



FROM THE HALLS OF THE CAPITOL A REPORT FROM TALLAHASSEE



AGC Alabama Northwest Florida Section

**Prepared by R. Bruce Kershner, Government Relations Director
March 4, 2018**

Week Eight Legislative Report

Guns, School Safety and Budget

These issues dominated the eighth week of Session as lawmakers searched for a way to bring the 2018 Legislative Session in for a smooth landing. The next to last week of session found Legislators struggling to find middle ground in the gun debate while kicking off the budget conference process. The annual state budget is lawmakers only constitutionally mandated duty. Because of a constitutionally required 72-hour "cooling off" period, a final deal on the budget must be struck by Tuesday for the Legislative Session to end Friday, as scheduled. Monday saw the Senate Rules Committee take up measures relating to gun legislation and school safety. The room was packed with students not only from Marjory Stoneman Douglas High School but from schools across the state. It was a very emotional hearing with the chairman having to ask several times that everyone have respect for all the speakers and demonstrate proper decorum. The bill, now referred to as the "Marjory Stoneman Douglas High School Public Safety Act", passed and was next heard by the Senate Appropriations Committee where additional public testimony was taken before being approved, sending the bill to the Senate Floor for consideration. Meanwhile, the House waits for the Senate Bill to take action on these issues.

Governor Scott Addresses House and Senate

In a rare political move, **Governor Scott** and the father of a 14-year-old Parkland shooting victim addressed both chambers on Thursday and asked them to set politics aside and pass school safety recommendations. The governor opposes a plan to create a "school marshal" program that would allow teachers and school staff members to carry firearms on campus and proposed an alternative solution over the weekend which would not arm teachers, but rather would arm other school personnel such as coaches and administrative personnel.

Rare Saturday Senate Session

In another rare move, the Senate held a Saturday Session in order to take up the “Marjory Stoneman Douglas High School Public Safety Act.” The Senate took up 128 amendments in an eight-hour session Saturday, adopting only one. Despite continued dialogue that this is not a partisan issue, votes on a majority of the amendments ran along party lines. The bill rolled over to third reading and a final vote will be taken on Monday. The bill will then go to the House for approval. The House may take the bill up until Tuesday or Wednesday.

Senators were divided on many of the provisions in the bill including a ban on assault rifles and a plan to arm teachers and administrators. The bill includes raising the minimum age to buy a rifle from 18 to 21, creates a three-day waiting period for rifle sales, creates new mental health programs for schools and allows teachers and administrators to carry concealed weapons in schools if they receive law enforcement training and the program is approved by local school districts. The bill appropriates \$400 million to implement school safety changes. If the House approves the Senate Bill, it will go to the governor for his consideration. The arming of teachers and administrators will put lawmakers at odds because **Governor Scott** has gone on record opposing that plan.

Gambling Bill Still in Play

Last week, most were placing bets that the gambling bill was dead. But as we see time and time again, particularly with high profile issues, bills are not really dead until they drop the hankie on day 60 of the session. The House and Senate Bills ratify a new compact with the Seminole Tribe, with the state getting \$3 billion over the first seven years in return. However, there are still some major differences and a comprehensive gaming bill could still be a longshot. Expect the bills to go to conference during the final week of Session. Legislators will be hard pressed to pass up the guaranteed additional income which could go towards future school security hardening.

Tensions Run High in Senate

This has been a long and arduous Session given the issues lawmakers have had to deal with. From sexual harassment to the Parkland shooting, gun regulation and school safety, it has been a difficult Session. But one Senator has had enough. **Senator Tom Lee** made it clear that he is “fed up” and is not going to take it anymore. The former Senate President’s flash point was over a controversial teacher union provision tucked into the House priority K-12 education bill. He accused leadership influence on Senate members to extract votes on certain issues in exchange for support on their issues. He said he did not come to Tallahassee to get bullied or follow the instruction or direction of leadership...he came to represent his constituents.

Farewell Speeches

A Legislative Session would not be complete without the obligatory farewell speeches from those leaving or moving on in the process. Nineteen House members are termed out this year and most Capitol observers would agree that we could do without them. It’s the same thank-yous and tear-filled goodbyes and we’ve heard them over and over again...that is until we heard from **Representative Tom Goodson**. Those who have never had the opportunity to meet the Brevard

County road contractor don't know what they're missing. He missed his calling and could have been a stand-up comic. During his goodbye, which at times resembled a roast, he commented that he heard the lobby corps was selling tickets to his to his speech, joking . . . "that there is a way to make money in this operation." So, if you want to give a listen, just Google "**Representative Tom Goodson's Farewell Speech**", and be prepared to hear some good-natured ribbing of his fellow House colleagues.

Looking Ahead to Week Nine

The Parkland-related bills and state budget will continue sucking more and more oxygen out of the legislative process in the final days, leaving little room for other bills to be discussed. It was supposed to be the hurricane session addressing preparedness and response, but the Parkland shooting has risen above those issues. Other issues such as assignment of benefits (AOB), PIP and sanctuary cities are either dead or in serious jeopardy. Even the texting bill which would make texting while driving a primary offence appears dead after getting early support.

Bills in Good Position to Pass

Impact Fees

(CS/CS/CS/HB 697 by Young/CS/CS/SB 324 by Young)

These Florida Home Builders Association supported bills would rein in the assessment and collection of impact fees.

The House Bill is eight pages long and includes controversial language imposing specific time periods on local governments within which to review and approve development plans. The Senate Bill has been stripped down to a three-page bill without the controversial additional provision. Unless the Senate is willing to take the House Bill language, it will have to be stripped out and returned to the House for final passage. What we call "bouncing a bill" can be risky business.

STATUS: **CS/CS/CS/HB 697** passed the House on Thursday, March 1 on a vote of 108-5. The bill was sent to the Senate in Messages. **CS/CS/SB 324** has been referred to the Senate Community Affairs Committee; Appropriations Subcommittee on Finance and Tax; and Appropriations Committee. The bill passed the Senate Appropriations Committee, its last committee reference, on Tuesday, February 27 on a vote of 19-1. The bill is on second reading on the Senate Calendar.

Permit Fees

(CS/CS/CS/HB 725 by Williamson/CS/CS/SB 1144 by Perry)

These bills require permitting and inspection fees to be published on the local government's website and require justification through specific reporting prior to raising the fees.

STATUS: **CS/CS/CS/HB 725** was sent to the Senate in Messages, received by the Senate and referred to the Community Affairs Committee; Appropriations Subcommittee on Finance and Tax;

and Appropriations Committee. **CS/CS/SB 1144** has been referred to the Senate Community Affairs Committee; Appropriations Subcommittee on Finance and Tax; and Appropriations Committee. The bill unanimously passed the Senate Appropriations Committee, its last committee reference, on Tuesday, February 27 on a vote of 19-0. The bill is on second reading on the Senate Calendar.

Business Filings

(CS/HB 661 by M. Miller/CS/SB 610 by Young)

These bills would require the Department of State to create a notification program by December 31, 2018 to combat fraudulent filings of business and corporate records.

Status: **CS/HB 661** has been referred to the House Oversight, Transparency and Administration Subcommittee; Transportation and Tourism Appropriations Subcommittee; and Government Accountability Committee. The bill is on third reading on the House Calendar. **CS/SB 610** is on third reading on the Senate Calendar.

High School Graduation Requirements

(HB 577 by Silvers/SB 856 by Montford)

The bills authorize the use of credits earned upon completion of a registered apprenticeship or pre-apprenticeship program to satisfy specified high school graduation credit requirements.

STATUS: **HB 577** was sent to the Senate in Messages, received by the Senate and referred to the Senate Education Committee; Appropriations Subcommittee on Pre-K – 12 Education; and Appropriations Committee. **SB 856** has been referred to the Senate Education Committee; Appropriations Subcommittee on Pre-K - 12 Education; and Appropriations Committee. The bill is on second reading on the Senate Calendar.

Statute of Limitations for Actions Relating to Real Property Improvement

(CS/CS/HB 875 by Leek/CS/CS/SB 536 by Passidomo)

These ABC supported bills make additional changes to the statute of limitation for latent defects and create time periods for commencement of counterclaims, cross-claims and third-party claims.

This Senate Bill was rescued from the Dead Bills this past week when a second Rules Committee meeting was scheduled, and the bill was heard.

STATUS: **CS/CS/HB 875** was sent to the Senate in Messages, received by the Senate and referred to the Senate Judiciary Committee; Community Affairs Committee; and Rules Committee. **CS/CS/SB 536** has been referred to the Senate Judiciary Committee; Community Affairs Committee; and Rules Committee. The bill unanimously passed the Senate Rules Committee, its last committee reference, on Thursday, March 1 on a vote of 11-0. The bill is on second reading on the Senate Calendar.

Notaries Public

(CS/CS/HB 771 by J. Grant/CS/SB 1042 by Brandes)

These bills create new sections of statute with respect to electronic notarization and allow an individual and witnesses to appear “in person” via computer audio-video communication technology and specify detail as to validations, forms and other requirements.

This Senate Bill was rescued from the Dead Bills this past week when a second Rules Committee meeting was scheduled, and the bill was heard.

STATUS: **CS/CS/HB 771** has been referred to the House Civil Justice & Claims Subcommittee; Transportation & Tourism Appropriations Subcommittee; and Judiciary Committee. The bill is on the House Calendar. **CS/SB 1042** has been referred to the Senate Judiciary Committee; Governmental Oversight and Accountability Committee; and Rules Committee. The bill unanimously passed the Senate Rules Committee, its last committee reference, on Thursday, March 1 on a vote of 13-0. The bill is on the Senate Special Order Calendar for Tuesday, March 6.

Daylight Saving Time/Time Observances

(HB 1013 by Nunez/CS/CS/SB 858 by Steube)

The bills declare the Legislature’s intent to observe Daylight Savings Time year-round throughout the entire state if federal law is amended to permit Florida to take this action.

STATUS: **HB 1013** was sent to the Senate in Messages, received by the Senate and referred to the Senate Community Affairs Committee; Commerce and Tourism Committee and Rules Committee. **CS/CS/SB 858** has been referred to the Senate Community Affairs Committee; Commerce and Tourism Committee; and Rules Committee. The bill was scheduled to be heard by the Senate Rules Committee, its last committee reference, on Monday, February 26; however, it was not considered as the committee ran out of time. The bill unanimously passed the Senate Rules Committee, its last committee reference, on Thursday, March 1 on a vote of 11-0. The bill is on third reading on the Senate Special Order Calendar for Monday, March 5.

Bills on Life Support

Possession of Real Property

(CS/HB 631 by Civil Justice and Claims Subcommittee; Edwards-Walpole/CS/SB 804 by Passidomo)

Authorizes person with superior right to possession of real property to recover possession by ejectment; provides that person entitled to possession of real property has cause of action to regain possession from another person who obtained possession of real property by forcible entry, unlawful entry, or unlawful detainer; prohibits local government from enacting or enforcing ordinance or rule based on customary use; provides an exception; creates, revises, & repeals related procedural provisions.

STATUS: **CS/HB 631** was in messages to the Senate, received by the Senate and referred to the Senate Judiciary Committee; Community Affairs Committee; and Rules Committee. **CS/SB 804** has been referred to the Senate Judiciary Committee; Community Affairs Committee; and Rules Committee. The bill passed the Senate Rules Committee, its last committee reference, on Thursday, March 1 on a vote of 12-1. The bill is on second reading on the Senate Special Order Calendar for Monday, March 5.

Regulatory Reform-Licensing

*(*CS/CS/CS/HB 1041 by Plakon/CS/SB 1114 by Brandes)*

These bills specify licenses that can be obtained after certain specified time periods have lapsed since the conviction or determination of guilt. The professions included are cosmetology and barbers, construction contractor in the subtrades and specialty contractors and nursing assistants. The bills allow a person to apply to the respective board for a declaratory statement as to whether they are eligible for licensure and create procedures and time periods.

STATUS: ***CS/CS/CS/HB 1041** has been referred to the House Careers and Competition Subcommittee; Appropriations Committee; Commerce Committee; and *Judiciary Committee. *The bill passed the to the House Judiciary Committee, its last committee reference, on Tuesday, February 27 on a vote of 12-6. The bill is on third reading on the House Calendar. **CS/SB 1114** has been referred to the Senate Regulated Industries Committee; Commerce and Tourism Committee; Appropriations Committee; and Rules Committee. *The bill was scheduled to be heard by the Senate Appropriations Committee on Tuesday, February 27; however, it was not considered as the committee ran out of time. No movement on the Senate Bill during the eighth week of Session.

Bills Dead for the Session

Use of Wireless Communications Devices While Driving/Texting While Driving

(CS/CS/HB 33 by Toledo/CS/SB 90 by Perry)

These bills would make texting while driving a primary.

Although **CS/CS/HB 33** passed the full House this past week, **Senate Appropriations Chair Rob Bradley (R – Orange Park)** refused to put **CS/SB 90** on his last Appropriations meeting agenda. There is no question it was his intention that the bill die yet another year, with **Bradley** being quoted as saying he has concerns with privacy issues if a driver is pulled over. This is a real disappointment for the sponsors, Don't TXT & Drive Coalition and citizens who cried loudly for this legislation to be passed.

STATUS: **CS/CS/HB 33** made it to the House Calendar. **CS/SB 90** was heard by two committee of references before stalling in its last committee reference.

Property Insurance (Assignment of Benefits (AOB))

(HB 7015 by Trumbull/SB 62 by Hukill/SB 256 by Farmer/SB 258 by Farmer/CS/CS/SB 1168 by Steube)

Although some similar concepts are addressed in both bills, they remain substantially different and compromise will have to occur for anything to pass.

STATUS: **HB 7015** was heard by all its committee references, passed the House and was sent to the Senate in Messages. **SB 62, SB 256** and **SB 258** were never heard by a committee reference. **CS/CS/SB 1168** was heard by two committee references but died in its last committee reference.

Workers' Compensation

(HB 7009 by Commerce Committee and Burgess)

The business community and workers' compensation coalition do not believe the bill goes far enough to make a substantial difference in the anticipated rate hikes. The bill repeals caps put in place in 2003, requires the existing medical reimbursement panel to move to annual adoption of maximum reimbursement allowances, extends timeframes in which employees may receive certain workers' compensation benefits and in which a carrier must notify a treating doctor of certain requirements and revises provisions relating to retainer agreements and awarding attorney fees. It also allows the Judge of compensation claims to deny a claim if the claimant or claimant's attorney did not make a good faith effort to settle the claim out of court.

STATUS: **HB 7009** was received by the Senate and referred to the Senate Banking and Insurance Committee; Appropriations Committee; and Rules Committee.

Construction Defect Claims

(HB 759 by Trumbull/SB 680 by Passidomo)

These bills were an attempt to rein in construction defects claims. It would have required claimants to personally sign claims, settlement documents, etc. and to be present at inspections. It also would have required a rejection of settlement to be accompanied by a demand for mediation and to explain why the settlement offer was not considered adequate and sets various time periods and deadlines.

STATUS: **HB 759** was heard by one committee reference but was TPed two times in its last committee of reference. **SB 680** was not heard by any committee of reference.

Construction Bonds

(HB 723 by McClain/CS/SB 908 by Steube)

The bills would have required notice of nonpayment to be verified along with notice of nonpayment requirements. The bills would have also provided that claimant or lienor who serves fraudulent notice of nonpayment shall be deprived of rights under bond.

STATUS: **HB 723** was not heard by a committee of reference. **CS/SB 908** was heard by one committee of reference.

Direct Purchases of Tangible Personal Property by Contractors

(HB 715 by Leek/SB 1108 by Young)

The bill would have authorized governmental entities to allow specified entities to use its certificate of entitlement of exemption for certain tangible personal property. It would have also provided procedures for allowing such use and require a letter of authorization to specify issues regarding risk of damage or loss of property.

STATUS: Both bills were never heard by one committee of reference.

Actions Against Contractors without Required Insurance Coverage

(HB 89 by Spano/SB 604 by Steube)

The bills would have provided that contractors who fail to carry required insurance may be personally liable for damages that would have been covered by such insurance.

STATUS: **HB 89** was heard by one committee of reference. **SB 604** was not heard by any committee of reference.

Florida Building Commission

(HB 299 by McClain)

This bill would have pared down the number of building commission members.

STATUS: The bill was not heard by one committee reference, and there was no Senate companion.

Opened and Expired Building Permits

(HB 1077 by /SB 1322 by Powell)

These bills would have authorized the Construction Industry Licensing Board to take actions against any contractor, construction business or financially responsible officer if found guilty of failing to properly close any permit or satisfy any applicable permit requirement. It also required the Florida Building Commission to adopt rules and amend the applicable Florida Building Code to enact procedures designed to encourage property owners and contractors to close permits properly.

STATUS: Both bills were never heard by one committee of reference.

Annual Business Organization Reports and Fees

(HB 373 by M. Grant/SB 1228 by Hukill)

These bills would have changed corporate annual reporting to bi-annual reporting.

STATUS: **HB 373** was never heard by a committee of reference. **SB 1228** was heard by one committee of reference.

Small Business Participation in State Contracting

(SB 114 by Campbell)

This is the same legislation filed for several years by **Senator Campbell**. It would require state agencies to break contracts into smaller pieces to allow for smaller contractors to bid. It would require 35% of the agencies contracts to be awarded to small contractors, and it would prohibit requiring bonds for contracts under \$500,000. This is legislation we have opposed and will continue to do so. At present, there is no House companion bill.

STATUS: The bill was not heard by a committee of reference, and there was no House Companion.

Theft

(CS/CS/HB 713 by Donalds and Alexander/CS/SB 928 by Bracy)

These bills raise the threshold for third degree felonies and make other changes to theft statutes.

STATUS: **CS/CS/HB 713** was heard by all its committee of references but died on the House Calendar. **CS/SB 928** was heard by two committee references but died in its last committee reference.

To view and print the above bills from this week's Legislative Report, please go to either www.floridahouse.gov or www.flsenate.gov. Other legislative information can be found by going to www.leg.state.fl.us. If you have any questions or need additional information, please contact me at rbkershneratt.net.