

## MEMORANDUM

**TO:** NAIOP  
**FROM:** GrayRobinson  
**DATE:** October 27, 2019  
**SUBJECT:** 2020 Legislative Session – Committee Week 3 (October 21-24)

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A history-making removal from office of a county sheriff by the Florida Senate, and the resurgence of a controversial abortion-related bill drove the debate in the Capitol last week. Lawmakers now take a break until November 4, when they will return for another pair of back-to-back committee weeks leading up to the 2020 Legislative Session, which starts on January 14. These and other items, as well as your issues are more fully discussed below.

### **Activities and Bills related to NAIOP – Summary List**

#### **Key Issues for 2020 As Determined at the NAIOP Summit**

- Enacting the FAST Act;
- Phasing out the Business Rent Tax;
- Removing the Witness Requirement for Commercial Leases;
- Maintaining a Commercial Building Representative on Florida Building Commission;
- Improving the State Fire Code; and
- Reining in Excessive Linkage Fees

**Mark Your Calendar** – NAIOP Legislative Days will take place on Tuesday, January 21 through Wednesday, January 22.

**Business Rent Tax** – The Senate and House have both filed bills to enforce the internet sales tax (bills summarized below). The Senate began moving this week, passing unanimously through its first committee. It is early, but both chambers are fully expected to propose a further reduction in the business rent tax.

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**FAST Act** – House sponsor Scott Plakon still has the bill in drafting. We expect it to be released sometime in the next two weeks.

**Lease Signatory Changes** – Representative Duggan intends to file the bill on Monday, October 28. We also expect to have Senate sponsor by the end of the week.

**Florida Building Commission** – Chris Carmody met with last year’s House sponsor of the FBC change and confirmed that the House will follow the Senate’s lead and NOT remove the commercial real estate representative on the FBC.

**Fire Code** – We are following the lead of House Commerce Chair Mike La Rosa to get this finalized in one of his committee bills.

**Linkage Fees** – Chair La Rosa has also agreed to address linkage fees in a committee bill this session.

### **Detailed Activities and Bills related to NAIOPFL**

The following are bills filed that impact (positively and/or negatively) the commercial real estate industry. **Highlighted text** means the bill was newly filed since the last memo publication.

#### **Promoting Business Friendly CRE Regulations**

#### **Uniform Commercial Real Estate Receivership Act – 2020 – SB 660 (Berman)**

##### Key Take Away

If passed, would create chapter 714, F.S., as the Uniform Commercial Real Estate Receivership Act; specifying that a court has exclusive jurisdiction to direct receivers and determine controversies under certain circumstances; providing requirements and authorizations relating to the appointment of a receiver; providing for defenses and immunities of a receiver; authorizing the court to enter certain orders if the court concludes that receivership property is likely to be insufficient to satisfy certain claims; requiring a receiver to file a final report containing certain information upon completion of the receiver’s duties, etc..

**House Approval Milestones** – No bill filed yet.

**Senate Approval Milestones** – Bill filed on October 24. No committee references yet.

**Weekly Roundup:** N/A.

**Current Call to Action:** No action needed at moment.

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### **Nonservice Animals – HB 243 (Antone)**

#### Key Take Away

If passed, would prohibit nonservice animals from entering specified public food service establishments or places of business; require DBPR to create & maintain publicly accessible website for complaints; provides penalties.

**House Approval Milestones** – Bill filed on September 30.  
Business & Professions Subcommittee – Awaiting Hearing  
Government Operations & Technology Appropriations – N/A  
Commerce – N/A

**Senate Approval Milestones** – No senate companion yet.

**Weekly Roundup:** N/A.

**Current Call to Action:** No action needed at moment.

### **Deregulation of Professions and Occupations – SB 474 (Albritton)**

#### Key Take Away

If passed, would significantly revise the Florida Building Commission membership, however, it would not remove the commercial real estate representative. Additionally, this 77 page bill would, among other things, delete the requirement that a yacht broker maintain a separate license for each branch office; specify that the failure to repay certain student loans is not considered a failure to perform a statutory or legal obligation for which certain disciplinary action can be taken; revise licensure requirements for engineers who hold specified licenses in another state; provide that certain cosmetology services may be performed in a location other than a licensed salon under certain circumstances, etc.

**House Approval Milestones** – No house bill filed yet.

**Senate Approval Milestones** – Bill filed October 7. There are no committee references yet.

**Weekly Roundup:** N/A.

**Current Call to Action:** No action needed at moment.

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## Stormwater Management Systems – HB 405 (Good)

### Key Take Away

If passed, would direct water management districts, with DEP oversight, to adopt rules for standards relating to new development & redevelopment projects specifically focusing on removal of nutrients from stormwater discharges; directs DEP to incorporate such rules for district use; directs DEP & districts to amend such rules into applicant's handbook; provides rebuttable presumption relating to water quality standards for certain systems; revises requirements for construction of certain systems; requires specified staff training; directs DEP & districts to initiate rulemaking..

