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## HOUSE **BILL 3 DEFEATED**

[HB 3 \(Preemption of Local Professional and Occupations Regulations and Licensing\)](#) by Rep. M. Grant passed off the House floor on April 18 but was not heard in any Senate Committee. An adopted amendment in the final House Committee deleted much of the language concerning preemption of business regulations and the bill no longer included any requirements for a reauthorization process for business regulations or an extensive economic analysis. However, the bill as amended included a broad preemption of any local government licensing requirements that are not expressly authorized by law and most special licenses.

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## FAC **PRIORITY: TEXTING WHILE DRIVING**

[HB 107 \(Wireless Communications While Driving\)](#) by Rep. Slosberg and Rep. Toledo changes current enforcement of the ban on texting while driving 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 also creates a new section of statute titled “school and work zones; prohibition on the use of a wireless communications device in a handheld manner.” It authorizes enforcement of a ban on the use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or active work zone area as a primary offense punishable as a moving violation.

If approved by Governor DeSantis, these provisions take effect July 1, 2019, with a later effective date of October 1, 2019, for the implementation of the prohibition on the use of a wireless communications device in a handheld manner in school and work zones.

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## FAC **PRIORITY: COASTAL MANAGEMENT**

[HB 325 \(Coastal Management\)](#) by Rep. LaMarca revises and adds additional detail to the criteria DEP considers when ranking beach management and erosion control projects. Specifically, the bill directs DEP to implement a four-tiered scoring system to rank annual project funding priorities by July 1, 2020.

The bill also updates DEP’s Comprehensive Long-Term Beach Management Plan development process, requiring a strategic beach management plan, critically eroded beaches report, and a three-year work plan. In past years, this legislation also included \$50 million in recurring funding for the beach program; however, this section was removed, and the bill now only includes policy changes.

FAC has consistently supported this legislation, which has been a FAC priority in recent years, and pleased to see it pass unanimously out of both chambers.

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## **LOCAL TAX REFERENDA**

After passing out of the House and being taken up to the Senate, [HB 5 \(Discretionary Sales Surtaxes\)](#)

was amended with language reflecting the Senate proposal, SB 336 (Local Tax Referenda) by Sen. Brandes, which requires a referendum to adopt or amend a local government discretionary sales tax to be held only during a general election. Additionally, a county will be required to furnish a copy of the ordinance or resolution to the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) at least 180 days before the referendum. OPPAGA is then directed, within 30 days of receiving the ordinance or resolution, to procure a certified public accountant to conduct a performance audit.

As originally filed, HB 5 would have required a two-thirds approval threshold for such referenda, to which FAC was opposed. This language was stripped by the Senate. On the final day of the regular Session, the substance of a separate bill that imposes additional requirements for the citizen initiative process for amending the state constitution was also added to HB 5.

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## OTHER **IMPORTANT** LEGISLATION

### **FINANCE, TAX, AND ADMINISTRATION**

#### **PASSED**

##### **Taxation**

The 2019 tax package, [HB 7123 \(Taxation\)](#), includes two sales tax holidays; a three-day back-to-school holiday; and a seven-day disaster preparedness holiday. The bill also includes a reduction of the tax on commercial leases from 5.7% to 5.35%. It also changes the timing of payments to local governments in fiscally constrained counties and Monroe County to offset property tax refunds granted to homeowners due to hurricanes in 2016 and 2017. A controversial provision requiring school districts to share discretionary operating property tax levies with charter schools was initially removed by the Senate, but subsequently added back in to apply only to future referenda.

##### **Workforce Education**

[HB 7071 \(Workforce Education\)](#) by the Higher Education & Career Readiness Subcommittee promotes apprenticeships by creating and enhancing multiple programs. The bill creates the “Strengthening Alignment between Industry and Learning to 60” Initiative and establishes a statewide attainment goal to increase the percentage of working-age adults who hold a high-value post-secondary certificate, degree, or training experience. It creates the Florida Apprenticeship Grant Program to provide competitive grants to expand and enhance apprenticeship and pre-apprenticeship programs. The bill requires the Department of Business and Professional Regulation (DBPR) to submit a report by December 1, 2019 regarding apprenticeship programs that could substitute for the educational training otherwise required for licensure.

