



CAPITOL UPDATE

November 8, 2019

FAC Federal Priority Accomplishment *FEMA Defers the Implementation of Risk Rating 2.0*

On Thursday, November 7, FEMA announced that they decided to defer the implementation of Risk Rating 2.0 by one year to October 1, 2021. This would allow additional time to conduct a comprehensive analysis of the proposed rating structure so as to protect policyholders and minimize any unintentional negative effects of the transition. Additionally, this extension allows for all National Flood Insurance Program (NFIP) policies – including, single-family homes, multi-unit and commercial properties – to changeover to the new rating system at one time instead of a phased approach, as originally proposed.

This decision comes on the heels of the 2019 FAC Federal Fly-in where more than 100 Commissioners and staff traveled to Washington, D.C. to meet with Florida's Congressional Delegation as well as key agency contacts.

FEMA expressed their desire to continue actively engaging with Congress and other key stakeholders, such as local governments, to ensure transparency and visibility while they work to transform the NFIP over the next year.

The FAC Federal Committee will formally adopt their legislative priorities at the 2019 FAC Legislative Conference in Broward County on November 20 - 23. [Click here](#) to register.



Community, **Health** & Safety

This FAC Committee meets November 20 at 3:30 PM! [Register now!](#)

Senate Health Policy Committee

[SB 402 \(Assisted Living Facilities\)](#) by Senator Harrell was heard for the first time. The bill makes several changes to ALF regulations including the use of assistive living devices, administrator education, updates requirements for adverse incident reports, and training for administering prescriptions. The bill passed unanimously.

Senate Children, Family & Elder Affairs Committee

[SB 88 \(Child Care Facilities\)](#) by Senator Stewart was heard for the first time. The bill requires child care facilities and large family child care homes to install an alarm system in all vehicles that are used to transport children. The alarm, which would be provided by the Department of Children & Families, prompts the driver to check the vehicle for children so none are inadvertently left behind. Exemptions are provided for parents and guardians transporting their own children. The bill passed unanimously.

Senate Judiciary Committee

[SB 468 \(Mandatory Sentences\)](#) by Senator Brandes was heard in its first committee stop. The bill allows additional discretion for judges to deviate from the statutory mandatory minimums for drug trafficking offenses of a number of specific substances. Exemptions have been placed in the bill so this would not apply to "habitual felony offenders" and violent crimes, including those where a weapon was used. The bill passed 5-1 with Senator Hutson dissenting.

House Local, Federal, & Veterans' Affairs Subcommittee

[HB 39 \(Independent Living Task Force\)](#) by Representative Gottlieb was heard in its first committee stop. The bill establishes the Independent Living Task Force under the Florida Housing Finance Corporation to review and suggest policy that encourages mixed-use, low cost, and affordable housing options for individuals with certain disabilities and mental illnesses. The bill was amended to match federal definition of disabilities, expanding the definition. Several statewide organizations including FAC offered support for the legislation. The bill passed unanimously.

House Health and Human Services Appropriations Subcommittee

[HB 177 \(Prescription Drug Donation Repository Program\)](#) by Representative Yarborough was heard in its second committee stop. The bill establishes a program for the donation and distribution of unused and un-tampered pharmaceuticals to indigent, under-insured, and uninsured patients in the state. Repositories would be created around the state as well as relevant reporting requirements. The bill passed unanimously.

FAC Contact:

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Growth, **Agriculture**,
Transportation, **& Environment**

This FAC Committee meets November 21 at 1:30 PM! [Register now!](#)

Senate Environment & Natural Resources Committee

[SB 178 \(Public Financing of Construction Projects\)](#) by Senator Rodriguez was heard in its first committee. The bill requires state financed buildings in coastal zones to conduct a sea level impact projection study before commencing construction. The bill also provides legal recourse for the state if construction commences without the study. The bill passed unanimously.

[SB 326 \(Environmental Regulation\)](#) by Senator Perry was heard in its first committee. The bill 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. The contracts must define "contaminated recyclable material" in a manner that is appropriate for the local community. The bill applies to contracts executed or renewed after October 1st, 2020. The bill was amended to remove requirements that these contracts take into consideration available markets for recyclable materials, available waste composition studies, and other relevant factors. The bill passed unanimously.

[SB 332 \(Land Acquisition Trust Fund\)](#) by Senator Stewart was heard for the first time. The bill provides that \$100 million be appropriated annually to the Florida Forever Trust Fund. It also stipulates that funds cannot be used for certain administrative functions within DEP, DACS and FWC. The bill passed unanimously.

[SB 200 \(Advanced Well Stimulation Treatment\)](#) by Senator Montford was heard for the first time. The bill prohibits hydraulic fracturing in the state. Specifically, the bill prohibits the performance of high-pressure well stimulation or matrix acidization. The bill passed unanimously.

In Other News...

The Senate Appropriations Committee heard from DEP Secretary Valenstein on Everglades Restoration efforts and protection of the state's water resources. The presentation highlighted the \$625 million appropriated in the last budget focused on Everglades projects, targeted water quality improvements, alternative water supply and innovative technologies. The Secretary emphasized that projects are moving forward with an expedited permitting process despite federal timelines.

