

TSE

CONSULTING

2019 REGULAR LEGISLATIVE SESSION WEEK 2

The Legislature sent a smokable medical marijuana bill to the Governor in time to meet his March 15th deadline for Legislative action, which is significant in showing the Governor's ability to influence and lead the Legislature. The Speaker's top priority health reform bills were voted on in their first committees of reference in the House, which may be used for negotiations for the Senate President's priorities. This upcoming week, we are expecting initial subcommittee and Chamber budgets to be released. The House announced that it will release its full budget no later than 8am March 22nd, meaning subcommittees will release their initial proposed budgets early next week. The House will vote on its initial budget April 3rd-4th. Below are highlights of issues that we are following. Please don't hesitate to reach out with any questions.

Candice
954-648-1204

2019 BROWARD DAYS AT THE CAPITOL

Thank you to all who traveled up to Tallahassee and participated in the 2019 Broward Days at the Capitol. We spent two days hearing from agency heads and legislators. We structured the conversations to create new relationships for our County with legislators from outside of our Delegation while incorporating our own Broward Delegation members. We met with the Senate President, the First Lady and the Governor's Chief of Staff. We also heard from the future Leaders in both the House and the Senate. We also want to thank Representative Chip LaMarca in securing Speaker Oliva to speak to us at our signature dinner event. The same event featured two star leaders from Broward County: Shane Strum (the Governor's Chief of Staff) and Agricultural Commissioner Fried, who delivered our keynote address. Also thank you to the Delegation, as well as their Executive Director Andrea Knowles for all of her dedication to Broward Days.

TRANSPORTATION

PASSENGER TRAINS

Senate Infrastructure & Security unanimously passed a bill that would change law enforcement procedures after a accident involving a passenger train. The bill gives law enforcement discretion in interviewing "witnesses" to the accident. Current law treats passenger trains as motor vehicles and therefore all passengers must be interviewed as witnesses whether they actually witnessed the events or not. The process is lengthy and

TSE

CONSULTING

causes unnecessary delays in getting trains back up and running. The bill has two more committees of reference in the Senate. Its House companion will be heard in its second of three committees next week.

[SB 1002](#)

FLORIDA DEVELOPMENT FINANCE CORPORATION

Senate Transportation & Economic Development Appropriations heard a presentation from the FDFC specifically on its provision of access to private activity bonds for Brightline/ Virgin Trains. The FDFC outlined its purpose, procedures, how it is funded and overseen. Sen. Mayfield, who represents the Treasure Coast, expressed frustration that the FDFC did not conduct due diligence with Brightline and pointed to an OPPAGA study conducted over the summer. However, FDFC testified that it operated within its scope and that the issue of the timeline of providing notices, which was the only issue pointed out by OPPAGA, has since been corrected.

[Committee Packet](#)

DEPARTMENT OF TRANSPORTATION PACKAGE

House Transportation & Infrastructure unanimously approved a package regulating the Department of Transportation after removing several provisions that the Department took issue with, including language on the use of capacity funding. The bill now focuses on minimum standards for FDOT Secretary, permissible use for technology in bridges, and asphalt. The bill passed with little debate or testimony. The bill has two more committees in the House. The Senate bill is scheduled to be heard in its first committee next week.

[HB 905](#)

TRANSPORTATION

Senate Infrastructure & Security voted unanimously to approve a transportation package relating to the Tri-County area. The bill is targeted to mostly Miami-Dade and the Miami-Dade Expressway Authority. The Senate language does not contain anything addressing the Miami-Dade TPO. It does contain provisions that benefit South Florida, such as a permanent extension of statute that allows the Tri-Counties to use toll revenues attributable to users within their counties and a section on incentivizing P3 projects. The bill also requires financial disclosures for transportation authority officials. The bill has two more committees in the Senate, and its House companion has one more committee in the House. We will continue to monitor all amendments to the legislation as closely.

[SB 898](#)

TSE

CONSULTING

NONEMERGENCY MEDICAL TRANSPORTATION SERVICES

Senate Banking & Insurance and House Health Market Reform unanimously legislation that would allow Transportation Network Companies to partner with insurance companies or brokers to provide Nonemergency Medical Transportation to Medicaid patients to and from doctors appointments. Medicaid Managed Care plans provide a benefit for transportation services for patients who do not have transportation. Many of the committee members expressed concern that constituents were not being transported in a timely manner, either missing needed appointments or waiting for hours at a medical office for transportation. TNCs would supplement transportation for individuals that do not require an ambulance. Brokers and insurance companies would be in charge of understanding the specific needs of patients, such as wheelchair bound individuals, who would require special vehicles or drivers with special training. The committee adopted an amendment that allows TNCs that contract with a public transit agency to provide nonemergency transport for individual patients. The Senate bill also alters COPCN requirements to allow for intra-facility ambulatory transportation by an ambulance originating in another county to ensure ambulance transportation options are available for the medically fragile. An amendment was introduced and withdrawn that would have given ambulances in a county the first right of refusal, meaning an ambulance would only originate in another county if it was confirmed another one was not available. The House bill does not contain the COPCN language. The Senate bill has one more committees of reference. The House companion has two more committees.

[SB 302](#) & [HB 411](#)

INTERGOVERNMENTAL RELATIONS

GOVERNMENT ACCOUNTABILITY

Senate Rules unanimously approved a bill that implements recommendations from the Auditor General's office. It is nearly identical to the Senate committee bill filed last week. It requires various entities (including local governments, water management districts, charter schools, public defenders, state attorneys, school districts, Guardian Ad Litem, etc.) and others to establish internal controls to prevent and detect waste, fraud and abuse. It requires local governments to maintain budget documents on websites for specified times. Allows for Governor, Commissioner of Education or designee to notify the Legislature of failure to comply with audit reporting requirements. It requires water management districts to file financial disclosures in a specific form to increase transparency. It gives the Auditor General authority to audit county tourist development councils and county tourism promotion agencies. It revises membership for local government, school district and charter school audit committees. Finally, the bill would make it a first degree misdemeanor to fail to provide access to a person, document or agency to the Auditor General. The bill allows an employee of the local government on the auditor selection committee in an advisory capacity. The bill is now ready to go before the full Senate. Its House companion

TSE

CONSULTING

has not received committee references after being filed by House Oversight as a committee bill.

[SB 7014](#)

FINANCE & TAX

LOCAL TAX REFERENDA

House Ways & Means voted 12-5 to require that a referendum to adopt or amend a local government discretionary surtax must be held at a general election and passed by 2/3rds of voters. This will limit the timing and frequency of these referenda to even-year November elections. The bill requires that surtax questions also be held at a general election, but also adds a requirement that the surtax must be supported by two-thirds of the qualified electors voting on the ballot question. Local governments and school districts that adopt a surtax referendum after January 1, 2020 must submit the referendum to OPPAGA at least 180 days before the referendum is held. Petition referendums must also be submitted within the 180 day timeframe. The House bill has one more committee of reference. Its Senate companion, which does not have the supermajority requirement, is scheduled for its second of three committees next week.

[SB 336 & HB 5](#)

WAYFAIR TAX PACKAGE

Senate Commerce & Tourism unanimously passed a tax package that creates “E-Fairness” by requiring online marketplace providers to remit sales tax for marketplace sellers for online sales in the wake of the Wayfair court decision. It also clarifies when sales tax is required for remote sales. The bill also includes a disaster preparedness sales tax holiday and a continued phase out of the business rent tax to 4.2%. The bill appropriates over \$70,000 for DOR to implement the legislation. The bill has two more committees in the Senate. Its House companion has not yet been heard.

[SB 1112](#)

RETAINAGE FEES

House Oversight, Transparency & Public Management voted 13-1 to approve bills reducing the allowable amount of retainage public entities may withhold from contractors during a construction project after adopting an amendment that expanded the scope of the bill to include local governments. The legislation reduces the allowable amount of retainage from 10 to 5% until 50% completion of the project and from 5 to 2.5% after 50% completion. Originally the bill only applied to state public entities. The Florida League of Cities testified against the bills explaining the importance of flexibility in retainage rates as they act as an

TSE

CONSULTING

insurance policy to hold contractors accountable. Supporters argue current rates were prohibiting small contractors from participating in public projects who lose working capital when payments are delayed. 31 states have adopted the same caps and supporters claim that Florida is losing talented general contractors as a result. However, opponents point out that those states also have different contract structures than Florida and that data shows states that do have lower rates have greater delays in completion of projects. The Florida League of Cities and several counties opposed the bill. The House and Senate bill each have one more committee of reference.

[HB 101 & SB 246](#)

PUBLIC CONSTRUCTION PROJECTS

House Oversight, Transparency & Public Management and Senate Community Affairs voted unanimously to approve legislation requiring local governments to use generally accepted cost accounting methods when determining whether it should complete a construction project using in-house employees, services and equipment instead of bidding for a contract. The determination must consider all costs- including salaries and benefits of employees. The requirement applies to roads and bridges funded by the gas tax. The bills have two more committees of reference in each Chamber.

[SB 806](#)

GROWTH MANAGEMENT

COMMUNITY DEVELOPMENT DISTRICTS (CDD)

House Ways & Means voted unanimously to increase the vote threshold to authorize bonds on a CDD board to a 2/3rds majority. The sponsor said that it would increase input from the community on fiscal responsibility. The bill (HB 641) has one more stop in the House. Its Senate companion is scheduled to be heard in its first committee next week. Meanwhile, Senate Community Affairs unanimously approved a bill (SB 728) that would the direct creating local government authority identify parcels of land adjacent to the CDD that may be annexed over the next ten years. It also allows for CDDs to merge with other CDDs and with Special Districts. It would retain the one-acre, one-vote elections process for CDD boards. The bill has two more stops in the House and Senate.

[HB 641](#)

[SB 728](#)

COASTAL PUBLIC CONSTRUCTION

Senate Environment and Natural Resources unanimously approved SB 78 which requires that any public infrastructure project in the coastal building zone that utilizes state dollars conduct a

TSE

CONSULTING

sea-level impact projection. The bill also asks the Department of Environmental Protection to establish a standard for how those projections are calculated. A strike-all was filed that clarifies that the cost for conducting the study is to be borne by the entity commissioning the project, the role of DEP is to set standard to post the study, and clarifies that this does not create an opportunity for a cause of action suit to be filed, it is merely for planning purposes. The bill has three committee stops remaining, it's House companion has yet to be considered.

[SB 78](#)

Up Next Week

[SB 7068](#) - Transportation

[SB 1368](#) - Fleet Vehicle Rebate Programs

[SB 116](#) - Motor Vehicle Racing

[SB 932](#) - Autonomous Vehicles

[SB 1044](#) - Department of Transportation

[SB 1148](#) - Vehicles for Rent or Lease

[HB 311](#) - Autonomous Vehicles

[HB 659](#) - Off-Highway Vehicles

[HB 725](#) - Commercial Motor Vehicles

[HB 341](#) - Motor Vehicles and Railroad Trains

[SB 826](#) - Towing-storage Operator Liens

[HB 15](#) - Local Government Fiscal Transparency

[HB 167](#) - Local Government Public Construction Works

[HB 715](#) - Florida Building Code Enforcement

[HB 693](#) - Communications Services

[HB 797](#) - Public Utility Storm Protection Plans

[HB 1237](#) - Towing and Immobilizing of Vehicles and Vessels

[SB 1244](#) - Community Development District Bond Financing

[SB 144](#) - Impact Fees

[SB 336](#) - Local Tax Referenda

[SB 536](#) - 911 Services

[SB 796](#) - Public Utility Storm Protection Plans