**House Approval Milestones** – Bill filed on October 18. No committee references yet.

**Senate Approval Milestones** – No senate companion yet.

**Weekly Roundup:** N/A.

**Current Call to Action:** No action needed at moment.

## Promote Feasible Sustainability Initiatives

## Clean Energy Programs – HB 225 (Zika)

### Key Take Away

If passed, would authorize property owner to apply to approved PACE administrator for loan; authorize local governments to enter into agreements with PACE administrators; provides requirements for PACE loan contracts; provides certain prohibitions; provides remedies.

**House Approval Milestones** – Bill filed on September 25.

Energy & Utilities – Awaiting Hearing

Ways & Means – N/A

State Affairs – N/A

**Senate Approval Milestones** – No senate companion yet.

**Weekly Roundup:** N/A.

**Current Call to Action:** No action needed at moment.

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## Renewable Energy – SB 446 (Brandes)

### Key Take Away

If passed, would authorize owners of commercial or industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device on or about the structure in which the business operates or on a property the business owns or leases; authorizes owners or contracted third parties to sell electricity generated from the device to certain businesses regardless of whether the device is located in a utility's service territory, etc.

**House Approval Milestones** – No house bill filed yet.

**Senate Approval Milestones** – Bill filed October 4.  
Innovation, Industry and Technology – Awaiting Hearing.  
Commerce and Tourism – N/A  
Rules – N/A

**Weekly Roundup:** N/A.

**Current Call to Action:** No action needed at moment.

## Promote Fair Taxation

## Internet Sales Tax Enforcement – SB 126 (Gruters) and HB 159 (Clemons)

### Key Take Away

If passed, would revise definitions for “retail sale” and “mail order sale” to capture internet sales, and thus enforce the sales tax on internet sales.

**House Approval Milestones** – Bill filed on September 12.  
Ways & Means Committee – Awaiting Hearing  
Commerce – N/A  
Appropriations – N/A

**Senate Approval Milestones** – Bill filed on August 14.  
Commerce and Tourism – Passed unanimously on Wednesday, October 16.  
Finance and Tax – Awaiting Hearing.  
Appropriations – N/A

**Weekly Roundup:** N/A

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**Current Call to Action:** No action needed at moment.

### Collaborative Growth Management

#### Affordable Housing Trust Fund – SB 306 (Mayfield) and HB 381 (Silvers)

Key Take Away

If passed, there would no longer be trust fund “sweeps” of the Sadowski Fund.

**House Approval Milestones – Filed on October 16.**

Transportation & Tourism Appropriations Subcommittee – Awaiting hearing  
State Affairs  
Appropriations

**Senate Approval Milestones – Bill Filed September 17.**

Infrastructure and Security – Awaiting Hearing  
Appropriations Subcommittee on Transportation, Tourism and Economic Dev: N/A  
Appropriations – N/A

**Weekly Roundup:** N/A.

**Current Call to Action:** N/A

#### Development Order Attorney Fees – SB 250 (Berman) and HB 6019 (Casello) -

Key Take Away

If passed, would delete the entitlement for prevailing party to recover reasonable attorney fees and costs in challenge or defense of development order.

**House Approval Milestones – Filed September 10.**

Commerce – Awaiting hearing.  
Judiciary – Awaiting hearing.  
State Affairs – Awaiting hearing.

**Senate Approval Milestones – Filed September 10.**

Community Affairs Committee: Awaiting Hearing  
Judiciary: N/A  
Rules: N/A

**Weekly Roundup:** N/A.

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**Current Call to Action:** N/A. Both bills are filed by Democrats and are an attack on the Republican-led legislation of 2019. It is unexpected this bill will move.

**Property Rights Inserted into Growth Management – HB 203 (McClain) and SB 410 (Perry)**

Key Take Away

Would make clear that a property owner's rights to develop his/her/its property must be honored by a local government.

**House Approval Milestones** – Filed on September 19.  
Local, Federal & Veterans Affairs – Passed 9-5.  
Commerce – N/A  
State Affairs – N/A

**Senate Approval Milestones** – Filed on October 1.  
Community Affairs – Awaiting hearing.  
Judiciary – N/A  
Rules – N/A

**Weekly Roundup:** The House bill Local, Federal & Veterans Affairs Committee passed the bill on a vote of 9-5 on Wednesday, October 23.

**Current Call to Action:** N/A.

**Hurdles:** None yet. Although, it is worth noting that this same bill died in the House and Senate during 2019 session.

**Promote Economic Prosperity**

**Job Growth Grant Fund Revisions – SB 130 (Hutson) and HB 71 (Santiago)**

Key Take Away

Would authorize the Governor to approve workforce training grants to certain charter schools under the Florida Job Growth Grant Fund.

**House Approval Milestones** – Filed on August 20.  
Transportation & Tourism Appropriations Subcommittee – Awaiting hearing  
Education Committee – N/A

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Appropriations – N/A

**Senate Approval Milestones**

Commerce and Tourism Committee: Awaiting hearing.

Education: N/A.

Appropriations Committee: N/A.

**Weekly Roundup:** N/A.

**Current Call to Action:** N/A.

**Florida Tourism Marketing – SB 362 (Hooper) and HB 213 (Ponder)**

Key Take Away

Would revise the scheduled repeal of the Florida Tourism Industry Marketing Corporation direct-support organization (aka Visit Florida) to the year 2028.

**House Approval Milestones – Filed on September 23.**

Workforce Development & Tourism – Awaiting hearing

Transportation & Tourism Appropriations Subcommittee – N/A

Commerce Committee – N/A

**Senate Approval Milestones – Filed on September 23**

Commerce and Tourism Committee: Awaiting hearing.

Appropriations Subcommittee on Transportation, Tourism and Economic Dev: N/A.

Appropriations Committee: N/A.

**Weekly Roundup:** N/A.

**Current Call to Action:** N/A.

**Summary of Committee Week Three (October 21-25)**

**House Highlights**

- **Parental Consent** - A House panel cleared a bill requiring parental consent before a minor seeks an abortion. (Currently, the requirement is just parental notification.) The House Health & Human Services Committee reported favorably on partisan lines the bill (HB 265) filed by Republican Representative Erin Grall of Vero Beach. That panel was the only stop for the bill, which makes its available for a full floor vote when the



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Legislature convenes in January. If approved, it would reinstate a 1980s-era provision that required consent, but was struck down by the Florida Supreme Court.

- **Alimony** - There's no alimony bill yet filed for 2020, but House Civil Justice Subcommittee chair Bob Rommel, a Naples Republican, held a workshop to consider crafting such legislation. The Legislature has taken up proposals to revise or replace what's known as "permanent alimony" for several years. It passed a major bill in 2016 that was vetoed by then-Gov. Rick Scott. "We understand this is an extremely sensitive issue on both sides," Rommel said.

### Senate Highlight

The talk in Tallahassee this week was the removal by the state Senate of suspended Broward Sheriff County Scott Israel. That decision was largely by Republicans, who control the chamber, with Democrats mostly voting to reinstate Israel, also a Democrat. But neither party voted in lockstep, with a tally of 25-15 in support of Israel's ouster. That was preceded by spirited debate, including an admonition by Senate President Bill Galvano to Democratic state Sen. Perry Thurston to "tone it down." The postscript is that this was just a prelude to the 2020 elections, for which Israel has already filed to run for his now *former* post.

### Bill of the Week

Senator Bobby Powell, a West Palm Beach Democrat, has filed legislation to stop employers from asking about a job applicant's criminal history early in the application process. Employers would, however, ultimately be able to consider an applicant's criminal history before making a hire.

The measure (SB 616) is motivated by the so-called "Ban the Box" movement, where employers are discouraged from asking about a person's previous felony history upfront since the question can be used to screen out those applicants even if a conviction was decades ago.

Advocates say that with additional barriers to finding a job, it increases the likelihood of an individual reoffending and returning to prison. Under the bill, employers would be required to review an application and conduct an initial interview before asking an applicant about his or her criminal history.

The downside: Employers who do not comply would be hit with a fine of up to \$5,000 for each violation. The measure would not apply to positions within law enforcement or the criminal justice system. It also does not apply to volunteer positions, or any field where "federal, state, or local law, including corresponding rules and regulations, requires the consideration of an applicant's criminal history." If passed, it would take effect on July 1, 2020.

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## **Looking Ahead**

The next big event on the calendar is the Associated Press Legislative Preview day on Tuesday. The scheduled lead-off speaker is Governor Ron DeSantis, who may choose to debut his 2020-21 state budget, as previous Governor Rick Scott was wont to do.

Also on the list (in expected order): Galvano, Agriculture Commissioner Nikki Fried, Chief Financial Officer Jimmy Patronis, Attorney General Ashley Moody, House Speaker Jose Oliva, Senate Democratic Leader Audrey Gibson, House Democratic Leader Kionne McGhee, and Secretary of State Laurel Lee.

## **Further Looking Ahead**

The November set of back-to-back committee weeks are chockfull of appropriation subcommittee meetings in the House and Senate. With over 200 appropriation project requests filed in the House, expect those meeting agendas to be full of member project requests from around the state. This is especially so, as the internal House filing deadline for appropriation project requests is November 15.

## **Current Bill Statistics**

Total Bills Filed: 803 (475 House; 328 Senate)

Appropriations Bills Filed: 223

## **Preview of 2020 Legislative Session**

### **Key Dates**

The 2020 Legislative Session gavels-in on January 14, 2020. Below is the schedule of remaining committee weeks.

- November 4-8 – Interim Committee Week 4
- November 12-15 – Interim Committee Week 5
- December 9-13 – Interim Committee Week 6

### **Other Key Dates**

- November 15, 5:00pm
  - House Appropriations Project request form deadline

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- House Member Bill Draft Deadline
- November 22, 5:00pm
  - Senate deadline for submitting bill drafts
- November 26, 5:00pm
  - House Early Member bill filing deadline – at least 2 of member’s bills must be filed
- January 10, 5:00pm
  - Deadline for approval of final bill drafts
- January 14, 12:00pm
  - Deadline for filing bills for introduction