MEMORANDUM

TO: NAIOP
FROM: GrayRobinson
DATE: April 21, 2019
SUBJECT: 2019 Legislative Session – Week Seven Summary

It’s crunch time for Florida lawmakers now that just two weeks remain before the tentative May 3rd end to the 2019 Legislative Session.

Budget conferencing — from a public perspective — likely will begin early next week. The negotiating process is designed to bring lawmakers together on a 2019-20 fiscal year spending plan.

The budget is the only thing the Legislature is required to pass each year. The chief players in that process are budget subcommittee chairs and each chamber’s budget heads, Sen. Rob Bradley and Rep. Travis Cummings. Senate President Bill Galvano and House Speaker José Oliva will handle anything that can’t otherwise be settled.

With those negotiations looming, the Senate this week amended a number of bills to bring them in line with the House. Policy matters, just like the budget, are negotiable and carry weight. For example, the Senate made considerable changes to health care reforms moving through the chamber that had previously been at odds with what Oliva has championed. The Speaker has made it a priority to reduce costs by overhauling aspects of the health care system.

Eliminating the state’s “certificate of need” process for health providers practically sailed through the House earlier in Session. The idea met resistance in the Senate, but this week an amendment to a previously watered-down Senate plan (SB 1712) matched it with the House’s bill. The Senate is ready to act on that bill on the floor.

Also primed for full consideration is a bill (SB 1528) that would create two importation programs for prescription drugs from Canada. The House backed that idea — expected to lower patient costs — last week.
“I’ve been very encouraged by the movement that there’s been over there,” Oliva said this week, referencing the Senate. How encouraged? Everyone will find out by the end of Week 8 when budget conference will either be in full swing or completed. These issues and others are covered below.

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

**Business Rent Tax** – The House Ways & Means Committee proposed a legislation (7123) that would reduce the business rent tax from 5.7% to 5.35%. The Senate has followed this lead and gone further with its own legislation (SB 1112) that would reduce the tax from 5.7% to 3.5% by also enforcing the internet sales tax. Both are ambitious reductions and demonstrate the efforts of NAIOP and our partners at Florida Realtors, BOMA, ICSC and others.

**FAST Act** – The bill has stalled in the Senate due to lack for remaining committee meetings. There are two legislative vehicles, on which we are seeking to amend the substance of the FAST Act. Both amendments could take place during Week 8.

**Lease Signatory Changes** – This issue is stalling due to the Florida Bar’s Real Property, Probate, and Trust Law (RPPTL) section on our commercial lease carve out. The House and Senate sponsors have agreed to our language, but we are now finding that the RPPTL Section wants to vet the language. Unfortunately, the RPPTL group has an internal committee process that may push this issue towards a 2020 session review. We are still pushing for inclusion in legislation during 2019 legislative session, but remain focused on how we can also seek consensus with the leading stakeholder on this issue: RPPTL section of Florida Bar.

**Florida Building Commission** – We successfully lobbied for the deregulation bill that is moving in the House and Senate to keep the CRE/BOMA representative on the Florida Building Commission in the Senate version. Our next step is the House version.

**How A Bill Becomes A Law**

As a guide to reading the report below, please reference the following guide to how the Florida Legislature files and passes legislation.

Either chamber (House or Senate) may originate any type of legislation; however the processes differ slightly between chambers.

A legislator sponsors a bill, which is referred to one or more committees related to the bill's subject. The committee studies the bill and decides if it should be amended, pass, or fail. If passed, the bill moves to other committees of reference or to the full chamber. The full chamber then votes on the bill.
If it passes in one chamber, it is sent to the other chamber for review. A bill goes through the same process in the second chamber as it did in the first. A bill can go back and forth between chambers until a consensus is reached. Of course, the measure could fail at any point in the process.

If a bill is passed by both chambers, it is then sent to the Governor to be approved or vetoed. Typically, the Governor has 15 days to act on legislation. If the Governor receives a bill during session, but before Day 53 of Legislative Session, he has seven (7) days to act on the legislation.

**Detailed Activities and Bills related to NAIOPFL**

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**FAST Act (HB 1139 - Plakon, SB 1752 - Perry)**

**Key Take Away**

Our focus is on the Senate to keep the bill moving. Below is a breakdown of next steps needed in order for the FAST Act to reach the finish line this legislative session.

Compromise Language: We are actively working with the League of Cities to find language that can still accomplish our goals, yet not be as onerous to the cities. If/when we reach this compromise, the bill will move much easier in the Senate. We will keep you posted on what compromises can be reached.

**House Approval Milestones**

Local, Federal & Veterans Affairs Subcommittee: Approved  
Business & Professions Subcommittee: Approved  
State Affairs Committee: In Discussion

**Senate Approval Milestones**

Community Affairs Committee: Approved  
Innovation, Industry and Technology Committee: Stalled (No longer meeting)  
Rules Committee: Pending

**Weekly Roundup:** Bill stalled in Senate due to lack of additional committee meeting dates. Amendatory process has begun.

**Current Call to Action:** We are working with the sponsors of the Open and Expired Building Permits Bill and the Property Development bill to amend onto this
legislation. If successful, we will need to match the language in both the House and Senate.

Building Permits – HB 447 (Diamond) and SB 902 (Perry)

Key Take Away
Would provide pro-builder requirements related to open & expired permits, including permit requirements, closing of permits and notice thereof, amendment of Florida Building Code to acknowledge changes, and restrict powers of local governmental entities to close permits.

House Approval Milestones
Business & Professions Subcommittee: Approved
Local, Federal & Veterans Affairs Subcommittee: Approved
Commerce Committee: Approved on April 10
House Special Order: Up on April 24

Senate Approval Milestones
Community Affairs Committee: Approved
Innovation, Industry and Technology Committee: Approved
Rules Committee: In Discussion

Weekly Roundup: House placed bill on Special Order for Wednesday, April 24. Senate bill passed final committee (Rules) on April 17. Waiting on Floor Vote.

Current Call to Action: This is one of two potential vehicles for FAST Act. We are working with sponsors on this.

Electronic Legal Documents – HB 409 (Perez) and SB 548 (Brandes)

Key Take Away
This legislation will serve as the vehicle for changes in the commercial lease witness requirements. Sponsor has agreed to work with NAIOP on potential solutions.

House Approval Milestones
Civil Justice Subcommittee: Approved
Transportation & Tourism Appropriations Subcommittee: Approved
Judiciary Committee: Approved on Tuesday, April 16.
House Special Order: Up on April 23

Senate Approval Milestones
Judiciary Committee: Approved  
Government Oversight and Accountability Committee: Approved  
Rules Committee: Approved on Wednesday, April 17.

**Weekly Roundup:** Both House and Senate bills passed their final committees. House bill is now on special order for Wednesday.

**Current Call to Action:** We are working with the Florida Bar’s RPPTL group to find language that will leave them neutral on our proposed witness exemption. Time is running short, but we still have time to reach accord.

**Florida Building Code Enforcement – HB 715 (Robinson) and SB 1036 (Gruters)**

**Key Take Away**  
Would prohibit local governments from carrying forward balances resulting from its enforcement of the Florida Building Code which exceed the average of its operating budget, not including reserve amounts, for the previous two fiscal years.

**House Approval Milestones**  
Local, Federal & Veterans Affairs Subcommittee: Approved  
Business & Professions Subcommittee: Approved  
State Affairs Committee: Was on agenda for March 28, but was temporarily postponed. It has not been placed back on the agenda.

**Senate Approval Milestones**  
Community Affairs Committee: Passed bill on April 9.  
Innovation, Industry and Technology Committee: Stalled (not meeting again)  
Rules Committee: Pending

**Weekly Roundup:** Bill appears to be dead.

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

**Job Growth Grant Fund**

**Key Take Away**  
Governor’s proposed budget sought renewal of the $85 million grant fund.

**Weekly Roundup:** Neither the House nor the Senate budget includes funding for the Job Growth Grant Fund. It is early in the budget process, but this creates a challenge for the Governor to gain these funds.
**Current Call to Action:** With Budget Conference expected to begin this week 8, remind your legislative contacts that this is important to Florida’s economy.

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**Wetland Mitigation – (HB 521 - McClure, SB 532 - Lee)**

**Key Take Away**
This project would allow local governments and developers to be more creative in approving a project. It is unclear whether the two bills will merge eventually or get their own companions in the respective chambers.

**House Approval Milestones**
Agriculture & Natural Resources Subcommittee: Approved on March 12
State Affairs Committee: Approved on March 28
House Floor: Approved (72-42) on April 11.

**Senate Approval Milestones**
Community Affairs Committee: Approved on March 5
Appropriations Subcommittee on Agriculture, Environment and General Government: Approved on March 19
Appropriations Committee: Approved on March 27.
Senate Floor: Pending

**Weekly Roundup:** No movement this week. Senate bill is waiting for Floor Vote to match up with House-passed bill.

**Current Call to Action:** No action needed. Bill is teed up and has plenty of time to get to Senate floor.


**Key Take Away**
This bill, if passed, would allow large scale commercial buildings to produce and sell renewable energy.

**Senate Approval Milestones**
Innovation, Industry, and Technology Committee: In Discussion
Infrastructure and Security: Pending
Community Affairs Committee: Pending
Rules Committee: Pending

**Weekly Roundup:** Bill appears to be dead. This bill is stuck in its first committee. It will not pass the 2019 Legislative Session.

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

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**House Tax Package (HB 7123 – Ways & Means)**

**Key Take Away**
Reduction of business rent tax from 5.7% to 5.35%.

**House Approval Milestones**
Appropriations Committee: Approved on April 16.

**Weekly Roundup:** Passed Appropriations Committee on Tuesday. Next is House Floor Vote.

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

**Senate Tax Package – SB 1112 (Gruters)**

**Key Take Away**
Would, among other reductions, cut the business rent tax from 5.7 to 3.5 and enforce the internet sales tax.

**Senate Approval Milestones**
Commerce and Tourism Committee: Approved on March 11
Finance and Tax Committee: Approved on April 16.
Appropriations Committee: Possibly Stalled (Not scheduled to meet again)

**Weekly Roundup:** Bill passed Finance and Tax on Tuesday. Waiting for Appropriations hearing, if they meet again.
Current Call to Action: If/when you see Senators from your community, encourage them to push this bill forward with the tax cut.

Business Rent Tax (SB 618 - Perry)

Key Take Away
This is the stair step reduction by $10,000 increments.

Senate Approval Milestones
Commerce and Tourism Committee: In Discussion
Finance and Tax Committee: Pending
Appropriations Committee: Pending

Weekly Roundup: This bill is stuck in its first committee. It will not pass the 2019 Legislative Session.

Current Call to Action: N/A

Sales Tax on Commercial Property Rentals – SB 1642 (Gainer)

Key Take Away
Would cut the business rent tax from 5.7 to 5.5.

Senate Approval Milestones
Commerce and Tourism Committee: In Discussion
Finance and Tax Committee: Pending
Appropriations Committee: Pending

Weekly Roundup: This bill is stuck in its first committee. It will not pass the 2019 Legislative Session.

Current Call to Action: N/A

Permit Fees – (HB 127 - Williamson, SB 142 – Perry)

Key Take Away
These identical bills would require the governing bodies of counties and municipalities to post their permit and inspection fee schedules and building permit and inspection utilization reports on their websites; require certain governing bodies of local governments to post their building permit and inspection utilization reports on their websites by a specified date.
**Notes:** This is the same bill filed last year. If not for Parkland and the ensuing legislation that followed, this bill would have passed.