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Finance, **Tax**, & Administration

This FAC Committee meets November 20 at 2:00 PM! Register now!

Sunscreen Preemption

Two bills that would preempt to the state the regulation of over-the-counter proprietary drugs and cosmetics were heard in committee. Specifically, the bills prohibit local ordinances from banning the sale of certain sunscreen products deemed harmful to marine habitats/coral reefs.

The City of Key West passed this ordinance and spoke against the bill citing NOAA research on the potential impact to coral reefs, including their coordination with local retailers to supply sunscreens without the two harmful chemicals: Oxybenzone and Octinoxate. Environmental groups spoke against the bill while industry associations and dermatologists supported the preemption.

[SB 172 \(Florida Drug and Cosmetic Act\)](#) by Senator Bradley was heard in its second committee Senate Innovation, Industry and Technology. The bill passed 8-2 with two dissenting votes from Senators Braynon and Farmer.

[HB 113 \(Florida Drug and Cosmetic Act\)](#) by Representative Roach was heard for the first time. The bill passed 8-5 with Representatives Brown, Daniels, Davis, Smith C. and Stark voting against the preemption.

News Articles On Preemption

[Sunscreen debate exposes the Legislature's attempt to grab power from local governments | Editorial](#)

Orlando Sentinel

Homestead Exemption Portability

Both House and Senate bills related to a proposed constitutional amendment for increased homestead exemption portability were heard in their first committee stops. The bills revise the timeframe to three years during which the accrued benefit from the Save our Homes assessment may be transferred from a prior homestead to a new homestead. If passed by the Legislature, the issue would come before the voters on the 2020 ballot as a constitutional amendment needing 60% approval. Last session, a similar bill was estimated to reduce local property tax collections by \$2.1 million with a recurring reduction of \$6.5 million.

SJR 146 and [SB 148 \(Limitations on Homestead Assessments\)](#) by Senator Brandes passed unanimously during the Senate Community Affairs Committee. HJR 369 and [HB 371 \(Limitations on Homestead Assessments\)](#) by Representative Roth passed unanimously during the House Local, Federal & Veterans Affairs Subcommittee.

Retainage on Local Construction Cost

Two bills that would reduce the cap amount of payment retainage by local government entities for construction contracts from 10% to 5% passed in committee. [SB 246 \(Public Construction\)](#) by Senator Hooper was heard in the Senate Community Affairs Committee and passed unanimously. [HB 101 \(Public Construction\)](#) by Representative Andrade was heard in the House Business and Professions Subcommittee and passed unanimously.

Single Subject Limitations to the State Constitution

Two bills that would limit amendment proposals to a single-subject were heard for the first time. Senator Rodriguez filed [SB 176 \(Single-subject Limitation for Constitution Revision Commission Proposals\)](#) and [SB 396 \(Single-subject Limitation for Taxation and Budget Reform Commission\)](#) to prevent bundled amendments proposed to the Constitutional Revision Commission as well as the Taxation and Budget Reform Commission. Both bills passed the committee unanimously.

Meanwhile in other committees...

Senate Community Affairs Committee & House Business and Professions Subcommittee

[SB 140 \(Fireworks\)](#) by Senator Hutson was heard for the first time in the Senate Community Affairs Committee. The bill creates an additional exception to the prohibition of the sale and use of fireworks to allow their use on Memorial Day, Independence Day, and New Year's Eve. The bill was also amended to include New Year's Day as an allowable holiday and remove provisions related to developing rules by the State Fire Marshal. Senator Pizzo and municipal/local governments expressed some caution that the bills could allow individuals to use fireworks on government owned property such as parks simultaneously with public displays. The bill passed unanimously.

[HB 65 \(Fireworks\)](#) by Representative Ana Maria Rodriguez was heard for the first time in the House Business and Professions Subcommittee. The bill was amended to include the four holidays in the Senate legislation. The amendment also included language that requires a purchaser to be 18 years old and requires retailers to check identification, in good faith, to prove the age of the purchaser. Concerns were raised about potential unintended consequences by creating a regulatory void for individuals discharging fireworks on these holidays. Environmental groups cautioned members on impacts to wildlife, pollution, and the threat of wildfires. The bill narrowly passed the committee with a 7-5 vote. No votes were cast by Representatives Alexander, Fine, Fischer, Gottlieb, and Newton.

Senate Commerce and Tourism Committee

[SB 362 \(Florida Tourism Marketing\)](#) by Senator Hooper was heard for the first time. The bill saves from repeal the Florida Tourism Industry Marketing Corporation, Visit Florida. FAC along with a coalition of tourism and business groups support the bill. The bill passed unanimously.

[SB 426 \(Regional Rural Development Grants Program\)](#) by Senator Montford was heard for the first time. The bill modifies the grant program to reduce matching requirements, increases the maximum grant to RAOs from \$150,000 to \$250,000, and allows grant funds to build the professional capacity of Opportunity Florida, Florida's Heartland Economic Region of Opportunity, and North Florida Economic Development Partnership. FAC supported the bill along with the Small County Coalition. The bill passed unanimously.

Senate Judiciary Committee

[SB 162 \(Public Records\)](#) by Senator Perry was heard in its second committee. In actions initiated by the local government, the bill requires local governments to cover the other party's attorney's fees when a court determines that certain records must be disclosed pursuant to public records law. FAC opposes this legislation. The bill passed unanimously.

[SB 248 \(Public Records/County Attorneys and Assistant County Attorneys\)](#) by Senator Hooper was heard in its first committee stop. The bill provides an exemption from public records requirements for the personal identifying and location information of current and former county attorneys and assistant county attorneys, including the names and personal identifying and location information of the spouses and children of such attorneys. The bill passed unanimously with Broward, Charlotte, Pasco, and FAC offering support for the legislation.

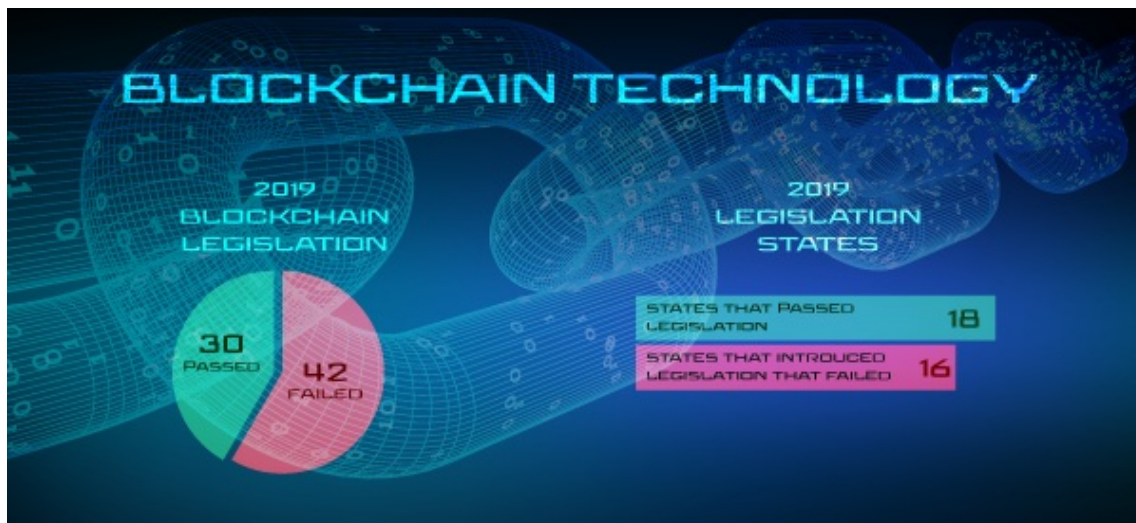
[SB 374 \(Housing Discrimination\)](#) by Senator Rouson was heard for the first time. The bill clarifies that complainants alleging housing discrimination do not have to exhaust administrative remedies by filing a complaint with the Florida Commission on Human Relations prior to filing a civil case in court. Federal funding for FHCR is tied to passage of the bill. The bill passed unanimously.

FAC Contact:

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Blockchain Technology Legislation in 2019



On September 23, 2019, the Florida Blockchain Task Force met for the first time to discuss future impacts of the technology. Days later, Florida's Chief Financial Officer, Jimmy Patronis, has made it clear that the state needs to further explore the field of blockchain technology to prepare for the disruptive technology and capitalize on its economic potential. In the past three years alone, blockchain technology has become an increasingly hot topic for state and local governments as they consider how to best use these new forms of distributed ledger systems.

Most commonly known for its use in cryptocurrencies, such as Bitcoin, blockchain has ramifications for local governments in more administrative ways. Counties and cities are weighing its propensity for transparent auditing and cost-effective management with uses such as smart contracts, land & property registries, vital records, voting systems, and collecting taxes.

The immutable nature of blockchain data makes the technology useful for preventing fraud and protecting sensitive records. Meanwhile the decentralized system helps to ensure safekeeping of information from outside attacks. Also the automated criteria that could be incorporated makes systems simple and transactions immediate without the need for human guidance.

After the signing of Senate Bill 1024 (2019), Florida established its own Blockchain Task Force to examine these benefits and potential challenges. In 2019 alone, there were 30 bills or resolutions across the country signed into state law or adopted. Most of the legislation was to establish state tasks forces to explore blockchain's uses for government.

Successful legislation was spread amongst a diverse group of 18 states in terms of political alignment, economics, and culture. To see a more complete breakdown of all 2019 blockchain legislation, please visit the National Conference of State Legislatures [here](#).

In previous years, legislation was passed such as in 2016 when Vermont laid the groundwork for evidentiary standards of blockchain records authenticity or in 2017 when Arizona made it illegal to track firearms purchases using blockchain. As the state of Florida considers its role in this new field, consider just some of the policies passed in other states in 2019, and how it may be applied, or be restrictive, to local government. To view the policies passed in other states, please [click here](#).

FAC Contact:

Not quite sure what blockchain is, or interested in more? Contact Shane Roerk at sroerk@fl-counties.com.