##### **Attorneys' Fees and Costs**

[HB 829 \(Attorney Fees and Cost\)](#) by Rep. Sabatini requires courts to award attorneys' fees and damages to the prevailing party in an action to challenge the adoption or enforcement of a local ordinance on the grounds that it is expressly preempted by the State Constitution or state law. Fees and costs may not be awarded if the governing body receives written notice that the ordinance is alleged to be preempted and if the local government withdraws an ordinance from consideration or, in the case of an adopted ordinance, notices an intent to repeal the ordinance within 30 days of the date and repeals the ordinance within 30 days thereafter. The bill does not apply to ordinances adopted pursuant to part II of chapter 163, s. 553.73 (Florida Building Code), and s. 633.202 (Fire Prevention Code), or cases commenced prior to July 1, 2019.

##### **Communications Services**

[SB 1000 \(Communication Services\)](#) by Sen. Hutson makes significant changes to s. 337.401, governing the use of public rights-of-way by providers of communications services. The bill prohibits a local government from instituting express or de facto moratoria on permits for collocation of small wireless facilities and provides additional requirements on the local government's permit registration and application process for communications services providers. It changes the types of and nature of bonds, security instruments, and insurance that may be required by local governments. The bill provides that a provider must comply with objective and reasonable undergrounding requirements under certain circumstances.

#### **Permit Fees**

[HB 127 \(Permit Fees\)](#) by Rep. Williamson requires governing bodies and counties and municipalities to post permit and inspection fees scheduled and building permit inspection utilization reports on websites by December 31, 2020 and to update the report before adjusting fee schedules in the future.

## FAILED

#### **Local Government Fiscal Transparency**

[HB 15 \(Local Government Fiscal Transparency\)](#) by Rep. Burton would require significant additional notice requirements for consideration of tax increases and issuance of tax-supported debt. It requires local government to maintain a 5-year voting record of every vote on an action that would result in a tax increase or new debt; requires additional notices must be provided on the web. The bill would require additional public hearings: a preliminary public hearing must be held 14 days prior to the public hearing to vote on a tax increase or issuance of new debt and the public hearing to take the action must be noticed by a quarter page ad in a newspaper of general circulation with a newly created notice inconsistent with the existing notice requirements for ordinances. It creates a "debt affordability ratio" that must be calculated and included in notices. This bill passed the House on April 11. Companion bill, [SB 1350 \(Local Government Fiscal Transparency\)](#), was not heard in any Senate committee.

#### **Governmental Powers & Preemptions**

[HB 1299 \(Governmental Powers\)](#) by Rep. Roach contained various preemptions of local regulations, including preemptions on local regulations on the marketing of tobacco and nicotine products, regulation of single-use plastic straws and over-the-counter proprietary drugs (sunscreen), and requirements for generators. The bill passed out of the House on a mostly party-line vote without a viable Senate companion.

#### **Taxation Transparency**

[HB 7053 \(Taxation Transparency\)](#) by the House Ways & Means Committee was heard in its final committee on Thursday, April 4, but was never heard on the House floor or in Senate Committee. The bill would re-designate several state and local revenue sources, requiring the names of those source to be changed from "fee" to "tax." The bill would require the following local revenue source re-designations:

- Special assessments or non-ad valorem assessments would be retitled "special benefit tax";
- Impact fees and mobility fees would be retitled "development impact tax";
- Franchise fees would be retitled "franchise tax";
- Charges to pay the cost of regulation must be titled "in a manner reasonably consistent with the type of regulation and change in question."

The bill was amended to more explicitly state that it does not affect a county's power under the constitution to impose non-tax levies and expresses the Legislature's intent that such levies only be "titled and represented to the public as taxes." It was also amended to clarify that the bill is not intended to affect existing case law and to require notices under s. 197.3635 to notice proposed or adopted "non-ad valorem assessments and special benefit taxes."

#### **Regional Rural Development Grants**

[SB 596 \(Albritton\)/HB 671 \(Clemons\)](#) would increase the annual grant awards for regional economic development organizations, which are defined in the bill to be those economic organizations located within a designated rural area of opportunity. It would also reduce the local match requirement. The bill would increase the maximum allowable expenditure from the Regional Rural Development Grant Program from \$750,000 to \$1 million. The bill would have no fiscal impact on state funds, however, because the appropriation for the Rural Community Development Revolving Loan Fund, which funds the grant program, remains unchanged. The bill would also increase the percentage of the project costs that could be covered by the Rural Infrastructure Fund and clarifies that eligible infrastructure

projects include access to broadband internet service. Finally, the bill would require contracts associated with funding from both programs include certain provisions and be posted online at least 14 days prior to execution.

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## GROWTH, **AGRICULTURE**, TRANSPORTATION, **ENVIRONMENT**

### PASSED

#### **Tree Trimming & Private Property Rights**

[HB 1159 \(Private Property Rights\)](#) by Rep. La Rosa provides that a local government may not require an application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owners obtains documentation from a certified arborist or licensed landscape architect that the tree is a danger to persons or property. The bill prohibits a local government from requiring replanting of trees removed or trimmed per the section and specifies that it does not apply to local governments with delegated mangrove protection authority. Additionally, the bill requires each county property appraiser to post on its website a “property owner bill of rights,” the contents of which are provided in the bills itself.

HB 1159 and its Senate companion, [SB 1400 \(Private Property Rights\)](#) by Sen. Albritton, went through several iterations over the course of the session, but ultimately the bills were narrowed in scope to minimize the impact on local tree protection ordinances and regulations.

#### **Environmental Regulation & Residential Recycling**

[HB 771 \(Environmental Regulation\)](#) by Rep. Overdorf requires counties and cities to address the contamination of recyclable material in contracts entered into for the collection, transport and processing of residential recycling materials. Such contracts must define “contaminated recyclable material” in a manner that is appropriate for the local community, accounting for available markets and other relevant factors, and include terms and conditions to define and reduce levels of contamination. Additionally, the bill provides that a recyclable materials collector or facility is not required to collect, transport or process “contaminated recyclable material,” as defined in the applicable contract. In the final House committee stop, a section was added imposing a five-year moratorium on local regulations of single-use plastic straws. On the House floor, an OPPAGA study was added in conjunction with the moratorium. Two Senators attempted to strip the moratorium and make the prohibition prospective only, but those efforts failed.

#### **Red Tide**

[SB 1552](#) by Sen. Gruters establishes the Florida Red Tide Mitigation and Technology Development Initiative as a partnership between the Fish and Wildlife Conservation Commission’s Fish and Wildlife Research Institute and the Mote Marine Laboratory. The goal of the initiative is developing technologies and other approaches to mitigate the impacts of red tide.

#### **Property Development**

[HB 7103 \(Property Development\)](#) by the House Commerce Committee and Rep. Fischer, in its final iteration, makes various changes to growth management law, including sections on inclusionary housing ordinances, development approvals, impact fees, and private providers. The bill passed by a 26-13 vote in the Senate and 66-42 vote in the House. Specifically, the bill:

- Allows counties and cities to adopt and enforce inclusionary zoning ordinances but requires them to provide incentives to fully offset the costs to the developer of its affordable housing contribution. Incentives include, but are not limited to, density or intensity bonuses or reduced/waived fees. Originally, the bill would have prohibited inclusionary housing policies.
- Requires a county or city, upon receiving an application for approval of a development order or permit, to review the application for completeness within 30 days. An applicant will have an additional 30 days to address deficiencies in the application, if identified by the county or city. A city or county then has 120 days to approve, approve with conditions, or deny the application. For applications requiring final action through a quasi-judicial or public hearing, the county or city would have 180 days to approve, approve with conditions, or deny. The parties may agree to extend the time frame requirements in this subsection.
- Revises the statute on tolling and extension of permits and other authorizations to provide that time is extended only during declared states of emergency for natural (i.e. weather-related) emergencies.
- Expands the scope of work for private providers who review site plans and inspect buildings and provides that local governments may not charge fees for inspections if a private provider is used; however, the local government may charge a reasonable administrative fee.

### **Impact Fees**

[HB 207 \(Impact Fees\)](#) by Rep. Donalds provides that local governments may not require the payment of impact fees prior to the issuance of a building permit for the property subject to the fee. The bill also amends the Impact Fees statute to codify the dual rational nexus test, the legal standard used by courts to determine whether an impact fee is appropriate.

