



# *FROM THE HALLS OF THE CAPITOL A REPORT FROM TALLAHASSEE*



AGC Alabama Northwest Florida Section

Prepared by **R. Bruce Kershner**, Government Relations Director  
February 25, 2018

## **Week Seven Legislative Report**

### **Thousands Jam the Capitol**

Thousands jammed the Capitol complex on Wednesday to call for action in the wake of the Parkland shooting. One Hundred students from Marjory Stoneman Douglas High School traveled to Tallahassee to demand a response to the tragedy at their school. They were joined by thousands of others in what is thought to be the largest demonstration at the Capitol in nearly 20 years. On Friday, the Governor, House and Senate all released wide-ranging-plans to respond. The justifiable focus on this is one of the reasons budget deliberations are on hold.

### **The Outcome**

On Friday, the Florida House and Senate leadership released a plan to improve school safety. **Governor Rick Scott** also released his plan to address gun laws in the state.

In the most significant change on gun laws, state leaders agree that anyone who wants to buy a gun must be at least 21. Under current law, only handgun buyers must be 21. The governor and legislature both laid out a \$500 million school safety package. The governor and the legislative leaders parted ways on two significant elements: a controversial program to allow trained teachers and administrators to bring guns to school and a three-day waiting period on the purchase of long guns – as endorsed by the House and Senate and already required for handguns but excluded from **Scott's** plan.

Week eight will find both the Florida House and Senate deliberating all the proposed policies and working to finalize something for a vote before session ends. This is the starting point, and we will more than likely see changes.

### **Session Defined by Two Issues**

Two issues have polarized the 2018 Legislative Session: sexual harassment accusations and the tragic shooting at Marjory Stoneman Douglas High School. This year's Legislative Session will long be remembered as much of an embarrassment as it was an emotional one.

In less than a year, the Senate saw three Senators forced to resign. One for an expletive rant-filled tirade directed at fellow senators that went public, another for an extramarital affair with a lobbyist and one resigned after a Special Master released two reports citing allegations of sexual misconduct with female staffers and lobbyists and possible public corruption and extortion. And just when lawmakers thought they had weathered that storm, the senseless tragedy at a Broward County High School unfolded, causing more divide in the legislature as they struggle to find answers and resolve to a most difficult situation.

### **Will Lawmakers Finish on Time?**

It's that time of year when those in the process shift their focus to the end game and whether lawmakers will finish the 60-day regular session on March 9th as scheduled. Depending on who you talk to, the answer is not clear. As we close out week seven of the nine-week session, budget conferees have not been named and that will not happen until budget allocations have been set. Allocations are the big chunks of state money that go to each budget subcommittee to fund the various parts of state government. The reason there has been no progress on allocations is that legislators are focused on responding to the tragedy in Parkland. This outcome will certainly impact the budget allocations.

After last year's extended and special sessions, the odds for an on-time finish to the 2018 Session are dwindling. No budget conference meetings have been scheduled, and the House Speaker criticized Senate leadership for "stonewalling." The House budget chair added, "What's an extra two weeks or three weeks?" Senate leaders responded with a more upbeat prognosis saying, they expect to finish on-time. They better get moving.

Further complicating budget matters, the Revenue Estimating Conference reconvened on Friday to adjust the general revenue estimates it adopted just two weeks ago. The downward revision of the revenue estimate (\$167 million) plus the money for the school safety and gun laws (\$400 to \$500 million) means that lawmakers are working with half-a-billion dollars less than they were just a week ago!

### **Looking Ahead to Week Eight**

As week seven concludes...sine die inches closer. Most committee meetings will close out on Tuesday with lots of floor time scheduled for the final two weeks of session. With primary focus squarely on school safety/gun laws and the budget...the death knell will be ringing for many high priority issues. Don't bet on a new gambling deal. Most agree, it's less likely to be considered by Session's end. Other issues on the bubble include assignment of Benefits (AOB), PIP, sanctuary cities and banning fracking in the state. Even the texting bill, moving texting while driving to a primary offence, has hit a snag in the Senate. **Senate Appropriations Chairman**

**Rob Bradley** says he has concerns with privacy issues if a driver is pulled over. The bill is now in his appropriations committee. Of course, this issue, as well as the others, could be used in making deals on other legislation in the final days.

