Ronald L. Book, P.A.
LAW OFFICES
PROFESSIONAL ASSOCIATION

2016 Session
Week 4 Report

At the end of week 4, the budget process is well underway. Both the House and Senate proposed budgets were heard in full committees. The two budgets differ in several areas, which we detailed in the week 3 report. Overall, the Senate budget totals just over $80 billion, and the House budget just under. The various differences must be worked out in budget conference meetings that will begin shortly. Included in this report are updates on legislation affecting local governments. Should you have questions on these issues, or other issues not included, please contact us and we will provide that information.

Local Government Water Projects: While both the House and Senate Agriculture and Natural Resources Appropriations subcommittee budgets have been released, no funding for water projects was included in either House or Senate budget proposal. As reported in the week 3 report, water project funding allocations are not expected until the end of the budget conference process.

Gaming Compact: During week 4, there were no official meetings on gaming, though behind the scenes, the House and Senate leaders were working to make a determination as to their next steps. Late this week, both the Senate Committee on Regulated Industries and the House Regulatory Affairs committee released their agendas for week 5, and both committees will be meeting on Tuesday, February 9th, to consider the Indian Gaming Compact and other gaming bills.

Tax Cut Package: HB 7099 (Gaetz, M.) During week 4, Representative Gaetz, Chair of the Finance and Tax committee, released the omnibus House tax cut package proposal, which includes almost $1 billion in cuts. It includes cuts to a variety of different taxes, according to the House, and would amount to approximately $991.7 million in tax reductions. The House is moving quickly to push this package forward. HB 7099 was discussed in a committee workshop during week 3, heard in the Finance and Tax committee on 2/3, and is scheduled to be heard by the full House next week, on 2/10.

The bill provides for a variety of tax reductions, including the following:

- Permanently reduces the state sales tax rate on rental of commercial real estate (business rent tax) from 6% to 5%, beginning January 1, 2017, with an additional one percentage point reduction (to 4%) in calendar year 2018 only.
- Includes new, extended or expanded sales tax exemptions for: machinery and equipment for manufacturing, agricultural postharvest activities, and metals recycling;
- Sales at school book fairs for one year; sales of college textbooks and instructional materials for one year;
- Building materials, pest control, and rental of tangible personal property used in new construction in rural areas of opportunity;
- Electricity and building materials used by new or expanding Florida datacenters;
- Sales of food and drink by military veterans service organizations to their members, and re sale of admissions for three years.

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- Clarifies requirements for the current exemption on sales of aircraft that will be registered in a foreign jurisdiction.
- Includes the following sales tax holidays:
    - a ten-day "back-to-school" holiday for clothing, footwear, school supplies, and computers;
    - a one-day "technology" holiday on sales of computers and related accessories;
    - a one-day "small business" holiday, for sales by small businesses;
    - a one day "hunting and fishing" holiday for hunting firearms, ammunition, camping tents, and fishing supplies.
- For property taxes, the bill: clarifies that for a limited period, economic development tax exemptions can be granted in areas which were designated enterprise zones as of December 30, 2015; expands the homestead exemption available for the surviving spouses of totally and permanently disabled veterans; creates a property tax discount on property used for affordable housing; and allows a midyear transfer of the disabled veteran homestead exemption.
- For corporate income tax, the bill: temporarily increases total tax credits available for voluntary brownfields clean-up, research and development tax credits, and renewable energy technology and production tax credits. The bill adopts the Internal Revenue Code as in effect on January 1, 2016, but decouples from federal bonus depreciation provisions and changes filing dates to conform with federal filing date changes.
- Further changes in the bill include: equalization of the tax rates on apple and pear cider; changes to allowable and required uses of tourist development taxes;
    - Elimination of a current exemption from and a reduction of the aviation fuel tax rate;
    - Clarification of administration of the tax on other tobacco products;
    - Clarification of documentary stamp tax treatment of housing authority notes; requiring at least 5% of community redevelopment agency revenues be spent on youth centers;
    - Replacement of the current tax calculation on liquor and tobacco sold on cruise ships with a simpler, revenue neutral calculation.

As we reported last week, the preliminary Senate budget proposal does not include the Governor's top priority this year, of $1 billion in tax cuts. Chairman Lee has made it known that he is wary of long-term tax reductions that would cut too far into the state's budget, which could have strong implications if the economy should take a stronger turn downward. We reported earlier this month that the state revenue estimating conference released a budget projection that lowered expected state funding by $400 million. The tax cut package will be further addressed as we move through the budget conference process.

Transportation Network Companies (Uber, Lyft ride sharing services): HB 509 (Gaetz, M.) passed the full House during week 3, with a vote of 108 – 10, and is awaiting action in the Senate. HB 1118, (Simmons), is the Senate TNC bill, that at this time, only addresses insurance required of the company and drivers, (summarized below). HB 509 as passed, would take effect July 1, 2016, and accomplish the following:

- Preempts to the state the regulation of Transportation Network Companies (TNCs) and creates a regulatory framework for the operation of TNCs.
- Prohibits local governments from imposing taxes or licenses on TNCs relating to the provision of TNC service.
- Provides that airports may charge an annual fee to TNCs of up to $5,000.
- Defines "transportation network company" as an entity granted a permit under s. 316.680, F.S., to operate in this state using a digital network or software application service to connect riders to TNC service provided by drivers. A TNC is not deemed to own, control, operate, or mange the vehicles used by drivers; is not deemed to control or mange drivers; and is not a taxicab association or for-hire vehicle owner. A TNC does not include an individual, corporation, partnership, sole proprietorship, or other entity arranging nonemergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization. The bill also provides other definitions related to TNCs.

- Provides that a TNC is not a common carrier and does not provide taxi or for-hire vehicle service.
- Provides that a TNC driver is not required to register his or her vehicle as a commercial motor vehicle or for-hire vehicle.
- Provides that a person must obtain an annual permit from the Department of Highway Safety and Motor Vehicles (DHSMV) to operate as a TNC in the amount of $5,000, paid to DHSMV.
- Requires TNCs charging fares to disclose the fare calculation, to provide riders with applicable rates being charged, and an option to receive an estimated fare and requires an electronic receipt to be provided.
- Requires the identification of TNC vehicles and drivers by license plate and picture of the driver.
- Provides minimum TNC and driver insurance requirements and requires insurance related disclosures.
- Provides that TNC drivers are independent contractors and TNCs are not required to provide workers' compensation coverage for independent contractors.
- Requires TNCs to have a zero tolerance policy for illegal drug or alcohol use.
- Provides minimum requirements for TNC drivers, including a criminal background check and a driving history report.
- Prohibits TNC drivers from accepting street hails or cash payments.
- Prohibits TNCs from discriminating against drivers and requires them to develop policies on nondiscrimination and accessibility.
- Requires motor vehicle crash reports to indicate if a driver is engaged in TNC service and provides penalties for providing false information.

Transportation Network Companies/Insurance: HB 1118, (Simmons), is the Senate TNC bill that at this time, only addresses insurance required of the company and drivers, and would take effect July 1, 2017. HB 1118 will be heard in Senate Judiciary on 2/9. SB 1118 would accomplish the following:

- Specifies minimum insurance requirements for TNCs, and requires transportation network companies or drivers to maintain primary automobile liability insurance of at least $125,000 for death and bodily injury per person, $250,000 for death and bodily injury per incident, and $50,000 for property damage. The bill creates two time periods during which the insurance is required. The first time period is during the time when a driver is logged on to the transportation network company's digital network but not providing a prearranged ride. The second time period is during a prearranged ride.
- Requires TNC drivers to maintain liability insurance of at least $25,000 for death and bodily injury per person, $50,000 for death and bodily injury per incident, and $10,000 for property damage. Such coverage would apply at all times other than during a prearranged ride or when the driver is logged on to the TNC digital network but not providing a prearranged ride. The bill also requires that coverage meeting the requirements of the Florida Motor Vehicle No-Fault Law be maintained at all times.
- Preempts any local ordinances imposing insurance requirements on transportation network companies.

Public Corruption: HB 7071 (Workman) passed the full House and is awaiting Senate action. This bill would do away with two issues in proving bribery, bid rigging and fraud. The bill's provisions include recommendations from a statewide grand jury on public corruption and is backed by the Florida USA Today Network. This major piece of legislation is quite comprehensive. The bill expands who would be subject to criminal sanction, classifies private contractors as "public servants" for the purpose of fighting public corruption, and shifts the burden of proof from the prosecution to defense. Current law stipulates that prosecutors have to prove corrupt intent. The bill requires defendants who are accused of knowingly and willingly engaged in illegal conduct, to prove otherwise. Also included is a provision that expands who is determined to be a public servant and therefore who could be prosecuted for these offenses, including bid tampering.

Public Corruption: SB 582 (Gaetz) the Senate companion to the House bill, will be heard in its last committee of reference, the Rules committee, on 2/10.

Election Dates for Municipal Office: HB 7059 (Caldwell) The Florida League of Cities is strongly opposed to this bill. While there is no similar Senate bill at this time, we are on the lookout for the language in amendment form, elsewhere. This bill has passed the House with a vote of 70 – 47.

The bill preempts to the state, the authority to establish the dates of elections of municipal officers and provides the exclusive method for establishing those dates. Any state law, municipal charter, or municipal ordinance that conflicts with the bill is superseded to the extent of the conflict. As a result, a municipality will no longer have authority to unilaterally establish the date of its municipal officer elections.

The House bill requires the date of elections for municipal officers to be established in accordance with one of the following options:

- Option 1: All elections of municipal officers in a county may be held on the same date as the general election in November of each even-numbered year or on the first Tuesday after the first Monday in November of each odd-numbered year, or both, as determined by the supervisor of elections (SOE);
  or
- Option 2: All elections of municipal officers in a county may be held on one alternative fixed date each year if the SOE and all municipalities within the county agree to the date and each municipality within the county adopts the date by ordinance. Each ordinance must also provide the dates for qualifying for the election and the date on which the elected officers' terms of office commence.

The dates for elections of municipal officers may be selected under either Option 1 or Option 2, but not both.

Additionally, the provisions of the bill that establish the method of selecting municipal election dates do not affect the manner in which vacancies in municipal office are filled or the manner in which recall elections for municipal officers are conducted. Lastly, in order to provide for an orderly transition of office, the bill provides that the terms of incumbent elected municipal officers, affected by the change in election dates, will be extended to the next municipal election.

Gun Legislation: HB 163 (Gaetz, M.) The full House has passed a bill allowing individuals with concealed carry permits to carry guns openly, otherwise known as "open carry". Additionally, HB 163 was amended by Representative Wood to allow those with concealed carry permits, to take concealed weapons into the legislative chambers. The vote was 72 – 43 on this specific amendment language. This was offered as an amendment during a marathon Session, where more than 35 amendments were filed, on both sides of the issue. Also, however, an amendment was filed that would allow public hospitals to prohibit open carry. Also, an amendment was passed that would allow those with concealed carry permits to take guns on university and college campuses. The Senate President and various key Senate members have voiced strong concern about some of these provisions, and have indicated that the Senate will not hear this bill.

Another bill dealing with gun legislation, SB 130 (Richter), would prohibit the recreational discharge of a firearm in areas that are primarily residential. Violation of this prohibition is a first degree misdemeanor punishable by up to a year in jail and a $1,000 fine. However, the bill provides exemptions for the lawful defense of life or property, the accidental discharge of a firearm, or the performance of official duties that require the discharge of a firearm. Additionally, the penalties do not apply if the discharge does not pose a reasonably foreseeable risk to life, safety, or property. This bill has passed both the House and Senate.

Election of Officers: HJR 165 (Artiles) proposes to amend the State Constitution to require that the offices of sheriff, property appraiser, supervisor of elections, tax collector, and clerk of the circuit court, would be elected offices, and would carry four year terms of office. The joint resolution was amended in its first committee to include tax collector, and to specifically clarify that the proposed constitutional amendment is applicable to all counties, including Miami-Dade County. Lastly, the HJR was amended to delay implementation until January 8, 2019, so that the affected counties would have time to amend their charters and hold elections.

The Senate companion, SB 648 (Hutson) was temporarily postponed in committee. We continue to work with members and the bill sponsor in both houses, to strongly oppose this bill, and subsequently the Senate bill has not had a hearing to date.

Traffic Infraction Detectors (Red Light Cameras): SB 168 (Brandes) which repeals the use of red light cameras, was passed by the Transportation committee with a vote of 4 – 3. The bill was amended in committee to change the effective date to July 1, 2019, in order to allow for current contracts with municipalities to expire. However, the bill is next assigned to be heard by the Transportation and Economic Development Appropriations subcommittee, Chaired by Senator Latvala, and the bill is not likely to be heard.

HB 4027 (Artiles) is the house companion bill. This bill passed the Economic Affairs Committee, 13 – 3, on 1/21, but was not heard this week.

Drones: SB 642 (Diaz de la Portilla) and HB 459 (Fitzenhagen) these bills provide for liability for injury to a person or property damage in this state for the negligent operation of a drone. HB 459 has not been heard to date.

SB 642 passed the Rules committee, 12 – 1.
The House companion, HB 459 has not been heard to date.

Drone Use by Sexual Predators: SB 510 (Hukill) and HB 1301 (Metz) would create a third degree felony for convicted sexual predators who use or operate a drone to view or record an image of a minor.

SB 510 has not been heard to date.
HB 1301 has passed the Criminal Justice Subcommittee, 13 – 0.

Body Cameras/Law Enforcement Officers: HB 93 (Jones) and SB 418 (Smith) Requires law enforcement agencies that permit law enforcement officers to wear body cameras, to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. The policies would be required to include the following:

- Guidelines for the proper use, maintenance, and storage of body cameras;
- Any limitations on which law enforcement officers are permitted to wear body cameras;
- Any limitations on law enforcement-related encounters in which law enforcement officers are permitted to wear body cameras; and
- Guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.
- Training for use and storage of camera, and use and maintenance of data.

SB 418 passed the Senate Criminal Justice committee, 5 – 0.
HB 93 passed the Judiciary committee this week, 17 – 0.

➢ **The following are bills filed that affect local governments that our firm is monitoring. None of the following bills have been heard to date:**

Texting while driving: SB 328 (Altman) and HB 537 (Perry) would authorize law enforcement officers to stop motor vehicles and issue citations as a primary offense to people who are texting and driving. Currently texting while driving is a secondary offense. Neither bill has been heard to date.

Texting while driving in a school zone: HB 25 (Stark) and SB 246 (Sachs) is a different approach, which would only make texting while driving a primary offense while in a school zone or in a school crossing. Neither bill has been heard to date.

Community Investment Program: HB 33 (Rodgers) and SB 240 (Soto) would establish an investment program within the Department Of Economic Opportunity. The program will focus investment to reduce poverty in economically disadvantaged communities. Neither bill has been heard to date.

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2016 Session
Week 5 Report

At the end of week 5, both the Senate and the House passed their respective budgets, setting the stage for the conference committee meetings which are expected to begin shortly. The two budgets differ in areas which include education funding, the tax cut package of the House, and the economic incentive proposals of the Governor. Regarding education, the House budget proposes that 70 percent of the $601 million in increased education funding would be derived from an increase in local property taxes. The Senate education plan would accomplish the same, but with the state and local governments splitting the obligation 50/50. Another major difference is in the Governor's proposed plan to cut taxes by $1 billion, the somewhat similar House tax cut package, HB 7099, by Representative Gaetz, and the Senate budget which does not include a tax package at this time. As we have reported, Chairman Lee has made it known that he is wary of long-term tax reductions that would cut too far into the state's budget, and could have strong implications if the economy should take a stronger turn downward. The House bill and its variety of tax cuts and reductions, have passed the full House and are summarized in this report.

Included in this report are updates on legislation affecting local governments. Should you have questions on these issues, or other issues not included, please contact us and we will provide that information.

Local Government Water Projects: This week, both the Senate and the House budget passed its respective house with $50 million allocated for water projects. Individual water project funding will not be finalized until late in the budget conference process.

Gaming Compact: During week 5, both the House Regulatory Affairs committee and the Senate Regulated Affairs committee were to meet to consider gaming bills. Chairman Bradley in the Senate postponed the bills for one week, and the committee will next meet on gaming on 2/17.

The House Regulatory Affairs committee did meet, and passed three committee bills, which are now numbered as HB 7109, HB 7111, HB 7113. The trio of bills ratifies and approves the Gaming Compact between the Tribe and the Governor, and permits the Tribe to offer the banked card games (such as blackjack), slot machines, raffles and drawings, live table games (such as craps and roulette), and any other game authorized in Florida. In exchange, the Tribe will make revenue sharing payments totaling at least $3 billion to the State during the first 7 years of the Compact. The Tribe may stop or reduce revenue sharing payments if the state authorizes specified gaming in violation of the Tribe's exclusivity rights as set forth in the 2015 Compact.

The legislation makes amendments to the pari-mutuel wagering, slot machines, and gambling chapters of the Florida Statutes, including:

- Permitting greyhound, harness, quarterhorse, and certain thoroughbred permitholders to conduct pari-mutuel wagering, cardrooms, and slots without the requirement of live races;
- Providing for the revocation of dormant permit, under certain conditions;
- Providing for a new limited slot machine permitholder to be selected pursuant to specified criteria that shall be prohibited from operating live racing or games;

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- Prohibiting the issuance of new or additional permits, and prohibiting the conversion of permits;
- Prohibiting the transfer or relocation of most pari-mutuel permits or licenses;
- Prohibiting the issuance of additional summer jai alai permits;
- Removing tax credits for greyhound permitholders and revising the tax on handle for live greyhound racing and intertrack wagering from 5.5% to 1.28%;
- Authorizing video race terminals at certain facilities;
- Removing provisions that allow for reissuance of permits after they escheat to the state;
- Repealing tax credits for unclaimed greyhound racing wagers;
- Revising the requirements for a greyhound permitholder to provide a greyhound adoption booth at its facility and requiring sterilization of greyhounds before adoption;
- Requiring injuries to racing greyhounds be reported;
- Extending weekday hours of operation for all slot machine and cardroom licensees from 18 to 24 hours;
- Streamlining the slot machines chapter and limiting the issuance of slot machine licenses;
- Providing that slot machine gaming may be performed in a certain county at a licensed facility, that may be located outside of Miami-Dade or Broward counties;
- Providing that complimentary or reduced-cost alcoholic beverages may be served to persons playing slot machines;
- Providing that an automated teller machine may be located within the designated slot machine gaming areas of a slot machine licensees' facility;
- Providing for the relinquishment of permits in order to obtain a limited slot license.

Lastly, the trio of bills propose an amendment to State Constitution to provide that power to authorize the expansion of gambling should be proposed and approved as a constitutional amendment by initiative petition.

Tax Cut Package: HB 7099 (Gaetz, M.) passed the full House on 2/11 with a vote of 96 – 17. (The Senate has yet to put together a full tax cut package, see comments above.) As summarized in the week 4 report, HB 7099 provides for a variety of tax reductions, including the following:

- Permanently reduces the state sales tax rate on rental of commercial real estate (business rent tax) from 6% to 5%, beginning January 1, 2017, with an additional one percentage point reduction (to 4%) in calendar year 2018 only.
- Includes new, extended or expanded sales tax exemptions for: machinery and equipment for manufacturing, agricultural postharvest activities, and metals recycling;
- Sales at school book fairs for one year; sales of college textbooks and instructional materials for one year;
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- Clarifies requirements for the current exemption on sales of aircraft that will be registered in a foreign jurisdiction.
- Includes the following sales tax holidays:
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creates a property tax discount on property used for affordable housing; and allows a midyear transfer of the disabled veteran homestead exemption.

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- Further changes in the bill include: equalization of the tax rates on apple and pear cider; changes to allowable and required uses of tourist development taxes;
    - Elimination of a current exemption from and a reduction of the aviation fuel tax rate;
    - Clarification of administration of the tax on other tobacco products;
    - Clarification of documentary stamp tax treatment of housing authority notes; requiring at least 5% of community redevelopment agency revenues be spent on youth centers;
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Transportation Network Companies (Uber, Lyft ride sharing services): HB 509 (Gaetz, M.) passed the full House during week 3, with a vote of 108 – 10, and is awaiting action in the Senate. HB 509 as passed, would take effect July 1, 2016, and was summarized in detail in the week 4 report.

Transportation Network Companies/Insurance: HB 1118, (Simmons), is the Senate TNC bill that at this time, only addresses insurance required of the company and drivers, and would take effect July 1, 2017.

SB 1118 was amended in Senate Judiciary this week, and would now also require the TNC to provide an electronic notice to the TNC driver that it is illegal for a TNC driver to solicit or accept a ride if the ride is not arranged through the TNC's digital network; and if a TNC driver provides a ride not arranged through the TNC network, the ride is not covered by the TNC driver's or the TNC's insurance policy.

As summarized in the previous report, the bill also:

- Specifies minimum insurance requirements for TNCs, and requires transportation network companies or drivers to maintain primary automobile liability insurance of at least $125,000 for death and bodily injury per person, $250,000 for death and bodily injury per incident, and $50,000 for property damage. The bill creates two time periods during which the insurance is required. The first time period is during the time when a driver is logged on to the transportation network company's digital network but not providing a prearranged ride. The second time period is during a prearranged ride.
- Requires TNC drivers to maintain liability insurance of at least $25,000 for death and bodily injury per person, $50,000 for death and bodily injury per incident, and $10,000 for property damage. Such coverage would apply at all times other than during a prearranged ride or when the driver is logged on to the TNC digital network but not providing a prearranged ride. The bill also requires that coverage meeting the requirements of the Florida Motor Vehicle No-Fault Law be maintained at all times.
- Preempts any local ordinances imposing insurance requirements on transportation network companies.

SB 1118 passed the Judiciary committee with a vote of 7 – 3.

Public Corruption: HB 7071 (Workman) passed the full House on 1/27, and is awaiting Senate action. This bill would do away with two issues in proving bribery, bid rigging and fraud. The bill's provisions include recommendations from a statewide grand jury on public corruption and is backed by the Florida USA Today Network. This major piece of legislation is quite comprehensive. The bill expands who would be subject to criminal sanction, classifies private contractors as "public servants" for the purpose of fighting public corruption, and shifts the burden of proof from the prosecution to defense. Current law stipulates that prosecutors have to prove corrupt intent. The bill requires defendants who are accused of knowingly and willingly engaged in illegal conduct, to

prove otherwise. Also included is a provision that expands who is determined to be a public servant and therefore who could be prosecuted for these offenses, including bid tampering.

Public Corruption: SB 582 (Gaetz) the Senate companion to the House bill, passed the Rules committee, with a vote of 11 – 0.

Election Dates for Municipal Office: HB 7059 (Caldwell) The Florida League of Cities remains strongly opposed to this bill. This bill has passed the House with a vote of 70 – 47.

The bill preempts to the state, the authority to establish the dates of elections of municipal officers and provides the exclusive method for establishing those dates. Any state law, municipal charter, or municipal ordinance that conflicts with the bill is superseded to the extent of the conflict. As a result, a municipality will no longer have authority to unilaterally establish the date of its municipal officer elections.

The House bill requires the date of elections for municipal officers to be established in accordance with one of the following options:

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The dates for elections of municipal officers may be selected under either Option 1 or Option 2, but not both.

Additionally, the provisions of the bill that establish the method of selecting municipal election dates do not affect the manner in which vacancies in municipal office are filled or the manner in which recall elections for municipal officers are conducted. Lastly, in order to provide for an orderly transition of office, the bill provides that the terms of incumbent elected municipal officers, affected by the change in election dates, will be extended to the next municipal election.

Election Dates for Municipal Office: The House bill has no Senate companion at this point, however, the League of Cities has let us know that the Senate Ethics and Elections Committee will be introducing a proposed committee bill (PCB), next Tuesday that would mirror the House bill language as summarized above. This PCB has not yet been released.

Gun Legislation: HB 163 (Gaetz, M.) The full House has passed a bill allowing individuals with concealed carry permits to carry guns openly, otherwise known as "open carry". Additionally, HB 163 was amended by Representative Wood to allow those with concealed carry permits, to take concealed weapons into the legislative chambers. The vote was 72 – 43 on this specific amendment language. Also, amendments were passed that would allow public hospitals to prohibit open carry, and that would allow those with concealed carry permits to take guns on university and college campuses. The Senate President and various key Senate members have voiced strong concern about some of these provisions, and have indicated that the Senate will not hear this bill, and the Senate has not heard these to date.

Election of Officers: HJR 165 (Artiles) proposes to amend the State Constitution to require that the offices of sheriff, property appraiser, supervisor of elections, tax collector, and clerk of the circuit court, would be elected offices, and would carry four year terms of office. The joint resolution was amended in its first committee to include tax collector, and to specifically clarify that the proposed constitutional amendment is applicable to all

counties, including Miami-Dade County. Lastly, the HJR was amended to delay implementation until January 8, 2019, so that the affected counties would have time to amend their charters and hold elections.

The Senate companion, SB 648 (Hutson) was temporarily postponed in committee. We continue to work with members and the bill sponsor in both houses, to strongly oppose this bill, and subsequently the Senate bill has not had a hearing to date.

Traffic Infraction Detectors (Red Light Cameras): SB 168 (Brandes) which repeals the use of red light cameras, was passed by the Transportation committee with a vote of 4 – 3. The bill was amended in committee to change the effective date to July 1, 2019, in order to allow for current contracts with municipalities to expire. However, the bill is next assigned to be heard by the Transportation and Economic Development Appropriations subcommittee, Chaired by Senator Latvala, and the bill is not likely to be heard.

HB 4027 (Artiles) is the house companion bill. This bill passed the Economic Affairs Committee, 13 – 3, on 1/21, and is scheduled to be heard in the full Appropriations committee on 2/16.

Drones: SB 642 (Diaz de la Portilla) and HB 459 (Fitzenhagen) these bills provide for liability for injury to a person or property damage in this state for the negligent operation of a drone. HB 459 has not been heard to date.

SB 642 passed the Rules committee, 12 – 1.
The House companion, HB 459 has not been heard to date.

Drone Use by Sexual Predators: SB 510 (Hukill) and HB 1301 (Metz) would create a third degree felony for convicted sexual predators who use or operate a drone to view or record an image of a minor.

SB 510 has not been heard to date.
HB 1301 will be heard in the Justice Appropriations Subcommittee on 2/16.

Body Cameras/Law Enforcement Officers: HB 93 (Jones) and SB 418 (Smith) Requires law enforcement agencies that permit law enforcement officers to wear body cameras, to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. The policies would be required to include the following:

- Guidelines for the proper use, maintenance, and storage of body cameras;
- Any limitations on which law enforcement officers are permitted to wear body cameras;
- Any limitations on law enforcement-related encounters in which law enforcement officers are permitted to wear body cameras; and
- Guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.
- Training for use and storage of camera, and use and maintenance of data.

SB 418 will be heard in Community Affairs on 2/16.
HB 93 was not heard this week.

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Texting while driving: SB 328 (Altman) and HB 537 (Perry) would authorize law enforcement officers to stop motor vehicles and issue citations as a primary offense to people who are texting and driving. Currently texting while driving is a secondary offense. Neither bill has been heard to date.

Texting while driving in a school zone: HB 25 (Stark) and SB 246 (Sachs) is a different approach, which would only make texting while driving a primary offense while in a school zone or in a school crossing. Neither bill has been heard to date.

Community Investment Program: HB 33 (Rodgers) and SB 240 (Soto) would establish an investment program within the Department Of Economic Opportunity. The program will focus investment to reduce poverty in economically disadvantaged communities. Neither bill has been heard to date.

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Ronald L. Book, P. A.

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2016 Session
Week 6 Report

The Legislature was back in full swing during week 6, with a full slate of committee meetings. The time is closing in on bills that have not been heard in committee, or have multiple committee references remaining. Also, both the Senate and House leadership have indicated that they are on track to resolve differences between both budgets, and are moving toward scheduling the budget conference. With three weeks left in Session, ample time remains, but at this point, neither the House nor Senate have named member conferees, nor has leadership assigned allocations to the appropriations subcommittees. The budget conference could begin as early as next week, week 7, and into the weekend of February 27th. Major funding differences remain in the areas of education funding, tax cuts, and economic incentives. Should you have questions or need further information on these issues, or issues not included, please contact us and we will provide that information.

Local Government Water Projects: This week, both the Senate and the House budget passed its respective house with $50 million allocated for water projects. Individual water project funding will not be finalized until late in the budget conference process.

- **Local Government Issues:** The following are bills filed that affect local governments. Should you have questions or need further information on any of these, our firm will provide that to you.

Indian Compact and Gaming Issues: SB 7072 and SB 7074 (Bradley) This week, the Senate Regulated Industry took its turn to consider the Indian compact and various issues relating to gaming in Florida. SB 7074 and SB 7072 accomplish the following:

- Ratifies the gaming compact, guaranteeing $3 billion over seven years in exchange for giving the tribe the exclusive right to operate blackjack, craps and roulette at its seven casinos
- Authorizes that IF two additional slots permits in Palm Beach and Miami-Dade counties, the tribe would not reduce its revenue share
- Provides for decoupling, which is the removal of the requirement that greyhound tracks, harness and quarter horse tracks and jai-alai permit holders operate their races and games in order to hold a card room or slots permit.
- Requires injury reporting at existing greyhound tracks within seven days of the injury
- Lowers the tax rate on slot machines from 35 percent to 30 percent
- Authorizes additional slots permits in Miami-Dade and Palm Beach
- Allows state regulators to use the proceeds from the gaming compact to spend up to $20 million to buy back inactive permits to contract/reduce the gaming footprint in Florida
- Authorizes slot permits to Brevard, Gadsden, Hamilton, Lee, Palm Beach and Washington Counties (which have already conducted voter-approved referenda to operate slot machines at their pari-mutuels).
- Authorizes the Governor to renegotiate a gaming compact with the Seminole Tribe to allow for the expanded games, in return for a lower revenue share than $3 billion.

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- Creates a $20 million annual purse pool financed by proceeds from the compact and another $25 million purse pool paid for by subsidies from the horse and greyhound tracks that operate slot machines but no longer conduct live races.

