



# Martin County Board of County Commissioners

## 2019 Legislative Session Week 2

*March 11, 2019 through March 15, 2019*

The week began with the House Agriculture & Natural Resources Appropriations Subcommittee approval of HB 2961, Martin County East Fork Creek Stormwater Quality Retrofit. This bill is an appropriation request by Representative Overdorf for \$1,200,000 for a stormwater treatment area (STA).

While the 2019 state budget is far from being completed two projects are on their way to being considered for funding. The project is available for consideration for inclusion in the House spending bill. The county met with Speaker Pro Tempore MaryLynn Magar about the Governor's Environmental Agenda for the session, including statewide funding for the DEP septic to sewer conversion initiative.

Coastal Management proposals (SB 446 & HB 325) are moving through their respective committees in the House and Senate. HB 325 unanimously passed its last committee of reference this week and is now available for floor consideration. SB 446 is in its final committee, Senate Appropriations, before heading to the floor.

Governor Ron DeSantis announced the new leadership team for the South Florida Water Management District: Chauncey Goss, Chairman; Scott Wagner, Vice Chairman; and Drew Bartlett, Executive Director.

**PCS for HB 3 Preemption of Local Professional and Occupational Regulations** was heard for one and a half hours this week in committee. This bill prohibits local governments from imposing or adopting new regulations on businesses and business entities on or after a specified date; specifies certain regulations expire and may only be readopted or continue to be imposed after meeting specified criteria; preempts regulation and licensing of professions and occupations to state; prohibits local governments from imposing additional regulations unless specified conditions are met; specifies that local regulations that do not meet specified criteria do not apply; specifies certain specialty contractors are not required to register with the Construction Industry Licensing Board; prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local jurisdiction may not require a license.

**HB 3** received a 15-7 vote by the House State Affairs Committee. The Senate companion, SB 1748, has yet to be heard by the Senate Community Affairs Committee. The Florida Association of Counties and the Florida League of Cities were present to speak in opposition of this bill. There was extensive discussion and debate among members of the committee. This bill is one of the most obtrusive bills against local government this legislative session and is being monitored very closely.

**The following is a list of additional bills the county is monitoring that have moved through committees this week:**

The Senate Agriculture Committee heard **SB 7064, Oil Drilling** by Agriculture. This bill defines the term “fracking” and requires specified amounts for bonds for certain operations in the Everglades Protection Area; prohibits fracking in this state; requiring an applicant for certain explorations for and extraction of minerals to post a specified surety bond for projects in the Everglades Protection Area; prohibiting the refining of oil within the Everglades Protection Area; prohibiting the use of flowback fluid for crop irrigation in this state, etc. Reported Favorably by Agriculture; 3 Yeas, 2 Nays

**HB 141, Water Quality**, by Representative Fine, was heard in the House Agriculture and Natural Resources Subcommittee. This bill provides appropriations for certain projects related to Indian River Lagoon Comprehensive Conservation & Management Plan, authorizes DEP, with other specified entities, to provide grants for such projects; directs DEP to submit an annual report; requires each wastewater facility that unlawfully discharges sewage into waterway or aquifer to notify its customers; provides penalties. Favorable by Local, Federal & Veterans Affairs Subcommittee; 14 Yeas, 0 Nays HB

**SB 1278 Biosolids Management** by Senator Mayfield. Defining the term “biosolids”; requiring the Department of Environmental Protection to adopt rules for biosolids management which meet certain requirements; providing that certain ordinances, moratoriums, or regulations remain in effect until they are repealed or expire, etc. Effective Date: Upon becoming a law. Favorable with CS by Environment and Natural Resources; 5 Yeas, 0 Nays

**PCS for HB 405 Biosolids Management** by Representative Grall. Provides that St. Johns River Upper Basin Watershed Pollutant Control Program consists of St. Johns River Upper Basin Watershed Basin Management Action Plan; requires implementation of specified regulations, best

management practices, and alternative technologies for pollutant reduction; provides that certain projects are eligible for grants; requires plan to include certain assessments and recommendations; prohibits DEP from authorizing disposal of domestic wastewater biosolids within watershed; directs DOH to require certain entities to develop and submit agricultural use plans; direct DACS and St. Johns River Water Management District to initiate specified rulemaking. Effective Date: July 1, 2019. Favorable with CS by Agriculture & Natural Resources Subcommittee; 11 Yeas, 0 Nays House Ways & Means Committee

