

Bonilla , Jonathan

From: Lawrence J. Smith <conglis@hotmail.com>
Sent: Wednesday, October 30, 2019 2:42 PM
To: Bonilla , Jonathan
Cc: Dodge, Charles; Gonzalez, Aner (City Manager's Office); Goren, Sam (Cityatty.com)
Subject: 2019 Session Review for the City of Pembroke Pines
Attachments: 2019 Session Review - Bills tracked for Pembroke Pines that Passed.pdf; 2019 Session Review - Bills tracked for Pembroke Pines that Died.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Jonathan: In response to your request, please find the following:

- State Legislative Services: Below and attached to this email, please find a copy of our 2019 Session Review and two memos attached to that email, which we provided to the Mayor, Vice Mayor, Commissioners, City Manager Dodge, and City Manager Goren. Additionally, we forwarded this to the Assistant City Manager and the City Manager's offices, on May 14th. In addition to the comprehensive 2019 End of Session Review, each week as it relates from the 2019 session and the upcoming 2020 session, we provided to the Mayor, Vice Mayor, Commissioners, City Manager, and City Attorney reports on all recently filed bills pertaining to the City and to municipalities in general, weekly reports on all bills and actions that we track for the City and how the bills have changed, as well as the Florida League of Cities' opinions on those bills, reports on the state budget and specific line-item appropriations requested by the City, state news of interest to the City, and updates on all the bills that we tracked for the City that passed as the Governor signed them.
- Federal Legislative Services: Each month, we provided and continue to provide the Mayor, Vice Mayor, Commissioners, City Manager, and City Attorney comprehensive updates on actions in the U.S. Congress and our activities pertaining to those issues of interest to the City. We have also held meetings with federal elected officials and their staff, and City officials on specific issues of interest, which were reviewed and memorialized in each of these "federal update" memos. We continue this effort.

Please confirm your receipt of this email, and if this response satisfies your request. Should you have any concerns, please do not hesitate to call. Thank you.

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From: Lawrence J. Smith <conglis@hotmail.com>
Sent: Tuesday, May 14, 2019 3:46 PM
To: Gonzalez Aner <agonzalez@ppines.com>
Subject: 2019 Session Review for the City of Pembroke Pines

Dear Mr. Gonzalez: Please find below and attached the 2019 Session Review that we sent to the Mayor, Vice Mayor, Commission, the City Manager, and the City Attorney. We have also provided this to Tyler Harrell of the City of Pembroke Pines. Please feel free to call if you would like to discuss. Thank you.

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From: Lawrence J. Smith <congljs@hotmail.com>

Sent: Tuesday, May 14, 2019 3:34 PM

To: Mayor Frank Ortis; tgood@ppines.com; Commissioner Iris Siple; Commissioner Angelo Castillo; Commissioner Jay Schwartz; Charles Dodge; City Attorney Sam Goren, Esq.

Subject: 2019 Session Review for the City of Pembroke Pines

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

The Florida Legislature adjourned Sine Die on Saturday, May 4th, bringing the 2019 Session to a close. 3,491 bills were filed during the 2019 Session, but only 197 were passed by both Chambers by the time the Legislature adjourned. Of the bills that were filed during this Session, we tracked 132 bills which related to the City of Pembroke Pines and municipalities, excluding the budget bills, and of those 132 bills, 17 Passed and are headed to the Governor for his approval, while 115 bills (excluding the budget 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 2019 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 2019 Session for issues relating to the City of Pembroke Pines and municipalities:

1. A memo summarizing the 17 bills we were tracking for the City that Passed, including opinions of the Florida League of Cities, if available, attached as filename **2019 Session Review - Bills tracked for Pembroke Pines that Passed**; and,
2. A memo listing all 115 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 **2019 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.

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.

2019 SESSION REVIEW

When the dust cleared Saturday afternoon in the Florida Legislature, lawmakers had passed 197 bills. Most now await the signature of Gov. Ron DeSantis.

The highlights of the Republican-led Legislature's work include a ban on "sanctuary cities," several rollbacks of health care regulations, a controversial roads project and a narrow interpretation of Amendment 4.

In all, slightly fewer bills were passed than the prior year, when the body passed just 200 (excluding one-chamber resolutions), the low point in a 20-year trend of fewer and fewer bills. Of 1,861 bills filed (excluding local appropriations projects), lawmakers passed about 10 percent.

No event interrupted the 2019 session like the Parkland shooting did 2018's. The mass shooting at Marjory Stoneman Douglas High School brought that session to a virtual halt as lawmakers scrambled to draft gun control and school safety measures.

Those efforts were extended with the expansion of the "Guardian program" to allow teachers to carry guns in school, if their district opts in to the program.

Here are some of the other major issues addressed during the 2019 Session:

Abortion

FETAL HEARTBEAT ABORTION (FAILED): Blocks physicians from performing abortions if fetal heartbeats have been detected. Would lead to third-degree felony charges for any "person who knowingly or purposefully performs or induces an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of an unborn human being whose fetal heartbeat has been detected." (HB 235 / SB 792)

PARENTAL CONSENT (FAILED): Requires minors to obtain parental consent or judicial order waiving consent before getting an abortion. (HB 1335 / SB 1774)

Agriculture

HEMP (PASSED): Authorizes the Department of Agriculture and Consumer Services to administer a state hemp program and sets up rulemaking and a board of experts to develop the system. (SB 1020)

Budget

BUDGET (PASSED): Sets aside \$91.1 billion for spending on education, health care, transportation, corrections, safety-net programs and other expenses. Includes an increase of \$243 in per-pupil education spending. Keeps the state-funded tourism agency Visit Florida running through 2020 with \$50 million for the next fiscal year. Shifts reimbursement funding to hospitals for Medicaid cases, but without dramatic reductions to hospitals that take the most uninsured and under-insured patients. Sets aside \$500,000 for a permanent memorial in honor of the 49 victims of the 2016 Pulse nightclub shooting in Orlando. (SB 2500)

Corrections

DRONES, GUARD AGES (PASSED): Prohibits flying drones near detention centers while lowering the minimum ages of guards from 19 to 18. (HB 7057)

WOMEN INMATES (PASSED): Requires correctional facilities to provide incarcerated women with certain health care products, subject to certain requirements; providing requirements for male correctional facility employees in certain circumstances; requiring documentation of certain incidents involving male correctional facility employees. (HB 49)

Criminal Justice

CHILD-LIKE SEX DOLLS (PASSED): Criminalizes the possession and/or sale of sex dolls that resemble children. (B 160)

FELONY THEFT THRESHOLD (PASSED): Increases the amount of a theft that it would take to be charged with a felony from \$300 to \$750, the first time it has been raised since 1986. It also eliminates or reduces driver's license suspensions as a criminal penalty (HB 7125)

POLICE DOGS, HORSES: (SIGNED): Increases penalties for people who injure or kill dogs or horses that work with first responders, upping potential prison time from five to 15 years. (SB 96)

Education

ANTI-SEMITISM (PASSED): Requires schools and colleges to address allegations of anti-Semitism in the same way they address racism. (HB 741)

BRIGHT FUTURES (PASSED): Raises the requirements for the merit-based Bright Futures scholarships. For students an "Academic" scholarship, which covers full tuition and fees at state universities and colleges, the required SAT score would rise from 1290 to around 1330. For the second-tier "Medallion" award which covers 75 percent of tuition and fees, the benchmark would climb from 1170 to about 1200. (SB 190)

CAREER-TECHNICAL EDUCATION (PASSED): Expands apprenticeship programs, adds career planning support for students, offers to replace a science graduation credit with a computer science course. (HB 7071)

CHARTER AUTHORIZERS (FAILED): Allows charter school authorizers other than school districts, which currently hold the sole right to approve charters. (HB 1197/ SB 1668)

COMMISSIONER OF EDUCATION (FAILED): Makes the Commissioner of Education an elected position, returning it to the Florida Cabinet. (HJR 1309 / SJR 422)

DISQUALIFIED TEACHERS (FAILED): Creates lists of people disqualified from working in the state's public, private and charter schools. (HB 1127 / SB 1444)

FINANCIAL LITERACY (PASSED): Requires all school districts to offer a financial literacy course consisting of at least one-half credit as an elective. (HB 7071)

GUARDIANS (PASSED): Expands the school guardian program to allow trained teachers in certain school districts to volunteer to carry weapons. (SB 7030)

MILITARY UNIFORMS (PASSED): Requires school districts to allow authorized students to wear military dress uniforms at high school graduations. (SB 292)

PARENTAL RIGHTS (FAILED): Creates a new section of Florida law that would create a parental “bill of rights,” establishing parents’ authority to direct “the education and care” of their child as well as their “moral and religious training.” (HB 1171 / SB 1726)

REFERENDUM MONEY (PASSED): Requires school districts to share future local referendum money with charter schools. (HB 7123)

SCHOOL BOARD TERM LIMITS (FAILED): Limits the terms of school board members to eight years. Would require voter approval. (HJR 229 / SJR 274)

SCHOOLS OF HOPE (PASSED): Expands the “Schools of Hope” program that lets charter schools open near consistently low-performing public schools. Allows charter school operators to open schools “opportunity zones,” a term from President Trump’s 2017 tax bill designed to boost investment in economically poor areas. (SB 7070)

SCHOOL STRUCTURES (FAILED): Requires certain new school facilities be constructed in compliance with public shelter design criteria. (HB 1233 / SB 586)

SPANKING (FAILED): Bans corporal punishment as a disciplinary option for teachers and principals. (HB 1361 / SB 1120)

SPENDING (FAILED): Requires 80 percent of state education funding to be spent on teachers’ salaries and bonuses, classroom supplies, technology for students and tutoring, in lieu of administration. (HB 1434)

TEACHER TESTING (PASSED): Eases the testing requirements attached to teacher certification. (SB 7070)

TUITION SURCHARGE (FAILED): Changes the rules when universities may add a tuition surcharge to Florida resident students (HB 257 / SB 280)

UNIVERSITY SURVEYS (FAILED): Requires universities to conduct “intellectual freedom” surveys that measure "the extent to which competing ideas, perspectives, and claims of truth are presented" on campus and whether the university community feels "safe and supported in exploring and articulating their beliefs and viewpoints" in the classroom. (HB 839 / SB 1296)

VOUCHERS (PASSED): Creates a scholarship program for private schools for families of four who make roughly \$77,000 a year or less, using public money. (SB 7070)

WATER FILTERS (FAILED): Requires schools built before 1986 to install water filters at all drinking fountains in an effort to reduce lead. (SB 66 / HB 545)