**House Approval Milestones**
Local, Federal & Veterans Affairs Subcommittee: Approved on January 23.
Business & Professions Subcommittee: Approved on February 13.
State Affairs Committee: Approved on March 5.

House Floor: Passed on March 21 (110-0).

**Senate Approval Milestones**
Community Affairs Committee: Approved on February 5.
Innovation, Industry, and Technology Committee: Approved on March 6.
Rules Committee: Approved on March 13.

Senate Floor: Passed House Bill on March 27 (40-0).

**Governor Action:** Waiting for bill to be sent to Governor.

**Weekly Roundup:** No change this week.

**Current Call to Action:** This bill has passed the Legislature and awaiting action by Governor.

**Impact Fees – (SB 144 (Gruters) and HB 207 (Donalds)**

**Key Take Away**
These similar bills would require that the earliest a government can collect impact fees is the issuance of the building permit for the property. This bill would exempt water and sewer connection fees from the Florida Impact Fee Act. The effective date is July 1, 2019.

**Notes:** This bill is nearly identical to the legislation filed by former Senator Dana Young last session. The addition of the water and sewer connection exemption is new. Also like the Permit Fees legislation, this bill had momentum and likely would have passed if not for Parkland last session.

**House Approval Milestones**
Local, Federal & Veterans Affairs Subcommittee: Approved on February 20.
Commerce Committee: Approved on March 5.
State Affairs Committee: Approved on March 14.
House Floor: Passed on March 27 (101-12).

**Senate Approval Milestones**
Community Affairs Committee: Approved on March 5.
Finance & Tax Committee: Approved on March 20.
Appropriations Committee: Approved on March 27.

Senate Floor: Passed House bill on April 4 (39-1).

**Governor Action:** Bill is waiting to be sent to Governor.

**Weekly Roundup:** No change this week.

**Current Call to Action:** This bill has passed the Legislature and awaiting action by Governor.

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**Community Redevelopment Agencies – HB 9 (LaMarca) and SB 1054 (Lee)**

**Key Take Away**
Prohibits a person from lobbying a community redevelopment agency until he or she has registered as a lobbyist with that agency. As well, the House Bill prohibits the establishment of any new CRA after October 1, 2019, unless by a county-wide referendum. Finally, the bill would terminate all CRAs as of September 2039, unless approved by governing body by a two-thirds vote.

**House Approval Milestones**
Local, Federal & Veteran Affairs Subcommittee: Approved on March 5.
Ways & Means Committee: Approved on March 12.
State Affairs Committee: Approved on March 21.

House Floor: Approved on April 17 (70-47)

**Senate Approval Milestones**
Community Affairs Committee: Approved on March 26.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development: Approved on April 9.
Appropriations Committee: Approved on April 18
Weekly Roundup: The House bill passed the floor on a party-line vote. The Senate bill passed its final committee. It is now teed up for a floor vote.

Current Call to Action: Ask your local senators to vote down on a bill that will curtail CRAs. The bill is controversial and if enough Republican Senators stand tall, it will not see the floor.

Deregulation of Professions and Boards – HB 27 (Ingoglia) and SB 1640 (Albritton)

Key Take Away
Among many things, these bills reduce the size of the Florida Building Commission, including the removal of the building owners’ representative.

House Approval Milestones
Business & Professions Subcommittee: Approved on March 19.
Commerce Committee: Approved on April 4.

House Floor: Waiting on special order calendar date.

Senate Approval Milestones
Innovation, Industry and Technology Committee: Approved on April 2.
Commerce and Tourism Committee: Approved on April 8.
Appropriations Committee: Approved on April 18 with amendment.

Weekly Roundup: POSITIVE AMENDMENT – The Senate adopted an amendment in Appropriations that would KEEP the CRE/BOMA representative on the Florida Building Commission. It is expected that the House will adopt this amendment too.

