

Legislative Bill Summaries

The 2019 regular Legislative Session commences Tuesday, March 5.

What is below represents summaries of all the bills with municipal impact that have been filed as of February 1, 2019, for the current regular session. If you have any questions on a specific bill, please contact the lobbyist tracking the bill. This is indicated by the last name in parenthesis following each bill summary. Links to the House and Senate are located at the bottom of the page.

1-PREEMPTIONS

Impact Fees (Oppose – Preemption)

Impact Fees (Oppose – Preemption) SB 144 (Bean) and 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. (Cruz)

(/blog/legislative-bulletin/2019/02/01/impact-fees-(oppose-preemption)-02-01-2019-03-03-27)

Vegetable Gardens (Oppose – Preemption)

Vegetable Gardens (Oppose – Preemption) SB 82 (Bradley) and 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. (Cruz)

(/blog/legislative-bulletin/2019/02/01/vegetable-gardens-(oppose-preemption)02-01-2019-03-03-28)

Public Records (Oppose – Preemption)

Public Records (Oppose – Preemption) HB 407 (Rodrigues) prohibits a city receiving a public record request from asking the court for clarification as to whether the record is exempt or confidential. (Cook)

(/blog/legislative-bulletin/2019/02/01/public-records-(oppose-preemption)02-01-2019-03-03-28)

Local Tax Referenda (Oppose – Preemption)

Local Tax Referenda (Oppose – Preemption) SB 336 (Brandes) amends when a local government may put a local discretionary surtax ballot initiative before the voters. The bill requires that a referendum to adopt or amend a local discretionary surtax be held at a state general election and would require a simple majority of voter approval for passage. (Hughes)

(/blog/legislative-bulletin/2019/02/01/local-tax-referenda-(oppose-preemption)02-01-2019-03-03-28)

Discrimination in Employment Screening (Oppose – Preemption)

Discrimination in Employment Screening (Oppose – Preemption) SB 394 (Farmer) prohibits a public employer from inquiring into or considering an applicant's criminal history on an initial employment application, unless otherwise required by law. A public employer could inquire into or consider an applicant's criminal history only after the applicant's qualifications have been screened and the employer has determined the applicant meets the minimum employment requirements for the position. (Hughes)

(/blog/legislative-bulletin/2019/02/01/discrimination-in-employment-screening-(oppose-preemption)02-01-2019-03-03-28)

Firefighters' Bill of Rights (Oppose – Preemption)

Firefighters' Bill of Rights (Oppose – Preemption) HB 161 (Casello) and SB 494 (Hooper) amend the current process that must be followed for the interrogation of firefighters. The bills revise the definition of "interrogation" to include questioning related to informal inquiries. The bills require all witnesses to be interviewed prior to beginning the interrogation of the firefighter when possible. The bills also require that the firefighter be provided the complaint, all witness statements and all other existing evidence before the interrogation. A firefighter being interrogated may not be threatened with transfer, dismissal or disciplinary action. The bills also set a timeline for certain information to be provided to the firefighter and prohibit any retaliatory action against the firefighter for exercising his or her rights. Finally, the bills require certain information be kept confidential until the employing agency makes a final determination of the complaint. (Hughes)

(/blog/legislative-bulletin/2019/02/01/firefighters-bill-of-rights-(oppose-preemption)02-01-2019-03-03-28)

Employment Conditions (Oppose – Preemption)

Employment Conditions (Oppose – Preemption) SB 432 (Gruters) prohibits a political subdivision, including a municipality, from establishing, mandating or otherwise requiring an employer to offer conditions of employment not otherwise required by state or federal law. An "employer" is defined as any person who is engaged in any activity, enterprise or business in this state and employs at least one employee. The bill expressly preempts the regulation of minimum wage and other conditions of employment to the state. The bill does

not limit the authority of a political subdivision to regulate minimum wage or to require conditions of employment for employees of the political subdivision, employees of a contractor or subcontractor that provides goods or services to the political subdivision, and employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy. Any ordinance, regulation or policy of a political subdivision that is preempted by this bill and which existed before or on the effective date of this act is void. (Hughes)

(/blog/legislative-bulletin/2019/02/01/employment-conditions-(oppose-preemption)02-01-2019-03-03-29)

Fertilizers (Oppose – Preemption and Mandate)

Fertilizers (Oppose – Preemption and Mandate) HB 157 (Thompson) requires all municipalities and counties to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. Local governments would be permitted to adopt ordinances more stringent than the model ordinance upon demonstrating the additional requirements are necessary to address nutrient impairment. The bill appears to eliminate current law provisions that “grandfather” local government fertilizer ordinances adopted prior to 2009. The bill would further mandate all municipalities and counties to require the use of fertilizers that contain a slow-release nitrogen component for residential lawn use. The bill would require municipalities and counties located within an area where stormwater runoff flows to an estuary to implement and enforce a residential fertilizer ban from June 1 to September 30. In addition, municipalities and counties within such areas would be required to identify setbacks from water bodies and prohibit the application of fertilizer on residential lawns within those setbacks. (O’Hara)

(/blog/legislative-bulletin/2019/02/01/fertilizers-(oppose-preemption-and-mandate)02-01-2019-03-03-29)

Retainage (Oppose – Preemption)

Retainage (Oppose – Preemption) SB 246 (Hooper) and HB 101 (Andrade) reduce the amount a public entity may withhold from a progress payment to a contractor as retainage. Currently, local governments will withhold a certain percentage of compensation known as “retainage” from the general contractor to ensure the project is completed satisfactorily. In addition, retainage serves as a safeguard against possible overpayment to the general contractor when the estimated percentage of project completion, used for periodic payments, exceeds the actual percentage completed. (Branch)

(/blog/legislative-bulletin/2019/02/01/retainage-(oppose-preemption)-02-01-2019-03-03-29)

Impact Fees (Oppose – Preemption)

Impact Fees (Oppose – Preemption) SB 350 (Hutson) prohibits local governments from charging an impact fee for development or construction of affordable housing. (Branch)

(/blog/legislative-bulletin/2019/02/01/impact-fees-(oppose-preemption)02-01-2019-03-03-29)

Red Light Cameras (Oppose – Preemption)

Red Light Cameras (Oppose – Preemption) SB 306 (Brandes) and HB 6003 (Sabatini) preempt the Florida Department of Highway Safety and Motor Vehicles, counties and municipalities from installing and maintaining red light cameras effective July 1, 2022. (Branch)

(/blog/legislative-bulletin/2019/02/01/red-light-cameras-(oppose-preemption)-02-01-2019-03-03-29)

Micro-mobility Devices and Motorized Scooters (Opposed – Preemption)

Micro-mobility Devices and Motorized Scooters (Opposed – Preemption) SB 542(Brandes) and HB 453 (Toledo) prohibit local governments from taking any action or adopting any law that is designed to limit or prevent any company engaged in the rental of micro-mobility devices from operating in its jurisdiction, as long as the company complies with the regulations governing similarly situated businesses. The bills also define the term “micro-mobility device” as a motorized transportation device made available for private use by reservation through an online platform. (Branch)

(/blog/legislative-bulletin/2019/02/01/micro-mobility-devices-and-motorized-scooters-(opposed-preemption)02-01-2019-03-03-29)

Articles in this section: 12

2-MANDATES

State Shared Revenues (Oppose – Mandate)

State Shared Revenues (Oppose – Mandate) SB 594 (Hutson) creates procedures and penalties for counties and municipalities taking actions alleged to impact commerce and alleged to violate state law or the state constitution. The bill authorizes a member of the Legislature to request the attorney general to investigate any official action adopted or taken by a county or municipality that impacts “commerce” and which the legislator alleges violates state law or the state constitution. The bill directs the attorney general to make a written report of findings to the governor, the Legislature and the secretary of state. If the attorney general finds a violation occurred or likely occurred, the bill directs the attorney general to initiate a circuit court action for declaratory or injunctive relief. If the circuit court issues an order finding a violation, the bill specifies the governing body of the local government must remedy the violation within 30 days or appeal the order. If the governing body fails to timely remedy the violation or timely appeal the order, the bill provides for the Department of Revenue to withhold state shared revenues to the county or municipality (except for revenues obligated to pay debt service) until such time the local government complies with the court order. The bill provides for the municipality or county to petition for restoration of revenue sharing upon a showing of compliance with the court’s order.

