TO: NAIOP  
FROM: GrayRobinson  
DATE: April 14, 2019  
SUBJECT: 2019 Legislative Session – Week Six Summary

Just three weeks remain in the 2019 Legislative Session, meaning it’s almost crunch time for state lawmakers. Legislative leadership suggested this week that budget conferencing could begin the Monday or Tuesday after Easter. Consider marking on your calendar April 22 as the unofficial start date to the annual give-and-take negotiating process both chambers engage in to arrive at a unified budget, which they must pass each year.

While both the House and Senate held floor sessions this week, the House vetted and passed more bills than its counterpart. Notably, some of these measures related to health care reform — House Speaker José Oliva’s top priority. Oliva’s chamber this week passed and sent to the Senate a bill that would establish importation programs for Canadian prescription drugs. The measure (HB 19) seeks to lower health care costs. It’s something Gov. Ron DeSantis recommended the Legislature pursue.

The House also backed legislation that would expand telehealth in Florida. The practice uses technology, like video conferencing, to connect patients with remote doctors. The measure (HB 23) would create a framework for the practice and offer a tax break to insurance companies. Another health-related bill passed by the House this week would prohibit life insurers from using or requesting genetic-testing information to price policies. The practice already is banned at the federal level for health insurers. The bill (HB 879) is fielding opposition from insurance companies.

The House backed another bill (HB 549) that we’re helping to push through the process on behalf of the Florida Society of Oral & Maxillofacial Surgeons. The legislation cleared the House floor unanimously. It would require dentists to take two hours of continuing education on prescribing controlled substances. In total, the House passed 19 pieces of legislation aimed at health care reform.
Of course, this wasn’t the only actions of Week Six. An omnibus insurance bill continued to move in both chambers, assignment of benefits received its house vote and the Senate’s transportation infrastructure bill continued to move. All of these issues and more detailed below.

**Activities and Bills related to NAIOP**

**Lobbying Activities –**

**Business Rent Tax** – The House Ways & Means Committee proposed a reduction in the business rent tax from 5.7% to 5.35%. This is an ambitious reduction and one that demonstrates the efforts of NAIOP and our partners at Florida Realtors, BOMA, ICSC and others. The proposed committee bill (PCB) will be heard in Appropriations Committee next week.

**FAST Act** – 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.

**Senate - UPDATE**: The Senate Community Affairs Committee passed the bill unanimously on Tuesday, April 9. This was the first of three Senate committees. We have good news and bad news. Bad news: the second committee of reference is not scheduled to meet again in the Senate. Thus, our original bill is in limbo. Good news: because our bill was heard in committee, it is now eligible to be amended onto other legislation.

**House:** The House bill has made it through two of its three committee references. The final committee is State Affairs. We have every expectation that this bill will be heard in State Affairs within the next few weeks.

**Compromise Language:** We worked with the League of Cities to find language that can still accomplish our goals, yet not be as onerous to the cities. The new language changes the expedited permit/inspection process to an optional system, but preserves the penalties for cities that do not honor the normal permitting process.

**Lease Signatory Changes** – We continue to work with 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.
Bills of Interest

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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<th>Promoting Business Friendly CRE Regulations</th>
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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: In Discussion
Rules Committee: Pending

**Current Call to Action:**

**Open and Expired 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: In Discussion

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

**Current Call to Action:**

**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: On Agenda for Tuesday, April 16.

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

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. We have this week in committee and on the House and Senate floors.

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: Pending (not meeting again)
Rules Committee: Pending

Current Call to Action: The Senate Innovation, Industry and Technology Committee is not meeting again. This bill will need to be amended onto another legislation to survive.

Job Growth Grant Fund

Key Take Away
Governor’s proposed budget sought renewal of the $85 million grant fund.
Current Call to Action: 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.

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.

Current Call to Action: This bill is now ready for the House floor. It is expected to pass in the House, despite some resistance from cities and counties.

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<th>Promote Feasible Sustainability Initiatives</th>
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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
Current Call to Action: This bill is teed up to pass the Legislature.

Renewable Energy on Commercial Buildings – SB 222 (Rodriguez)

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

Current Call to Action: This bill is stuck in its first committee. It will not pass the 2019 Legislative Session.

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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: On Agenda for April 16.

Current Call to Action: This bill will pass the Appropriations Committee and then head to the House Floor. Thereafter, it will be part of the House/Senate negotiations on the tax package.

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

Current Call to Action: This bill is stuck in its first committee. It will not pass the 2019 Legislative Session.

General Taxation – SB 1112 (Gruters)

Key Take Away
Would, among other reductions, cut the business rent tax from 5.7 to 4.2 and enforce the internet sales tax.

Senate Approval Milestones
Commerce and Tourism Committee: Approved on March 11
Finance and Tax Committee: On Committee agenda for April 16.
Appropriations Committee: Pending

Current Call to Action: This bill is starting to move, and will likely be the Senate’s tax package.

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

Current Call to Action: This bill is stuck in its first committee of reference. It will be not passing the 2019 Legislative Session.

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.

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.

Current Call to Action: This bill has passed the 2019 Legislature and is awaiting Governor action.

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<th>Collaborative Growth Management</th>
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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: On Special order calendar on April 17.