Current Call to Action: Discuss with your local House members that we support keeping the CRE representative on the Florida Building Commission.

Affordable Housing Trust Fund – SB 70 (Mayfield) and HB 1103 (Silvers)

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

House Approval Milestones
Transportation & Tourism Appropriations Subcommittee: In Discussion
State Affairs Committee: Pending
Weekly Roundup: Both the House and Senate bills are stuck in their first committee. Neither will pass the 2019 Legislative Session.

Current Call to Action: N/A
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**
Local, Federal & Veterans Affairs Subcommittee: Approved on February 20.
Commerce Committee: Approved on March 28.
State Affairs Committee: Approved on April 10.
House Floor: Approved on April 17 (73-42).

**Senate Approval Milestones**
Community Affairs Committee: Approved on March 26.
Judiciary Committee: Stalled (not meeting again)
Rules Committee: Pending

**Weekly Roundup:** The House bill passed on the floor on a nearly party-line vote.
The Senate bill remains stuck.

**Current Call to Action:** Ask your local Senators to remove the Senate bill from its committees and take up House bill.

**Statewide Environmental Resource Permitting Rules – SB 1344 (Cruz) and HB 1343 (Good)**

**Key Take Away**
Would clarify the duty of the Department of Environmental Protection to adopt, in coordination with the water management districts, specified statewide environmental resource permitting rules.

**House Approval Milestones**
Agriculture & Natural Resources Subcommittee: In Discussion
Agriculture & Natural Resources Appropriations Subcommittee: Pending
State Affairs Committee: Pending

**Senate Approval Milestones**
Environmental and Natural Resources Committee: Approved on March 28.
Appropriations Subcommittee on Agriculture, Environment, and General Government: Waiting on Hearing
Appropriations Committee: Pending
Weekly Roundup: While the Senate bill started to move at the end of March, it has now stalled. The House bill never moved. This bill will not pass the 2019 Legislative Session.

Current Call to Action: N/A

Growth Management – SB 1730 (Lee)

Key Take Away
Would prohibit a county or city from adopting or imposing a requirement in any form relating to affordable housing which has specified effects; requiring that a county review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; requiring a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities.

Senate Approval Milestones
Community Affairs Committee: Approved on March 20.
Infrastructure and Security Committee: Approved on April 9.
Rules Committee: Scheduled for hearing on April 23.

Weekly Roundup: Placed on Rules agenda for April 23.

Current Call to Action: Ask your local senators to support this pro-development legislation.

Property Development – HB 7103 (House Commerce Committee)

Key Take Away
Makes changes to property development regulations.

House Approval Milestones
Judiciary Committee: Approved on April 3
State Affairs Committee: Approved on April 10.
Special Order Calendar: Placed on calendar for April 24.

Weekly Roundup: Bill placed on House Special Order Calendar for April 24.

Current Call to Action: No immediate call to action. House will pass this bill and begin the process of lining it up with Senate Bill 1730.
Promote Economic Prosperity

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Renewing Visit Florida – SB 178 (Gruters) and HB 6031 (Ponder)

**Key Take Away**
Would remove the scheduled sunset of Visit Florida’s enabling statute and make it a permanent state agency.

**Notes:** The bill has become one of the trading pieces for the end of session. The Senate wants to renew VISIT FLORIDA and the House speaker does not. It is difficult to say how either will do, as these are presiding officer negotiations.

**House Approval Milestones**
- Workforce Development & Tourism Subcommittee: In Discussion
- Transportation & Tourism Appropriations Subcommittee: Pending
- Commerce Committee: Pending

**Senate Approval Milestones**
- Commerce and Tourism Committee: Approved on February 11.
- Appropriations Subcommittee on Transportation, Tourism, and Economic Development: Approved on February 20.
- Appropriations Committee: Approved on March 14.

- Senate Floor: Approved on April 17 (36-0).