(O’Hara/Cruz)

(/blog/legislative-bulletin/2019/02/01/state-shared-revenues-(oppose-mandate)02-01-2019-03-04-09)

Private Property Comprehensive Plan Element (Oppose – Unfunded Mandate)

Private Property Comprehensive Plan Element (Oppose – Unfunded Mandate) HB 291 (McClain) and SB 428 (Perry) require local governments to adopt a new mandatory element in their comprehensive plans that addresses the protection of private property. (Cruz)

(/blog/legislative-bulletin/2019/02/01/private-property-comprehensive-plan-element-(oppose-unfunded-mandate)-02-01-2019-03-04-09)

Monuments and Memorials (Oppose – Mandate)

Monuments and Memorials (Oppose – Mandate) HB 97 (Hill) and SB 288 (Baxley) preempt the ability of local governments to remove, alter, rename or otherwise disturb a memorial or monument on public property placed in memory of a veteran or war. This preemption includes the removal of Civil War memorials made to honor or commemorate the war, soldiers or government officials that aided the war effort. The legislation specifies that a remembrance erected, named or dedicated on or after March 22, 1822, on public property may be relocated, removed, altered, renamed, rededicated or otherwise disturbed only if necessary to accommodate construction, repair or improvements to the remembrance or to the surrounding property on which the remembrance is located. Additionally, the bills require that a remembrance on public property that is sold or repurposed must be relocated to a location of equal prominence as the original location. (Cruz)

(/blog/legislative-bulletin/2019/02/01/monuments-and-memorials-(oppose-mandate)02-01-2019-03-04-09)

Public Meetings (Oppose – Mandate)

Public Meetings (Oppose – Mandate) HB 265 (Newton) and SB 518 (Rader) add new requirements relating to how municipal meetings are conducted. The bills require that meeting materials, including the agenda and any supporting documents, be available at least three days before the meeting occurs, unless emergency circumstances occur. The bills require that at least two copies of the agenda and supporting materials be available for public inspection at the meeting location on the day of the meeting. The bills mandate that public comment be offered as either the first or last item on the agenda and requires that each member of the public has the right to speak for at least three minutes. If 20 or more members of the public wish to speak on a specific item, the presiding officer may restrict the time allotted for each speaker to one minute. The bills also require the commission to respond, either publicly at the meeting or through written correspondence, to any and all questions made by a member of the public; any written response must be provided within 10 days after the meeting and be incorporated into the minutes of the meeting. (Cook)

(/blog/legislative-bulletin/2019/02/01/public-meetings-(oppose-mandate)02-01-2019-03-04-09)

Firefighter Cancer Benefit (Oppose – Mandate)

Firefighter Cancer Benefit (Oppose – Mandate) SB 426 (Flores) entitles firefighters who receive a diagnosis of certain cancers to a package of mandated benefits. These benefits include, at no cost to the firefighter, coverage under a group health or self-insurance policy and a cash payout of \$25,000. These benefits must be available to the firefighter for at least 10 years after leaving employment. If the firefighter participates in an employee-sponsored retirement plan, the 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 for at least 10 years to the firefighter’s beneficiary 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 Section 112.191 (2)(a), Florida 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. SB 426 requires 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 bill specifies 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 bill also requires the Division of State Fire Marshal within the Department of Financial Services to adopt rules to establish employer best practices for preventing or reducing the incidence of cancer among firefighters. (Hughes)

(/blog/legislative-bulletin/2019/02/01/firefighter-cancer-benefit-(oppose-mandate)02-01-2019-03-04-09)

Fertilizers (Oppose – Preemption and Mandate)

Fertilizers (Oppose – Preemption and Mandate) HB 157 (Thompson) requires all municipalities and counties to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. Local governments would be permitted to adopt ordinances more stringent than the model ordinance upon demonstrating the additional requirements are necessary to address nutrient impairment. The bill appears to eliminate current law provisions that "grandfather" local government fertilizer ordinances adopted prior to 2009. The bill would further mandate all municipalities and counties to require the use of fertilizers that contain a slow-release nitrogen component for residential lawn use. The bill would require municipalities and counties located within an area where stormwater runoff flows to an estuary to implement and enforce a residential fertilizer ban from June 1 to September 30. In addition, municipalities and counties within such areas would be required to identify setbacks from water bodies and prohibit the application of fertilizer on residential lawns within those setbacks. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/fertilizers-(oppose-preemption-and-mandate)02-01-2019-03-04-10)

Private Property Rights (Oppose – Mandate)

Private Property Rights (Oppose – Mandate) SB 222 (Rodriguez, J.) exempts certain entities from the definition of "public utility" when the entity provides or sells renewable solar energy to users located on the site of a renewable energy production facility with a capacity of 2.5 megawatts or less. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/private-property-rights-(oppose-mandate)02-01-2019-03-04-10)

Permit Fees (Oppose – Unfunded Mandate)

Permit Fees (Oppose – Unfunded Mandate) SB 142 (Perry) and 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. (Branch)

(/blog/legislative-bulletin/2019/02/01/permit-fees-(oppose-unfunded-mandate)-02-01-2019-03-04-10)

Articles in this section: 8

BUILDING CODES/CONSTRUCTION

Permit Fees (Oppose – Unfunded Mandate)

Permit Fees (Oppose – Unfunded Mandate) SB 142 (Perry) and 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. (Branch)

[\(/blog/legislative-bulletin/2019/02/01/permit-fees-\(oppose-unfunded-mandate\)-02-01-2019-03-04-49\)](/blog/legislative-bulletin/2019/02/01/permit-fees-(oppose-unfunded-mandate)-02-01-2019-03-04-49)

Retainage (Oppose – Preemption)

Retainage (Oppose – Preemption) SB 246 (Hooper) and HB 101 (Andrade) reduce the amount a public entity may withhold from a progress payment to a contractor as retainage. Currently, local governments will withhold a certain percentage of compensation known as “retainage” from the general contractor to ensure the project is completed satisfactorily. In addition, retainage serves as a safeguard against possible overpayment to the general contractor when the estimated percentage of project completion, used for periodic payments, exceeds the actual percentage completed. (Branch)

[\(/blog/legislative-bulletin/2019/02/01/retainage-\(oppose-preemption\)-02-01-2019-03-04-49\)](/blog/legislative-bulletin/2019/02/01/retainage-(oppose-preemption)-02-01-2019-03-04-49)

Fire-Safety and Prevention (Watch)

Fire-Safety and Prevention (Watch) SB 498 (Powell) and HB 433 (Jacquet) prohibit individuals from influencing fire-safety inspectors by threatening, coercing, persuading or compensating to interfere with an inspection. The bills also provide criminal penalties for these violations. (Branch)

[\(/blog/legislative-bulletin/2019/02/01/fire-safety-and-prevention-\(watch\)02-01-2019-03-04-49\)](/blog/legislative-bulletin/2019/02/01/fire-safety-and-prevention-(watch)02-01-2019-03-04-49)

Other Bills of Interest

Other Bills of Interest HB 459 (Pritchett) – Emergency Power for Facilities Providing Dialysis Services

[\(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest-02-01-2019-03-04-50\)](/blog/legislative-bulletin/2019/02/01/other-bills-of-interest-02-01-2019-03-04-50)

Articles in this section: 4

CODE ENFORCEMENT

Smoking on Public Beaches (Support)

Smoking on Public Beaches (Support) HB 237 (Altman) and SB 218 (Gruters) prohibit the smoking of tobacco on public beaches, provide civil penalties for violations and authorize local law enforcement officers to issue citations for violations. (Cook)