WORKFORCE EDUCATION (PASSED): Requires middle school students to take a course in career education planning, allows certain course substitutions for high school graduation requirements, requires high schools to offer a financial literacy elective course, create a career and technical education high school graduation pathway, establishes degree articulation agreements between colleges and universities. (HB 7071)

Elections and Campaigns

AMENDMENT 4 (PASSED): Requires felons to pay restitution, fine and fees before they can register to vote after the passage of last year's Amendment 4 ballot measure. (HB 7089 / SB 7086 / SB 7066, amended)

BUNDLING (FAILED): Prohibits the Constitutional Revision Commission from bundling multiple topics onto a constitutional amendment proposal. (SJR 74 / HB 53)

CAMPAIGN FINANCE (FAILED): Prohibits Governor, Lieutenant Governor, or member of Cabinet from soliciting or accepting contributions during regular, extended, or special legislative session; provides penalties. (HB 55 / SB 396)

PETITION DRIVES (PASSED): Requires citizen-led attempts to change the constitution to use only Florida residents on petition drives and to register with the Florida Secretary of State, which would prevent the involvement of out-of-state firms in petition drives. (SB 7096 / HB 7111)

PUBLIC FINANCING (FAILED): Repeals public campaign financing in Florida. (HJR 613 / SJR 270)

UNDOCUMENTED IMMIGRANTS (FAILED): Requires that each county supervisor of elections enters into an agreement with the clerk of the circuit court to receive, on a monthly basis, a list of potential jurors who have identified themselves as undocumented immigrants. (HB 131 / SB 230)

VOTER RECORDS (PASSED): Creates a public records exemption for information related to a voter registration applicant's or voter's prior felony conviction and for information on preregistered voter registration applicants who are 16 or 17 years old. (HB 281)

Environment

FRACKING (FAILED): Bans fracking, a process where water, sand and chemicals are injected underground to loosen, or fracture, rock layers in the crust to release trapped natural gas and oil. (HB 239 / SB 146)

PLASTIC BAGS (FAILED): Authorizes coastal municipalities to establish pilot programs to regulate or ban disposable plastic bags; collect data and complete a report by April 1, 2022 about the effectiveness of the ban. (SB 694)

PLASTIC STRAWS (PASSED): Prohibits local government entities from adopting or enforcing ordinances and regulations relating to single-use plastic straws. (HB 771)

RECYCLABLE MATERIALS (PASSED): Require municipalities to address contamination of recyclable materials. (HB 771)

RED TIDE (PASSED): Investments of \$3 million per year for six years in red tide mitigation. (SB 1552)

SUNSCREEN (FAILED): Prohibits local governments from banning the sale of certain sunscreens. Government entities that violate the moratorium would face fines. (HB 1299 / SB 588)

WASTEWATER (FAILED): Prohibiting the construction of new deep injection wells for domestic wastewater discharge or the expansion of existing wells. (SB 1568)

WELLS (FAILED): Allow anyone fearing contamination to request the health department test their water source, requires samples be analyzed no more than three business days later. (SB 1100)

Ethics

BLIND TRUST (PASSED): Prohibits public officials from placing their assets in blind trusts. (SB 702)

CONFLICT OF INTEREST (FAILED): Prohibiting a state public officer from voting in an official capacity on any measure that he or she knows would inure to the special private gain or loss of certain principles, parent organizations or subsidiaries of a corporate principal, relatives, or business associates of the officer; revising disclosure requirements applicable to state public officers in the event of a voting conflict, etc. (SB 1008)

Gambling

LOTTERY (PASSED): Requires vendors of lottery tickets to prominently display a warning that the lottery is addictive on all tickets and that the Lottery Department put the same warning on ads and promotions. (HB 629)

Governance

AFFORDABLE HOUSING (PASSED): Limit the ability of local governments to set ceilings for rents or home sale price. (HB 7103)

CONSTITUTION REVISION COMMISSION (FAILED): Eliminates Florida's Constitution Revision Commission, a panel that meets every 20 years to place constitutional amendments on the ballot. (HJR 249 / HB 251 / SJR 362)

SCOOTERS (PASSED): Limits how local jurisdictions can regulate motorized scooter sharing services by establishing instead a statewide framework that would regulate the system. (HB 453)

TOBACCO (FAILED): Prohibits local governments to regulate tobacco or its use, such as the raising of the age limit from 18 to 21. (HB 1299 / SB 588)

VEGETABLE GARDENS (PASSED): Prevents local governments from regulating residential vegetable gardens. (SB 82)

Guns

ASSAULT WEAPON BAN (FAILED): Prohibits sale, transfers, or possession of assault weapon or large-capacity ammunition magazine. (HB 455 / SB 466)

CHURCHES ON SCHOOL PROPERTY (FAILED): Allows concealed weapons permit holders to carry guns at churches or other religious entities that are on the campuses of schools. (SB 1238 / HB 403)

DOMESTIC VIOLENCE (FAILED): Revises prohibition on sale or transfer of firearms to persons convicted of misdemeanor domestic violence offenses; prohibits persons convicted of misdemeanor offense of domestic violence from possessing firearm or ammunition; requires persons convicted of misdemeanor offenses of domestic violence to surrender all firearms and ammunition. (HB 941 / SB 1206)

Healthcare

AMBULATORY SURGERY CENTERS (PASSED): Allows patients to stay up to 24 hours in ambulatory surgery centers. (HB 843)

CERTIFICATE OF NEED (PASSED): Removes a requirement that general hospitals apply and obtain approval from the state to build or expand (HB 21)

CONVERSION THERAPY (FAILED): Prohibits the practice of trying to change a person's sexual orientation, for an individual who is younger than 18. (SB 84 / HB 109)

CULTURE SURVEYS (FAILED): Requires the state to develop surveys that assess patient safety culture in hospitals; requires health care facilities to complete the surveys and submit the data. (HB 319 / SB 1194)

DRUG IMPORTS (PASSED): Allows drugs approved by the U.S. Food and Drug Administration to be imported into Florida by Canada and other countries. (HB 19)

FIREFIGHTERS (SIGNED): Provides certain benefits to firefighters who are diagnosed with cancer and benefits to the families of firefighters who die as a result of cancer or cancer treatment. (SB 426)

HEART SURGERIES (PASSED): Increases oversight of pediatric heart surgeries by letting team of doctors make unannounced visits to struggling programs and review death records. (HB 843)

HPV SHOT (FAILED): Expands school immunization requirements to include a vaccine for human papillomavirus. (SB 356 / HB 245)

MEDICAID CLAIMS (FAILED): Would permanently shorten how long patients can have Medicaid cover past healthcare bills. (SB 192)

OPIOID LAWSUIT (PASSED): Would allow state lawyers to access a Florida Department of Health database of patients' opioid prescriptions. State Attorney General Ashley Moody needs the database for a lawsuit alleging Walgreens and CVS "raced to sell as many opioids as possible" in Florida while failing to stop suspicious shipments of drugs. (HB 1253)

NEEDLE EXCHANGE (PASSED): Expands the pilot needle exchange established in Miami-Dade County by allowing other counties to create their own programs with the approval of their county commissions. (SB 366)

PLASTIC SURGERY (PASSED): Tightens regulations for offices and clinics performing plastic surgeries. Requires those that are not completely owned by a licensed doctor to show financial responsibility for claims against them (SB 732)

TELEHEALTH (PASSED): Establishes a regulatory framework for telehealth. (HB 23)

Human Rights

DISCRIMINATION (FAILED): Provides that sexual orientation and gender identity are impermissible grounds for discrimination in public lodging establishments and public food service establishments; revises provisions of Florida Civil Rights Act of 1992 and Fair Housing Act to include sexual orientation and gender identity; provides exception for constitutionally protected free exercise of religion. (HB 485 / SB 430)

HUMAN TRAFFICKING (PASSED): Requires police, hotel employees and massage parlor workers to get training in how to look for signs of human trafficking. (HB 851)

SEXUAL HARASSMENT (FAILED): Requires Florida Commission on Human Relations to create and publish model sexual harassment prevention policy and model sexual harassment prevention training program; requires employers to use model policy and program. (HB 417 / SB 1580)

Hurricanes

AID AND TASK FORCE (FAILED): Pumps \$315 million into helping the Panhandle after Hurricane Michael. Establishes a task force to consider changes to local, state and federal response policy. (SB 1610)

PETS (FAILED): Imposes a year in jail or up to a \$5,000 fine for people who leave their pets restrained outside or unattended during a hurricane or another natural or manmade disaster. (HB 379 / SB 1738)

Immigration

SANCTUARY CITIES (PASSED): Prohibits local governments from not cooperating with federal officials, which would require local law enforcement to hold undocumented workers at least 48 hours past their detainer sentences while awaiting federal authorities to pick them up for deportation. Gives the Florida attorney general the power to pursue civil action against governments that don't cooperate. (SB 168)

Insurance

ASSIGNMENT OF BENEFITS (PASSED): Limits attorneys fees in disputes over assignment of benefits between insurance companies and contractors and authorizes policies that aren't subject to assignment of benefits. (HB 7065)

GENETIC TESTING (FAILED): Restricts insurance companies from using genetic testing information in selling policies or setting rates. (HB 879 / SB 258)

PERSONAL INJURY PROTECTION (FAILED): Eliminates Florida's no-fault auto insurance system, where drivers are required to carry personal injury protection coverage to help pay medical bills after accidents. (HB 733 / SB 1052).