The House Regulatory Affairs committee met during week 5, and passed three committee bills, which are HB 7109, HB 7111, HB 7113. These bills are summarized in the week 5 report.

Transportation Network Companies (Uber, Lyft ride sharing services): HB 509 (Gaetz, M.) passed the full House during week 3, with a vote of 108 – 10, and is awaiting action in the Senate. HB 509 as passed, would take effect July 1, 2016, and was summarized in detail in the week 4 report.

Transportation Network Companies/Insurance: HB 1118, (Simmons), is the Senate TNC bill that at this time, only addresses insurance required of the company and drivers, and would take effect July 1, 2017. This bill:

- Specifies minimum insurance requirements for TNCs, and requires transportation network companies or drivers to maintain primary automobile liability insurance of at least $125,000 for death and bodily injury per person, $250,000 for death and bodily injury per incident, and $50,000 for property damage. The bill creates two time periods during which the insurance is required. The first time period is during the time when a driver is logged on to the transportation network company's digital network but not providing a prearranged ride. The second time period is during a prearranged ride.
- Requires TNC drivers to maintain liability insurance of at least $25,000 for death and bodily injury per person, $50,000 for death and bodily injury per incident, and $10,000 for property damage. Such coverage would apply at all times other than during a prearranged ride or when the driver is logged on to the TNC digital network but not providing a prearranged ride. The bill also requires that coverage meeting the requirements of the Florida Motor Vehicle No-Fault Law be maintained at all times.
- Preempts any local ordinances imposing insurance requirements on transportation network companies.
- Requires the TNC to provide an electronic notice to the TNC driver that it is illegal for a TNC driver to solicit or accept a ride if the ride is not arranged through the TNC's digital network; and if a TNC driver provides a ride not arranged through the TNC network, the ride is not covered by the TNC driver's or the TNC's insurance policy.

SB 1118 passed the Appropriations committee this week, with a vote of 11 – 2.

Public Corruption: HB 7071 (Workman) passed the full House on 1/27, and is awaiting Senate action. Please see prior reports for detailed summary.

Public Corruption: SB 582 (Gaetz) the Senate companion to the House bill, passed the Rules committee, with a vote of 11 – 0.

Government Accountability: SB 686 (Gaetz) CS/CS/SB 686 is an omnibus government accountability bill that would apply to local and state governments. The bill:

- Requires that, beginning in 2016, all elected municipal officers file the more detailed CE Form 6 financial disclosure with their qualifying papers for each year that they hold office.
- Requires local governmental entities to keep their final budgets, and any amendments thereto, on their website for a period of 2 years after adoption.
- Prohibits legislators from accepting employment with private entities that directly receive funding through state revenues appropriated by the General Appropriations Act, if he or she knows, or with the exercise of reasonable care should know, that the position is being offered by the employer for the purpose of gaining influence or other advantage based on the legislator's office or candidacy. A member who is employed by such an entity before his or her legislative service may keep his or her employment, however, there are limitations on advancement, promotions, additional compensation, or anything of value that is given because of his or her legislative position. Additionally, such advancement, promotion, additional

compensation, or thing of value may not be inconsistent with that given to any other similarly situated employee. For acceptance of future employment by legislators with such entity, several criteria must be met, including the position must already exist or be created without the knowledge or anticipation of the legislator's interest in the position, and the position must be open to other candidates.

- Includes changes to Florida's governmental ethics policies such as broadening the water management district lobbyist registration provisions to apply to many more special districts and applying post-employment lobbying restrictions to certain individuals with Enterprise Florida, its divisions, and the Florida Development Finance Corporation.
- Applies specific ethical standards and post-employment lobbying restrictions to corporations created or housed within the Department of Economic Opportunity (DEO) that are not currently covered by ethical standards.
- Extends the conflicting contractual relationship ban in s. 112.313(7)(a), F.S., to include contracts held by a business entity in which a public officer or public employee holds a controlling interest in a business entity or is an officer, director, or a member who manages such an entity.
- Amends Florida's criminal provisions relating to Bribery, Misuse of Public Office, Unlawful Compensation or Reward for Official Behavior, Official Misconduct, and Bid Tampering to replace the corrupt intent mens rea requirement with the knowingly and intentionally mens rea requirement. The bill also applies the crimes of Official Misconduct and Bid Tampering to "public contractors."
- Requires various governmental entities to adopt internal controls to prevent and detect fraud, waste, and abuse.
- Requires governmental entities to investigate claims of unauthorized compensation.
- Allows the Governor or Commissioner of Education, or their designees, to report that a local governmental entity has failed to comply with applicable auditing, financial reporting, bond issuance notification, bond verification provisions, or failed to disclose a financial emergency or provide information required during a financial emergency. The bill increases the Single Audit Act threshold from $500,000 to $750,000 and allows the Auditor General to review the threshold periodically and make appropriate recommendations to the Legislature. The bill makes changes to the financial reporting requirements and independent audit requirements. The bill specifies who can serve as members of the auditor selection committees for local governmental entities. The bill requires the Florida Virtual School to have an independent financial audit each year.

SB 686 has passed the committee on Community Affairs by a vote of 8 – 0, and will next be heard by the Appropriations committee.

Election Dates for Municipal Office: HB 7059 (Caldwell) The Florida League of Cities remains strongly opposed to this bill. This bill passed the House with a vote of 70 – 47, on 2/3.

The bill preempts to the state, the authority to establish the dates of elections of municipal officers and provides the exclusive method for establishing those dates. Any state law, municipal charter, or municipal ordinance that conflicts with the bill is superseded to the extent of the conflict. As a result, a municipality will no longer have authority to unilaterally establish the date of its municipal officer elections.

The House bill requires the date of elections for municipal officers to be established in accordance with one of the following options:

- Option 1: All elections of municipal officers in a county may be held on the same date as the general election in November of each even-numbered year or on the first Tuesday after the first Monday in November of each odd-numbered year, or both, as determined by the supervisor of elections (SOE);
  or
- Option 2: All elections of municipal officers in a county may be held on one alternative fixed date each year if the SOE and all municipalities within the county agree to the date and each municipality within the

county adopts the date by ordinance. Each ordinance must also provide the dates for qualifying for the election and the date on which the elected officers' terms of office commence.