Senate Approval Milestones
Community Affairs Committee: Approved on March 26.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development: Approved on April 9.
Appropriations Committee: Waiting on hearing

Current Call to Action: This bill is teed up in the House to pass and is close in the Senate. The fight to defeat this bill will take place in the Senate where there is interest to defeat it.
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: Waiting on hearing

Current Call to Action: The bill is teed up to pass the House. We continue to work with the House and Senate sponsor to keep the BOMA representative on the commission. No call to action yet, but we may need to use the emails/calls to key legislators to make it known we oppose the removal of the CRE rep on the 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
Appropriations Committee: Pending

Senate Approval Milestones
Community Affairs Committee: In Discussion
Infrastructure & Security Committee: Pending
Appropriations Subcommittee on Transportation, Tourism and Economic Development: Pending
Appropriations Committee: Pending
Rules Committee: Pending

**Current Call to Action:** Both the House and Senate bills are stuck in their first committee. Neither will pass the 2019 Legislative Session.

**Impact Fees on Affordable Housing – SB 350 (Hutson) and HB 1155 (Plasencia)**

**Key Take Away**
Would prohibit local governments from charging impact fees on affordable housing projects.

**House Approval Milestones**
Local, Federal & Veterans Affairs Subcommittee: In Discussion
Transportation & Tourism Appropriations Subcommittee: Pending
State Affairs Committee: Pending

**Senate Approval Milestones**
Community Affairs Committee: Approved on March 5.
Infrastructure & Security Committee: In Discussion
Appropriations Committee: Pending

**Current Call to Action:** The House bill is stuck in its first committee and the Senate bill has only passed one committee. It is unlikely this bill will pass the 2019 Legislative Session.

**Property Rights Inserted into Growth Management – HB 291 (McClain) and SB 428 (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**
Local, Federal & Veterans Affairs Subcommittee: Approved on February 20.
Commerce Committee: Approved on March 28.
State Affairs Committee: Approved on April 10.
House Floor: Placed on Special Order Calendar for April 17.

**Senate Approval Milestones**
Community Affairs Committee: Approved on March 26.
Judiciary Committee: Waiting for hearing.
Rules Committee: Pending

**Current Call to Action:** The House bill is poised to pass. The Senate bill is stuck in its second committee with no future hearings set. It is not impossible, but this bill is going to be tough to pass in Senate.

**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

**Current Call to Action:** 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.

**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: Waiting for hearing

**Current Call to Action:** This bill is gaining steam and is expected to marry up with the House Commerce bill aimed at property development.

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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 10.

**Current Call to Action:** The House bill remains dead. The Senate bill has now passed and can be taken up by the House, should it waive its rules. This issue/bill will be part of end-of-session negotiations between the House and Senate.

**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: Waiting for Hearing.

Senate Approval Milestones
Banking & Insurance Committee: In Discussion
Judiciary Committee: Pending
Rules Committee: Pending

Current Call to Action: The Senate bill is waiting to pass its first hearing, while the House bill is nearly through the House. It will be 50/50 whether this bill passes the 2019 Legislative Session.

Summary of Week Six (April 8-11)

Insurance Changes Ahead?

Lawmakers are toying with a number of ideas that would alter different aspects of the state’s insurance industry. For example, the House this week passed legislation targeting what’s been described as “abuse” of assignment of benefits (AOB). AOB is coined for the transfer of claims from policyholders to contractors, which some argue has led to an uptick in fraud and lawsuits.

The bill (HB 7065) would allow insurers to sell cheaper-premium policies that do not offer AOB. It also restricts regulations guiding the practice. The measure is supported by insurers and business groups, but some contractors and attorneys have pushed back against the proposal.

A Senate panel this week forwarded a “train bill” containing a series of insurance regulation changes. The measure (SB 714) would increase the percentage of loss adjustment expenses (LAE) that the Florida Hurricane Catastrophe Fund (FHCFC) would reimburse to an insurer. It also would lower the replacement cost from $1 million to $700,000 for an owner seeking surplus line coverage. Surplus line companies are options for homeowners who are declined coverage from insurers authorized with the state.

Issue Roundup
Where We are Going, We Need Roads (Three of Them) - A Senate plan (SB 7068) that would require lawmakers to start saving money for three new or expanded highways cleared its last committee stop this week and is ready for the floor. The projects include extending the Tampa-area Suncoast Parkway to the Florida-Georgia line, connecting the northern terminus of the Florida Turnpike to the Suncoast Parkway, and constructing the Southwest-Central Florida Connector between Polk and Collier counties. Senate President Bill Galvano has identified these projects as among his top priorities this Session.

School Guardians - A Senate bill (SB 7030) that would expand the state’s ‘Guardian’ program to educators is ready for floor consideration. The legislation in part would allow willing teachers to undergo training to carry a concealed firearm on school campuses. It also boosts threat-assessment programs and provides money for mental-health services.

Bet on It? - Lawmakers this week flirted with the idea that the Legislature could reach a gambling deal before the planned May 3 end to Session. Known as the “compact,” the deal would act as an arrangement between the Seminole Tribe of Florida and the state. Sen. Wilton Simpson is expected to carry the bill, should an agreement be reached. Last year, the Tribe paid almost $321 million to the state. Florida isn’t counting on the money in 2019-2020.

Preview of Session Week Seven (April 15-18)

The Senate Judiciary Committee will consider a bill (SB 642) that would create the Florida First Step Act. The legislation includes a number of changes to the state’s criminal justice system with an eye toward reducing recidivism and lowering the prison population. That’s at 9 a.m. on Tuesday in room 37 of the Senate Office Building.

The House will review a series of bills during a floor session at 11:30 a.m. on Wednesday. Bills on special order include a measure (HB 75) that would expand law enforcement’s rights to use drones and unmanned aircraft.

The Senate will hold a floor session at 2 p.m. on Wednesday and will consider a number of measures, including a ban (SB 168) on “sanctuary cities.” The chamber will also consider a texting-while-driving restriction (SB 76).

The House is scheduled to convene again at 4 p.m. on Thursday.

The Senate session schedule for Week 7 can be found here:
The House session schedule for Week 7 can be found here: