



FROM THE HALLS OF THE CAPITOL A REPORT FROM TALLAHASSEE



AGC Alabama Northwest Florida Section

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January 28, 2018

Week Three Legislative Report

Capitol Hit with Flu Bug

The flu bug has hit the Capitol. January Legislative Sessions can be cold – even brutal – to Floridians. When coupled with one of the worst flu seasons on record, the Capitol is just one big petri dish. Legislators, staff, lobbyists and visitors are all walking around coughing and sneezing prompting one political blogger to suggest that in future January Legislative Sessions everyone would be required to get a flu shot; and if you are sick, stay home. Maybe they should install a body temperature scan at the entrance to the Capitol instead of metal detectors.

House and Senate Budgets Rolled Out

The House and Senate on Friday released their respective budget proposals...topping \$87 billion for the state fiscal year that starts July 1. The House proposal totals nearly \$87.2 billion, while the Senate proposal came in at \$87.3 billion – just shy of an \$87.4 billion spending plan offered by **Governor Rick Scott**. Though at first glance the bottom-line numbers are similar, there are still differences between the two chambers that must be bridged. The House and Senate likely will make changes to the plans during the next two weeks, setting the stage for negotiations on a final budget before the Legislative Session is scheduled to end March 9. Key issues to be resolved during that time include health-care spending, public-school funding and **Scott's** request for \$100 million to go to tourism marketing.

Latvala's Woes Persist

The Florida Department of Law Enforcement (FDLE) announced Friday that it's now conducting an "active" criminal investigation into **former Senator Jack Latvala's** sexual misconduct. Up until now, the FDLE was only "conducting a review" of documents provided by the Senate.

Feeling Safe in the Senate – New Policy Released

The Senate is committed to ensuring a safe workplace for all who visit and do business in the Senate. As professionals registered to lobby the Florida Senate, this policy applies to us as well. The Lobbyist Registration Office dutifully sent a copy to all registered lobbyists this week. It's comforting to know that all Senators must receive at least one (1) hour of training addressing workplace harassment, sexual harassment and sensitivity training. So besides doing this Legislative Report this weekend, our additional homework assignment will include familiarizing ourselves with the Senate's new comprehensive policy on workplace and sexual harassment.

No More Spring Forward/Fall Back

There are two bills working their way through the committee process that would make the standard time for Florida daylight saving time year-round. The Senate version of the proposal also asked the state's Panhandle to be moved into Eastern Standard Time. The panhandle is currently considered part of the Central Standard Time zone. The bill provides that it is the intent of the Legislature to adopt daylight saving time as the year-round standard time in the entire state of Florida and all of its political subdivisions, if the United States Congress amends 15 U.S.C. s. 260a, to make the state all one time zone.

Here are a few ways the change could impact your life:

- If Florida has permanent daylight-saving time, it would be an hour ahead of the rest of the East Coast for much of the year.
- There would be no more springing ahead and falling back. Clocks on the east coast would only be in sync with Florida from March to November.
- There would be sunny evenings year-round. Example: The sunset in Orlando on December 22 would happen at about 6:34 p.m., an hour later than last year's 5:34 p.m. sunset.
- Mornings would be darker. Example: The sunrise in Orlando on December 22, 2017 occurred at 7:14 a.m. That would be pushed an hour to 8:14 a.m.
- TV viewing times would be different.
- It would require the reprogramming of computers and other electronic devices to eliminate the automatic changing of the clocks.

Looking Ahead to Week Four

As the 60-day Legislative Session heads into its fourth week, attention now turns to the budget, the only constitutionally required action of the Legislature annually. The fourth week of session also marks the last week of House subcommittee meetings (with the exception of appropriations subcommittees). With almost 2,000 bills stuck in various House committees, the cry of "bills are dying" will echo throughout the halls of the Capitol – along with the coughing and sneezing.

Construction Bonds

(HB 723 by McClain/SB 908 by Steube)

This week, stakeholders met with both sponsors to discuss concerns with the bills. **Senator**

Steube has asked stakeholders to give him a list of the issues in the bill that they do not oppose, which will be given to him this week.

The Senate Bill was agendaed and heard in **Chair Steube**'s own Judiciary Committee on Thursday morning. The Senator offered two amendments which were adopted to remove the requirement currently in the bill that attachments be included with a notice of nonpayment. He understands that concerns go much deeper and has committed to the stakeholders and in committee that he would continue to work with all of the stakeholders.