Marijuana

LOW THC (FAILED): Caps at 10 percent the amount of tetrahydrocannabinol, the naturally occurring element in marijuana that produces a high. (HB 7117)

RECREATIONAL POT (FAILED): Makes recreational marijuana legal (HB 1117 / SB 1780)

SMOKING (SIGNED): Repeals a ban on smokable medical marijuana. (HB 7015/ SB 182)

Public Records

LAW ENFORCEMENT AGENCIES (SIGNED): Expands exemption for employees who work for law enforcement, which previously only kept private the addresses of officers. Expansion includes exempting the addresses of civilians who work at law enforcement agencies, too. (SB 248)

MASS SHOOTINGS (PASSED): Would prohibit the disclosure of photos, video or recordings that capture a mass shooting. (SB 186)

UNIVERSITY PRESIDENTS (FAILED): Exempts the names of candidates applying to be college or university presidents from public records requirements. The names of finalists would be made public at least 30 days before a final vote, but names of those not chosen would never be revealed. (HB 7115)

Smoking and Vaping

NICOTINE (FAILED): Requires businesses that sell nicotine products to obtain licenses as tobacco dealers. (HB 1125 / SB 1046)

SMOKING AGE (FAILED): Raises the minimum age to smoke tobacco or any electronic device in Florida from 18 to 21. Also prohibits local governments from dealing with the age to purchase tobacco or vaping products. (HB 1041 / SB 1618)

VAPING (SIGNED): Implements constitutional amendment that banned vaping in indoor workplaces. (SPB 7012)

Taxes

BACK-TO-SCHOOL SALES TAX (PASSED): Exempts sales taxes on clothes costing \$60 or less, school supplies costing \$15 or less, and personal computers costing \$1,000 or less from Aug. 2 to Aug. 6. (HB 7123)

DISASTER PREPAREDNESS (PASSED): Offers seven-day sales tax breaks, from May 31 through June 6, for items related to hurricane preparation. (HB 7123)

COMMERCIAL LEASES (PASSED): Reduces the sales tax on commercial leases from 5.7 percent to 5.5 percent. (HB 7123)

HURRICANE MICHAEL EXPENSES (PASSED): Refund for taxes paid on fuel for agricultural shipments and debris removal between Oct. 10, 2018 and June 30, 2019 in Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Wakulla, Walton and, Washington counties. Farmers could get refunds for repairs to buildings damaged by the storm. (HB 7123)

ONLINE RETAILERS (FAILED): Requires nearly all online retailers start collecting Florida sales taxes. Much of the money would be given away through tax cuts. (SB 1112)

Transportation

RED LIGHT CAMERAS (FAILED): Prohibits red light cameras from being used to ticket drivers. (HB 6003 / SB 306)

RIDE SHARES (PASSED): Allows Uber, Lyft and other ride share services to provide non-emergency trips to the hospital for Medicaid patients. (HB 411)

ROAD MEMORIAL (FAILED): Names stretches of highways, roads and bridges after police officers killed in the line of duty and also a former state senator and Florida Power and light lobbyist Chris Smith. (HB 295 / SB 100)

TEXTING (PASSED): Makes driving while texting a primary offense, meaning law enforcement can stop motorists for just that offense. (HB 107)

TOLL ROADS (PASSED): Extends the SunCoast Parkway from Tampa Bay to the Georgia border, a new corridor from Polk to Collier counties, and extend the Florida Turnpike west to connect to the SunCoast. (SB 7068)

Utilities

RENEWABLE ENERGY (FAILED): Directs state to develop unified statewide plan to generate state's energy from renewable sources by specified dates; requires state and public entities to cooperate as requested; provides plan requirements; requires office to submit plan and updates to Governor and Legislature. (HB 1291 / SB 1762)

UNDERGROUND POWER LINES (PASSED): Creates a new process for utilities to pass along costs to customers for storm protection projects, such as installing underground power lines. (SB 796)

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

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Memo

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

From: Lawrence J. Smith, P.A.

Date: May 16, 2019

Re: 2019 Session: Bills that Died or were Substituted

2019 Legislative Session: Bills that Died or Were Substituted

Of the 132 bills that we tracked for the City of Pembroke Pines during the 2019 Session (excluding the budget bills), 115 *Died* in Committee, were never heard, or were substituted for companion bills. Of these 115 bills, 12 bills were Substituted for their companion bills (as indicated with the bill number in bold font) that went on to Pass. You may find the summaries of all 17 bills relating to the City that *Passed* on the accompanying memo **2019 Session Review - Bills tracked for Pembroke Pines that Passed**, attached to the main email containing the overall review of other issues from the 2019 Session.

The 12 bills Substituted for their companion bills that went on to Pass are in bold font.

2019 Session: Bills (115) that Died or Were Substituted relating to the City of Pembroke Pines

<u>Number</u>	<u>Title</u>	<u>Sponsor</u>	<u>Last Action</u>	<u>Date Folded</u>
HB 0003	Preemption of Local Occupational Licensing	Grant (M)	05/03/19	02/07/19 12:30PM
	05/03/19 - SENATE Died in Community Affairs			
HB 0015	Local Government Fiscal Transparency	Burton	05/03/19	02/21/19 03:51PM
	05/03/19 - SENATE Died in Community Affairs			
HB 0045	Use of Wireless	Slosberg	01/10/19	12/07/18

	Communications Devices While Driving			03:54PM
	01/10/19 - HOUSE Withdrawn prior to introduction			
HB 0051	Property Tax Exemptions	Sirois	05/03/19	12/07/18 03:54PM
	05/03/19 - HOUSE Died in Local, Federal and Veterans Affairs Subcommittee			
HB 0067	Police, Fire, and Search and Rescue Canines and Police Horses	Tomkow	04/10/19	12/07/18 03:57PM
	04/10/19 - HOUSE Read Second Time; Substituted for SB 0096; Laid on Table, Refer to SB 0096			
HB 0073	High School Graduation Requirements	Fetterhoff	05/03/19	12/07/18 03:57PM
	05/03/19 - HOUSE Died in PreK-12 Appropriations Subcommittee			
HB 0075	Expanded Uses of Unmanned Aircraft	Yarborough	05/03/19	12/07/18 03:54PM
	05/03/19 - SENATE Died in Criminal Justice			
SB 0076	Texting While Driving	Simpson	04/25/19	12/07/18 03:54PM
	04/25/19 - SENATE Read Third Time; Substituted for HB 0107; Laid on Table, Refer to HB 0107			
HB 0101	Public Construction	Andrade	05/03/19	12/21/18 10:36AM
	05/03/19 - SENATE Died in Governmental Oversight and Accountability			
SB 0102	Recovery Residences	Book	05/03/19	12/07/18 03:55PM
	05/03/19 - SENATE Died in Health Policy			
HB 0103	Recovery Residences	Jacobs	02/28/19	02/07/19 10:22AM
	02/28/19 - HOUSE Withdrawn prior to introduction			
HB 0105	Domestic Wastewater Collection System Assessment and Maintenance	Jacobs	05/03/19	01/15/19 10:49AM
	05/03/19 - SENATE Died in Environment and Natural Resources			
SB 0114	High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act	Hutson	05/03/19	12/07/18 03:57PM

05/03/19 - SENATE Died on Calendar				
SB 0132	Drones	Rouson	05/03/19	12/07/18 03:56PM
05/03/19 - SENATE Died in Infrastructure and Security				
SB 0142	Permit Fees	Perry	03/27/19	12/21/18 10:38AM
03/27/19 - SENATE Read Third Time; Substituted for HB 0127; Laid on Table, Refer to HB 0127				
SB 0144	Impact Fees	Gruters	04/04/19	12/21/18 10:44AM
04/04/19 - SENATE Read Third Time; Substituted for HB 0207; Laid on Table, Refer to HB 0207				
HB 0145	Vegetable Gardens	Fetterhoff	05/01/19	01/08/19 08:45AM
05/01/19 - HOUSE Laid on Table				
HB 0161	Firefighters' Bill of Rights	Casello	05/03/19	01/08/19 08:45AM
05/03/19 - HOUSE Died in Oversight, Transparency and Public Management Subcommittee				
HB 0167	Local Government Public Construction Works	Andrade	05/03/19	01/08/19 11:29AM
05/03/19 - SENATE Died in Community Affairs				
SB 0170	Federal Immigration Enforcement	Bean	05/03/19	12/21/18 10:45AM
05/03/19 - SENATE Died in Judiciary				
HB 0175	Firearms	Hill	02/25/19	03/12/19 11:52AM
02/25/19 - HOUSE Withdrawn prior to introduction				
HB 0181	Campaign Financing	Clemons	02/21/19	01/15/19 10:37AM
02/21/19 - HOUSE Withdrawn prior to introduction				
SB 0202	Property Tax Exemptions	Wright	05/03/19	02/07/19 10:12AM
05/03/19 - SENATE Died in Finance and Tax				
SB 0224	Campaign Financing	Gruters	05/03/19	01/08/19 11:29AM
05/03/19 - SENATE Died in Ethics and Elections				
SB 0246	Public Construction	Hooper	05/03/19	02/12/19 11:22AM

05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0265	Public Meetings	Newton	05/03/19	01/15/19 10:45AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 0286	Domestic Wastewater Collection System Assessment and Maintenance	Albritton	05/03/19	01/15/19 10:49AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0291	Growth Management	McClain	05/03/19	01/25/19 11:48AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0296	District Millage Elections	Montford	05/03/19	01/15/19 10:50AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0306	Traffic Infraction Detectors	Brandes	01/31/19	01/15/19 11:05AM
01/31/19 - SENATE Withdrawn prior to introduction				
SB 0336	Local Tax Referenda	Brandes	05/02/19	01/25/19 11:49AM
05/02/19 - SENATE Read Second Time; Substituted for HB 0005; Laid on Table, Refer to HB 0005				
SB 0350	Affordable Housing	Hutson	05/03/19	01/25/19 11:50AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0407	Public Records	Rodrigues (R)	05/03/19	01/25/19 11:50AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0428	Growth Management	Perry	05/03/19	01/25/19 11:48AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0432	Employment Conditions	Gruters	05/03/19	01/25/19 11:53AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0443	Assessment of Property	Rodriguez (Ant)	05/03/19	01/25/19 01:06PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 0450	Public Records and Public Meetings/Local	Gibson	04/10/19	01/25/19 01:07PM

Government Utility				
04/10/19 - SENATE Read Second Time; Substituted for HB 0327; Laid on Table, Refer to HB 0327				
HB 0481	Opportunity Zones	Omphroy	05/03/19	03/12/19 11:45AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 0494	Firefighters' Bill of Rights	Hooper	05/03/19	01/25/19 01:08PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 0497	Sanitary Sewer Laterals	Webb	05/03/19	01/25/19 01:09PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 0502	Prohibition of Plastic Carryout Bags and Straws	Rader	05/03/19	03/12/19 11:39AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0518	Public Meetings	Rader	05/03/19	02/07/19 10:34AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0527	Federal Immigration Enforcement	Byrd	05/03/19	01/25/19 01:09PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0532	Wetland Mitigation	Lee	04/26/19	02/01/19 11:09AM
04/26/19 - SENATE Read Second Time; Substituted for HB 0521; Laid on Table, Refer to HB 0521				
HB 0551	Public Nuisances	McClain	05/03/19	02/07/19 12:35PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0556	Primary Elections	Rader	05/03/19	02/01/19 11:09AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0568	Assessment of Property	Diaz	05/03/19	02/01/19 11:10AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0588	Preemption of Local Regulations	Hutson	05/03/19	03/12/19 11:39AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0594	State Shared Revenues	Hutson	05/03/19	02/01/19 11:11AM

