

## MEMORANDUM

**FROM:** Burt L. Saunders

**DATE:** April 22, 2015

**SUBJECT:** Legislative Update for the Week Ending April 17

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### **Introduction**

As the session nears completion, many bills have begun to either reach the floor, die in committee, or be consolidated into other bills. The implementation of Amendment 1 is set to move to the floor of the Senate. HB 7003, a bill revising the state's water resource management statutes, passed in the House and ready to be heard on the Senate floor. SB 110, which previously only modified the state's communications services tax, will likely become a consolidated tax-cut bill, and several bills relating to Regional Planning Councils have been consolidated into SB 484 and HB 933.

### **Proposed Tax Cuts**

#### **SB 110: Relating to Taxes**

Senate Bill 110, filed by Senator Hukill on November 18, would amend Section 202.12, Florida Statutes to lower tax rates on the retail sales of direct-to-home satellite television services. It would also change the way those tax revenues are allocated in the state budget beginning in the 2015-2016 budget year.

Currently, the sales tax rate for communications services is 6.65%, with an additional .15% gross surcharge that can be collected. SB 110 would lower that rate to 4.65%, provided that the communication device is both sold and used in the state of Florida. Satellite devices, which currently have a sales tax of 10.8%, would be reduced to an 8.8% rate. The amount of this tax distributed directly to individual county governments by the Department of Revenue would be reduced from 63% to 54.5%, while the remainder would be allocated to the Local Government Half-cent Sales Tax Clearing Trust Fund. It passed in the Senate Communications, Energy, and Public Utilities Committee on February 17, and it passed in the Senate Finance and Tax

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Committee on March 16. It is now in the Senate Appropriations Committee. There is no House sponsor at this time.

### **HB 7141: Relating to Taxation**

HB 7141, formerly known as PCB FTC5 in the House Finance and Tax Committee, provides for a range of tax reductions designed to directly impact both households and businesses. The bill cuts the communications services tax rate from 6.65% to 3.05% and the state sales tax rate on rental of commercial real estate from 6% to 5.8%. It also creates sales tax exemptions for agricultural items, irrigation equipment, repairs of farm equipment, sales at school book fairs, college textbooks, recycling machinery, gun club memberships, and motor vehicles brought into Florida by military service members deployed outside the United States. The bill creates a three-day sales tax holiday for “back to school” clothing, footwear, school supplies, and computers; a one-day sales tax holiday on November 28 (Black Friday) for sales of items priced at \$1,000 or less by certain small businesses; and a one-day sales-tax holiday on July 4 for firearms, ammunition, camping tents, and fishing supplies. The property tax exemption for widows, widowers, the blind, and the permanently and totally disabled has been increased from \$500 to \$5,000, and the partial homestead exemption for military service members deployed overseas has been expanded. The total tax credit available for the voluntary cleanup of brownfields has been increased, and the bill creates a corporate income tax credit for defense contractors that hire Florida subcontractors. The Community Contribution Tax Credit program has been expanded by \$13.3 million for one year. The obsolete Florida estate tax and the \$5 fee to register certain vehicles to transport alcoholic beverages have been eliminated.

Overall, the bill provides for \$642.4 million in tax cuts, which is slightly less than the Governor’s recommended \$670 million in cuts. HB 7141 has passed on the floor of the House of Representatives, and it has been referred to the Senate Appropriations and Rules committees.

### **HB 391: Location of Utilities**

HB 391, sponsored by Representative Ingram, would require municipalities and counties to pay for the relocation of utilities for the development of public property. Historically, this had been paid for by the utility companies, and currently most states continue to have utilities pay for those costs. HB 391 was filed on January 20, passed in the House Local Government Affairs Subcommittee on March 3, passed in the House Transportation and Economic Development Appropriations Subcommittee on March 12, and passed in the Regulatory Affairs Committee on April 14. HB 391 will now move to the floor of the House. A companion Senate bill, SB 896, by Senator Brandes, was filed on February 13, passed in the Senate Community Affairs committee on March 23, and passed in the Senate Transportation Committee on April 2. It passed in the Senate Appropriations Committee on April 21, and it will be heard on the floor of the House on April 23.

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### **SB 264: Relating to Traffic Enforcement Agencies and Traffic Citations**

SB 264 and its House companion, HB 421, would prohibit counties and municipalities from establishing or maintaining traffic citation quotas. It would also require auditing reports to be made on local governments' traffic citation revenues and expenses. SB 264 was filed on January 7, passed in the Senate Transportation Committee on February 5, and passed in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 18. SB 264 was found favorable in the Senate Fiscal Policy Committee on March 5, and it passed in the Senate on April 8. It will be heard on the House floor on April 22. Its identical House bill, HB 421, has passed in the House Highway and Waterway Safety Subcommittee, the House Local Government Affairs Subcommittee, and the House Economic Affairs Committee. It is now ready to move to the House floor, where it was tabled on April 21.

### **SB 7044: Health Insurance Affordability Exchange**

SB 7044, filed in the Senate Health Policy Committee, provides an alternative funding method for charity hospitals in the event of the cancellation of Federal Medicaid Low Income Pool funding. The bill would establish the Florida Health Insurance Affordability Exchange (FHIX), which would provide healthcare coverage to individuals in households that make less than 138% of the Federal poverty level. In effect, the program would serve as an alternative to the Medicaid expansion provision of the Affordable Care Act of 2010. Participants in the program would be required to provide proof of employment, continuing education, on-the-job training, or placement activities, and they would be required to apply for high-deductible traditional health insurance plans. Enrollees would make monthly premium payments, which would be supplemented by the state based on their personal income, with the maximum monthly premium being capped at \$25. SB 7044 was filed on March 5, passed in the Senate Health Policy Committee on March 10, passed in the Senate Appropriations Subcommittee on Health and Human Services on March 17, and passed in the Senate Appropriations Committee on March 25. It will now move to the Senate floor.

### **Regional Planning Councils**

#### **SB 484: Relating to Regional Planning Councils**

SB 484 would dissolve the state's 11 regional planning councils and shift their responsibilities to local governments. The bill would allow local governments to create their own regional planning councils by interlocal agreement, but there would no longer be any state-level regional planning bodies. The bill was filed on January 23, and it passed in the Senate Community Affairs Committee on March 10 and the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 2. It is now in the Appropriations Committee.

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A similar bill in the House of Representatives, HB 873, by Representative Mayfield, was filed on February 19. It is now in the House Economic Development and Tourism Subcommittee.

### **HB 933: Relating to Growth Management**

HB 933, sponsored by Representative La Rosa, makes a number of significant changes to Florida's growth management regulations.

The first change would be to require all projects that qualify as "developments of regional impact" (DRIs) to be reviewed under the State Coordinated Review Process before being accepted. New projects would not be subject to the current DRI review process.

In addition to that, the bill would overhaul the state's existing system of Regional Planning Councils (RPCs). The bill designates 10 new RPCs, and it removes the requirement that developers propose their projects to the RPCs for approval before commencing construction. HB 933 removes the governor's power to make and amend the boundaries of the RPCs, with that duty being transferred to the State Legislature. RPCs would no longer be required to review urbanized area transportation plans, and the bill deletes the requirement that RPCs hold informational public meetings if their local governments refuse to do so. HB 933 eliminates the requirement that RPCs participate in the land use and certification hearings regarding new power plants, and it removes the requirement that RPCs assist the Department of Environmental Protection in site selection for hazardous waste disposal sites. RPCs would be appropriated \$2.5 million in General Revenue funds for their operations. Finally, it removes the requirement that RPCs make joint reports to their legislative committees, although RPCs would still be required to report to the state land planning agency.

Mitigation and share payments would be limited to 125% of the applicable mobility or impact fees, and the bill eliminates local governments' ability to charge developers for the removal of vegetation from roadway right-of-ways.

Local governments that have comprehensive zoning plans would be required to include, "...a property rights element that protects private property rights", as a part of those plans. These local governments would be required to adopt land development regulations consistent with the property rights element of their comprehensive zoning plans.

Other sections of the bill amend provisions relating to sector plans, constrained agricultural parcels, and the Property Assessed Clean Energy program. HB 933 was filed on February 23, passed in the House Economic Development and Tourism Subcommittee on March 25, and passed in the House Transportation and Economic Development Appropriations Subcommittee on April 7. It passed in the Economic Affairs Committee on April 14, and it is now ready to move to the House floor.

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### **HB 7067: Relating to Economic Development**

HB 7067, filed in the House Economic Development and Tourism Subcommittee and sponsored by Representative La Rosa, would radically re-structure the state's economic development incentive tax refund and grant programs. This comes in response to the scheduled end of the Enterprise Zone program at the end of 2015. The bill requires "cumulative capital investment" to be considered as part of the tax incentive applications, clarifies that the model used to determine a project's "economic benefits" must include all state funds spent on a business, prohibits incentive agreements with terms lasting longer than ten years, specifies that the average wage used to determine incentive eligibility is the average wage of the county where the project is located, defines "rural areas of opportunity", exempts certain new developments from having to comply with impact fee, concurrency, or proportionate share requirements for three years, creates the Startup Florida Initiative, makes minor wording changes to the New Markets Development Program and the Florida Development Finance Corporation, and creates a new state-administered enterprise zone certification program.

Most importantly, this bill re-starts the Enterprise Zone program. Local governments would be permitted to adopt resolutions creating local enterprise zones, which would exempt all newly established businesses from business taxes, impact fees, business, professional, and occupational regulatory fees, green utility fees, building permit fees, and many special assessments for a minimum of 24 months. Local governments would be required to submit an application to the Department of Economic Opportunity for certification of an area as an enterprise zone.

HB 7067 was filed on March 9 as PCB EDTS3. It passed in the Transportation & Economic Development Appropriations Subcommittee on March 31, and it passed in the Economic Affairs Committee on April 14. It will now move to the House floor.

### **HB 7003: Relating to Water Resources**

HB 7003, sponsored by Representative Caldwell, is a bill that revises a large number of provisions of Florida's water resource management policies. These revisions include designating the state's first and second magnitude springs as Priority Florida Springs (PFSs), requiring water management districts to improve their spring preservation policies regarding PFSs, requiring the Department of Environmental Protection to develop and implement a new uniform water supply, permitting, and resource plan with each of the state's water management districts, and requiring the DEP to provide a five-year funding plan for each of its water resource development projects. The bill was filed on February 12, and it passed in the House Appropriations Committee on February 19. It passed on the floor of the House on March 5.

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### **SB 918: An Act Relating to Environmental Resources**

SB 918, sponsored by Senator Dean, would create a public database containing information on all of the state's public lands. The bill also allows for the expansion of the Shared-Use Nonmotorized Trail Network, which is a network of hiking and biking trails throughout the state's conservation lands. The state would be authorized to contract with private, not-for-profit entities to patrol and maintain the network of trails. SB 918 expands the requirements for the Consolidated Water Management District Annual Report, requiring the districts to list and prioritize all of their water quality projects, in order to provide better accounting of exactly how each of those projects will benefit the community. In addition to this, the bill creates a consolidated water resources work plan, which would assist in the process of planning and prioritizing water quality projects in all of the state's water management districts. Finally, the bill creates special water quality management zones for the state's historic first magnitude springs, in order to allow for a consolidated effort between water management districts to maintain the water quality of those springs. SB 918 was filed on February 13, and it passed in the Senate Environmental Preservation and Conservation Committee on March 24 and the Appropriations Subcommittee on General Government on April 8. It is now in the Appropriations Committee, where it passed on April 21.