(/blog/legislative-bulletin/2019/02/01/smoking-on-public-beaches-(support)02-01-2019-03-07-15)

Other Bills of Interest

Other Bills of Interest HB 59 (Duran) and SB 104 (Book) – Prescription Drug Donation Repository Program HB 135 (Good) – Transfers of Firearms HB 153 (Cortes) – Landlords and Tenants SB 220 (Brandes) – Beverage Law HB 287 (Geller) and SB 488 (Pizzo) – Drug Safety HB 441 (Dubose) and SB 536 (Brandes) – E911 Systems HB 6005 (Byrd) – Possession of Firearms on School Property

(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest02-01-2019-03-07-15)

Articles in this section: 2

ECONOMIC DEVELOPMENT

Northwest Florida Rural Inland Affected Counties Recovery Fund (Support)

Northwest Florida Rural Inland Affected Counties Recovery Fund (Support) HB 191 (Drake) creates the Northwest Florida Rural Inland Affected Counties Recovery Fund within the Department of Economic Opportunity (DEO) to provide a long-term source of funding for economic recovery and enhancement efforts of the rural, inland affected counties. The bill requires DEO to develop an application and selection criteria for awarding grants to local governments for infrastructure projects and workforce programs meeting certain requirements. Funds available for these grants would come from a portion of the Deepwater Horizon settlement with BP. (Cook)

(/blog/legislative-bulletin/2019/02/01/northwest-florida-rural-inland-affected-counties-recovery-fund-(support)02-01-2019-03-12-37)

Sports Facility Development (Oppose)

Sports Facility Development (Oppose) HB 233 (Beltran) and SB 414 (Lee) repeal provisions relating to state funding for the purpose of constructing, reconstructing, renovating or improving facilities primarily used for sporting events. (Cook)

(/blog/legislative-bulletin/2019/02/01/sports-facility-development-(oppose)02-01-2019-03-12-38)

Community Development Districts (Watch)

Community Development Districts (Watch) HB 437 (Buchanan) allows 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 bill provides a process for expanding the boundaries of the CDD to include parcels identified for annexation. The bill prohibits a county government from charging a filing fee and not a municipality. (Branch)

(/blog/legislative-bulletin/2019/02/01/community-development-districts-(watch)02-01-2019-03-12-38)

Other Bills of Interest

Other Bills of Interest SB 112 (Rodriguez) and HB 61 (Duran) - Small Business Roadway Construction Mitigation Grant Program

(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest-02-01-2019-03-12-38)

Articles in this section: 4

ELECTIONS

Public Records/Probable Cause Finding (Watch)

Public Records/Probable Cause Finding (Watch) SB 228 (Gruters) and HB 439 (Buchanan) amend provisions of the Florida Elections Code and the Florida Code of Ethics to address the potential misuse of the complaint process against candidates to influence elections. Current law provides that if a finding of probable cause is entered by the Elections Commission 30 days before the election with respect to which the alleged violation occurred, the finding may not become public until the day after the election. The bills extend this timeframe from 30 days to 60 days. Similarly, current law provides that an ethics complaint and all related documents become public only when the Commission on Ethics makes a finding of probable cause. The bills specify that if the complaint is made against a candidate in a general, primary or special election and the finding of probable cause is made within 60 days before the election, that the complaint and related documents may not become public until the day after the election. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/public-records-probable-cause-finding-(watch)02-01-2019-03-16-57)

Sexual Harassment (Watch)

Sexual Harassment (Watch) SB 240 (Book) amends the Florida Code of Ethics to address sexual harassment by public officers, public employees, candidates for office, and state executive and legislative branch lobbyists. The bill defines "sexual harassment" and prohibits a public officer, public employee, candidate or lobbyist from sexually harassing any individual, regardless of whether an employment relationship exists. The bill specifies penalties for lobbyists who are found to have violated provisions of the law, including public censure and reprimand, civil penalties not to exceed \$10,000, and a prohibition from lobbying for a specified period. Public officers, employees and candidates found to have violated the law would be subject to existing penalties as specified in the Code of Ethics for Public Officers and Employees, Chapter 112, Florida Statutes. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/sexual-harassment-(watch)02-01-2019-03-16-57)

Workplace Sexual Harassment (Watch)

Workplace Sexual Harassment (Watch) HB 417 (Eskamani) requires the Florida Commission on Human Relations to develop a model sexual harassment prevention policy. The bill specifies the minimum requirements and contents of the policy. It requires every employer in the state to adopt the model policy or to establish a policy that equals or exceeds the minimum standards provided in the model policy. The bill requires employers to provide a written copy of the policy to employees and post the policy in a conspicuous location. It directs the commission to produce a model sexual harassment training program and specifies the content for such program. The bill requires employers to use the model training program or to establish a training program that equals or exceeds the model program. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/workplace-sexual-harassment-(watch)02-01-2019-03-16-57)

Primary Elections (Watch)

Primary Elections (Watch) SB 556 (Rader) establishes a universal (also known as a "jungle") primary system in the State of Florida for all state, county and municipal elections. In each year in which a general election is held, the bill would require a universal primary election to be held for candidates for state, county and municipal elections on the Tuesday 10 weeks before the general election. The bill specifies all candidates for these offices, regardless of party affiliation, must appear on a single ballot, and the two candidates receiving the highest and next highest number of votes for that office, regardless of party affiliation, shall advance to the general election. The bill would permit all qualified electors, regardless of their party affiliation, to vote in the primary election for those offices. In the event of a tie for second place, the bill specifies the candidates tying for second shall draw lots to determine which candidate advances to the general election. The bill could be construed to impact current law regarding the dates of municipal elections. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/primary-elections-(watch)02-01-2019-03-16-57)

Other Bills of Interest

Other Bills of Interest HB 55 (Jenne) – Campaign Finance requirements for statewide elected officials and legislators SB 224 (Gruters); HB 181 (Clemens); SB 396 (Farmer) – Campaign Financing HB 57 (Roth) and SB 232 (Baxley) – Percentage of Elector Votes Required to Approve Constitutional Amendment SJR 74 (Bradley); SJR 86 (Rodriguez); HJR 53 (Byrd) – Single Subject Requirement for Revisions or Amendments to the Constitution SB 58 (Book) – Legislative Committee Testimony SB 268 (Baxley) – Voting Methods SJR 270 (Baxley) – Repeal of Public Campaign Financing Requirement SB 272 (Baxley) – Campaign Finance HB 221 (Overdorf) and SB 508 (Gruters) – Specifications for Ballots SB 460 (Gibson) – Elections

(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest02-01-2019-03-16-58)

Articles in this section: 5

EMERGENCY MANAGEMENT



Other Bills of Interest

Other Bills of Interest SB 404 (Farmer) and HB 573 (Casello) – Strategic Fuel Reserve
(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest-02-01-2019-03-14-22)

Articles in this section: 1

FINANCE & TAXATION

Local Tax Referenda (Oppose – Preemption)

Local Tax Referenda (Oppose – Preemption) SB 336 (Brandes) amends when a local government may put a local discretionary surtax ballot initiative before the voters. The bill requires that a referendum to adopt or amend a local discretionary surtax be held at a state general election and would require a simple majority of voter approval for passage.

(Hughes)

(/blog/legislative-bulletin/2019/02/01/local-tax-referenda-(oppose-preemption)02-01-2019-03-29-10)

Millage Notices (Support)

Millage Notices (Support) HB 399 (DiCeglie) and SB 564 (Hooper) authorize property appraisers to make proposed property tax notices of proposed property taxes available on their websites in lieu of mailing the notices. (Hughes)

(/blog/legislative-bulletin/2019/02/01/millage-notices-(support)02-01-2019-03-29-10)

Public Deposits Act (Support)

Public Deposits Act (Support) HB 335 (Fine) and SB 378 (Hutson) allow the state's chief financial officer to designate credit unions as qualified public depositories if certain conditions are met. (Hughes)

(/blog/legislative-bulletin/2019/02/01/public-deposits-act-(support)02-01-2019-03-29-10)

Property Tax Exemptions (Watch)

Property Tax Exemptions (Watch) HB 51 (Sirois) and SB 202 (Wright) increase the property tax exemption from \$500 to \$5,000 for homesteaded residents who are widows, widowers, blind, or totally and permanently disabled. The bills have an estimated negative fiscal impact on municipalities of approximately \$5.50 million per year. (Hughes)

(/blog/legislative-bulletin/2019/02/01/property-tax-exemptions-(watch)02-01-2019-03-29-10)

County Constitutional Officers Budgets (Watch)

County Constitutional Officers Budgets (Watch) HB 267 (Sabatini) adds property appraisers to the list of county constitutional officers that must submit a tentative budget to the county commission by June 1. The bill also provides criteria for submission of tentative or final budgets and requires a tentative budget to be separately identified from the tentative budget of the county as whole when posted to official county website. (Hughes)

[\(/blog/legislative-bulletin/2019/02/01/county-constitutional-officers-budgets-\(watch\)02-01-2019-03-29-10\)](#)

Senior Citizen and Teacher Property Tax (Watch)

Senior Citizen and Teacher Property Tax (Watch) HB 269 (Bush) prohibits tax collectors from including on forms, assessing or collecting certain charges on property tax bills for low-income seniors and public-school teachers who meet certain requirements. The bill also prohibits tax collectors to authorize a debt collection entity to collect certain charges on property tax bills for those identified groups and prohibits tax collectors from selling tax certificates on certain properties if only outstanding amounts due are for delinquent payment of property tax. The bill requires the Department of Revenue to work with tax collectors to identify mechanisms, strategies and funding sources for helping certain populations pay for delinquent charges. (Hughes)

[\(/blog/legislative-bulletin/2019/02/01/senior-citizen-and-teacher-property-tax-\(watch\)02-01-2019-03-29-11\)](#)

Increase of Homestead Portability Timeframe (Watch)

Increase of Homestead Portability Timeframe (Watch) SJR 326 (Brandes) proposes an amendment to the state constitution to increase the period from two to three years when accrued Save-Our-Homes benefits may be transferred from a prior homestead to a new homestead. This proposed amendment requires 60 percent approval for passage. (Hughes)

[\(/blog/legislative-bulletin/2019/02/01/increase-of-homestead-portability-timeframe-\(watch\)02-01-2019-03-29-11\)](#)

Increase of Homestead Portability Timeframe - 2 (Watch)

Increase of Homestead Portability Timeframe - 2 (Watch) SB 324 (Brandes) revises the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead. The bill also revises the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election and requires the passage of the amendment to the state constitution proposed by SJR 326 or a similar joint resolution having substantially the same specific intent and purpose. (Hughes)

[\(/blog/legislative-bulletin/2019/02/01/increase-of-homestead-portability-timeframe---2-\(watch\)02-01-2019-03-29-11\)](#)

Homestead Taxation (Watch)

Homestead Taxation (Watch) SB 444 (Bean) adds exceptions to the definition of a change of ownership of a homestead for purposes of a certain homestead property assessment limitations. The bill also revises the penalties and interest that may be imposed, under certain circumstances, by a property appraiser who determines that a person was improperly granted certain homestead exemptions. (Hughes)

[\(/blog/legislative-bulletin/2019/02/01/homestead-taxation-\(watch\)02-01-2019-03-29-11\)](#)

Assessment of Affordable Housing Property (Watch)

Assessment of Affordable Housing Property (Watch) HB 443 (Rodriguez, Anthony) and SB 568 (Diaz) authorize local governments to enter into agreements with certain property owners to record specified restrictive covenants over their properties related to affordable

housing. Each local government that enters into an agreement with a property owner must provide the property appraiser with a list of all agreements entered into for the calendar year no later than December 1 of the year before the year in which the revised assessment will take effect. The property appraiser must consider each property with a restrictive covenant in accordance with the terms of the covenant, including any recorded amendment, supplement or addendum to or resale restriction in the covenant for the purpose of assessing the property. (Hughes)

(/blog/legislative-bulletin/2019/02/01/assessment-of-affordable-housing-property-(watch)02-01-2019-03-29-11)

Other Bills of Interest

Other Bills of Interest 60 (Book) – Sales Tax Exemption for Diapers and Incontinence Products HB 159 (Casello) and SB 176 (Berman) – Sales Tax Exemption for the Elderly HB 215 (Valdes) – School District Property Taxes HJR 317 (Rodriguez, Anthony) and SJR 344 (Diaz) – Additional Homestead Exemption from School District Levies SB 380 (Brandes) – Flood Insurance Policy Disclosure SB 550 (Cruz) – Flood Insurance Policy Disclosure (/blog/legislative-bulletin/2019/02/01/other-bills-of-interest-02-01-2019-03-29-11)

Articles in this section: 11

HOUSING

State Housing Trust Fund (Support)

State Housing Trust Fund (Support) SB 70 (Mayfield) specifies that funds deposited in the State Housing Trust Fund and the Local Government Housing Trust Fund may not be transferred or used for any other purpose. (Branch)

(/blog/legislative-bulletin/2019/02/01/state-housing-trust-fund-(support)02-01-2019-03-29-49)

Impact Fees (Oppose – Preemption)

Impact Fees (Oppose – Preemption) SB 350 (Hutson) prohibits local governments from charging an impact fee for development or construction of affordable housing. (Branch)

(/blog/legislative-bulletin/2019/02/01/impact-fees-(oppose-preemption)02-01-2019-03-29-49)

Articles in this section: 2

IMMIGRATION

Federal Immigration Enforcement/Sanctuary Policies (Watch)

Federal Immigration Enforcement/Sanctuary Policies (Watch) SB 168 (Gruters) and SB 170 (Bean) 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. (Cruz)

(/blog/legislative-bulletin/2019/02/01/federal-immigration-enforcement-sanctuary-policies-(watch)-02-01-2019-03-30-28)

Articles in this section: 1

INTERGOVERNMENTAL

Other Bills of Interest

Other Bills of Interest HB 285 (Geller) – Legislation by Initiative

(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest02-01-2019-03-31-58)

Articles in this section: 1

LAND USE & COMPREHENSIVE PLANNING

Impact Fees (Oppose – Preemption)

Impact Fees (Oppose – Preemption) SB 144 (Bean) and 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. (Cruz)

(/blog/legislative-bulletin/2019/02/01/impact-fees-(oppose-preemption)-02-01-2019-03-35-28)

Possession of Real Property (Support)

Possession of Real Property (Support) SB 54 (Rouson) repeals all language dealing with access to beaches from last session’s customary use legislation. During the 2018 legislative session, legislation was passed and signed into law that prohibits a city or county from adopting or keeping in effect an ordinance or rule establishing customary use of privately owned dry sand areas. Customary use is a common law term referring to a legal determination allowing public access of the sandy beach in front of privately owned beachfront property. As a result of the current law, if a city is seeking to establish the customary use of privately owned lands they are now required to adopt, at a public hearing, a formal notice of intent, provide notice to affected parcel owners and file a complaint with the circuit court to determine whether the land is subject to the customary use doctrine. (Cruz)

(/blog/legislative-bulletin/2019/02/01/possession-of-real-property-(support)02-01-2019-03-35-28)

Vegetable Gardens (Oppose – Preemption)

Vegetable Gardens (Oppose – Preemption) SB 82 (Bradley) and 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. (Cruz)

(/blog/legislative-bulletin/2019/02/01/vegetable-gardens-(oppose-preemption)02-01-2019-03-35-28)

Private Property Comprehensive Plan Element (Oppose – Unfunded Mandate)

Private Property Comprehensive Plan Element (Oppose – Unfunded Mandate) HB 291 (McClain) and SB 428 (Perry) require local governments to adopt a new mandatory element in their comprehensive plans that addresses the protection of private property. (Cruz)
(/blog/legislative-bulletin/2019/02/01/private-property-comprehensive-plan-element-(oppose-unfunded-mandate)-02-01-2019-03-35-28)

Lis Penden (Watch)

Lis Penden (Watch) HB 91 (Altman) and SB 462 (Powell) specify that a valid recorded notice of Lis Penden in a judicial sale remains in effect through transfer of title to the property pursuant to the final judgment unless it expires, is withdrawn or is discharged. A judicial sale is the sale of a defendant's property to enforce compliance of a judgment until the judgment is satisfied. (Cruz)
(/blog/legislative-bulletin/2019/02/01/lis-penden-(watch)02-01-2019-03-35-28)

Articles in this section: 5

OTHER

Monuments and Memorials (Oppose – Mandate)

Monuments and Memorials (Oppose – Mandate) HB 97 (Hill) and SB 288 (Baxley) preempt the ability of local governments to remove, alter, rename or otherwise disturb a memorial or monument on public property placed in memory of a veteran or war. This preemption includes the removal of Civil War memorials made to honor or commemorate the war, soldiers or government officials that aided the war effort. The legislation specifies that a remembrance erected, named or dedicated on or after March 22, 1822, on public property may be relocated, removed, altered, renamed, rededicated or otherwise disturbed only if necessary to accommodate construction, repair or improvements to the remembrance or to the surrounding property on which the remembrance is located. Additionally, the bills require that a remembrance on public property that is sold or repurposed must be relocated to a location of equal prominence as the original location. (Cruz)
(/blog/legislative-bulletin/2019/02/01/monuments-and-memorials-(oppose-mandate)02-01-2019-03-36-14)

Other Bills of Interest

Other Bills of Interest HB 249 (Drake) and HB 251 (Drake) – Repeal of Constitution Revision Commission
(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest02-01-2019-03-36-14)

Articles in this section: 2

PERSONNEL

Firefighter Cancer Benefit (Oppose – Mandate)

Firefighter Cancer Benefit (Oppose – Mandate) SB 426 (Flores) entitles firefighters who receive a diagnosis of certain cancers to a package of mandated benefits. These benefits include, at no cost to the firefighter, coverage under a group health or self-insurance policy and a cash payout of \$25,000. These benefits must be available to the firefighter for at least 10 years after leaving employment. If the firefighter participates in an employee-sponsored retirement plan, the 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 for at least 10 years to the firefighter’s beneficiary 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 Section 112.191 (2)(a), Florida 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. SB 426 requires 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 bill specifies 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 bill also requires the Division of State Fire Marshal within the Department of Financial Services to adopt rules to establish employer best practices for preventing or reducing the incidence of cancer among firefighters. (Hughes)

(/blog/legislative-bulletin/2019/02/01/firefighter-cancer-benefit-(oppose-mandate)02-01-2019-03-36-51)

Discrimination in Employment Screening (Oppose – Preemption)

Discrimination in Employment Screening (Oppose – Preemption) SB 394 (Farmer) prohibits a public employer from inquiring into or considering an applicant’s criminal history on an initial employment application, unless otherwise required by law. A public employer could inquire into or consider an applicant’s criminal history only after the applicant’s qualifications have been screened and the employer has determined the applicant meets the minimum employment requirements for the position. (Hughes)

(/blog/legislative-bulletin/2019/02/01/discrimination-in-employment-screening-(oppose-preemption)02-01-2019-03-36-52)

Firefighters’ Bill of Rights (Oppose – Preemption)

Firefighters’ Bill of Rights (Oppose – Preemption) HB 161 (Casello) and SB 494 (Hooper) amend the current process that must be followed for the interrogation of firefighters. The bills revise the definition of “interrogation” to include questioning related to informal inquiries. The bills require all witnesses to be interviewed prior to beginning the

interrogation of the firefighter when possible. The bills also require that the firefighter be provided the complaint, all witness statements and all other existing evidence before the interrogation. A firefighter being interrogated may not be threatened with transfer, dismissal or disciplinary action. The bills also set a timeline for certain information to be provided to the firefighter and prohibit any retaliatory action against the firefighter for exercising his or her rights. Finally, the bills require certain information be kept confidential until the employing agency makes a final determination of the complaint. (Hughes)

(/blog/legislative-bulletin/2019/02/01/firefighters-bill-of-rights-(oppose-preemption)02-01-2019-03-36-52)

Employment Conditions (Oppose – Preemption)

Employment Conditions (Oppose – Preemption) SB 432 (Gruters) prohibits a political subdivision, including a municipality, from establishing, mandating or otherwise requiring an employer to offer conditions of employment not otherwise required by state or federal law. An “employer” is defined as any person who is engaged in any activity, enterprise or business in this state and employs at least one employee. The bill expressly preempts the regulation of minimum wage and other conditions of employment to the state. The bill does not limit the authority of a political subdivision to regulate minimum wage or to require conditions of employment for employees of the political subdivision, employees of a contractor or subcontractor that provides goods or services to the political subdivision, and employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy. Any ordinance, regulation or policy of a political subdivision that is preempted by this bill and which existed before or on the effective date of this act is void. (Hughes)

(/blog/legislative-bulletin/2019/02/01/employment-conditions-(oppose-preemption)02-01-2019-03-36-52)

Other Bills of Interest

Other Bills of Interest HB 517 (Jaquet) – Minimum Wage

(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest-02-01-2019-03-36-52)

Articles in this section: 5

PUBLIC RECORDS & PUBLIC MEETINGS

Public Records (Oppose – Preemption)

Public Records (Oppose – Preemption) HB 407 (Rodrigues) prohibits a city receiving a public record request from asking the court for clarification as to whether the record is exempt or confidential. (Cook)

(/blog/legislative-bulletin/2019/02/01/public-records-(oppose-preemption)02-01-2019-03-37-55)

Public Meetings (Oppose – Mandate)

Public Meetings (Oppose – Mandate) HB 265 (Newton) and SB 518 (Rader) add new requirements relating to how municipal meetings are conducted. The bills require that meeting materials, including the agenda and any supporting documents, be available at least three days before the meeting occurs, unless emergency circumstances occur. The bills require that at least two copies of the agenda and supporting materials be available for public inspection at the meeting location on the day of the meeting. The bills mandate that public comment be offered as either the first or last item on the agenda and requires that each member of the public has the right to speak for at least three minutes. If 20 or more members of the public wish to speak on a specific item, the presiding officer may restrict the time allotted for each speaker to one minute. The bills also require the commission to respond, either publicly at the meeting or through written correspondence, to any and all questions made by a member of the public; any written response must be provided within 10 days after the meeting and be incorporated into the minutes of the meeting. (Cook)
(/blog/legislative-bulletin/2019/02/01/public-meetings-(oppose-mandate)02-01-2019-03-37-55)

Public Record Exemption for Civilian Personnel Employed by a Law Enforcement Agency (Support)

Public Record Exemption for Civilian Personnel Employed by a Law Enforcement Agency (Support) HB 203 (Zika) and SB 248 (Hooper) create a public record exemption for personal identifying and location information of any active or former civilian personnel employed by a law enforcement agency. (Cook)
(/blog/legislative-bulletin/2019/02/01/public-record-exemption-for-civilian-personnel-employed-by-a-law-enforcement-agency-(support)02-01-2019-03-37-55)

Public Record Exemption for Municipal Electric Utilities Information Technology Systems (Support)

Public Record Exemption for Municipal Electric Utilities Information Technology Systems (Support) HB 327 (Davis) and SB 450 (Gibson) exempt from public meeting requirements any information concerning the information technology systems of municipally owned electric utilities. (Cook)
(/blog/legislative-bulletin/2019/02/01/public-record-exemption-for-municipal-electric-utilities-information-technology-systems-(support)02-01-2019-03-37-55)

Public Records and Public Meetings (Watch)

Public Records and Public Meetings (Watch) SB 236 (Book) creates a public record exemption for any personal identifying information of alleged victims of sexual harassment or sexual misconduct or any information that could assist an individual in determining the identity of the alleged victim. The bill clarifies that this information cannot be disclosed until the law enforcement agency determines that it will not investigate the allegation, the agency has taken disciplinary action against the subject of the allegation and will take no further action, or a finding is made as to whether probable cause exists. The bill also exempts any portion of a public meeting that would reveal any records involving an allegation of sexual harassment or sexual misconduct until certain conditions are met. (Cook)
(/blog/legislative-bulletin/2019/02/01/public-records-and-public-meetings-(watch)02-01-2019-03-37-55)

Public Records (Watch)

Public Records (Watch) HB 479 (Polo) amends current law to define what “responding in good faith” means with regard to a public records request. The bill adds language requiring responses to include an estimate of the time necessary to complete the request. If the records are not provided within that timeframe, the bill requires the custodian of record to notify the requestor of the reasons for the delay and provide a new estimate of time necessary to complete the request. (Cook)

(/blog/legislative-bulletin/2019/02/01/public-records-(watch)02-01-2019-03-37-56)

Public Record Exemption for Preregistered Voter Registration Applicants (Watch)

Public Record Exemption for Preregistered Voter Registration Applicants (Watch) HB 281 (Stevenson) and SB 342 (Lee) create a public record exemption for all information relating to preregistered voter registration applicants who are 16 or 17 years of age. (Cook)

(/blog/legislative-bulletin/2019/02/01/public-record-exemption-for-preregistered-voter-registration-applicants-(watch)02-01-2019-03-37-56)

Articles in this section: 7

PUBLIC SAFETY

Police, Fire, and Search and Rescue Dogs (Support)

Police, Fire, and Search and Rescue Dogs (Support) HB 67 (Tomkow) and SB 96 (Bean) increase penalties for certain offenses committed on police, fire or search and rescue canines. (Cook)

(/blog/legislative-bulletin/2019/02/01/police-fire-and-search-and-rescue-dogs-(support)02-01-2019-03-49-22)

Recovery Residences/Sober Homes (Support)

Recovery Residences/Sober Homes (Support) HB 103 (Jacobs) and SB 102 (Book) require that recovery residences obtain certification through the Department of Children and Families by April 1, 2020, or if established after October 1, 2019, before commencing operation. (Cook)

(/blog/legislative-bulletin/2019/02/01/recovery-residences-sober-homes-(support)02-01-2019-03-49-22)

Recovery Residences/Sober Homes – 2 (Support)

Recovery Residences/Sober Homes – 2 (Support) HB 369 (Caruso) and SB 528 (Rouson) amend the statutory definition of “recovery residence” to include group housing that is part of any licensable community housing component established by rule or statute. The bills create new licensing requirements for “peer specialists,” add background check requirements for peer specialists who have direct contact with individuals receiving services at a recovery residence and increase penalties for misrepresenting or making false

statements on an application for licensure. The bills also clarify that single-family or two-family dwellings used as recovery residences are considered single-family or two-family dwellings under the Florida Building Code, Life Safety Code and Florida Fire Prevention Code. (Cook)

(/blog/legislative-bulletin/2019/02/01/recovery-residences-sober-homes-2-(support)02-01-2019-03-49-23)

Medical Marijuana Retail Facilities (Watch)

Medical Marijuana Retail Facilities (Watch) HB 463 (Thompson) and SB 154 (Thurston) prohibit medical marijuana treatment centers (MMTC) from owning or operating a medical marijuana retail facility. The practical impact of this proposal is moving the state away from vertical integration where owners control all aspects from seed to sale. The bills direct the Department of Health to develop a licensing process and guidelines for medical marijuana retail facilities. Finally, the bills require that the medical marijuana use registry be provided to medical marijuana retail facilities for verification purposes. (Cook)

(/blog/legislative-bulletin/2019/02/01/medical-marijuana-retail-facilities-(watch)02-01-2019-03-49-23)

Smoking Medical Marijuana for Medical Use (Watch)

Smoking Medical Marijuana for Medical Use (Watch) SB 182 (Brandes) redefines the term "medical use" to include the possession, use or administration of marijuana in a form for smoking and deletes a provision prohibiting medical marijuana treatment centers (MMTC) from dispensing or selling specified products. SB 372 (Farmer) amends current law to allow medically prescribed marijuana to be available in a smokable form. (Cook)

(/blog/legislative-bulletin/2019/02/01/smoking-medical-marijuana-for-medical-use-(watch)02-01-2019-03-49-23)

Emergency Medical Air Transportation Services (Watch)

Emergency Medical Air Transportation Services (Watch) HB 133 (Watson) and SB 98 (Stewart) establish the Transportation Act Account within the Emergency Medical Services Trust Fund (EMSTF) and direct the Emergency Medical Air Account to be used to generate federal matching funds to increase reimbursement payments made by providers to the Florida Medicaid program. The bills also add \$1 to the fines associated with certain noncriminal and criminal offenses and require cities and counties to transfer any moneys collected under this account to the EMSTF on a quarterly basis. (Cook)

(/blog/legislative-bulletin/2019/02/01/emergency-medical-air-transportation-services-(watch)02-01-2019-03-49-23)

Firearms (Watch)

Firearms (Watch) HB 175 (Hill) removes many of the firearm-specific provisions from the Marjory Stoneman Douglass Act passed in 2018. Specifically, the bill repeals provisions relating to the seizure of firearms from persons in certain circumstances as well as repeals language prohibiting the purchase of firearms by persons younger than 21. The bill also eliminates the waiting periods associated with the purchases of firearms other than handguns and removes a ban on bump-fire stocks. (Cook)

(/blog/legislative-bulletin/2019/02/01/firearms-(watch)02-01-2019-03-49-23)

Concealed Weapons and Firearms (Watch)

Concealed Weapons and Firearms (Watch) HB 197 (Polo) prohibits concealed weapon or firearm licensees from openly carrying a handgun or concealed weapon into any child care facility. (Cook)

(/blog/legislative-bulletin/2019/02/01/concealed-weapons-and-firearms-(watch)02-01-2019-03-49-23)

Concealed Weapons and Firearms – 2 (Watch)

Concealed Weapons and Firearms – 2 (Watch) SB 364 (Braynon) prohibits concealed weapon or firearm licensees from openly carrying a handgun or concealed weapon into a performing arts center or theater. (Cook)

(/blog/legislative-bulletin/2019/02/01/concealed-weapons-and-firearms-2-(watch)02-01-2019-03-49-23)

Concealed Weapons and Firearms – 3 (Watch)

Concealed Weapons and Firearms – 3 (Watch) HB 6007 (Sabatini) amends current law to allow concealed weapon or firearm licensees to carry a firearm on any college or university facility. (Cook)

(/blog/legislative-bulletin/2019/02/01/concealed-weapons-and-firearms-3-(watch)02-01-2019-03-49-23)

Searches of Cellular Phones and Other Electronic Devices by Law Enforcement (Watch)

Searches of Cellular Phones and Other Electronic Devices by Law Enforcement (Watch) SB 210 (Brandes) requires law enforcement to receive a warrant prior to searching a portable electronic communication device without the owner's consent. (Cook)

(/blog/legislative-bulletin/2019/02/01/searches-of-cellular-phones-and-other-electronic-devices-by-law-enforcement-(watch)02-01-2019-03-49-24)

Use of Wireless Communications Devices While Driving (Watch)

Use of Wireless Communications Devices While Driving (Watch) 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 nonvoice or voice interpersonal communication. The bills would also allow law enforcement officers to issue texting-while-driving citations as a primary action. (Branch)

(/blog/legislative-bulletin/2019/02/01/use-of-wireless-communications-devices-while-driving-(watch)02-01-2019-03-49-24)

Articles in this section: 12

RETIREMENT & PENSION

Special Risk Class of FRS (Watch)