Specifically, the test requires impact fees to have: 1) a reasonable connection between the need for new development or construction and the population growth generated by the project; and, 2) a reasonable connection between the local government's expenditure of impact fee collections and the benefits accruing to the new development. The bill does specifically exempt water and sewer connection fees from the new provisions.

### **Micromobility Devices & Motorized Scooters**

[HB 453 \(Micromobility Devices\)](#) by Rep. Toledo defines the term "micromobility device" as a motorized transportation device that is not capable of traveling faster than twenty miles per hour and is made available for private use by online reservation. The bill also updates the definition of motorized scooter to encompass micromobility devices. The bill allows for local regulation of micromobility devices and motorized scooters on all streets, highways, sidewalks, and sidewalk areas within the local government's jurisdiction.

Originally, the bills would have largely preempted any local regulation of these devices; however, the preemptions were amended out after negotiation between the stakeholders.

## **FAILED**

### **Vacation Rentals**

SB 824 (Private Property Rights of Homeowners) by Sen. Diaz and [HB 987 \(Public Lodging Establishments\)](#) by Rep. J. Grant would have preempted regulation (inspection, licensing, occupancy limits) of short-term rentals to the state and would have required local ordinances to apply uniformly to all residential properties. Additionally, the bills would have removed the grandfather clause allowing for more stringent regulations in grandfathered local government.

### **Water Quality**

Major water quality legislation did not pass this year, although both chambers proposed various legislation relating to septic tanks, wastewater treatment, biosolids, basin management action plan (BMAP) requirements, and sewage spill notification requirements. While there was movement on a consolidated water quality package late in session, ultimately nothing substantive made it across the finish line, although the final budget does include funding for various water quality improvement measures. FAC expects many of these issues to return next Session.

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## **HEALTH AND HUMAN SERVICES**

## **PASSED**

### **Needle Exchange Program**

[SB 366 \(Infectious Disease Elimination Programs\)](#) by Sen. Braynon, the needle exchange program bill, allows county commissions to establish sterile needle and syringe exchange programs through the adoption of a county ordinance and satisfaction of the specified program requirements. Exchange programs must cooperate with the Department of Health (DOH) and the local county health department. Local governments may elect to provide funding for a sterile needle and syringe program; however, the bill specifically prohibits the use of state funding. The program is voluntary and requires the county commission to opt-in through adoption of an ordinance and satisfaction of statutory requirements. There is no requirement for any minimum funding level.

### **911 Services**

[HB 441 \(E911 Systems\)](#) by Rep. Dubose requires each county to develop a plan to implement countywide text-to-911 service and, by January 1, 2022, to enact a system that allows for text-to-911 service. The Marjory Stoneman Douglas High School Public Safety Commission reviewed the 911 and

first responder dispatch communications related to the shootings that occurred at the school on February 14, 2018. Among other things, the Commission recommended that counties be required to develop and implement communications systems that allow direct radio communication between public-safety access points (PSAP) and first responders outside the PSAP's normal service area to provide for more efficient dispatch of first responders.

Currently, 35 counties in Florida provide fully active and operational text-to-911 service. By the end of this calendar year, an additional 27 counties are expected to implement text-to-911 service. The remaining 5 counties have indicated an estimated completion date for text-to-911 service by the end of 2021.

### **Incarcerated Women**

[HB 49 \(Incarcerated Women\)](#) by Rep. Jones designates the "Dignity for Incarcerated Women Act" and requires state and county correctional facilities to provide incarcerated women with certain healthcare products (specifically tampons). Additionally, the bill provides requirements for male correctional employees and working group on standards for county detention facilities to adopt model standards for female prisoners.

### **Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission**

With a close party line vote (Senate: 22/17 House: 65/47) the Florida Legislature passed [SB 7030 \(Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission\)](#), which contains a provision that would allow public school teachers to carry firearms in schools.

Based on recommendations from the MSD Commission regarding the guardian program, the bill amends s. 30.15, F.S., to require a sheriff to establish a guardian program if the local school board votes by majority to implement the program, or contract with another sheriff's office that has established a program, to provide training to school district or charter school employees. A sheriff who has established a guardian program may contract to provide training to a school district or charter school employee employed in a county whose sheriff has not established a guardian program. The sheriff conducting the training will be reimbursed for screening-related and training-related costs and for providing a one-time stipend of \$500 to each school guardian who participates in the school guardian program. The school safety bill also removes the prohibition on an individual who exclusively performs classroom duties as a classroom teacher from participating in the guardian program.

### **Nonemergency Medical Transportation Services**

[HB 411 \(Nonemergency Medical Transportation Services\)](#) by Rep. Perez allows a transportation network company (TNC) to provide non-emergency transportation services (NEMT) to Medicaid patients if: the transportation network company is under contract with a Medicaid managed care plan; the transportation network company is under contract with a transportation broker that is under contract with a Medicaid managed care plan or the Agency for Health Care Administration; it receives referrals from a transportation broker contracted with a Medicaid managed care plan or the Agency for Health Care Administration.

The federal government sets the minimum mandatory populations to be included in every state Medicaid program. The federal government also sets the minimum mandatory benefits to be covered in every state Medicaid program. These benefits include Medicaid transportation services. Non-emergency medical transportation (NEMT) includes transportation services offered to health care consumers who face barriers getting to their medical appointments. Depending on the recipient's individual needs, NEMT services can range from taxis, city buses to air ambulances equipped for advanced life support.

### **Firefighters**

[SB 426 \(Firefighters\)](#) by Sen. Flores allows firefighters who are diagnosed with certain cancers eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter is entitled to cancer treatment and a one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer. To be entitled to such benefits, the firefighter must:

- Be employed full-time as a firefighter
- Be employed by the state, university, city, county, port authority, special district, or fire control district
- Have been employed by his or her employer for at least five continuous years
- Not have used tobacco products for at least the preceding five year
- Have not been employed in any other position in the preceding five years which is proven to create a higher risk for cancer

In addition, the employer must provide coverage within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for any out-of-pocket deductible, co-payment, or coinsurance costs incurred due to the treatment of cancer.

## FAILED

### **Courthouse Security**

[HB 639 \(Security in Trial Court Facilities\)](#) by Rep. Perez requires each sheriff to coordinate with specified entities to develop a comprehensive plan for security of trial court facilities; specifies that sheriffs & chief judges retain certain authority; specifies that sheriffs & their deputies, employees, & contractors are officers of court under specified circumstances. The bill also requires each county sheriff to coordinate with the board of county commissioners and the chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities. The sheriff retains authority over the implementation and provision of law enforcement services under the plan. The chief judge retains decision making authority to protect due process rights, such as in the scheduling and conduct of judicial proceedings. The bill explains that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for court facilities.

The bill passed the House floor but its Senate companion, [SB 762 \(Duties and Obligations of Sheriffs\)](#) by Sen. Gruters, was not heard in its last committee of reference. Therefore, the bill stalled and died in the Senate.

### **Homelessness**

[HB 1353 \(Homelessness\)](#) by Rep. Altman revises the state's method to homelessness by adopting the federal definition for "homeless" and aligning other state requirements with HUD requirements. The bill amends sections of law outlining two approaches to housing services, Rapid Re-Housing and Housing First. It requires that individuals and families being considered for Rapid Re-Housing assistance be assessed and prioritized through the continuum of care's coordinated entry system. The bill also removes the program element indicating a benefit for an individual to have a background check and complete rehabilitation for any addiction to substances when participating in Housing First services. The bill passed the House floor. However, similar bill, [CS/SB 1218 \(Homelessness\)](#) by Sen. Book, died in committee.

### **Detention Facilities**

[HB 1029 \(Detention Facilities\)](#) by Rep. Beltran prohibits introduction into or possession of any cellular telephone or other portable communication device on the grounds of any county detention facility. CS/HB 1029 reclassifies introduction of written or recorded communication, currency or coin, article of food or clothing, tobacco products, cigarette, or cigar, and intoxicating beverage or beverage into a county detention facility from a third-degree felony to a first-degree misdemeanor. The bill makes introducing a cell phone or other portable communication device into a county detention facility a third-degree felony, ranked as a Level 4 offense on the offense severity ranking chart. The bill died in its last committee of reference.