## **Bills in Good Position to Pass**

### **Impact Fees**

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

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

**STATUS:** **CS/CS/CS/HB 697** is on the House Special Order Calendar for Tuesday, February 28. **CS/SB 324** has been referred to the Senate Community Affairs Committee; Appropriations Subcommittee on Finance and Tax; and Appropriations Committee. The bill was scheduled to be heard by the Senate Appropriations Committee, its last committee reference, on Thursday, February 22 at 2:00 p.m.; however, the bill was TPed. The bill is scheduled to be heard by the Senate Appropriations Committee, its last committee reference, on Tuesday, February 27 at 11:00 a.m. No movement on either of the bills during the seventh week of Session.

### **Permit Fees**

*(CS/CS/CS/HB 725 by Williamson/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 in messages to the Senate, received by the Senate and referred to the Community Affairs Committee; Appropriations Subcommittee on Finance and Tax; and Appropriations Committee. **CS/SB 1144** 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 Committee, its last committee reference, on Tuesday, February 27 at 11:00 a.m. No movement on the House Bill during the seventh week of Session.

### **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 unanimously passed the House Government Accountability Committee, its last committee reference, on Thursday, February 22 on a vote of 20-0. The bill is on the House Calendar. **CS/SB 610** is on second reading on the Senate Calendar. No movement on either of the Senate Bill during the seventh week of Session.

### **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. This is certainly a step in the right direction!

**STATUS:** **HB 577** was in messages to the Senate, 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 unanimously passed the Senate Appropriations Committee, its last committee reference, on Thursday, February 22 on a vote of 20-0. The bill remains on second reading on the Senate Calendar. No movement on the House Bill during the seventh week of Session.

### **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 in messages to the Senate, 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 is scheduled to be heard by the Senate Rules Committee, its last committee reference, on Monday, February 26 at 2:30 p.m. No movement on the Senate Bill during the seventh week of Session.

## **Bills on Life Support**

### **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.

**STATUS:** **CS/CS/HB 33** is on the House Special Order Calendar for Tuesday, February 28. **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 remains in the Senate Appropriations Committee, its last committee reference. No movement on either of the bills during the seventh 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/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 received by the Senate and referred to the Senate Banking and Insurance Committee; Judiciary Committee; and Rules Committee. **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/CS/SB 1168** has been referred to the Senate Banking and Insurance Committee; Judiciary Committee; and Rules Committee. The bill remains in the Senate Rules Committee, its last committee reference. No movement on any of the bills during the seventh week of Session.

### **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.

**STATUS:** **CS/CS/HB 771** has been referred to the House Civil Justice & Claims Subcommittee; Transportation & Tourism Appropriations Subcommittee; and Judiciary Committee. The bill passed the House Judiciary Committee, its last committee reference, on Wednesday, February 21 on a vote of 15-0. 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 remains in the Senate Rules Committee, its last committee reference. No movement on the Senate Bill during the seventh week of Session.

### **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** has been referred to the House Criminal Justice Subcommittee; Justice Appropriations Subcommittee; and Judiciary Committee. The bill remains on the House Calendar. **CS/SB 928** has been referred to the Senate Criminal Justice Committee; Judiciary Committee; and Rules Committee. The bill remains in the Senate Rules Committee, its last committee reference. No movement on either of the bills during the seventh 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** was received by the Senate and referred to the Senate Banking and Insurance Committee; Appropriations Committee; and Rules Committee. No movement on the bill during the seventh week of Session.

### **Statute of Limitations for Actions Relating to Real Property Improvement**

*(CS/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.

**STATUS: CS/CS/CS/HB 875** unanimously passed the House on Wednesday, February 21 on a vote of 112-0. The bill now goes to the Senate in Messages. **CS/CS/SB 536** has been referred to the Senate Judiciary Committee; Community Affairs Committee; and Rules Committee. The bill remains in the Senate Rules Committee, its last committee of reference. No movement on the Senate Bill during the seventh week of Session.

### **Regulatory Reform-Licensing**

*(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/HB 1041** has been referred to the House Careers and Competition Subcommittee; Appropriations Committee; and Commerce Committee. The bill passed the House Commerce Committee, its last committee reference, on Thursday, February 22 on a vote of 17-8. The bill is 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 is scheduled to be heard by the Senate Appropriations Committee on Tuesday, February 27 at 11:00 a.m. No movement on the Senate Bill during the seventh 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 remains in the House Government Accountability Committee, its last committee reference. **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 seventh week of Session.

## **Bills Dead for the Session**

### **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.

### **Electrical Contractors**

*(HB 295 by Mercado/SB 446 by Gibson)*

This effort by labor unions to strengthen journeyman requirements was never heard.

**STATUS:** Both bills were never heard by one 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.

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