### **Implementation of Amendment 1**

Amendment 1 is an amendment to the Florida state constitution that was passed in 2014. It fundamentally alters the way that documentary tax stamp revenues are spent by redistributing 33% those revenues to the Department of Environmental Protection's Land Acquisition Trust Fund, and it consolidates the vast array of environmental protection trust funds that the state currently maintains into a smaller and better organized set of funds within the Department of Environmental Protection, the Agency for Persons with Disabilities, the Department of Agriculture and Consumer Services, the Department of State, and the Department of Transportation. The amendment also prohibits those funds from becoming mixed with other sources of revenue, which previously made it virtually impossible to accurately determine how much money was going into the environmental protection trust funds. In order to carry out the provisions of the amendment, SB 584 and 586 have been filed in the Senate, and it will be important to watch these bills closely as they continue to move through the legislative process.

### **SB 586**

SB 586 provides for the distribution of 33% of the state's documentary tax stamp revenues directly to the Land Acquisition Trust Fund of the Department of Environmental Protection. It also eliminates the funding provisions for all of the now-obsolete environmental trust funds, and it requires that all future disbursements to the new set of environmental trust funds will come directly from the Land Acquisition Trust Fund. This was the primary goal of Amendment 1,

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which passed with nearly 75% of the vote in November 2014. SB 586 was filed on January 30, and it was found favorable in the Senate Environmental Preservation and Conservation Committee on February 18. It passed in the Senate Appropriations Subcommittee on General Government on March 11 and in the Senate Appropriations Committee on March 18. It will now go to the floor of the Senate.

### **SB 584**

SB 584 covers the trust fund restructuring requirement of Amendment 1. It stipulates that documentary tax stamp funding will no longer be mixed with other sources of revenue and fees, and that the revenue from the documentary tax stamp will only be deposited into the Land Acquisition Trust Fund. SB 584 would also restructure or terminate a number of existing environmental trust funds, with the majority of those funds being consolidated into the Land Acquisition Trust Fund. SB 584 does not terminate any programs that currently receive state funding; it simply consolidates them into a smaller set of funds, which will ease the accounting and distribution process. SB 584 was filed on January 30, and it was found favorable in the Senate Environmental Preservation and Conservation Committee on February 18. It passed in the Senate Appropriations Subcommittee on General Government on March 11 and in the Senate Appropriations Committee on March 18. It will now go to the floor of the Senate.

### **Creation of New Land Acquisition Trust Funds**

Four bills filed by Senator Dean on January 30 will create several divisions of the Land Acquisition Trust Fund within the Agency for Persons with Disabilities, the Department of Agriculture and Consumer Services, the Department of State, and the Department of Transportation. Documentary tax stamp revenues deposited within the Department of Environmental Protection's Land Acquisition Trust Fund (LATF) will be further appropriated to these trust funds, and from there they will be appropriated to various state environmental programs. This will allow every dollar deposited into the LATF at the Department of Environmental Protection (DEP) to be easily tracked to its final destination. Senate Bills 576, 578, 580, and 582 were found favorable in the Senate Environmental Preservation and Conservation Committee on February 18. These bills all passed in the Senate Appropriations Subcommittee on General Government on March 11, and they passed in the Senate Appropriations Committee on March 18. They will now go to the floor of the Senate.

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### **Public Records Bills**

#### **SB 144: Relating to Public Records/Impaired Practitioner Consultants/Department of Health**

SB 144, sponsored by Senator Bean, exempts serving or retired impaired practitioner consultants and their families from having their personal information reported under Florida's Sunshine Law. This is an expansion upon Chapter 119, Florida Statutes, which affords the same privilege to a large variety of other professions in which reporting of personal information could compromise the safety of a state employee. The bill was filed on November 24, and it passed the Senate Government Oversight and Accountability Committee on February 3 and in the Senate Fiscal Policy Committee on February 19. It passed on the floor of the Senate on March 24, and it passed on the floor of the House on April 21.

#### **HB 223: Relating to Public Records and Meetings/Postsecondary Education Executive Search**

HB 223, sponsored by Representative Combee, provides an exemption from the Sunshine Law's public records requirement for any applicant for president, provost, or dean of students of a Florida College System institution. It also exempts any meeting held for the purpose of identifying and vetting those applicants from the public records requirement. Finally, it provides a timeframe for when personal information from those candidates could be released, thus allowing them to go through the vetting process before being publicly identified. The bill was filed on January 9, and it passed in the House Higher Education and Workforce Subcommittee on March 10. HB 223 passed in the House Government Operations Subcommittee on March 24, and it passed in the Education Committee on April 1. It will now move to the floor of the House. Its companion Senate bill, SB 182, was filed on January 8 by Senator Hays, and it passed in the Senate Higher Education Committee on February 16, the Senate Governmental Oversight and Accountability Committee on March 4, and it is now in the Senate Rules Committee. On March 26, SB 182 was temporarily postponed by the Senate Rules Committee, and it has not been re-scheduled.

#### **SB 224: Relating to Public Records/Public Agency Contracts**

SB 224, sponsored by Senator Simpson, requires that any contract made by a state or local agency include the contact information of the agency's public records custodian. The bill also requires that any public records request regarding a private contract with a government agency go directly through the agency's public records department, rather than through the agency itself. Although the bill requires that all terms of a government contract must become public records after the contract has been completed, a former government contractor may retain its records. The bill stipulates criminal penalties for any contractor found to be in violation of the public



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records requirement under Florida's Sunshine Law. The bill was filed on January 25, it passed in the Senate Governmental Oversight and Accountability Committee in on February 3, and it passed in the Senate Judiciary Committee on March 10. SB 224 passed in the Senate Fiscal Policy Committee on March 26, and it passed on the Senate floor on April 2. Its House companion bill, HB 163, has passed in the Governmental Operations Subcommittee and the House State Affairs Committee, and it is now ready to move to the House floor.

### **SB 248: An Act Relating to Public Records/Recordings by Law Enforcement Officers**

SB 248, sponsored by Senators Smith, Thompson, and Bullard, provides an exemption from the public records requirement under the Sunshine Law for an audio or video recording made by a law enforcement officer if the video or audio recording shows a minor inside a school or on school property, a child under age 14 at any location, or if the video or audio recording takes place inside a private residence, healthcare facility, at the scene of a medical emergency, or is taken at any other location where the person being recorded has a reasonable expectation of privacy. SB 248 was filed on January 7. It was found favorable by the Senate Criminal Justice Subcommittee on February 16, and it passed in the Senate Governmental Oversight and Accountability Subcommittee on March 17. It passed in the Senate Rules Committee on April 2, and it will move to the Senate floor on April 22.

### **HB 467: Relating to Public Records/Human Trafficking Victims**

HB 467 exempts any personal information filed on human trafficking victims from the public records requirement under Florida's Sunshine Law. It also exempts any previous criminal penalties filed against those victims that have already been expunged from reporting under the public records requirement. The bill was filed on January 20, and it passed in the House Criminal Justice Subcommittee on February 11. It passed in the House Government Operations Subcommittee on March 11, and it passed in the House Judiciary Committee on March 26. It will pass on the floor of the House on April 16. Its companion bill in the Senate, SB 1108, sponsored by Senator Flores, passed in the Criminal Justice Committee on March 23, the Governmental Oversight and Accountability Committee on March 31, and passed in the Appropriations Committee on April 16.

### **SB 552: Relating to Public Records/Homelessness Surveys and Databases**

SB 552, sponsored by Senator Hays, exempts personal information collected in homelessness surveys from the public records requirement under the Sunshine Law. The bill is retroactive, and it would only include personal identifying information on homeless people. Overall population counts and demographic information would not be affected. SB 552 was filed on January 28, and it passed in the Senate Children, Families, and Elder Affairs Committee on March 5. It passed in the Senate Governmental Oversight and Accountability Subcommittee on March 17, and it

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passed in the Senate Rules Committee on March 26. It passed on the Senate floor on April 8. Its companion House bill, HB 535, passed in the House Economic Development and Tourism Subcommittee on March 10, and it is now in the House Government Operations Subcommittee.

## **Transportation Bills**

### **HB 7075: Relating to Transportation**

HB 7075, filed in the House Transportation and Ports Subcommittee, is a committee bill that consolidates the language of numerous transportation bills into a single piece of legislation. Notably, it includes some of the language that was formerly a part of HB 231, by Representative Passidomo, which would have re-defined the state's existing bicycle safety legislation to include pedestrians and people riding virtually every form of non-motorized vehicle in a bicycle lane. The bill would also have defined what constitutes a bodily injury in the case of an accident with a bicyclist or anyone else using a non-motorized vehicle. In addition to all of this, HB 231 would have clarified that every part of the vehicle, including parts that extend from it, such as the side mirrors, must be no closer than three feet from a bicyclist when passing him or her. The bill would have prohibited drivers from making right-hand turns in front of bicyclists or pedestrians, and it would have prohibited harassing, taunting, or throwing objects from a car at bicyclists or pedestrians. The bill also would have proscribed misdemeanor penalties for any of these violations that do not cause bodily injury, and additional criminal penalties if they do cause bodily injury. Finally, the bill would have required that anyone applying for a driver's license be tested on his or her knowledge of bicycle and pedestrian safety laws before being granted a Florida driver's license.

HB 7075 keeps HB 231's language referring to noncriminal traffic infractions leading to injury or death, which states that any individual that commits a noncriminal traffic violation leading to serious injury or death within five years of committing a previous violation shall have his or her license suspended for a period of one year. HB 7075 also retains HB 231's definition of "serious bodily injury". Notably, HB 7075 does not include any references to bicycles or other non-motorized vehicles, which were the main focus of Passidomo's bill.

HB 7075 was filed as PCB TPS2 on March 12, passed in the Transportation and Economic Development Appropriations Subcommittee on March 24, passed in the Economic Affairs Committee on April 2, and passed on the House floor on April 16.

### **SB 908: Relating to Transportation**

SB 908, sponsored by Senator Altman, strengthens the state's current transportation safety regulations regarding pedestrian safety. The bill requires that all every part of a motorized vehicle maintain a passing distance of at least three feet when passing nonmotorized vehicles,

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and it prohibits motorized vehicles from making right turns in front of nonmotorized vehicles unless they can be made at a safe distance. It establishes that these violations are punishable as non-criminal moving violations. The bill also prohibits taunting or harassing pedestrians or bicyclists, and it establishes that a first offence is a first-degree misdemeanor, punishable by a fine of at least \$250 or no more than thirty days in jail. SB 908 was filed on February 13, and it passed in the Senate Transportation Committee on March 26. It passed in the Criminal Justice Committee on April 7, and it passed in the Fiscal Policy Committee on April 15. It will now move to the Senate floor.

Its companion bill in the House, HB 231, by Representative Passidomo, was filed on January 12, passed in the Highway and Waterway Safety Committee on March 11, passed in the Criminal Justice Subcommittee on March 24, passed in the Transportation and Economic Development Appropriations Subcommittee on April 7, passed in the Economic Affairs Committee on April 14, and will now move to the floor of the House.