The good news is that if no additional meetings are authorized by the Speaker, **HB 723** by **McClain**, which is not on the week four agenda for the Careers and Competition Subcommittee, will be dead.

STATUS: **HB 723** has been referred to the House Careers & Competition Subcommittee; Civil Justice & Claims Subcommittee; and Commerce Committee. **SB 908** has been referred to the Senate Judiciary Committee; Community Affairs Committee; and Rules Committee. The bill unanimously passed the Senate Judiciary Committee on Thursday, January 25 on a vote of 9-0. The bill now goes to the Senate Community Affairs Committee. No movement on the House Bill during the third week of Session.

Direct Purchases of Tangible Personal Property by Contractors

(HB 715 by Leek/ SB 1108 by Young)

These bills were an attempt by Associated Builders & Contractors to allow a governmental entity to assign the right to purchase tax exempt to contractors and subcontractors. The bill was workshopped in the House Oversight, Transparency and Administration Subcommittee this past week, and proponents testified before the committee on why the current system is complex and fraught with difficulties. A number of committee members understand the issue and believe that as a policy it makes no sense to tax materials being paid for with tax money that has been reallocated. The problem is that unless the revenue estimators can come up with real numbers, there is little chance of passing anything that has an estimated recurring fiscal impact upward of \$200 million. Asking for an OPPAGA study on the issue is being considered.

STATUS: **HB 715** has been referred to the House Oversight, Transparency & Administration Subcommittee; Ways & Means Committee; and Government Accountability Committee. The bill was workshopped at the House Oversight, Transparency & Administration Subcommittee on Tuesday, January 23. **SB 1108** has been referred to the Senate Community Affairs Committee; Appropriations Subcommittee on Finance and Tax; and Appropriations Committee. No movement on the Senate Bill during the third week of Session.

Use of Wireless Communications Devices While Driving/Texting While Driving

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

The bills would make distracted driving a primary offense and set parameters for law enforcement.

STATUS: **CS/HB 33** has been referred to the House Transportation and Infrastructure

Subcommittee; Judiciary Committee; and Government Accountability Committee. The bill passed the House Judiciary Committee, its last committee reference, on Thursday, January 25 on a vote of 17-1. The bill now goes to the House Calendar. **CS/CS/SB 90** has been referred to the by Senate Communications, Energy, and Public Utilities Committee; Transportation Committee; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations Committee. The bill passed the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on Tuesday, January 23 on a vote of 8-2. The bill now goes to the Senate Appropriations Committee, its last committee reference.

Actions Against Contractors without Required Insurance Coverage

(HB 89 by Spano/SB 604 by Steube)

These identical bills are the result of an actual case **Representative Spano** had where a contractor's insurance coverage specifically excluded condominium work. The bills would pierce the corporate veil and make a contractor personally liable if they knowingly failed to carry the public liability insurance and property damage insurance required by s. 489.115 or knowingly performed work that was specifically excluded from such policies.

STATUS: **HB 89** has been referred to the House Civil Justice and Claims Subcommittee; Careers and Competition Subcommittee; and Judiciary Committee. The bill remains in the House Careers and Competition Subcommittee. **SB 604** has been referred to the Senate Regulated Industries Committee; Judiciary Committee; and Rules Committee. No movement on either of the bills during the third week of Session.

Electrical Contractors

(HB 295 by Mercado/SB 446 by Gibson)

These bills amend state law to require a journeyman electrician to supervise installation of 77 volts or more on all commercial or industrial projects. Currently, there is a 50,000-square foot threshold before this requirement kicks in. Historically, contractor groups have opposed this union initiative.

STATUS: **HB 295** has been referred to the House Careers and Competition Subcommittee; Local, Federal and Veterans Affairs Subcommittee; and Commerce Committee. **SB 446** has been referred to the Senate Regulated Industries Committee; Community Affairs Committee; and Rules Committee. No movement on either of the bills during the third week of Session.

Florida Building Commission

(HB 299 by McClain)

This bill would reduce the membership of the Florida Building Commission from its current 27 members to 11, removing many industry representative seats on the Commission. The bill was agendaed to be heard in October but was temporarily postponed. This is very controversial, and a Senate companion has not yet surfaced.

STATUS: **HB 299** has been referred to the House Careers and Competition Subcommittee; and Commerce Committee. The bill remains in the House Commerce Committee, its last committee

reference. No movement on the bill during the third week of Session.