05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0603	Single-Use Plastic Straws	Sabatini	05/03/19	03/12/19 11:39AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 0605	Tax Incremental Revenues	Casello	05/03/19	02/19/19 12:41PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 0622	Traffic Infraction Detectors	Brandes	05/03/19	02/01/19 11:12AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0668	Public Nuisances	Perry	05/03/19	02/07/19 12:35PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0691	Special Neighborhood Improvement Districts	Newton	05/03/19	02/14/19 08:59AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0693	Communications Services	Fischer	05/01/19	02/14/19 08:58AM
05/01/19 - HOUSE Laid on Table				
HB 0715	Florida Building Code Enforcement	Robinson	05/03/19	02/14/19 08:58AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 0728	Community Development Districts	Lee	04/29/19	02/07/19 12:38PM
04/29/19 - SENATE Read Second Time; Substituted for HB 0437; Laid on Table, Refer to HB 0437				
SB 0730	Electrical Contractors	Gibson	05/03/19	02/07/19 12:41PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0766	Expanded Uses of Unmanned Aircraft	Gruters	05/03/19	02/21/19 01:27PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0771	Environmental Regulation	Overdorf	05/10/19	02/14/19 02:45PM
05/10/19 - <u>Vetoed</u> by Governor				
HB 0793	Discretionary Sales Surtaxes	Stone	05/03/19	02/14/19 02:46PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				

SB 0806	Local Government Public Construction Works	Perry	05/03/19	02/07/19 12:43PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0812	Vacation Rentals	Simmons	05/03/19	02/26/19 10:23AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0816	Environmental Regulation	Perry	04/29/19	02/14/19 02:45PM
04/29/19 - SENATE Read Second Time; Substituted for HB 0771; Laid on Table, Refer to HB 0771				
SB 0824	Private Property Rights of Homeowners	Diaz	05/03/19	02/26/19 10:28AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0847	Preemption of Conditions of Employment	Rommel	05/03/19	02/21/19 01:01PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 0849	School Bus Safety	Slosberg	05/03/19	02/19/19 12:37PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 0854	Special Neighborhood Improvement Districts	Gruters	05/03/19	02/14/19 08:59AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 0857	Firefighters	Willhite	05/03/19	02/19/19 12:38PM
05/03/19 - Indefinitely postponed and withdrawn from consideration				
SB 0868	Local Business Taxes	Hutson	05/03/19	03/12/19 11:41AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 0902	Building Permits	Perry	05/02/19	02/14/19 08:59AM
05/02/19 - SENATE Read Second Time; Substituted for HB 0447; Laid on Table, Refer to HB 0447				
HB 0931	Emergency Medical Services	Antone	05/03/19	02/21/19 03:53PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 0987	Public Lodging Establishments	Grant (J)	05/03/19	02/26/19 10:23AM

05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 1038	Increment Revenues	Rader	05/03/19	02/19/19 12:41PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 1079	Public Swimming Pools	Caruso	05/03/19	02/28/19 09:30AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 1131	Drones	Valdes	05/03/19	03/12/19 12:15PM
05/03/19 - HOUSE Died in Criminal Justice Subcommittee				
HB 1137	Nonenforcement of Immigration Detainers and Nonjudicial Immigration Warrants	Polo	05/03/19	03/12/19 11:35AM
05/03/19 - HOUSE Died in Criminal Justice Subcommittee				
HB 1139	Inspections and Permits	Plakon	05/03/19	03/12/19 11:35AM
05/03/19 - HOUSE Died in State Affairs Committee				
HB 1155	Affordable Housing	Plasencia	05/03/19	03/12/19 11:36AM
05/03/19 - HOUSE Died in Local, Federal and Veterans Affairs Subcommittee				
HB 1169	Displacement of Private Waste Companies	McClure	05/03/19	03/12/19 12:19PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1172	Sanitary Sewer Laterals	Brandes	05/03/19	02/21/19 09:46AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1182	Emergency Medical Services	Rouson	05/03/19	02/21/19 03:53PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1198	School Board Fiscal Transparency	Stargel	05/03/19	02/19/19 12:42PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 1273	Legislative Preemption	Goff-Marcil	05/03/19	03/12/19 11:38AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 1299	Governmental Powers	Roach	05/03/19	03/12/19 11:39AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				

HB 1303	Enforcement of Federal Laws	Jacquet	05/03/19	03/12/19 11:49AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 1350	Local Government Fiscal Transparency	Hutson	05/03/19	02/28/19 09:31AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 1383	Private Property Rights Protection	Grant (J)	05/03/19	03/12/19 11:40AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 1387	Local Business Tax	Donalds	05/03/19	03/12/19 11:41AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
SB 1390	Rent Control Measures	Torres, Jr.	05/03/19	02/28/19 09:31AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1400	Private Property Rights	Albritton	04/26/19	03/12/19 12:17PM
04/26/19 - SENATE Read Second Time; Substituted for HB 1159; Laid on Table, Refer to HB 1159				
SB 1408	Opportunity Zones	Powell	05/03/19	03/12/19 11:45AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1440	Public Swimming Pools	Farmer, Jr.	05/03/19	02/28/19 09:30AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1532	Local Regulation of Firearms and Ammunition	Rouson	05/03/19	03/12/19 11:47AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1548	Death Benefits	Rodriguez (J)	05/03/19	03/12/19 11:47AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1566	Enforcement of Federal Laws	Torres, Jr.	05/03/19	03/12/19 11:49AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1572	Displacement of Private Waste Companies	Albritton	05/03/19	03/12/19 12:19PM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1616	Local Government	Baxley	05/02/19	03/12/19

Financial Reporting				11:49AM
05/02/19 - SENATE Read Second Time; Substituted for HB 0861; Laid on Table, Refer to HB 0861				
SB 1662	Preemption of Firearms and Ammunition	Taddeo	05/03/19	03/12/19 11:47AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1698	Legislative Preemption	Berman	05/03/19	03/12/19 11:38AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1720	Property Rights	Lee	05/03/19	03/12/19 11:40AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1748	Preemption of Local Regulations	Perry	05/03/19	03/12/19 11:51AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
SB 1752	Inspections and Permits	Perry	05/03/19	03/12/19 11:35AM
05/03/19 - SENATE Indefinitely postponed and withdrawn from consideration				
HB 2355	Pembroke Pines Fire Station #69 Rebuild	Jenne	05/03/19	02/07/19 12:48PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 2357	Pembroke Pines Elevated Rescue Platform	Jenne	05/04/19	02/07/19 01:12PM
05/04/19 - HOUSE Died in Appropriations Committee				
HB 2921	Senior Transportation Program - Pembroke Pines	Stark	05/03/19	02/07/19 01:18PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 3545	Pembroke Pines Utility Water Main Project	Jones	05/04/19	02/14/19 03:31PM
05/04/19 - HOUSE Died in Agriculture and Natural Resources Appropriations Subcommittee				
HB 6003	Traffic Infraction Detectors	Sabatini	05/03/19	12/21/18 10:46AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 6027	Electrical Contractors	Mercado	05/03/19	02/01/19 11:14AM

05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 6053	Rent Control Measures	Eskamani	05/03/19	02/21/19 03:56PM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 6061	Local Regulation of Firearms and Ammunition	Diamond	05/03/19	03/12/19 11:47AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 6069	Preemption of Firearms and Ammunition	Stark	05/03/19	03/12/19 11:47AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 6073	Firearms	Hill	05/03/19	03/12/19 11:52AM
05/03/19 - HOUSE Indefinitely postponed and withdrawn from consideration				
HB 7035	Government Accountability	Oversight, Transparency & Public Management Subcommittee	04/10/19	02/19/19 12:38PM
04/10/19 - HOUSE Read Second Time; Substituted for SB 7014; Laid on Table, Refer to SB 7014				
APC1	General Appropriations Act	Appropriations Committee	03/28/19	03/22/19 09:05AM
03/28/19 - HOUSE Committee Bill Filed as H 5001				

Generated on 05/14/19.

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.

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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Memo

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

From: Lawrence J. Smith, P.A.

Date: May 16, 2019

Re: 2019 Session: Bills that Passed

2019 Legislative Session

Of the 132 bills relating to the City and issues affecting municipalities that we tagged and tracked throughout the 2019 Session for the City of Pembroke Pines, excluding the budget bills, 17 *PASSED* and will go to the Governor for his signature or veto:

- **HB 5: Ballot Measures**
- **SB 82: Vegetable Gardens**
- **SB 96: Police, Fire, and Search and Rescue Dogs and Police Horses**
- **HB 107: Wireless Communications While Driving**
- **HB 127: Permit Fees**
- **SB 168: Federal Immigration Enforcement**
- **HB 207: Impact Fees**
- **HB 327: Public Meetings/Public Records/Local Government Utilities**
- **SB 426: Firefighters**
- **HB 437: Community Development Districts**
- **HB 447: Construction**
- **HB 521: Wetland Mitigation**
- **HB 829: Attorney Fees and Costs**
- **HB 861: Local Government Financial Reporting**
- **SB 1000: Communications Services**
- **HB 1159: Private Property Rights**
- **SB 7014 Government Accountability**

2019 Session: Bills tracked for the City that Passed

2019 Session: Bills (17) that Passed relating to the City of Pembroke Pines

<u>Number</u>	<u>Title</u>	<u>Sponsor</u>	<u>Last Action</u>	<u>Date Folded</u>
HB 0005	Ballot Measures	DiCeglie	05/08/19	02/14/19 02:41PM

(C: 3361040 70967111)

Ballot Measures : Providing that a referendum to adopt or amend a local discretionary sales surtax must be held at a general election; requiring the Office of Program Policy Analysis and Government Accountability, upon receiving a certain notice, to procure a certified public accountant for a performance audit; requiring a supervisor of elections to verify petition signatures and retain signature forms in a specified manner; providing that an initiative sponsor's failure to comply with the specified requirements renders any referendum held void; requiring a paid petition circulator to register with the Secretary of State and provide certain information; prohibiting compensation for initiative petition circulators based on the number of petition forms gathered; providing penalties for failure to register as a petition circulator, etc. Effective Date: upon becoming a law

05/03/19 HOUSE Ordered engrossed, then enrolled

05/07/19 HOUSE Engrossed Text (E1) Filed

05/08/19 HOUSE Enrolled Text (ER) Filed

Comments:

FLC is OPPOSED to SB 5 (mandate). SB 336 (Brandes) and CS/HB 5 (DiCeglie) limit the timing of when a local government may put a local discretionary surtax ballot initiative before the voters. The bills require that a referendum to adopt or amend a local discretionary surtax be held at a state general election. CS/HB 5 also requires a two-thirds vote of the county governing board to place a local discretionary surtax referendum on the ballot and requires approval of two-thirds of voters for passage. CS/HB 5 also requires a petition sponsor of an initiative to adopt a charter county and regional transportation system surtax to comply with certain requirements within a specified timeframe before the proposed referendum. The county must make the proposed referendum and a specified legal opinion available on its official website. The bill also requires the Office of Program Policy Analysis and Government Accountability to procure a certified public accountant for a performance audit.

The Florida Constitution preempts all forms of taxation, except for ad valorem taxes on real estate and tangible personal property, to the state unless otherwise provided by general law. Current law provides counties with limited authority to levy discretionary sales surtaxes for specific purposes on transactions subject to state sales tax. With some exceptions, discretionary sales surtaxes generally are subject to approval by a majority of the qualified electors voting in a referendum. A performance audit is required before any discretionary sales surtax referendum and the results of the audit must be made

available on the website of the county or school district for at least 60 days before the referendum is held. Sixty-six of Florida's 67 counties have at least one local discretionary sales surtax levied by either the county or the school board. These surtaxes will generate an estimated \$4.27 billion in revenue during fiscal year 2019-20.

The bill requires any referendum to levy a discretionary sales surtax to be held at a general election and requires approval by two-thirds of the electors voting on the ballot measure. Upon adoption of an ordinance by a county or school district to hold a discretionary sales surtax referendum on or after January 1, 2020, the bill requires the county or school district holding a referendum to notify the Office of Program Policy Analysis and Government Accountability (OPPAGA) at least 180 days before the referendum is held. The bill declares void any discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit. If the proposal to adopt a discretionary sales surtax is by initiative, the bill requires the petition sponsor, at least 180 days before the proposed referendum, to: 1.) Provide a copy of the proposed referendum to the governing body of the county for posting on the county's website; 2.) Notify OPPAGA of the proposed referendum; and, 3.) File the initiative petition, including the required signatures, with the supervisor of elections. The bill provides that the failure of an initiative sponsor to comply with these requirements renders any referendum held void. Future local government adoption of local option sales surtaxes that would otherwise occur under current law, may not occur as a consequence of this bill. The bill may reduce local government expenditures by requiring a discretionary sales surtax referendum to be held at a general election.

Fiscal Impact on Local Governments: By requiring any discretionary sales surtax referendum to occur on the day of the general election, this bill may reduce local government expenditures to the extent local governments would have otherwise expended funds to call a special election solely for approval of a discretionary sales surtax.

SB 0082	Vegetable Gardens	Bradley	05/01/19	12/07/18 03:55PM
(I: 145)	Vegetable Gardens; Prohibiting local governments from regulating vegetable gardens on residential properties except as otherwise provided by law; specifying that such regulations are void and unenforceable, etc. Effective Date: 7/1/2019 05/01/19 SENATE Ordered enrolled 05/01/19 SENATE Enrolled Text (ER) Filed Comments: FLC is OPPOSED to SB 82 (preemption). CS/SB 82 (Bradley) and CS/HB 145 (Fetterhoff) preempt any local ordinance or regulation of vegetable gardens on residential property. Some cities have adopted ordinances that regulate the size or use of vegetable gardens in the			

front yard of homes. While local governments would be preempted from prohibiting vegetable gardens, the bills allow for local ordinances to regulate the use of water during droughts, fertilizer use or invasive species control. The bill was filed in response to a recent appellate court decision that upheld the local regulation of vegetable gardens on residential property. The bills would not apply to homeowners association regulations or deed-restricted communities.

The legislation was inspired by a court battle after Miami Shores told a homeowner to dig up a vegetable garden or face a \$50 a day fine. An appeals court upheld the ordinance.

Republican Sen. Rob Bradley said the city's front-yard garden ban is a "vast overreach" and that being able to grow your own food is a basic property right. Democratic Sen. Bobby Powell argued that it is an overreach to prohibit every local government from regulating gardens because of one local ordinance. Bradley noted that there are so-called food deserts in many areas of the state where fresh fruit and vegetables aren't readily available. "The world's changing when it comes to food ... There's a big interest in locally sourced food, organic products and folks growing their own food," he said. "The idea that a government would intervene to prohibit someone from taking matters into their own hands and growing their own fresh fruits and vegetables to take care of their own family and their own nutritional needs, much like our forefathers have done, I think that is an action by local government that goes too far."

Sen. Gary Farmer said he lives in a Broward County city where there's a large iguana problem and unrestricted front-yard gardens could make it worse. "Having a vegetable garden in a front yard would just attract more iguanas as well as rats and similar stuff," Farmer said after the vote. He said local governments should be able to restrict the size and locations of homeowners' gardens.¹

SB 0096	Police, Fire, and Search and Rescue Dogs and Police Horses	Bean	04/26/19	12/07/18 03:57PM
(I: 67)	Police, Fire, and Search and Rescue Dogs and Police Horses; Increasing the penalty for intentionally and knowingly causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, police canines or horses, fire canines, or SAR canines, etc. Effective Date: 10/1/2019 04/18/19 SENATE Ordered enrolled 04/18/19 SENATE Enrolled Text (ER) Filed 04/22/19 Signed by Officers and presented to Governor (Governor must act on this bill by 04/29/19)			

¹ <https://apnews.com/1e08b13fbfaf430ab9707ac782d01a19>

Comments:

FLC SUPPORTS SB 96. CS/HB 67 (Tomkow) and CS/CS/SB 96 (Bean) increase penalties for certain offenses committed on police, fire or search and rescue canines.

SB 96 increases the penalty from a third degree felony to a second degree felony for intentionally and knowingly, without lawful cause or justification, causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, a police, fire, or search and rescue (SAR) canine, or a police horse. Additionally, the bill makes the corresponding changes to the offense severity ranking chart. The bill expands the definitions of police canine and SAR canine to include a canine that is owned, or the service of which is employed, by a correctional agency. The bill also replaces the word “dog” with the word “canine” in ss. 767.16 and 843.19, F.S. The Criminal Justice Impact Conference estimates that the bill would result in a “positive insignificant” prison bed impact (10 or fewer prison beds). The bill is effective October 1, 2019.

HB 0107

**Wireless
Communications Toledo
While Driving**

04/29/19 02/07/19
10:08AM

(C: 45 76)

Wireless Communications While Driving: Requiring a law enforcement officer to inform a motor vehicle operator of certain rights; requiring such officer to record the race and ethnicity of a violator when issuing a citation; requiring law enforcement agencies to report such information to the Department of Highway Safety and Motor Vehicles; prohibiting a person from operating a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone; authorizing a law enforcement officer during a specified period to stop motor vehicles to issue warnings to persons who are driving while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone; requiring all law enforcement agencies to maintain such information and report it to the Department of Highway Safety and Motor Vehicles in a form and manner determined by the department, etc. Effective Date: July 1, 2019

04/29/19 HOUSE Ordered engrossed, then enrolled

04/29/19 HOUSE Engrossed Text (E1) Filed

04/29/19 HOUSE Enrolled Text (ER) Filed

Comments:

FLC is watching HB 107. CS/SB 76 (Simpson) and HB 107 (Toledo) prohibit a person from operating a motor vehicle while using a wireless communication device for the purpose of non-voice interpersonal communication. The bills would also allow law enforcement officers to issue texting-while-driving citations as a primary action.

The Florida Ban on Texting While Driving Law prohibits a person from texting, emailing, and instant messaging while driving for the purpose of non-voice interpersonal communication. Enforcement is as a secondary action. This means a law enforcement officer must detain a driver for another traffic offense in order to cite the driver for texting while driving. There are certain exceptions to the prohibition. For example, the prohibition does not apply to a motor vehicle operator using a navigation device or system. In addition, the ban does not apply to a stationary motor vehicle. A first violation of the ban is a nonmoving violation and carries a \$30 base fine plus court costs and fees. A second or subsequent violation committed within five years is a moving violation and carries a \$60 base fine plus court costs and fees. The bill changes current enforcement of the ban from a secondary offense to a primary offense, which will allow a law enforcement officer to stop a vehicle solely for texting while driving. The bill does not change the existing penalties nor does it create new penalties. It also maintains the current exceptions to the texting ban and maintains that the texting ban does not apply to a stationary motor vehicle. The bill requires a law enforcement officer who detains a motor vehicle operator for texting while driving to inform the operator that he or she has a right to decline a search of his or her wireless communications device. Additionally, the bill prohibits a law enforcement officer from accessing the wireless communications device without a warrant, confiscating the device while waiting for the issuance of a warrant, or using coercion or other improper method to convince the operator to provide access to such device without a warrant. The bill requires consent to be unequivocal and voluntary. The bill also requires a law enforcement officer to record the race and ethnicity of a person issued a citation for texting while driving. The Department of Highway Safety and Motor Vehicles (DHSMV) must annually report this information to the Governor, President of the Senate, and Speaker of the House of Representatives beginning February 1, 2020. To the extent there is an increase in the number of traffic citations issued because of the change to primary enforcement of the texting while driving ban, state and local governments may realize a positive fiscal impact from these additional revenues. However, the fiscal impact of this change cannot be quantified and is indeterminate. DHSMV may incur expenses associated with public awareness and education efforts about the change in enforcement of the ban on texting while driving. In addition, DHSMV may incur expenses associated with the new reporting requirements.

HB 0127

Permit Fees

Williamson

04/03/19

12/21/18
10:38AM

(I: 142)

Permit Fees: Requires governing bodies of counties & municipalities to post their permit & inspection fee schedules & building permit & inspection utilization reports on their websites; requires governing bodies of local governments to create building permit & inspection utilization reports & post reports on their websites by specified date; provides requirements for such governing bodies & reports. Effective Date: July 1, 2019

04/03/19 HOUSE Ordered enrolled

04/03/19 HOUSE Enrolled Text (ER) Filed

Comments:

FLC is OPPOSED to HB 127 (unfunded mandate). CS/SB 142 (Perry) and CS/HB 127 (Williamson) require local governments to publish permit and inspection fee schedules and reports on their websites. The bills also require the building permit and inspection report to include direct and indirect costs incurred by the local government to implement the Florida Building Code.