### **HB 113: Relating to Local Government Construction Preferences**

HB 113, sponsored by Representative Perry, prohibits local governments from establishing ordinances that restrict a contractor's right to bid for construction contracts if that contractor does business primarily in the state of Florida. It also requires that public entities, such as state colleges and universities, public school districts, and other political subdivisions, disclose information about the use of funds appropriated by the state for construction projects that require a competitive bidding process, as long as at least 20% of the funding for the project comes from the state. It establishes a preference for Florida-based contractors in the bidding process, even if an out-of-state contractor is able to provide a slightly better bid. The bill was filed on December 16, and it passed the House Government Operations Subcommittee on February 4. It passed in the House Local Government Affairs Subcommittee on March 3, and it passed in the House Appropriations Committee on March 19. It passed in the House State Affairs Committee on April 8, and it will now move to the House floor. Its companion Senate bill, SB 778, was filed on February 13, passed in the Senate Community Affairs Committee on March 4, and passed in the Senate Governmental Oversight and Accountability Subcommittee on March 17. It passed in the Senate Appropriations Committee on March 25, and it will now move to the Senate floor, where it will be heard on April 22.

### **HB 383: Relating to Private Property Rights**

HB 383 would fundamentally change the way that property use settlements are handled at the county level. It requires that any governmental entity wishing to make use of private property prove that the use of that property provides some sort of benefit to the county or municipality in question. It also stipulates that a property owner may bring legal action against the county or municipality if he or she feels that the governmental entity is not using his or her property for a

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purpose that benefits the jurisdiction in question. The bill also allows for the reward of damages if the property owner feels that his or her property was used in an unconstitutional manner, even if the issues were previously resolved. HB 383 was filed on January 20, and it passed in the House Subcommittee on Civil Justice on February 10. It passed the House Local Government Affairs Subcommittee on March 18, and it is now in the House Appropriations Committee, where passed on March 31. It passed in the House Judiciary Committee on April 8, and it will now move to the House floor. A companion bill in the Senate, SB 284, by Senator Diaz de la Portilla, was filed on January 7, passed in the Environmental Preservation and Conservation Committee on March 24, passed in the Appropriations Subcommittee on General Government on April 14, and will be heard in the Appropriations Committee on April 21.

This section does not apply to any actions taken by a county with respect to the adoption of a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program, unless such adoption incorrectly applies an aspect of the Flood Insurance Rate Map to the property, in such a way as to, but not limited to, incorrectly assess the elevation of the property.

### **HB 623: Relating to Weapons or Firearms**

HB 623, sponsored by Representative Rouson, prohibits discharging a firearm on any residential property, which is currently legal in Florida, provided that the homeowner provides a proper berm. There are currently no restrictions on the acreage of the property required or the proximity to major roadways, railways, or canals. The bill was filed on February 5, and it has been referred to the House Criminal Justice, Local Government Affairs, Local and Federal Affairs, and Judiciary Subcommittees. It was assigned to the House Criminal Justice Subcommittee on February 18, and it failed on March 24. There is currently no Senate companion.

### **Pension and Health Insurance Reform**

#### **SB 516: An Act Relating to Health Insurance Coverage for Emergency Services**

SB 516, sponsored by Senators Bean and Garcia, prohibits insurance companies from requiring prior authorization before providing coverage to EMS personnel. The bill requires that the service be provided regardless of whether or not the provider was a participating provider under the insurance company's policy. The bill was filed on January 26, and it has since been referred to the Senate Banking and Insurance, Health Policy, and Appropriations committees. It was scheduled to be heard in the Banking and Insurance Committee on March 31, but it has since been postponed. It has a companion House bill, HB 681, which was filed on February 10 and passed in the House Insurance and Banking heard on March 18. It passed in the Appropriations Committee on March 31, and it passed in the Health & Human Services Committee on April 9. It will now move to the floor of the House.

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### **SB 172: Relating to Local Government Pension Reform**

SB 172, sponsored by Senators Bradley and Ring, is a bill that radically changes the way that insurance premium tax revenues would be applied to firefighter and law enforcement pensions under Chapters 175 and 185, Florida Statutes. Under the current system, all tax revenues equivalent to the 1997 insurance premium tax revenues must be applied to pensions for firefighters and law enforcement officers, while any revenues beyond the 1997 level are applied as “extra benefits”, which may or may not be allocated to the pension system.

SB 172 makes a number of changes to this system. It raises the annual accrual rate on the state pensions from 2.0% to 2.75%, which significantly increases the interest accrued on those pensions. The bill also sets a cap of 300 overtime hours per year for pension benefits. This is significant because those benefits are currently calculated based on overall salary, which includes overtime. The bill clarifies that the 1997 tax revenue level constitutes the “minimum benefits” that must be provided under Chapters 175 and 185, Florida Statutes, and the remainder must be used to fund additional “special benefits”, which are up to the discretion of the local agencies in charge of distributing the pensions.

SB 172 passed in the Governmental Oversight and Accountability committee, in the Senate Community Affairs Committee on February 17, and in the Senate Fiscal Policy Committee on March 26. It will now move to the Senate floor, where it will be heard on April 22. Its equivalent House bill, HB 341, passed in the House Governmental Operations Subcommittee on March 11. It passed in the State Affairs Committee on April 8, and it will now move to the floor of the House.

### **HB 105: Relating to Publicly Funded Retirement Programs**

HB 105 allows any municipal fire department that provides service to another municipality under an interlocal agreement to receive property insurance premium tax revenues from that municipality for the purpose of paying for retirement pensions for firefighters. Previously, areas served by an interlocal agreement did not pay those revenues to the fire department that served them; rather, those revenues went directly into the local general revenue fund. This bill eliminates that loophole in the existing statute, thus providing an additional source of revenue for local firefighter pensions. HB 105 passed in the House Government Operations Subcommittee on March 4, in the House Local Government Affairs Subcommittee on March 18, in the House Finance and Tax Committee on March 3, and in the State Affairs Committee on April 8. It will be passed on the floor of the House on April 16. A similar bill, SB 216, sponsored by Senator Bradley, passed in the Senate Governmental Oversight and Accountability Committee on March 10 and in the Senate Appropriations Committee on April 9. It will now move to the Senate floor.

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### **SB 1414: An Act Relating to Juvenile Justice Costs**

SB 1414, sponsored by Senator Bradley, requires that juvenile justice costs be split between county governments and the state government, with counties paying 60% of the costs and the state paying the remaining 40%. Fiscally constrained counties would be exempt from this funding provision. SB 1414 was filed on February 26, and it passed in the Appropriations Subcommittee on Criminal and Civil Justice on April 8. It is now in the Senate Appropriations Committee. A similar committee bill in the House (albeit with a 57%-43% split between the counties and the state), HB 5201, was filed on March 19, passed in the House Appropriations Committee on March 25, and has been placed on the House Special Order Calendar.

### **HB 57: An Act Relating to Law Enforcement Officer Body Cameras**

HB 57, sponsored by Representatives Jones and Williams, requires that any law enforcement agency that allows its officers to wear body cameras establish proper policies and procedures for the use of those cameras. The agencies would also be required to perform an annual review of the effectiveness of their body camera rules and procedures. HB 57 was filed on December 4, and it passed in the House Criminal Justice Subcommittee on February 11, the House Appropriations Committee on March 19, and it passed in the House Judiciary Committee on April 14. It will now move to the floor of the House. A similar committee bill in the Senate, SB 7080, was filed on April 2, and has been referred to the Fiscal Policy Committee, where it will be heard on April 20.

### **Schedule for April 20-24**

**4/20/2015**

Senate Fiscal Policy: SB 7080

**4/21/2015**

Senate Appropriations: SB 1468

**4/22/2015**

Senate Session: SB 172, 778, 248, 534

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House and Senate Session: HB 113, 7067, 933, 391; SB 908

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Senate Session: SB 242