Special Risk Class of FRS (Watch) HB 511 (Willhite) adds 911 public safety telecommunicators to the special risk class of the Florida Retirement System. (Hughes)
(/blog/legislative-bulletin/2019/02/01/special-risk-class-of-frs-(watch)02-01-2019-03-50-59)

Articles in this section: 1

TORT LIABILITY

Other Bills of Interest

Other Bills of Interest HB 147 (Cortes, Willhite) – Duty to Assist HB 227 (Mercado) – Access to Clinics
(/blog/legislative-bulletin/2019/02/01/other-bills-of-interest02-01-2019-03-51-22)

Articles in this section: 1

TRANSPORTATION

Red Light Cameras (Oppose – Preemption)

Red Light Cameras (Oppose – Preemption) SB 306 (Brandes) and HB 6003 (Sabatini) preempt the Florida Department of Highway Safety and Motor Vehicles, counties and municipalities from installing and maintaining red light cameras effective July 1, 2022. (Branch)
(/blog/legislative-bulletin/2019/02/01/red-light-cameras-(oppose-preemption)-02-01-2019-03-51-43)

Micro-mobility Devices and Motorized Scooters (Opposed – Preemption)

Micro-mobility Devices and Motorized Scooters (Opposed – Preemption) SB 542(Brandes) and HB 453 (Toledo) prohibit local governments from taking any action or adopting any law that is designed to limit or prevent any company engaged in the rental of micro-mobility devices from operating in its jurisdiction, as long as the company complies with the regulations governing similarly situated businesses. The bills also define the term “micro-mobility device” as a motorized transportation device made available for private use by reservation through an online platform. (Branch)
(/blog/legislative-bulletin/2019/02/01/micro-mobility-devices-and-motorized-scooters-(opposed-preemption)02-01-2019-03-51-43)

Drones (Support)

Drones (Support) SB 132 (Rouson) and HB 75 (Yarborough) allow police departments to use drones to manage crowd control, traffic and gather evidence at a crime or traffic crash scene. The bills would permit a state agency or political subdivision to operate drones for assessing damage after a natural disaster. (Branch)

(/blog/legislative-bulletin/2019/02/01/drones-(support)-02-01-2019-03-51-43)

Traffic Offenses (Support)

Traffic Offenses (Support) SB 158 (Baxley) and HB 71 (McClain) provide criminal penalties for a person who commits a moving violation that causes serious bodily injury to or causes the death of a vulnerable road user. Of interest to cities, the bill defines “vulnerable road user” as a person engaged in work on a highway such as a utility service worker. (Branch)

(/blog/legislative-bulletin/2019/02/01/traffic-offenses-(support)-02-01-2019-03-51-43)

Use of Vessel Registration Fees (Support)

Use of Vessel Registration Fees (Support) SB 436 (Hooper) and HB 539 (Mariano) would allow local governments the ability to use their vessel registration fee for additional purposes such as maintenance of public boat ramps and other public water access facilities. (Branch)

(/blog/legislative-bulletin/2019/02/01/use-of-vessel-registration-fees-(support)02-01-2019-03-51-43)

Articles in this section: 5

UTILITIES & ENVIRONMENT

Fertilizers (Oppose – Preemption & Mandate)

Fertilizers (Oppose – Preemption & Mandate) HB 157 (Thompson) requires all municipalities and counties to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. Local governments would be permitted to adopt ordinances more stringent than the model ordinance upon demonstrating the additional requirements are necessary to address nutrient impairment. The bill appears to eliminate current law provisions that “grandfather” local government fertilizer ordinances adopted prior to 2009. The bill would further mandate all municipalities and counties to require the use of fertilizers that contain a slow-release nitrogen component for residential lawn use. The bill would require municipalities and counties located within an area where stormwater runoff flows to an estuary to implement and enforce a residential fertilizer ban from June 1 to September 30. In addition, municipalities and counties within such areas would be required to identify setbacks from water bodies and prohibit the application of fertilizer on residential lawns within those setbacks. (O’Hara)

(/blog/legislative-bulletin/2019/02/01/fertilizers-(oppose-preemption-mandate)02-01-2019-03-52-21)

Private Property Rights (Oppose – Mandate)

Private Property Rights (Oppose – Mandate) SB 222 (Rodriguez, J.) exempts certain entities from the definition of “public utility” when the entity provides or sells renewable solar energy to users located on the site of a renewable energy production facility with a capacity of 2.5 megawatts or less. (O’Hara)

(/blog/legislative-bulletin/2019/02/01/private-property-rights-(oppose-mandate)02-01-2019-03-52-21)

Coastal Management (Support)

Coastal Management (Support) SB 446 (Mayfield) and HB 325 (LaMarca) revise the criteria the Department of Environmental Protection (DEP) must consider in determining and assigning annual funding priorities for beach management and erosion control projects. The bills would revise the ranking criteria to be used by DEP to establish certain inlet-caused beach erosion projects. In addition, the bills would revise requirements for the state’s comprehensive long-term management plan, including requiring the plan to include a strategic beach management plan, a critically eroded beaches report and a statewide long-range budget plan. The bills would further require the DEP to submit a three-year work plan and related forecast for the availability of funding to the legislature. (O’Hara)

(/blog/legislative-bulletin/2019/02/01/coastal-management-(support)02-01-2019-03-52-21)

Onsite Sewage Treatment & Disposal Systems (Support)

Onsite Sewage Treatment & Disposal Systems (Support) HB 85 (Robinson) and SB 214 (Gruters) require the Department of Health (DOH) to identify all onsite sewage treatment and disposal systems (OSTDS) in the state by 2021, including their location and operational condition, using available information from state, local and commercial data sources. The bills direct DOH to generate a report to the Legislature that includes the number of OSTDS in each county and a statewide map of the systems. Beginning July 2022, the bills require certified contractors to inspect OSTDSs every five years pursuant to an inspection program administered by DOH. The bills direct DOH to implement program standards and adopt rules that provide for the program to be phased in county-by-county over a 10-year period, with first priority given to springshed protection areas, and to include minimum standards for a functioning system, requirements for pump-out or repair, and enforcement procedures for failure of an owner to obtain an inspection and failure of a contractor to timely report inspection results to DOH and the system owner. The bills specify minimum components that must be included in an inspection and specify that inspection and pump-out costs are the responsibility of the system owner. The bills require sellers of property to provide prospective purchasers with a disclosure statement about the existence of any OSTDS on the property. (O’Hara)

(/blog/legislative-bulletin/2019/02/01/onsite-sewage-treatment-disposal-systems-(support)02-01-2019-03-52-21)

Domestic Wastewater Collection System Assessment & Maintenance (Support)

Domestic Wastewater Collection System Assessment & Maintenance (Support) HB 105 (Jacobs) and SB 286 (Albritton) establish in the Department of Environmental Protection (DEP) a voluntary program for wastewater treatment facilities to become “Blue Star” certified by the agency for engaging in specified management and investment practices to protect public health and the environment and to ensure sustainable performance of the utility. The bills specify requirements for obtaining and maintaining certification and identify

incentives for utilities that achieve certification. Certification incentives may include lower penalties when sewer overflows occur, a presumption of compliance with certain water quality standards for pathogens and qualification for 10-year operating permits. (O'Hara) ([/blog/legislative-bulletin/2019/02/01/domestic-wastewater-collection-system-assessment-maintenance-\(support\)02-01-2019-03-52-21](#))

Preemption of Recyclable & Polystyrene Materials (Support)

Preemption of Recyclable & Polystyrene Materials (Support) SB 88 (Stewart) would repeal current state laws that preempt local government regulation of plastic bags and containers and local government regulation of the use and sale of polystyrene products. (O'Hara) ([/blog/legislative-bulletin/2019/02/01/preemption-of-recyclable-polystyrene-materials-\(support\)02-01-2019-03-52-22](#))

Fracking (Support)

Fracking (Support) SB 146 (Stewart) and HB 239 (Fitzenhagen) would prohibit advanced well stimulation treatment (commonly referred to as "fracking") as defined in the bills. SB 314 (Montford) would prohibit the performance of "high-pressure well stimulation" and "matrix acidization" (also commonly referred to as "fracking") as defined in the bill and would require the Department of Environmental Protection to conduct a study on high-pressure well stimulation and matrix acidization. (O'Hara) ([/blog/legislative-bulletin/2019/02/01/fracking-\(support\)02-01-2019-03-52-22](#))

Water Quality Improvements (Watch)

Water Quality Improvements (Watch) HB 141 (Fine) and SB 216 (Gruters) impose new reporting and civil penalty requirements on wastewater treatment facilities and would authorize a dedicated source of funding for projects to improve Indian River Lagoon water quality. Specifically, the bills require wastewater treatment facilities that unlawfully discharge raw or partially treated sewage into a waterway or the aquifer to notify customers within 24 hours of discovering the discharge. In addition, the bills require wastewater treatment facilities to pay to the Department of Environmental Protection (DEP) a civil penalty of \$1 per gallon of sewage unlawfully discharged or to expend \$2 per each gallon discharged to upgrade or remediate the problems giving rise to the discharge. Finally, the bills would provide a \$50 million/7.6 percent annual appropriation from the Land Acquisition Trust Fund for projects relating to the Indian River Lagoon. The bills direct DEP to use the money for 50 percent matching grants for advanced waste treatment, wastewater facility expansion and septic-to-sewer connections. (O'Hara) ([/blog/legislative-bulletin/2019/02/01/water-quality-improvements-\(watch\)02-01-2019-03-52-22](#))

Public Financing of Construction Projects (Watch)

Public Financing of Construction Projects (Watch) SB 78 (Rodriguez, J.) and HB 169 (Fernandez) require contractors to conduct a Sea-Level Impact Projection (SLIP) study on state-funded buildings within the coastal building zone. The bills do not define the term "coastal building zone." Buildings subject to this requirement would include construction projects of a municipality, county or any other public agency that is using state-appropriated funds for the project. The bills require the Department of Environmental Protection (DEP) to develop guidelines for conducting a SLIP study. In addition, DEP must approve and publish a copy of all SLIP studies for at least 10 years. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/public-financing-of-construction-projects-(watch)02-01-2019-03-52-22)

Property-Assessed Clean Environment (Watch)

Property-Assessed Clean Environment (Watch) HB 63 (Rodrigues) and SB 282 (Albritton) amend the statutory and the definition of “qualifying improvements” under the Property Assessed Clean Energy Program (PACE) to include sewage treatment improvements. PACE is a means for property owners to voluntarily finance private property improvements related to renewable energy and energy efficiency through assessments levied on their property tax bill. (O’Hara)

(/blog/legislative-bulletin/2019/02/01/property-assessed-clean-environment-(watch)02-01-2019-03-52-22)

Prohibition of Plastic Carryout Bags and Straws (Watch)

Prohibition of Plastic Carryout Bags and Straws (Watch) SB 502 (Rader) would prohibit stores and food service businesses from providing plastic carryout bags to customers. The bill provides exceptions for specified items. In addition, the bill prohibits a food service business from selling or providing single use plastic straws to customers. The business may provide a straw upon request to a person who requires a straw due to a disability or medical condition. The bill provides a \$500 penalty for a first violation and up to \$1,000 for a subsequent violation. (O’Hara)

(/blog/legislative-bulletin/2019/02/01/prohibition-of-plastic-carryout-bags-and-straws-(watch)02-01-2019-03-52-22)

Underground Facility Damage Prevention and Safety (Watch)

Underground Facility Damage Prevention and Safety (Watch) HB 263 (Payne) amends the Underground Facility Damage Prevention & Safety Act and the procedure for issuing citations for non-criminal infractions under the act. The bill deletes current law procedures providing for citations to be issued by local or state law enforcement officers or code inspectors and providing for up to \$500 in civil penalties for violations plus court costs. In its place, the bill creates a statewide Underground Facility Damage Prevention Review Panel to review complaints of alleged violations. The nine-member panel would be made up of industry stakeholders and one member of the public. The bill establishes a process for complaints of violations of the act to be reviewed and procedures for recommended penalties. It provides for civil penalties of up to \$1,000 for an initial violation and as high as \$50,000 under specified conditions. It authorizes the panel to recommend education and training for violators in lieu of civil penalties. The bill authorizes appeal of panel recommendations to the Florida Division of Administrative Hearings. (O’Hara)

(/blog/legislative-bulletin/2019/02/01/underground-facility-damage-prevention-and-safety-(watch)02-01-2019-03-52-22)

BioSolids/St. Johns River Upper Basin Watershed (Watch)

BioSolids/St. Johns River Upper Basin Watershed (Watch) HB 405 (Grall) provides for the implementation of specified regulations, best management practices and alternative technologies for pollutant reduction within the St. Johns River Upper Basin Watershed Basin Management Action Plan (BMAP). The bill requires the BMAP to include certain assessments and recommendations and specifies implementation schedules. It directs that nonpoint source best management practices be implemented within the BMAP on an expedited basis. The bill prohibits the Department of Environmental Protection from

authorizing the disposal of domestic wastewater biosolids within the St. Johns Upper Basin Watershed unless the applicant can affirmatively demonstrate the nutrients from the biosolids will not add to nutrient loadings in the watershed (Class AA Biosolids marketed and distributed as fertilizer products are exempted). The bill directs the Department of Health to require all entities disposing of septage within the watershed to develop and submit agricultural use plans that limit applications based on nutrient loading consistent with any adopted BMAP. The bill directs the Department of Agriculture and Consumer Services to develop rules requiring entities within the watershed that land-apply animal manure to develop a conservation plan that limits such application. The bill directs the St. Johns River Water Management District to develop rules providing for a monitoring program for specified nonpoint source dischargers required to monitor water quality. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/biosolids-st-johns-river-upper-basin-watershed-watch)02-01-2019-03-52-22)

Land Acquisition Trust Fund (Watch)

Land Acquisition Trust Fund (Watch) SB 368 (Harrell) provides a \$50 million/7.6 percent appropriation from the Land Acquisition Trust Fund for projects relating to the Indian River Lagoon. SB 376 (Montford) and HB 555 (Drake) require an annual \$50 million appropriation from the Land Acquisition Trust Fund for fiscal years 2025 and 2026 for projects dedicated to conservation and management projects in counties impacted by Hurricane Michael. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/land-acquisition-trust-fund-(watch)02-01-2019-03-52-23)

Wetland Mitigation (Watch)

Wetland Mitigation (Watch) 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 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. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/wetland-mitigation-(watch)02-01-2019-03-52-23)

Sanitary Sewer Laterals (Watch)

Sanitary Sewer Laterals (Watch) HB 497 (Webb) requires a county water and sewer district to notify a homeowner within 30 days of the discovery of a leaking sanitary sewer lateral on the homeowner's property. The notification does not require any action by the homeowner. The district is required to provide the information to the property appraiser, who must maintain a database of the notification. The bill specifies circumstances under which the district is required to maintain a database of notifications to property owners. (O'Hara)

(/blog/legislative-bulletin/2019/02/01/sanitary-sewer-laterals-(watch)02-01-2019-03-52-23)

Other Bills of Interest

Other Bills of Interest SB 92 (Book) and HB 95 (Jacobs) - C-51 Reservoir Project SB 134 (Stewart) – Florida Black Bears SB 66 (Cruz) and HB 545 (Jenne) – Drinking Water in Public Schools SB 320 (Hooper) and HB 377 (Stone) – Residential Conservation Programs, FWCC SB 352 (Gruters) and HB 99 (Jacobs) – Shark Fins and Ray Parts
(blog/legislative-bulletin/2019/02/01/other-bills-of-interest02-01-2019-03-52-23)

Articles in this section: 17



(<https://www.flsenate.gov/Session/Bills/2018>)



(<https://www.myfloridahouse.gov/Sections/Bills/bills>)