**SB 534 Pretrial Release** by Senator Brandes. Pretrial Release; Authorizing each county to establish a supervised bond program with the concurrence of the chief judge of the judicial circuit, the county's chief correctional officer, the state attorney, and the public defender; authorizing the chief judge of each circuit, with the concurrence of the county's chief correctional officer, the state attorney, and the public defender, to enter an administrative order for the use of a risk assessment instrument in pretrial release determinations; providing that a court retains sole discretion to determine the appropriateness of pretrial release and any necessary pretrial release conditions, etc. Effective Date: 10/1/2019. Favorable by Criminal Justice; 5 Yeas, 0 Nays

**SB 498 Fire Safety and Prevention** by Powell Fire Safety and Prevention. Prohibiting a person from committing or attempting to commit certain acts to influence fire safety inspectors, etc. Effective Date: 10/1/2019. Favorable by Governmental Oversight and Accountability; 4 Yeas, 0 Nays

**SB 1000 Communications Services Taxes** by Senator Hutson. Reducing the communications services tax rate levied on sales of communications services; revising the authority for municipalities and counties to impose permit fees on providers of communications services that use or occupy municipal or county roads or rights-of-way, etc. Effective Date: 7/1/2019. Favorable with CS by Innovation, Industry, and Technology; 9 Yeas, 0 Nays Senate Community Affairs

**SB 0728 Growth Management** by Senator Lee. Authorizing sufficiently contiguous lands located within the county or municipality which a petitioner anticipates adding to the boundaries of a new community development district to also be identified in a petition to establish the new district under certain circumstances; providing requirements for the petition; providing notification requirements for the petition, etc. Effective Date: Upon becoming a law. Favorable by Community Affairs; 5 Yeas, 0 Nays

**SB 0806 Local Government Public Construction Works** by Senator Perry. Requiring the governing board of a local government to consider estimated costs of certain projects using

generally accepted cost-accounting principles that account for specified costs when making a specified determination; requiring that a local government that performs projects using its own services, employees, and equipment disclose the actual costs of the project after completion to the Auditor General; requiring estimated total construction project costs for certain projects to include specified costs, etc. Effective Date: 7/1/2019. Favorable by Community Affairs; 5 Yeas, 0 Nays

**SB 0902 Open and Expired Building Permits** by Senator Perry. Specifying conditions under which a building permit is considered an open permit, expired permit, or closed permit; authorizing an open or expired permit to be closed on by or on behalf of the current property owner if certain requirements are met; authorizing the owner of a home for sale to assume the role of an owner-builder in order to resolve an open permit under certain circumstances, etc. Effective Date: 10/1/2019. Favorable by Community Affairs; 5 Yeas, 0 Nays

**SB 0326 Homestead Property Tax Assessments/Increased Portability Period** by Senator Brandes. Proposing amendments to the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead and to provide an effective date, etc. Favorable by Community Affairs; 5 Yeas, 0 Nays

**SB 0324 Limitations on Homestead Assessments** by Senator Brandes. Revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; revising the timeframe during which an owner of a homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election, etc. Effective Date: On the effective date of the amendment to the State Constitution proposed by SJR 326 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose. Favorable with CS by Community Affairs; 5 Yeas, 0 Nays

**SB 0568 Assessment of Property** by Senator Diaz. Authorizing local governments to enter into agreements with certain property owners to authorize the local governments to record specified restrictive covenants related to affordable housing; authorizing such covenants to contain resale restrictions and to be amended or supplemented under certain circumstances; requiring property

appraisers to consider such restrictive covenants in arriving at the just value of such properties, etc. Effective Date: 7/1/2019. Favorable with CS by Community Affairs; 5 Yeas, 0 Nays

**SB 0856 Homestead Exemptions** by Senator Gruters. Specifying that a person must knowingly and intentionally receive or claim a certain ad valorem tax exemption or credit in another state to be disqualified from a certain homestead exemption; providing that certain property is not subject to the assessment of exempted taxes, penalties, and interest under certain circumstances, etc. Effective Date: 7/1/2019. Favorable by Community Affairs; 5 Yeas, 0 Nays Senate Environment & Natural Resources

**SB 0078 Public Financing of Construction Projects** by Senator Rodriguez (J). Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study and having such study published and approved by the Department of Environmental Protection; requiring the department to develop by rule standards for such studies; providing for enforcement; requiring the department to publish such studies on its website, subject to certain conditions, etc. Effective Date: 7/1/2019. Favorable with CS by Environment and Natural Resources; 5 Yeas, 0 Nays

**SB 0216 Water Quality Improvements** by Senator Gruters. Providing an appropriation for certain projects related to the Indian River Lagoon Comprehensive Conservation and Management Plan; requiring each wastewater facility that unlawfully discharges sewage into a waterway or aquifer to notify its customers within a specified period; providing penalties for wastewater treatment facilities that unlawfully discharge sewage into designated areas, etc. Effective Date: 7/1/2019. Favorable with CS by Environment and Natural Resources; 5 Yeas, 0 Nays

**SB 0368 Land Acquisition Trust Fund** by Senator Harrell. Providing an appropriation for certain projects related to the Indian River Lagoon Comprehensive Conservation and Management Plan; authorizing the Department of Environmental Protection to make grants for such projects, etc. Effective Date: 7/1/2019. Favorable by Environment and Natural Resources; 4 Yeas, 1 Nay

**SB 0944 Land Acquisition Trust Fund** by Senator Stewart. Requiring a specified annual appropriation to the Florida Forever Trust Fund; prohibiting moneys from the Land Acquisition Trust Fund from being used for specified costs, etc. Effective Date: 7/1/2019. Favorable with CS by Environment and Natural Resources; 5 Yeas, 0 Nays

**SB 0898 Transportation** by Senator Diaz. Revising the authorized uses of proceeds from charter county and regional transportation system surtaxes; revising the preservation goals of the

Department of Transportation to include ensuring that all work on the State Highway System meets department standards; requiring the department to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; prohibiting the department from using toll revenues from high-occupancy toll lanes or express lanes to offset certain funding, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019. Favorable with CS by Infrastructure and Security; 7 Yeas, 1 Nay

**SB 1002 Motor Vehicles and Railroad Trains** by Senator Hutson. Revising the definition of the term “railroad train”; requiring that, in the event of a crash involving a railroad train, the collection of certain information be at the discretion of the law enforcement officer having jurisdiction to investigate the crash; specifying that certain persons are not considered passengers for the purpose of making crash reports, etc. Effective Date: 7/1/20. Favorable with CS by Infrastructure and Security; 8 Yeas, 0 Nays House Local, Federal & Veterans Affairs Subcommittee

**HB 15 Local Government Fiscal Transparency** by Representative Burton. Revises Legislative Auditing Committee duties; specifies purpose of local government fiscal transparency requirements; requires local governments to post voting record information on websites; requires property appraisers and local governments to post property tax information and history on websites; requires public notices for public hearings and meetings prior to increases of local government tax levies; specifies noticing and advertising requirements; requires local governments to conduct debt affordability analyses under specified conditions; provides method for local governments to post certain required information. Effective Date: July 1, 2019. Favorable with CS by Local, Federal & Veterans Affairs Subcommittee; 12 Yeas, 1 Nay

**HB 715 Florida Building Code Enforcement** by Representative Robinson. Prohibits local government from carrying forward more than specified amount of unexpended revenue; revises requirements for expenditure of certain unexpended revenue. Effective Date: July 1, 2019. Favorable by Local, Federal & Veterans Affairs Subcommittee; 11 Yeas, 1 Nay

**HJR 717 Ad Valorem Tax Discount for Spouses of Certain Deceased Veterans Who Had Permanent Combat-Related Disabilities** by Representative Killebrew. Proposes amendments to State Constitution to authorize surviving spouse of deceased veteran to carry over certain discounts on ad valorem taxes on homestead property under specified circumstances; authorizes transfer of discount to another permanent residence if surviving spouse remains unmarried.

Effective Date: Not Specified. Favorable with CS by Local, Federal & Veterans Affairs Subcommittee; 12 Yeas, 0 Nays

**HB 719 Surviving Spouse Ad Valorem Tax Reduction** by Representative Killebrew. Authorizes surviving spouse of deceased veteran to carry over certain discounts on ad valorem taxes on homestead property under specified conditions; authorizes discount to be transferred to another permanent residence under specified conditions; provides procedure by which applicant may file application after specified date and receive discount. Effective Date: On the effective date of the amendment to the State Constitution proposed by HJR 717 or a similar joint resolution having substantially the same specific intent and purpose. Favorable with CS by Local, Federal & Veterans Affairs Subcommittee; 13 Yeas, 0 Nays