**Weekly Roundup:** Senate unanimously passed bill on Wednesday.

**Current Call to Action:** Call on House members to pull up Senate bill and pass it.

Workers Compensation – SB 1636 (Perry) and HB 1399 (Byrd)

**Key Take Away**
Would require panel to annually adopt statewide workers' compensation schedules of maximum reimbursement allowances.

**Notes:** The Senate version addresses attorney fees related to good faith efforts to resolve claims and total amount owed compared to the effective hourly rate.

**House Approval Milestones**
Government Operations & Technology Appropriations Subcommittee: Approved on April 5.
Commerce Committee: Stalled (not scheduled to meet again).

Senate Approval Milestones
Banking & Insurance Committee: Stalled (not meeting again)
Judiciary Committee: Pending
Rules Committee: Pending

Weekly Roundup: Neither bill moved and their current committee assignments are not scheduled to meet again.

Current Call to Action: N/A

Summary of Week Seven (April 15-18)

Something to Watch

One big question mark looms as lawmakers approach the final hour of the 60-day lawmaking process: Will the state reach a deal with the Seminole Tribe?

The matter is pressing because the Tribe provides a sizable amount of revenue lawmakers work with each year. Last year, the gambling entity kicked up more than $320 million to the state. But the current agreement would expire at the end of May, meaning lawmakers could miss out on that revenue next year.

The Senate appears to be workshopping a bill that would renew a revenue-sharing deal. The package reportedly could be tied to sports betting, something permitted under a landmark U.S. Supreme Court case last year. But some have argued that permitting the Tribe to allow sports betting could prompt a legal challenge. Voters last year backed Amendment 3, which would require any gambling expansion in the state to be approved by voters rather than the Legislature.

Issue Roundup

- **Assignment of Benefits** - Lawmakers are poised to revise laws guiding “assignment of benefits” or AOB agreements, which have sparked contentious debates in years past. Critics of the practice — including insurance companies and business groups — have faulted some restoration contractors for abusing the system. Insurers say AOB lawsuits, which are on the rise, are a major factor in higher homeowners insurance premiums. The Senate could soon vote on a reform package that would, among other things, restructure the current one-way attorney fee system to account for the difference between the judgment sought by AOB contractors and what the court awards.
• **VISIT FLORIDA** - The House and Senate are still at odds over funding for VISIT FLORIDA, the state’s tourism-marketing agency. The Senate this week backed a bill that would repeal the agency’s sunset date, currently set for Oct. 1. The House, meanwhile, has not moved that bill. In the House budget, there is only enough funding to keep the agency alive until October, while the Senate wants to perpetuate its existence.

• **Criminal Justice Reform** - Two different criminal justice reform proposals are ready for floor consideration in the House and Senate. The Senate version (SB 642) would offer judicial discretion in sentencing certain nonviolent criminals for drug crimes that carry mandatory minimums. It also would decrease mandatory time-served thresholds for certain offenders who are by law required to serve at least 85 percent of their sentence. Those provisions are absent from the House plan (HB 7125). But both reform proposals would provide more re-entry services to inmates, raise the felony-theft threshold and lower occupational-licensing barriers for returning citizens.

**Preview of Session Week Eight (April 22-25)**

The committee process, for the most part, is wrapped. That means lawmakers will be spending a great bulk of their time on the floor. Public budget conference meetings are often notice day-of but expect those to be peppered throughout the next two weeks.

The Senate on Tuesday meets at 10 a.m. and will consider legislation that would implement school safety findings — including allowing trained teachers to carry firearms (SB 7030). It will also hear further restrictions on texting while driving (SB 76) and the AOB reform bill (SB 122).

The House on Tuesday meets at 12:30 p.m. and will consider bills that are expected to draw heavy debate. Among them: legislation that would further restrict texting while driving (HB 107), require local officials to comply with federal immigration authorities (HB 527) and implement Amendment 4, the felon-voting rights initiative, (HB 7089).

The Senate session schedule for Week 8 can be found here:


The House session schedule for Week 8 can be found here: