirements for providing Computer Science courses in Florida high schools in each district. The bill originally only called for an independent study of the district price index methodology (or differentials in FEFP between districts based on population) backed by urban school districts. It also contains revisions to charter school capital outlay funding.

<https://www.flsenate.gov/Session/Bill/2018/07055>

<https://www.flsenate.gov/Session/Bill/2018/00495>