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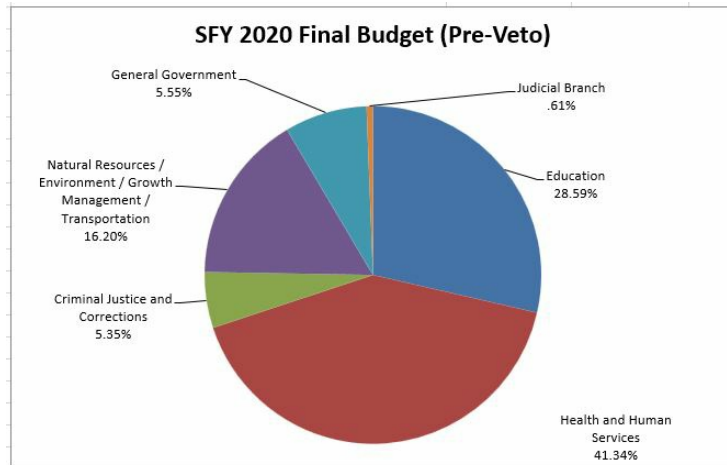
## 2020 STATE BUDGET SUMMARY

The Florida Legislature passed the General Appropriations Act (GAA) for State Fiscal Year 2019-2020 on May 4th, after extending the Legislative Session for one day for allow for completion of the required 72-hour "cooling off" period. The "State Budget" as it is known, and associated conforming and implementing legislation, are all subject to approval by the Governor, who can veto either the entire budget, entire bills, or individual spending items. The Legislature can override the Governor's vetoes with a two-thirds vote each in the Senate and the House of Representatives.

Budget Comparison by Section (In Millions)	*GAA	Final Pre-Veto	\$ Difference	% Difference
	SFY 2019	SFY 2020	SFY 19 vs. SFY 20	SFY 19 vs. SFY 20
Section 1. Education	2,128,846,515	2,086,600,000	(42,246,515)	(1.98%)
Section 2. Education	23,129,651,213	23,959,000,000	829,348,787	3.59%
Section 3. Health and Human Services	37,140,846,008	37,667,500,000	526,653,992	1.42%
Section 4. Criminal Justice and Corrections	4,669,736,640	4,870,100,000	200,363,360	4.29%
Section 5. Natural Res. / Environment / Growth / Transportation	14,838,086,425	14,758,000,000	(80,086,425)	(0.54%)
Section 6. General Government	6,281,093,964	7,210,300,000	929,206,036	14.79%
Section 7. Judicial Branch	539,273,587	555,000,000	15,726,413	2.92%
<b>Total Budget</b>	<b>88,727,534,353</b>	<b>91,106,500,000</b>	<b>2,378,965,647</b>	<b>2.68%</b>
<i>* Adjusted for Vetoes and Supplementals</i>				

The Legislature's proposed budget for State Fiscal Year 2019-2020 totals approximately \$91.1 billion, and represents a \$2.3 billion increase over the current year budget. The chart below summarizes a comparison of the current year 2018-19 State Budget and the proposed State Budget for 2019-2020 which will begin on July 1, 2019.

Health and Human Services again accounts for the largest share of the budget at \$37.7 billion, largely due to programs such as Medicaid. This represents a 1.4% increase over the current year budget. Educational programs and services combined received the second largest amount of funding, totaling just over \$26 billion, a 3.1% increase over the current year appropriations.



Natural Resources, Environmental Issues, Growth Management, and Transportation Expenditures make up the third largest portion of the budget at approximately \$14.8 billion, down a half-percent from the current year funding.

Proposed general revenue appropriations for 2019-2020 total approximately \$34 billion and trust fund appropriations total approximately \$57 billion. The chart below compares appropriations between 2018-2019 and the proposed 2019-2020 budget by fund type:

Budget Comparison by Fund Type (In Millions)	GAA	Final Pre-Veto	\$ Difference	% Difference
	SFY 2019	SFY 2020	SFY 19 vs. SFY 20	SFY 19 vs. SFY 20
General Revenue	28,869.40	34,024.00	5,154.60	17.85%
Trust Funds	59,858.13	57,082.50	(2,775.63)	(4.64%)
<b>All Funds</b>	<b>88,727.53</b>	<b>91,106.50</b>	<b>2,378.97</b>	<b>2.68%</b>

To read more, please [click here](#).

## 2020 FLORIDA STATE BUDGET ANALYSIS