**HB 861 Local Government Financial Reporting** by Representative Roach. Requires county and municipality budget officers to submit certain information to EDR within specified timeframe; requires adopted budget amendments and final budgets to remain posted on each entity's official website for specified period; requires EDR to create form by specified date. Effective Date: Upon becoming a law. Favorable by Local, Federal & Veterans Affairs Subcommittee; 13 Yeas, 1 Nay

**PCS for HB 771 Environmental Regulation** by Representative Overdorf. Requires counties and municipalities to address contamination of recyclable material in specified contracts; prohibits counties and municipalities from requiring collection or transport of contaminated recyclable material by residential recycling collectors; specifies required contract provisions; prohibits local governments from requiring certain project verification from DEP; revises types of dock and pier replacements and repairs that are exempt from verification and certain permitting requirements. Effective Date: July 1, 2019. Favorable with CS by Local, Federal & Veterans Affairs Subcommittee; 12 Yeas, 0 Nays House Criminal Justice Subcommittee

**HB 639 Security in Trial Court Facilities** by Representative Perez. Requires sheriffs to provides security for trial court facilities; requires sheriffs to coordinate security matters with chief judges; specifies that sheriffs retain control over security matters and chief judges retain certain authority; specifies that sheriffs and their deputies, employees, and contractors are officers of court for certain purposes. Effective Date: July 1, 2019, Favorable with CS by Criminal Justice Subcommittee; 14 Yeas, 0 Nays

**HB 521 Wetland Mitigation** by Representative McClure. Authorizes local government to allow certain permittee-responsible mitigation on lands purchased and owned by local government for conservation purposes; provides exception to provisions prohibiting governmental entity from

creating or providing mitigation for project other than its own unless certain conditions are met. Effective Date: July 1, 2019. Favorable by Local, Federal & Veterans Affairs Subcommittee; 11 Yeas, 1 Nay

**HB 5 Discretionary Sales Taxes** by Representative DiCeglie. Requires two-thirds vote of certain county governing boards to authorize discretionary sales surtax; requires local government discretionary sales surtax referenda to be held on specified date; requires such referenda to be approved by specified percentage of voters for passage; revises requirements and procedures for discretionary sales surtax performance audits; requires OPPAGA, upon receiving certain notice, to procure certified public accountant for performance audit; requires supervisor of elections to verify petition signatures and retain signature forms in specified manner; provides that an initiative sponsor's failure to comply with specified requirements renders any referendum held void. Effective Date: Upon becoming a law. Favorable by Ways & Means Committee; 12 Yeas, 5 Nays

**HB 9 Community Redevelopment Agencies** by Representative LaMarca. Specifies ethics training requirements for community redevelopment agency commissioners; establishes procedures for appointing board of community redevelopment agency board members; requires referendum to create community redevelopment agency; establishes procurement procedures; provides reporting and boundary map requirements; provides termination dates for certain community redevelopment agencies; provides phase-out period for existing community redevelopment agencies; requires DEO to declare inactive certain community redevelopment agencies; requires DEO to maintain website identifying inactive community redevelopment agencies; specifies level of tax increment financing that governing body may establish; revises requirements for budgets of community redevelopment agencies; revises requirements for annual audit. Effective Date: July 1, 2019. Favorable by Ways & Means Committee; 11 Yeas, 6 Nays

**HB 267 Budgets of County Constitutional Offices** by Representative Sabatini. Provides criteria for submission of tentative and final budgets by county constitutional officers; requires tentative budget of county constitutional officer to be posted on county's website; provides criteria for submission of tentative and final budgets by property appraiser and tax collector; requires tentative and final budgets to be posted on website of property appraiser or tax collector. Effective Date: July 1, 2019. Favorable by Ways & Means Committee; 16 Yeas, 0 Nays

**SJR 886 Homestead Tax** by Senator Brandes. Proposing amendments to the State Constitution to provide that the homestead property tax discount for certain veterans who had permanent,

combat-related disabilities carries over to the benefit of the veteran's surviving spouse under certain circumstances until he or she remarries or sells or otherwise disposes of the property, to provide that the discount for the surviving spouse is transferrable to another homestead under certain circumstances, and to provide an effective date, etc. Favorable by Military and Veterans Affairs and Space; 7 Yeas, 0 Nays

**SB 888 Homestead Property Tax Discount** by Senator Brandes. Providing that if certain conditions are met, the homestead property tax discount for certain disabled veterans carries over to the benefit of the veteran's surviving spouse until the surviving spouse remarries or sells or otherwise disposes of the homestead property; providing that if the surviving spouse sells the property, the discount may be transferred to his or her new primary residence, subject to certain conditions, etc. Effective Date: On the effective date of the amendment to the State Constitution proposed by SJR 886 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose. Favorable by Military and Veterans Affairs and Space; 7 Yeas, 0 Nays

**SB 142 Permit Fees** by Senator Perry. Requiring 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; requiring certain governing bodies of local governments to post their building permit and inspection utilization reports on their websites by a specified date, etc. Effective Date: 7/1/2019. Favorable by Rules; 16 Yeas, 0 Nays

**SB 7014 Government Accountability** by Governmental Oversight and Accountability. Specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the commissioner, may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; specifying that any person who willfully fails or refuses to provide access to an employee, officer, or agent of an entity under audit is subject to a penalty; requiring each school district, Florida College System institution, and state university to establish and maintain certain internal controls, etc. Effective Date: 7/1/2019. Favorable by Rules; 16 Yeas, 0 Nays

**SB 320 Residential Conservation Programs** by Senator Hooper. Authorizing the Fish and Wildlife Conservation Commission to organize, staff, equip, and operate residential conservation programs for a specified purpose, etc. Effective Date: 7/1/2019. Favorable by Appropriations Subcommittee on Agriculture, Environment, and General Government; 10 Yeas, 0 Nays

**HB 101 Public Construction** by Representative Andrade. Revises amounts of retainage that certain local government entities and contractors may withhold from progress payments for construction services contract; revises requirements for DMS rules governing certain contracts; revises amounts of retainage that certain public entities and contractors may withhold from progress payments for construction services contract. Effective Date: July 1, 2019. Favorable by Oversight, Transparency & Public Management Subcommittee; 13 Yeas, 1 Nay

**SB 178 Florida Tourism Marketing** by Senator Gruters. Amending provisions relating to the Florida Tourism Industry Marketing Corporation direct support organization and the Division of Tourism Marketing of Enterprise Florida, Inc., respectively; abrogating the scheduled repeal of provisions related to the corporation and the division, respectively, etc. Effective Date: 7/1/2019. Favorable by Appropriations; 18 Yeas, 0 Nays

**HB 759 Public Records** by Representative Massullo. Provides that certain information related to agency contracts is not confidential or exempt from public records requirements; removes or revises numerous provisions relating to exemptions from public records requirements for trade secrets. Effective Date: Upon becoming a law if HB 761 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law. Favorable by Commerce Committee; 24 Yeas, 0 Nays

**HB 761 Public Records/Trade Secrets Held by an Agency** by Representative Massullo. Provides exemption from public record requirements for trade secret held by agency; provides notice requirements; provides exception to exemption; provides that agency employee is not liable for release of records in compliance with act; provides applicability; provides for future legislative review and repeal of exemption; provides statement of public necessity. Effective Date: On the same date that HB 759 or similar legislation takes effect. Favorable by Commerce Committee; 24 Yeas, 0 Nays

**HB 207 Impact Fees** by Representative Donalds. Revises minimum requirements for adoption of impact fees by specified local governments; authorizes prevailing party to recover attorney fees under certain circumstances; exempts water and sewer connection fees from Florida Impact Fee Act. Effective Date: July 1, 2019. Favorable by State Affairs Committee; 22 Yeas, 0 Nays

**HB 105 Domestic Wastewater Collection System Assessment and Maintenance** by Representative Jacobs. Establishes Blue Star Collection System Assessment and Maintenance Program within DEP for domestic wastewater utilities; provides defensible expectation that certified utilities complied with state water quality standards; directs DEP to issue certain permits

to certified utilities; authorizes DEP to reduce penalty amounts; provides that certain utilities are eligible to participate in Clean Water State Revolving Fund Program and receive Small Community Sewer Construction Assistance Grants. Effective Date: July 1, 2019. Favorable with CS by State Affairs Committee; 22 Yeas, 0 Nays

**HB 251 Constitution Revision Commission** by Representative Drake. Repeals references to Constitution Revision Commission, powers of chair, and assistance by state and local agencies. Effective Date: The effective date of the amendment to the State Constitution proposed by HJR 249 or a similar joint resolution having substantially the same specific intent and purpose. Favorable by State Affairs Committee; 22 Yeas, 0 Nays