Impact Fees

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

These Florida Home Builders Association supported bills are an attempt to rein in the assessment and collection of impact fees.

STATUS: **CS/CS/HB 697** has been referred to the House Local, Federal and Veterans Affairs Subcommittee; Ways and Means Committee; and Government Accountability Committee. The bill remains in the House Government Accountability Committee, its last committee reference. **CS/SB 324** has been referred to the Senate Community Affairs Committee; Appropriations Subcommittee on Finance and Tax; and Appropriations Committee. The bill is scheduled to be heard by the Senate Appropriations Subcommittee on Finance and Tax on Monday, January 29 at 1:30 p.m. No movement on either of the bills during the third week of Session.

Statute of Limitations for Actions Relating to Real Property Improvement

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

Bills passed in recent years on this issue remain controversial, and these ABC-supported bills are an attempt to resolve those issues and clarify the statute. In addition to technical tweaks, the bills establish a time for filing cross-claims and counterclaims and clarify that work performed after issuance of a certificate of completion or certificate of occupancy does not extend the time for filing an action.

STATUS: **CS/HB 875** has been referred to the House Civil Justice & Claims Subcommittee; and Judiciary Committee. The bill remains in the House Judiciary Committee, its last committee reference. **CS/SB 536** has been referred to the Senate Judiciary Committee; Community Affairs Committee; and Rules Committee. The bill unanimously passed the Senate Judiciary Committee on Thursday, January 25 on a vote of 9-0. The bill now goes to the Senate Community Affairs Committee. No movement on the House Bill during the third week of Session.

Construction Defect Claims

(HB 759 by Trumbull/SB 680 by Passidomo)

This legislation is an attempt to rein in construction defects claims. It requires claimants to personally sign claims, settlement documents, etc. and to be present at inspections. It requires 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** has been referred to the House Civil Justice & Claims Subcommittee; and Judiciary Committee. The bill was scheduled to be heard by the House Judiciary Committee, its last committee reference, on Thursday, January 25; however, the bill was never heard. **SB 680** has been referred to the Senate Judiciary Committee; Commerce and Tourism Committee; and Rules Committee. No movement on either of the bills during the third week of Session.

Opened and Expired Building Permits

(HB 1077 by /SB 1322 by Powell)

These bills would add failing to properly close any permit or satisfy any applicable permit requirement to the list of violations for which the Construction Industry Licensing Board can discipline a contractor. These bills are 15 pages full of new requirements defining expired permits, setting forth procedures for completion of open permit projects that have not been inspected or closed, addressing changing contractors and requiring a notice to all permit applicants about permit and inspection requirements. The bill allows local governments to enforce other local restrictions that are not inconsistent and/or add additional permit closure requirements.

STATUS: **HB 1077** has been referred to the House Careers & Competition Subcommittee; Local, Federal & Veterans Affairs Subcommittee; and Commerce Committee. **SB 1322** has been referred to the Senate Regulated Industries Committee; Community Affairs Committee; and Rules Committee. No movement on either of the bills during the third week of Session.

Regulatory Reform-Licensing

(HB 1041 by Plakon/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: **HB 1041** has been referred to the House Careers and Competition Subcommittee; Local, Federal and Veterans Affairs Subcommittee; and Commerce Committee. The bill is scheduled to be heard by the House Careers and Competition Subcommittee on Tuesday, January 30 at 1:00 p.m. **SB 1114** has been referred to the Senate Regulated Industries Committee; Commerce and Tourism Committee; and Rules Committee. The bill unanimously passed the Senate Regulated Industries Committee on Wednesday, January 24 on a vote of 10-0. The bill now goes to the Senate Commerce and Tourism Committee. No movement on the House Bill during the third week of Session.

Regulatory Reform-Red Tape Reduction Act

(HB 791 by M. Diaz/SB 1268 by Perry)

These bills would create the Red Tape Reduction Advisory Council under the Executive Office of the Governor, consisting of members appointed by the Governor, House Speaker and Senate President. A baseline for the number of administrative rules in existence on January 1, 2019 would be established and an agency could not adopt an additional rule without repealing an existing rule. The council shall: (a) Annually review the Florida Administrative Code to determine whether any rules are duplicative or obsolete, are especially burdensome to businesses within the state, disproportionately affect businesses with fewer than 100 employees or disproportionately affect businesses with annual revenue below \$5 million. If the council determines that a rule meets at least one of these criteria and can be repealed or amended with minimal impact on public health, safety and welfare, the council shall recommend repealing or

amending the rule.

STATUS: **HB 791** has been referred to the House Oversight, Transparency & Administration Subcommittee; Appropriations Committee; and Government Accountability Committee. The bill is scheduled to be heard by the House Oversight, Transparency & Administration Subcommittee on Tuesday, January 30 at 8:30 a.m. **SB 1268** has been referred to the Senate Governmental Oversight and Accountability Committee; Appropriations Subcommittee on General Government; and Appropriations Committee. No movement on either of the bills during the third week of Session.

Annual Business Organization Reports and Fees

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

These bills would change the annual corporate reporting to bi-annual reporting.

STATUS: **HB 373** has been referred to the House Oversight, Transparency & Administration Subcommittee; Ways & Means Committee; and Government Accountability Committee. **SB 1228** has been referred to the Senate Commerce and Tourism Committee; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations Committee. The bill remains in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. No movement on either of the bills during the third week of Session.

Business Filings

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

These bills would require the Department of State to create a notification program by December 31, 2018 to combat the fraudulent filing of business and corporate documents. Each time a document is filed, an email notice to the business would be required.

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 remains in the House Transportation and Tourism Appropriations Subcommittee. **CS/CS/SB 610** is on second reading on the Senate Calendar. No movement on either of the bills during the third week of Session.

Notaries Public

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

These bills create new sections of statute with respect to electronic notarization. They 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.

STATUS: **HB 771** has been referred to the House Civil Justice & Claims Subcommittee; Transportation & Tourism Appropriations Subcommittee; and Judiciary Committee. The bill remains in the House Transportation & Tourism Appropriations Subcommittee. **SB 1042** has been referred to the Senate Judiciary Committee; Governmental Oversight and Accountability

Committee; and Rules Committee. The bill is scheduled to be heard by the Senate Judiciary Committee on Tuesday, January 30 at 2:00 p.m. No movement on either of the bills during the third week of Session.

Theft

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

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

STATUS: **HB 713** has been referred to the House Criminal Justice Subcommittee; Justice Appropriations Subcommittee; and Judiciary Committee. The bill is scheduled to be heard by the House Justice Appropriations Subcommittee on Tuesday, January 30 at 4:00 p.m. **CS/SB 928** has been referred to the Senate Criminal Justice Committee; Judiciary Committee; and Rules Committee. The bill unanimously passed the Senate Judiciary Committee on Thursday, January 25 on a vote of 6-4. The bill is now in the Senate Rules Committee, its last committee reference. No movement on the House Bill during the third week of Session.

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** remains in messages to the Senate. No movement on the bill during the third week of Session.

Property Insurance (Assignment of Benefits (AOB))

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

Although some similar concepts are addressed in both bills, they are substantially different and negotiation between the chambers will be necessary for anything to pass.

STATUS: **HB 7015** remains in messages to the Senate. **SB 62** has been referred to the Senate Banking and Insurance Committee; Appropriations Committee; and Rules Committee. **SB 256** has been referred to the Senate Banking and Insurance Committee; Appropriations Committee; and Rules Committee. **SB 258** has been referred to the Senate Banking and Insurance Committee; Appropriations Committee; and Rules Committee. **CS/SB 1168** has been referred to the Senate Banking and Insurance Committee; Judiciary Committee; and Rules Committee. The bill passed the Senate Banking and Insurance Committee on Tuesday, January 23 on a vote of 7-3.

The bill now goes to the Senate Judiciary Committee. No movement on any of the bills except **CS/SB 1168** during the third week of Session.

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: **SB 114** has been referred to the Senate Governmental Oversight and Accountability Committee; Appropriations Subcommittee on General Government; and Appropriations Committee. No movement on the bill during the third week of Session.

Permit Fees

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

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

STATUS: **CS/CS/HB 725** has been referred to the House Local, Federal and Veterans Affairs Subcommittee; Careers and Competition Subcommittee; and Government Accountability Committee. The bill unanimously passed the House Careers and Competition Subcommittee on Tuesday, January 23 on a vote of 13-0. The bill now goes to the House Government Accountability Committee, its last committee reference. **CS/SB 1144** has been referred to the Senate Community Affairs Committee; Appropriations Subcommittee on Finance and Tax; and Appropriations Committee. The bill remains in the Senate Appropriations Subcommittee on Finance and Tax. No movement on the Senate Bill during the third week of Session.

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 rbkershner@att.net.