The Florida Building Codes Act provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. The Legislature intends that local governments have the power to inspect all buildings, structures, and facilities within their respective jurisdictions to protect of the public's health, safety, and welfare. Under current law, local governments must enforce the Florida Building Code, issue building permits, and post each type of building permit application on their respective websites. The bill requires the governing bodies of counties and municipalities to post permit and inspection fee schedules and building permit and inspection utilization reports on their websites by December 31, 2020. After December 31, 2020, the governing body of a local government that provides a schedule of fees must update its building permit and inspection utilization report before adjusting the fee schedule. Finally, the bill establishes reporting requirements.

Fiscal Impact on Local Governments: The bill has an indeterminate, but likely insignificant, fiscal impact on local governments. Local governments that do not currently post permit information on their websites may have to expend funds to revise their existing websites in order to meet the reporting requirements in the bill.

SB 0168

**Federal
Immigration
Enforcement**

Gruters

05/07/19

12/21/18
10:45AM

(C: 170 527)

Federal Immigration Enforcement; Prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law; authorizing a law enforcement agency to transport an alien unlawfully present in the United States under certain circumstances; prohibiting discrimination on specified grounds, etc. Effective Date: Section 908.107, Florida Statutes, as created by this act, shall take effect October 1, 2019, and, except as otherwise expressly provided in this act, this act shall take effect July 1, 2019

05/02/19 SENATE Ordered engrossed, then enrolled

05/06/19 SENATE Engrossed Text (E2) Filed

Comments:

FLC is watching SB 168. CS/SB 168 (Gruters), SB 170 (Bean) and HB 527 (Byrd) relate to state and local government enforcement of federal immigration laws. The bills provide several definitions, including "sanctuary policy," which means a law, policy, practice, procedure or custom adopted or permitted by a state entity, law enforcement agency or local governmental entity that contravenes the federal immigration laws or that knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with respect to federal immigration enforcement. The bills also define "sanctuary policymaker" to mean a state or local elected official, or an appointed official of a local governmental, who has voted for, allowed to be implemented or voted against the repeal of prohibition of a sanctuary policy. The bills prohibit the adoption or enforcement of a sanctuary policy and require cooperation with federal immigration authorities. The bills require a state or local government official to promptly report a known or probable violation of this law to the attorney general or the state attorney having jurisdiction over the local governmental entity. Failure to properly report may lead to an individual being suspended or removed from office. The attorney general or a state attorney may initiate proceedings in court to enjoin a state entity, law enforcement agency or local governmental entity from violating the law. A court shall enjoin any unlawful policy and order an entity to pay a civil penalty of at least \$1,000, but not more than \$5,000, for each day that the policy was found to be in effect before the injunction was granted. A sanctuary policymaker may be suspended or removed from office. The bills provide for a civil cause of action against any state or local governmental entity or law enforcement agency determined to have a sanctuary policy under specified circumstances for personal injury or wrongful death by persons injured by an illegal alien. The bills also restrict state grant funding for five years for any governmental entity that has violated the law. CS/SB 168 was amended in committee to provide payment from the federal immigration agency to a county correctional facility for housing persons who are subject to an immigration detainer. CS/SB 168 was further amended to remove penalties toward entities (including local government entities) for failure to comply with reporting requirements but allows the state to seek injunctive relief to compel compliance with the requirements. The bill requires county correctional facilities to enter into agreements with federal entities to recover costs pertaining to immigration detainees. The legislation provides an exception to reporting requirements of crime victims or witnesses, and specifies record keeping requirements for victims' and witnesses' cooperation in certain investigations.

HB 0207

Impact Fees

Donalds

04/10/19

01/15/19
10:42AM(C: 17307103)
(S: 144)

Impact Fees: Revises minimum requirements for adoption of impact fees by specified local governments; exempts water & sewer connection fees from Florida Impact Fee Act. Effective Date: July 1,

2019

04/10/19 HOUSE Ordered enrolled

04/10/19 HOUSE Enrolled Text (ER) Filed

Comments:

FLC is OPPOSED to HB 207 (preemption). SB 144 (Bean) and CS/HB 207 (Donalds) prohibit local governments from collecting impact fees prior to the issuance a building permit for the property that is subject to the fee. In addition, the dual rational nexus test is codified in the bills. The dual rational nexus test is the legal standard used by courts to require the expenditures of funds collected by an impact fee, and the benefits that are accrued to the new construction (both residential and commercial) should be reasonably connected to the need for additional capital used for a major facility and should be connected to the increased impact caused by the new construction. The legislation requires that impact fees be connected to (have a rational nexus with) the money spent from the funds collected and be connected to the benefits of the new residential or commercial construction. The bills require local governments to specifically earmark funds collected by the impact fees for use in acquiring, constructing or improving capital facilities to benefit the "new users." The legislation prohibits the use of impact fee revenues to pay existing debt or for prior approved projects, unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction. Lastly, the bills exempt water and sewer connection fees from the provisions of the legislation.

Impact fees are amounts imposed by local governments to fund local infrastructure needed to expand local services to meet the demands of population growth caused by development. The impact fee ordinances enacted by a county, municipality, or special district must meet certain minimum statutory criteria. However, the various types of impact fees for different infrastructure needs, the calculation of the amount due, and the timing of collecting these fees is currently at the discretion of each local government. HB 207 prohibits any local government from requiring payment of impact fees any time prior to issuing a building permit. The bill codifies the requirement for impact fees to bear a rational nexus both to the need for additional capital facilities and to the expenditure of funds collected and the benefits accruing to the new construction. Local governments will be required to designate the funds collected by the impact fees for acquiring, constructing, or improving the capital facilities to benefit the new users. Impact fees collected by a local government may not be used to pay existing debt or pay for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction. The bill further excludes fees charged for connecting to water and sewer systems. The bill may delay when impact fees are collected, but not the amount, thus it does not restrict the amount of revenue local governments may raise nor require they expend additional amounts. Reflecting the possibility that payments may be delayed into later fiscal years than under current law, the Revenue

Estimating Conference estimates the bill will have a negative indeterminate impact on local government revenues.

HB 0327

**Pub.
Meetings/Pub.
Records/Local
Government
Utilities**

Davis

05/13/19

01/25/19
01:07PM

(I: 450)

Pub. Meetings/Pub. Records/Local Government Utilities: Exempts from public meetings requirements portions of meetings that would reveal certain exempt information concerning information technology systems held by specified utilities; requires exempt portions to be recorded and transcribed; exempts from public records requirements recordings & transcripts of such meetings; authorizes release of portions of such meetings under specified circumstances; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2019

04/23/19 SENATE Immediately certified

04/23/19 HOUSE Ordered enrolled

04/23/19 HOUSE Enrolled Text (ER) Filed

05/13/19 Signed by Officers and presented to Governor (Governor must act on this bill by 05/28/19)

Comments:

FLC SUPPORTS HB 327. CS/CS/HB 327 (Davis) and CS/CS/SB 450 (Gibson) exempt from public meeting requirements any information concerning the information technology systems of municipally owned electric utilities.

Current law provides a public record exemption for the following information held by a utility owned or operated by a unit of local government ("local government utility"): 1.) Information related to the security of a local government utility's technology, processes, and practices designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access that, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources; and, 2.) Information related to the security of a local government utility's existing or proposed information technology systems or industrial control technology systems that, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, such systems in a manner that would adversely impact the safe and reliable operations of the systems and the utility. This bill creates a public meeting exemption for that portion of a meeting held by a local government utility that would reveal the above information, which is confidential and exempt from disclosure as a public record. The bill requires that all portions of a local government utility meeting exempted by the bill be recorded and transcribed. The bill provides that such recordings and transcripts are confidential and exempt from disclosure as public records except to the extent that any portion of

the recording or transcript is determined by a court of competent jurisdiction, after an in camera review, to reveal nonexempt data. The bill provides that the public meeting and public record exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity as required by the Florida Constitution. The bill does not appear to have a fiscal impact on the state; however, it may have a minimal fiscal impact on local government utilities. The bill provides an effective date of July 1, 2019.

Fiscal Impact on Local Governments: The bill could have a minimal fiscal impact on local government utilities because their staff responsible for complying with public meeting and public record requirements may require training related to implementation of the exemption created by the bill. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of these utilities.

SB 0426	Firefighters	Flores	05/03/19	01/25/19 11:50AM
(C: 784 857) (S: 7129)	<p>Firefighters; Granting certain benefits to a firefighter upon receiving a diagnosis of cancer if certain conditions are met; requiring an employer to make certain disability payments to a firefighter in the event of a total and permanent disability; providing for death benefits to a firefighter's beneficiary if a firefighter dies as a result of cancer or cancer treatments; adjusting the allocation of funds to provide line-of-duty death benefits for members in the investment plan of the Florida Retirement System, etc. Effective Date: 7/1/2019</p> <p>04/26/19 Signed by Officers and presented to Governor (Governor must act on this bill by 05/11/19)</p> <p>05/02/19 Signed by Officers and presented to Governor on 04/26/19 (Governor must act on this bill by 05/03/19) - Revised due to Legislature NOT Adjourning Sine Die on 05/03/19</p> <p>05/03/19 Approved by Governor; Chapter No. 2019-21</p> <p>Comments:</p> <p>FLC is OPPOSED to SB 426 (mandate). CS/SB 426 (Flores) and HB 857 (Willhite) entitle firefighters who receive a diagnosis of certain cancers to a package of mandated benefits. These benefits include coverage under a group health or self-insurance policy and a lump sum cash payout of \$25,000. These benefits must be available to the firefighter for at least 10 years after leaving employment. CS/SB 426 was amended to remove language requiring these benefits be provided "at no cost to firefighter." Instead, the employer must reimburse the firefighter for any out-of-pocket expenses related to the cost of treatment such as deductibles, co-payments or coinsurance. In order to get the lump sum payout and reimbursements for 10 years post-employment, the firefighter must elect to continue coverage in an employer-sponsored health plan or group health insurance trust. If the firefighter participates in an employee-sponsored retirement plan, the</p>			

plan must qualify the firefighter as totally and permanently disabled if he or she is prevented from rendering useful and effective service as a firefighter and is likely to remain disabled continuously and permanently due to the diagnosis or treatment of cancer. The retirement plan must qualify the firefighter as “died in the line of duty” if he or she dies as a result of the cancer or treatment of cancer. If the firefighter did not participate in an employee-sponsored retirement plan, the employer must provide a disability retirement plan that provides at least 42 percent of annual salary, at no cost to the firefighter, until the firefighter’s death. The employer must provide a death benefit to the firefighter’s beneficiary for at least 10 years totaling at least 42 percent of the firefighter’s most recent annual salary. Additionally, firefighters who die as a result of cancer or cancer treatment are considered to have died in the manner described in statutes, for purposes of statutorily required death benefits. To qualify for these benefits, the firefighter must be employed by the employer for at least five continuous years, may not have used tobacco products in the preceding five years and may not have been employed in any other position that is proven to create a higher risk for any cancer in the preceding years. The bills require a firefighter’s cancer diagnosis be considered an “injury or illness incurred in the line of duty” for determining employer policies and the provision of benefits. The bills specify that a firefighter’s cancer diagnosis must be considered an “injury or illness incurred in the line of duty” for the purposes of determining leave time and employment retention policies. The bills also require the Division of State Fire Marshal within the Florida Department of Financial Services to adopt rules to establish employer best practices for preventing or reducing the incidence of cancer among firefighters.

