



FROM THE HALLS OF THE CAPITOL A REPORT FROM TALLAHASSEE



AGC Alabama Northwest Florida Section

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Week Six Legislative Report

Tragedy Shifts Focus

The senseless tragic shooting at a south Florida high school which has shaken not only Florida, but the entire nation, will undoubtedly shift the focus of our elected officials in the final weeks of the 2018 Legislative Session. Lawmakers are calling for a number of measures ranging from stricter gun laws, to appropriating \$100 million toward mental health assessment, treatment and school hardening.

Governor Rick Scott is demanding the resignation of FBI Director Christopher Wray for the bureau's failure to take action on a tip they received regarding the shooter's desire to kill people.

New Representative Is Elected

The Florida House welcomed their newest member this week, **Representative Margaret Good**, a Democrat who won a special election in Sarasota County's House District 72. She is replacing **former Representative Alex Miller**, a Republican, who abruptly resigned last summer citing family and business reasons. **Representative Good's** term will only be nine months as she will serve out the remainder of Miller's two-year term but must run for the seat again in November. The House has been rocked with numerous resignations and a death, depleting their ranks. With **Representative Good's** election, this brings the current number of House members to 114 out of 120 seats and gives the Democrats one more House seat.

Gambling Bills Still Have Life Left

Talks this week between House and Senate leaders and the Seminole Tribe suggest we may see some movement in the stalemate that has held up a new 20-year compact between the state and the

tribe. A great deal remains in play, but leadership appears optimistic that a deal can be reached before the end of session.

Panhandle Wins Time Zone Dispute

Senator Greg Steube, the Senate bill sponsor pushing to keep Florida on daylight saving time year-round, removed a provision that would have placed all of the state in the Eastern time zone, noting that people in Northwest Florida object to switching from Central time. During the meeting, **Senator Bill Montford** noted that folks in the panhandle were adamantly opposed to moving to the Eastern time zone. The change in the Senate bill makes it nearly identical to the House version which swept through a pair of committees and is slated to go to the full House on Wednesday. The Senate bill still has one more committee reference before going to the full Senate.

Looking Ahead to Week Seven

Only three weeks remain in the 2018 Legislative Session, and, as mentioned above, searching for answers to the tragedy at Marjory Stoneman Douglas High School will likely dominate the final weeks. Week Seven will be the last full week of committee hearings in the Senate, and the House is scheduled to wrap up their committee meetings by Tuesday of week eight. With March 9 looming, budget conferees still must be appointed, and budget conference meetings need to be scheduled in order to end this year's session on time.

New House Bills Filed to Address Hurricane Preparedness

We anxiously awaited the filing of bills addressing recommendations of the Select Committee on Hurricane Preparedness late during week six. The two bills filed are **House Bill 7083** on Emergency Management by the House Government Accountability Committee and **House Bill 7085** on Health Care Disaster Preparedness and Response by the Health & Human Services Committee. Both bills are products of these House Committees and do not have Senate companion bills at this time. Neither bill contains any provisions relating to construction lien law.

Update on Other Bills in Play

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** remains on second reading on the House Calendar. **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 sixth week of Session.

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** remains on second reading on the House Calendar. **CS/SB 324** 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 Committee. No movement on either of the bills during the sixth week of Session.

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.

STATUS: **CS/CS/HB 875** has been placed on the House Special Order Calendar for Tuesday, February 20. **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 sixth week of Session.

Regulatory Reform-Licensing

(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/HB 1041** has been referred to the House Careers and Competition Subcommittee; Appropriations Committee; and Commerce Committee. The bill unanimously passed the House Appropriations Committee on Tuesday, February 14 on a vote of 24-0. The bill now goes to the House Commerce Committee, its last committee reference. **CS/SB 1114** has been referred to the Senate Regulated Industries Committee; Commerce and Tourism Committee; Appropriations Committee; and Rules Committee. The bill remains in the Senate Appropriations Committee. No movement on the Senate Bill during the sixth 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 sixth 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 Transportation and Tourism Appropriations Subcommittee on Tuesday, February 13 on a vote of 13-0. The bill now goes to the House Government Accountability Committee, its last committee reference. **CS/SB 610** is on second reading on the Senate Calendar. No movement on either of the Senate Bill during the sixth week of Session.

Notaries Public

(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/HB 771** has been referred to the House Civil Justice & Claims Subcommittee; Transportation & Tourism Appropriations Subcommittee; and Judiciary Committee. The bill unanimously passed the House Transportation & Tourism Appropriations Subcommittee on February 13 on a vote of 14-0. The bill now goes to the Judiciary Committee, its last committee reference. **CS/SB 1042** has been referred to the Senate Judiciary Committee; Governmental Oversight and Accountability Committee; and Rules Committee. The bill passed the Senate Governmental Oversight and Accountability Committee on Thursday, February 15 on a vote of 5-1. The bill now goes to the Senate Rules Committee, its last committee reference.

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 unanimously passed the House Judiciary Committee, its last committee reference, on Thursday, February 15 on a vote of 19-0. The bill now goes to 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 the Senate Bill during the sixth 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 sixth 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 sixth 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** unanimously passed the House on Wednesday, February 14 on a vote of 113-0. The bill will be sent in messages to the Senate. **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 Committee, its last committee reference. No movement on the House Bill during the sixth 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: **HB 299** was heard by one committee reference; however, 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: **SB 114** was never heard by a committee of reference and had no Senate Companion.

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.