HB 0437	Community Development Districts	Buchanan	04/30/19	01/25/19 11:54AM
(I: 728)	<p>Community Development Districts: Authorizes certain lands within county or municipality which petitioner anticipates adding to a new community development district to be identified in petition to establish new district; provides detailed procedures for amending boundaries of a district to add land; authorizes community development districts to merge with another type of special district created by special act or by filing petition for establishment of new district; authorizes community development district merging with another type of district to enter into merger agreements for certain purposes. Effective Date: upon becoming a law</p> <p>04/30/19 HOUSE Ordered enrolled</p> <p>04/30/19 HOUSE Enrolled Text (ER) Filed</p> <p>Comments:</p> <p>FLC is watching HB 437. SB 728 (Lee) and CS/HB 437 (Buchanan) allow a petitioner that is establishing a new community development district (CDD) of less than 2,500 acres to include a list of adjacent parcels that the petitioner expects within the next 10 years to include in the district boundaries. The bills provide a process for expanding</p>			

the boundaries of the CDD to include parcels identified for annexation.

Community development districts (CDD) are a type of special-purpose local government intended to provide basic urban community services in a cost-effective manner. The operation of CDDs is governed by ch. 190, F.S., the "Uniform Community Development District Act of 1980." Depending on their size, CDDs are created by a county or municipal ordinance or the adoption of a rule by the Florida Land and Water Adjudicatory Commission. There are currently 685 active CDDs in Florida. The bill enables CDDs created by a county government to include a list of parcels in the creation petition that the district expects to annex within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include parcels identified for annexation within the next 10 years at the time of creation. The bill provides that the expansion of district boundaries to include these parcels does not alter the time period for transition from a landowner board to a board composed of qualified electors and allows the parcels to be annexed even if the resulting CDD is greater than 2,500 acres. The bill provides that a CDD may merge with a special district created by a special act pursuant to the terms of that special act and makes provisions for the assets and liabilities of the CDD. The bill does not appear to have a fiscal impact on state or local governments.

HB 0447	Construction	Diamond	05/06/19	01/25/19 01:07PM
(C: 7151036 13331800) (S: 902)	<p>Construction ; Authorizing counties to provide notice to certain persons under certain circumstances; authorizing counties that issue building permits to charge a person a single search fee for a certain amount under certain circumstances; providing exemptions to certain contracting requirements; authorizing a local enforcement agency to close a permit under certain circumstances; authorizing the Florida Building Commission to approve updates to the Florida Building Code without certain findings under certain circumstances; prohibiting a local government from carrying forward more than a specified amount of unexpended revenue, etc. Effective Date: 7/1/2019</p> <p>05/03/19 HOUSE Ordered engrossed, then enrolled</p> <p>05/06/19 HOUSE Engrossed Text (E2) Filed</p> <p>05/06/19 HOUSE Enrolled Text (ER) Filed</p> <p>Comments:</p> <p>FLC is watching HB 447. SB 902 (Perry) and CS/HB 447 (Diamond) deal with open and expired building permits. The bills: 1.) Require local governments to provide written notice that a building permit is about to expire or become null and void or invalid to the owner of the property listed on the permit and the contractor who has been issued the permit; 2.) Require local government to send the notice by e-mail or United States Postal Service no less than 30 days before the permit will expire; and, 3.) Limit the fee a local government may</p>			

charge for certain permit searches.

The Florida Building Codes Act provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. The Legislature intends that local governments have the power to inspect all buildings, structures, and facilities within their respective jurisdictions to protect of the public's health, safety, and welfare. Under current law, local governments must enforce the Florida Building Code, issue building permits, review building plans, and perform building inspections. The bill requires local governments to send written notice, by mail or e-mail, to the owner of the property listed on a building permit, and the contractor who was issued the permit, that is about to expire. The local government must send the notice no less than 30 days before the permit expires. The notice must identify the permit that is about to expire and the date the permit expires. The bill provides that local governments may only charge a person one search fee for identifying the building permits for units or sub-units that are assigned to one parcel of property. The bill provides that a local government may close an expired building permit issued for the alteration, improvement, modification, or repair of a one-family or two-family dwelling, townhome, accessory structure of a one-family or two-family dwelling or townhome, individual condominium unit, or individual residential cooperative unit if: 1.) The permit has been expired for at least 6 years; and, 2.) The local building official determines the building, accessory structure, or unit for which the permit was issued has no apparent safety hazards. The bill does not have a fiscal impact on the state. The bill has an indeterminate, but likely insignificant, fiscal impact on local governments. The bill provides for an effective date of October 1, 2019.

HB 0521	Wetland Mitigation	McClure	04/26/19	02/01/19 11:09AM
(S: 532)	<p>Wetland Mitigation: Authorizes local government to allow certain permittee-responsible mitigation on lands purchased & owned by local government for conservation purposes; provides exception to provisions prohibiting governmental entity from creating or providing mitigation for project other than its own unless certain conditions are met. Effective Date: July 1, 2019</p> <p>04/26/19 HOUSE Ordered enrolled</p> <p>04/26/19 HOUSE Enrolled Text (ER) Filed</p> <p>Comments:</p> <p>FLC is watching HB 521. HB 521 (McClure) and SB 532 (Lee) amend current law provisions relating to wetland mitigation banking and offsite regional wetland mitigation. HB 521 specifies that statutory provisions relating to wetland banking and mitigation do not affect current wetland mitigation sequencing under state or federal law. It deletes current law provisions that prohibit a governmental entity from</p>			

providing mitigation for a project other than its own unless the entity provides the same financial assurances as required for mitigation banks. SB 532 modifies current law to specify that a governmental entity may provide mitigation for a project other than its own if the mitigation credits available from such mitigation are only sold or used when alternative mitigation credits are not available.

HB 0829	Attorney Fees and Costs	Sabatini	05/02/19	02/14/19 02:47PM
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(S: 1140)

Attorney Fees and Costs; Providing for the award of attorney fees and costs and damages in civil actions challenging local ordinances as being preempted by the State Constitution or state law; prohibiting an award of attorney fees and costs under certain circumstances; specifying that municipalities and counties may continue to enforce or extend certain ordinances, regulations, resolutions, rules, moratoriums, or policies until certain actions are taken, etc. Effective Date: 7/1/2019

05/02/19 HOUSE Ordered engrossed, then enrolled

05/02/19 HOUSE Engrossed Text (E2) Filed

05/02/19 HOUSE Enrolled Text (ER) Filed

Comments:

FLC is OPPOSED to HB 829 (mandate). CS/SB 1140 (Hutson) and CS/HB 829 (Sabatini) create a new section of law providing for a mandatory award of attorney fees, costs and damages, including prejudgment interest and costs, against a local government in a civil action in which a local government ordinance is determined to have been preempted by the state constitution or by state law. The bills expressly waive sovereign immunity of local governments for purposes of the award of fees and costs. The bills provide that fees and costs may not be awarded if the local government withdraws or repeals the ordinance: within 21 days after receiving a written claim the ordinance is preempted or receives a motion seeking fees and costs pursuant to the newly created section of law. Ordinances relating to "growth management" are exempted from the bills' provisions. The bills specify that it is remedial in nature and intended to apply retroactively to all cases pending or commenced on or after July 1, 2019. CS/SB 1140 was recently amended to provide that attorney fees and costs would be awarded to either prevailing party in such actions and to limit the applicability of the fee award to actions based on express preemptions (rather than implied preemptions).

Local governments have broad authority to legislate on any matter not inconsistent with federal or state law. If the Legislature preempts an area of regulation to the state, local governments are prohibited from exercising authority in that area. If a local government enacts an ordinance on a matter preempted to the state, a person may file a lawsuit asking the court to declare the ordinance void. Florida law provides that a court may impose sanctions on a party or attorney who raises a frivolous claim or defense or unreasonably delays a judicial proceeding. The court may require the culpable party or

attorney to pay for the other party's attorney fees. A party can appeal a court's award or denial of sanctions; however, the appellate court must affirm the award or denial, unless the lower court abused its discretion. CS/CS/HB 829 entitles a party to attorney fees and costs if the party prevails in an action challenging a local government ordinance as preempted. However, attorney fees and costs may not be awarded if the local government withdraws or repeals the ordinance within 21 days after receiving a written claim that the ordinance is preempted or the filing of a motion seeking attorney fees and costs under the new statutory section, whichever occurs first. The remedies provided under the bill are cumulative to other available sanctions or remedies. Ordinances related to growth management are excluded from the bill. The bill states it is remedial and applies retroactively to cases pending or commenced on or after July 1, 2019. The bill does not appear to have a fiscal impact on state government, but may have an indeterminate negative impact on local governments. The bill also may have an indeterminate positive impact on private parties who successfully challenge a local government's enactment or enforcement of an ordinance on a matter preempted to the state. The bill provides an effective date of July 1, 2019.

HB 0861	Local Government Financial Reporting	Roach	05/06/19	02/19/19 12:38PM
(C: 70147035) (I: 1616)	<p>Local Government Financial Reporting: Requires county & municipality budget officers to submit certain information to EDR within specified timeframe; requires adopted budget amendments & final budgets to remain posted on each entity's official website for specified period of time; requires EDR to create form by specified date. Effective Date: upon becoming a law</p> <p>05/03/19 HOUSE Ordered enrolled</p> <p>05/06/19 HOUSE Enrolled Text (ER) Filed</p> <p>Comments:</p> <p>FLC is watching HB 861. HB 861 (Roach) and SB 1616 (Baxley) require city and county budget officers to annually submit certain information regarding the final budget to the Office of Economic and Demographic Research by October 15. The bills also clarify the time frames required cities and counties required to post certain budget information on their website.</p> <p>The county or municipal budget officer is responsible for preparing a tentative budget for the fiscal year, including all estimated receipts, taxes to be levied, and balances carried forward from the previous year as well as all estimated expenditures, reserves, and balances carried over at the conclusion of the previous year. The county or municipal budget officer submits the tentative budget to the governing board, who are responsible for examining the tentative budget and making changes as necessary to ensure the budget is balanced. Once revisions to the tentative budget have been completed, the</p>			

board must conduct a public hearing to adopt the tentative and final budgets. Counties and municipalities are required to post their annual budget to their websites, but current law does not set a required amount of time for which the information must be available. The bill requires counties and municipalities to post their annual budgets to their respective websites for at least two years and tentative budgets to their websites for at least 45 days.

Beginning October 15, 2019, the bill requires each county and municipal budget officer to file an annual report to the Office of Economic and Demographic Research (EDR), in a format and on forms prescribed by EDR, including information concerning: 1.) Government spending per resident, including the rate for the five preceding fiscal years; 2.) Government debt per resident, including the rate for the five preceding fiscal years; 3.) Median income within the county or municipality; 4.) Average county or municipal employee salary; 5.) Percent of the entity's budget spent on salaries and benefits for the entity's employees; and, 6.) Number of special taxing districts that are located wholly or partially within the county or municipality. The bill requires EDR to develop the format and forms for reporting the information by July 15, 2019.

Fiscal Impact on Local Governments: The bill also requires counties and municipalities to electronically submit certain information regarding their final budgets and economic status to EDR. The submission of this information may have an insignificant negative fiscal impact on the expenditures and staff time of local governments.

SB 1000

Communications Services

Hutson

05/01/19

02/14/19
08:58AM

(S: 693)

Communications Services; Specifying limitations and prohibitions on municipalities and counties relating to registrations and renewals of communications service providers; prohibiting certain municipalities and counties from electing to impose permit fees; revising items over which municipalities and counties may not exercise regulatory control, etc. Effective Date: 7/1/2019

05/01/19 SENATE Ordered enrolled

05/01/19 SENATE Enrolled Text (ER) Filed

Comments:

FLC is OPPOSED to SB 1000 (preemption). CS/CS/SB 1000 (Hutson) and CS/CS/HB 693 (Fischer) were substantially amended to include changes to the law on the use of public rights-of-way, including provisions on small wireless infrastructure. Current law contains a statement of legislative intent that local governments treat providers of communications services in a nondiscriminatory and competitively neutral manner. In direct contrast to this "nondiscrimination language," the bills require local governments to take into account factors, such as distinct engineering or construction and operation, when imposing rules or regulations governing the placement or maintenance of communications facilities in the public

roads or rights-of-way, thereby asking for special treatment. The bills also remove many of the provisions that were agreed to by the wireless industry when the Advanced Wireless Deployment Act (the 2017 Act) was passed in 2017. For example, the bills remove the requirement that wireless providers must comply with local government nondiscriminatory utility undergrounding requirements.

Installing a new utility pole in the rights-of-way to support a small wireless facility was dealt with in the 2017 Act in part for spacing, height and permit application review timeframes, but under the 2017 Act a local government could still subject the utility pole to local government "rules and regulations governing the placement of utility poles in the rights of way." CS/CS/SB 1000 and CS/CS/HB 693 remove this language, meaning that a city or county would have to treat a permit application to put a new utility pole in the right of way exactly the same as a permit application to collocate a small wireless facility onto an existing utility pole. The bills prohibit a local government from requiring wireless providers to submit certain information, such as an inventory of communications facilities, maps, locations of such facilities or other information, as a condition of registration, renewal or for any purpose. The bills do authorize a local government to require, as part of a permit application, that the applicant identify ground-level communications facilities within 25 feet of the proposed installation location for the placement at-grade communications facilities. The bills also prohibit requiring a wireless provider to pay any fee, cost or other charge for registration or renewal; adoption or enforcement of any ordinances, regulations or requirements as to the placement or operation of communications facilities in a right-of-way by a communications services provider; or imposition or collection of any tax or charge for providing communications services over the communications services provider's communications facilities in a right-of-way. The bills delete performance bonds and security funds from the allowable requirements for a communications provider and allow requiring a construction bond limited to no more than one year after the construction is completed. The bills create a cause of action for any person aggrieved by a violation of the right-of-way statute. A party may bring a civil action in a U.S. district court or any other court of competent jurisdiction, and the court may grant temporary or permanent injunctions to prevent or restrain violations and direct the recovery of full costs, including awarding reasonable attorney fees.

HB 1159

Private Property Rights

La Rosa

04/29/19

03/12/19
12:17PM

(S: 1400)

Private Property Rights: Prohibits local governments from requiring permits, fees, or other notices for certain tree activity on residential property under specified conditions; deletes provision that authorizes electric utilities to perform certain right-of-way tree maintenance only after certain local government approval; creates Property Owner Bill of Rights; requires county property appraisers to provide specified information on their websites. Effective Date: July 1, 2019

04/29/19 HOUSE Enrolled Text (ER) Filed

Comments:

FLC is watching HB 1159. CS/CS/SB 1400 (Albritton) and HB 1159 (La Rosa) impose restrictions on enforcement of local government tree ordinances and impose notice requirements on county property appraisers. CS/CS/SB 1400 would prohibit the enforcement of a local government tree ordinance against a residential property owner under specified conditions during the period of March 1 to June 1 of each year. During this three-month period, notwithstanding a local tree ordinance, a residential property owner would be authorized to trim, prune or remove a tree, or to trim or prune (but not remove) a specimen, heritage or patriarch tree, if a certified arborist provides documentation the tree is a danger to persons or property. The bill exempts endangered species from its provisions. HB 1159 provides that a local government may not enforce its tree requirements against a residential property owner for the trimming or removal of a tree if the owner obtains documentation from an arborist or a licensed landscape architect that the tree presents a danger to persons or property. The bill specifically prohibits a local government from requiring the property owner to replant a tree that was removed under such circumstances. Both bills require each county property appraiser office to post on its website a "property owner bill of rights" to identify certain existing rights afforded to property owners. The bills specify the required contents for the bill of rights and specify the bill of rights does not create a civil cause of action.

Counties and municipalities develop and implement land use comprehensive plans and ordinances to manage growth within their jurisdictions. Comprehensive plans must be sensitive to private property rights and not inordinately burden property owners. The "Bert Harris, Jr., Private Property Rights Protection Act" entitles property owners to relief when government action inordinately burdens their existing use of real property or any vested right to a specific use of real property. Local government vegetation and tree maintenance regulations vary but can require property owners to obtain permits before pruning, trimming, or removing any tree. Electric utilities are also subject to federal requirements when maintaining vegetation in utility rights-of-way. Where a local government has no proper vegetation maintenance plan for electric utility rights-of-way, state law requires electric utilities to take certain action including providing a local government five business days' advance notice before performing any vegetation maintenance within a right-of-way unless the work is to restore service, avoid imminent outages, or upon request by an adjacent property owner who already has any required approval from the local government. HB 1159 prohibits local governments from requiring permits for the pruning, trimming, or removal of a damaged, diseased, pest infested, or dangerous tree on residential property during natural disasters or upon documentation by a certified arborist, and prohibits local governments from requiring a property owner to replant a tree that is maintained under the specified conditions. The bill also allows a property owner adjacent to an electric utility right-of-way to request an electric utility perform vegetation maintenance in the right-of-way

without approval from the local government. Finally, the bill requires county property appraisers to post a Property Owner Bill of Rights on their websites, which lists a property owner's right to acquire, possess, and protect property; use and enjoy property; exclude others from property; dispose of property; due process; just compensation for property taken for a public purpose; and relief when a new state or local government law, rule, regulation, or ordinance unfairly affects property. The website must state the Bill of Rights is not comprehensive and does not represent all property rights under Florida law. The bill may have a negative, insignificant fiscal impact to local governments.

SB 7014

Government Accountability

Governmental Oversight and Accountability

04/26/19

02/19/19
12:38PM

(C: 8611616)
(S: 7035)

Government Accountability; Specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the commissioner, may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; specifying that any person who willfully fails or refuses to provide access to an employee, officer, or agent of an entity under audit is subject to a penalty; revising the definition of the term "financial audit"; requiring each school district, Florida College System institution, and state university to establish and maintain certain internal controls, etc. Effective Date: 7/1/2019

04/26/19 Approved by Governor; Chapter No. 2019-015

Comments:

FLC is watching SB 7014. CS/SB 7014 (Senate Governmental Oversight and Accountability Committee) and HB 7035 (House Oversight, Transparency & Public Management Subcommittee) require local governments to establish and maintain internal controls and require municipalities to maintain specified budget documents on the government's website for a designated time. The bills define "abuse," "fraud" and "waste" to be used in the establishment and maintenance of the internal controls. The bills expand the definition of "local governments" to include tourist development councils and county tourism promotion agencies, and the bills expand the auditor general's authority for audits to include those entities. The bills change the composition of the audit committee to include one member of the governing body and prohibit employees from serving on the committee but does allow them to serve in an advisory capacity.

SB 7014 amends various statutes to enhance government accountability and auditing processes based on recommendations noted in recent reports by the Auditor General. The bill: 1.) Authorizes the Governor or Commissioner of Education, or designee, to notify the Joint Legislative Auditing Committee if an entity fails to comply with certain auditing and financial reporting requirements; 2.) Provides definitions for the terms "abuse," "fraud," and "waste;" 3.) Adds tourist development council and county tourism promotion

agency to the definition of "local government entity" to clarify that the Auditor General has authority to audit the entities; 4.) Removes water management districts from the definition of local government entities for the purposes audit cycles and follow-up reviews; 5.) Requires the Florida Clerks of Court Operations Corporation to notify the Legislature quarterly if a clerk is not meeting workload performance standards; 6.) Requires each agency, the judicial branch, the Justice Administrative Commission, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Guardian Ad Litem program, local governmental entities, charter schools, school districts, Florida College System institutions, and state universities to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse; 7.) Requires counties, municipalities, special districts, and water management districts to maintain certain budget documents on their websites for specified timeframes; 8.) Revises the monthly financial statement requirements for water management districts; 9.) Provides that the Department of Financial Services may request additional information from local government entities when preparing its annual verified report; 10.) Revises the membership, and restrictions thereof, for an auditor selection committee of a county, municipality, special district, district school board, charter school, or charter technical career center; 11.) Specifies that the definition of fraud, waste and abuse set forth in s. 2 of the bill apply to s. 1001.42, F.S.; 12.) Requires completion of an annual financial audit of the Florida Virtual School; and, 13.) Requires the Florida College System and Florida State University System to comply with s. 110.1127, F.S., for employee background screenings.

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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.

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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