The dates for elections of municipal officers may be selected under either Option 1 or Option 2, but not both.

Additionally, the provisions of the bill that establish the method of selecting municipal election dates do not affect the manner in which vacancies in municipal office are filled or the manner in which recall elections for municipal officers are conducted. Lastly, in order to provide for an orderly transition of office, the bill provides that the terms of incumbent elected municipal officers, affected by the change in election dates, will be extended to the next municipal election.

Election Dates for Municipal Office: The House bill has no Senate companion at this point, however, the League of Cities notes that the Senate Ethics and Elections Committee will be introducing a proposed committee bill (PCB), that would mirror the House bill language as summarized above. This PCB has not yet been released.

Gun Legislation: HB 163 (Gaetz, M.) The full House has passed a bill allowing individuals with concealed carry permits to carry guns openly, otherwise known as "open carry". Additionally, HB 163 was amended by Representative Wood to allow those with concealed carry permits, to take concealed weapons into the legislative chambers. The vote was 72 – 43 on this specific amendment language. Also, amendments were passed that would allow public hospitals to prohibit open carry, and that would allow those with concealed carry permits to take guns on university and college campuses. The Senate President and various key Senate members have voiced strong concern about some of these provisions. Senator Diaz de la Portilla has definitively said this week that as these bills have been referred to his committee, Judiciary, he will not hear them.

Election of Officers: HJR 165 (Artiles) proposes to amend the State Constitution to require that the offices of sheriff, property appraiser, supervisor of elections, tax collector, and clerk of the circuit court, would be elected offices, and would carry four year terms of office. The joint resolution was amended in its first committee to include tax collector, and to specifically clarify that the proposed constitutional amendment is applicable to all counties, including Miami-Dade County. Lastly, the HJR was amended to delay implementation until January 8, 2019, so that the affected counties would have time to amend their charters and hold elections.

The Senate companion, SB 648 (Hutson) was temporarily postponed in committee. We continue to work with members and the bill sponsor in both houses, to strongly oppose this bill, and subsequently the Senate bill has not had a hearing to date.

Traffic Infraction Detectors (Red Light Cameras): SB 168 (Brandes) which repeals the use of red light cameras, was passed by the Transportation committee with a vote of 4 – 3. The bill was amended in committee to change the effective date to July 1, 2019, in order to allow for current contracts with municipalities to expire. However, the bill is next assigned to be heard by the Transportation and Economic Development Appropriations subcommittee, Chaired by Senator Latvala, and the bill is not likely to be heard.

HB 4027 (Artiles) is the house companion bill. This bill passed full Appropriations committee with a vote of 15 – 12, on 2/16.

Drones: SB 642 (Diaz de la Portilla) and HB 459 (Fitzenhagen) these bills provide for liability for injury to a person or property damage in this state for the negligent operation of a drone..

SB 642 passed the Rules committee, 12 – 1, on 1/27 and the House companion, HB 459 has not been heard to date.

Drone Use by Sexual Predators: SB 510 (Hukill) and HB 1301 (Metz) would create a third degree felony for convicted sexual predators who use or operate a drone to view or record an image of a minor.

SB 510 has not been heard to date.
HB 1301 passed the Justice Appropriations Subcommittee 8 – 0.

Body Cameras/Law Enforcement Officers: HB 93 (Jones) and SB 418 (Smith) Requires law enforcement agencies that permit law enforcement officers to wear body cameras, to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. The policies would be required to include the following:

- Guidelines for the proper use, maintenance, and storage of body cameras;
- Any limitations on which law enforcement officers are permitted to wear body cameras;
- Any limitations on law enforcement-related encounters in which law enforcement officers are permitted to wear body cameras; and
- Guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.
- Training for use and storage of camera, and use and maintenance of data.

SB 418 will be heard in Fiscal Policy, 2/24.
HB 93 passed the Judiciary committee 17 – 0, on 2/4.

Natural Gas Rebate Program: SB 90 (Simpson) CS/SB 90 authorizes the Department of Agriculture and Consumer Services (DACS) to receive applications for additional rebates from the natural gas fuel fleet vehicle rebate program, giving preference to governmental applicants. Any remaining funds may be expended for commercial applicant rebates.

SB 90 has passed the Senate with a vote of 39 – 0, and the House companion bill, HB 285 (Ray) passed its last committee of reference this week, Regulatory Affairs, with a vote of 12 – 1. Additionally, there is $6 million allocated in both the House and Senate budgets to implement this rebate program. (line item #1367 in the Senate proposed budget, line item #1367 in the House proposed budget).

Fracking / Regulation of Oil and Gas: HB 191 (Rodrigues) passed the House on 1/27 with a vote of 73 – 45, but has met with resistance from the Senate, and is awaiting a hearing in the Senate Appropriations committee. Senator Lee, the chair of that committee has said that he would expect the Department of Environmental Protection (DEP) to attend and be available to answer questions regarding the science of the fracking process and impact, however, they were not at the previous committee.

HB 191 and SB 318 (Richter) in sum, would preempt to the state, all matters relating to the regulation of the exploration, development, production, processing, storage, and transportation of oil and gas. Additionally, it directs DEP to conduct a study analyzing the potential impacts that high-pressure well stimulations may have on Florida's underlying geologic features. The bill prohibits permits for high-pressure well stimulations from being issued until the DEP adopts rules regulating high-pressure well stimulations and such rules take effect. Currently, 31 counties and 46 cities have passed ordinances or resolutions banning or opposing fracking.

The Senate Appropriations committee meets on February 25th and again on March 1st, but it is unclear at this time if the bill will be on the agenda. The February 25th agenda will be released late Monday or on Tuesday.

Florida Retirement System (FRS): Several bills address the Florida Retirement System, and are summarized below.

SB 7012 (Governmental Oversight and Accountability) a committee bill, this authorizes payment of death benefits to the surviving spouse or children of a Special Risk Class member killed in the line of duty. SB 7012 has passed the Senate 40 – 0.

HB 7107 (Caldwell, Artiles) would provide for the following:

- Effective July 1, 2016, the bill authorizes renewed membership in the investment plan for retirees of the investment plan, the SMSOAP, the SUSORP, or the SCCSORP (Senior Management Service Optional Annuity Program, the State Community College System Optional Retirement Program, and the State University System Optional Retirement Program).
- Effective July 1, 2016, the bill establishes new survivor benefits for members of the investment plan who are killed in the line of duty, as in SB 7012. It provides the same survivor benefits to the spouse and children of such member as those currently provided for pension plan members who are killed in the line of duty. The bill also provides the survivor benefits for any member of the investment plan who has been killed in the line of duty since 2002, when members were first allowed to participate in the investment plan. It also provides a process for calculating the retroactive benefit.
- Effective July 1, 2017, the bill changes the default from the pension plan to the investment plan for members who do not affirmatively choose a plan.

HB 7107 has passed the Appropriations committee with a vote of 16 – 9, and is now available to be heard by the full House.

HB 5005 (Corcoran) this House Appropriations committee bill revises the required employer retirement contribution rates for members of various membership classes and subclasses of FRS and the bill revises employer assessment to offset costs of administering investment plan.

For the extensive list of revised rates, please refer to amendment bar code 709216:
http://www.flsenate.gov/Session/Bill/2016/5005/Amendment/709216/PDF

HB 5005 has passed the full House with a vote of 114 – 0, was amended in the Senate, and passed the Senate with a vote of 40 – 0. This amended version must now be heard by the House.

SB 7014 (Governmental Oversight and Accountability committee) and **HB 881** (Raulerson) reestablishes renewed membership in the FRS. Currently, retirees initially employed in a regularly established position on or after July 1, 2010 are not eligible for renewed membership and would not earn creditable service toward a subsequent retirement benefit. This bill provides for renewed membership beginning on July 1, 2016.

SB 7014 has passed two of three committees and would need to be heard in Appropriations, and similar provisions are in HB 7107. HB 881 has not been heard, however various provisions in this bill can be found in the FRS bills listed above.

Immigration: Several bills address immigration issues this Session, and are summarized below.

Sanctuary Cities/Federal Immigration Enforcement HB 675 (Metz) and SB 872 (Bean) in sum, creates the "Rule of Law Adherence Act" which would require state and local governments and law enforcement agencies, including their officials and employees, to support and cooperate with federal immigration enforcement.

Specifically, the bill prohibits state or local governments, or law enforcement agencies, from having any law, policy or practice of any kind, which impedes immigration enforcement, and requires state and local governmental entities and law enforcement agencies to comply with and support immigration policy. The bill requires any sanctuary policies currently in effect, to be repealed within 90 days of the effective date of this Act.

HB 675 has passed all of its committees in the House and passed the full House with a vote of 80 – 38. However, the Senate companion bill, SB 872 (Bean) will not be heard in the Senate, according to Senator Diaz de la Portilla, who chairs its first committee of reference, the Senate Judiciary committee.

Persons Subject to Final Deportation Orders: HB 9 (Trujillo) and SB 118 (Hutson) would create a felony of the first degree for anyone who remains in the state after an order of deportation.

HB 9 has passed two of its three committees of reference. However, regarding the senate companion bill, this week, Chairman Diaz de la Portilla of the Senate Judiciary committee, has said that he will not hear SB 118.

Temporary Cash Assistance Program: SB 750 (Hutson) and HB 563 (Gaetz, M.) relates to immigration issues, makes changes to the eligibility standards for TANF, by deleting the requirement that the department pro-rate a share of income provided by a parent, that is an illegal or an ineligible noncitizen, in determining family income eligibility for TANF. This bill would allow the department to consider the total family income regardless of whether one parent is a noncitizen.

SB 750 has passed one of its three committees of reference. HB 563 has passed all of its committees and is awaiting action by the full House.

KidCare/ Medical Assistance Funding for Lawfully Residing Children: SB 248 (Garcia CoSponsors: Gaetz (D), Soto) and HB 89 (Diaz, J.) extends Medicaid and Children's Health Insurance Program (CHIP) eligibility to a "lawfully residing child" who is not a citizen or national of the United States but meets other applicable eligibility qualifications of Medicaid or CHIP. The federal programs permit states the option of covering this population. The bill defines "lawfully residing child" to conform to the federal program eligibility requirements and deletes references to "qualified alien." The bill specifies that the statutory changes do not extend Kidcare program eligibility or Medicaid eligibility to undocumented immigrants.

SB 248 has passed two of its three committees of reference and HB 89 has passed all of its committees of reference and is now ready for action by the full House.

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2016 Session
Week 7 Report

Late Friday of week 7, the budget conference began, and meetings continued through Saturday, ending for the day after 8:00 pm, and continued all day Sunday into the evening. Several issues have been settled, the House and Senate have agreed there will be no incentives package, something the Governor has pushed as a high priority this Session. Early on, the Governor's legislative priority of a $250 million tax incentive package, was met with skepticism from House leaders, who questioned the efficacy of incentives and the role in the free market. During Session, the Senate diligently worked through various incentives, and were poised to put a package together for conference. At the beginning of conference, however, the Senate leadership changed direction, compromised with the House, and took incentives off the table. At the time of this writing, though the budget conference is not complete, the status of the incentives package is not likely to change.

Additionally, the tax cut package has not been finalized, and as it stands, leadership has agreed to a total package of $400 million, which is significantly less than the Governor's request for $1 billion in tax cuts. The tax cut package which passed the House previously, is scheduled to be heard and substantially amended on 3/1 in the Senate Appropriations committee.

Significant budget areas that remain unresolved include education and environmental issues. In education, the House and Senate disagree on funding for high-performing state universities and on spending for the "Best and Brightest" public school teacher bonuses, which are based on teachers' college admissions test scores among other qualifiers. More minor issues remain unresolved in other subcommittee areas, such as Criminal Justice, Transportation, and Economic Development. The conference committee process is expected to continue through the end of week 8.

Water Projects: Both the Senate and the House budget still include $50 million allocated for water projects. Individual water project funding have not yet been addressed, but are expected within the next few days.

- **Local Government Issues:** The following are bills filed that affect local governments. Should you have questions or need further information on these issues, or issues not included, please contact us and we will provide that information.

Natural Gas Rebate Program: SB 90 (Simpson) CS/SB 90 authorizes the Department of Agriculture and Consumer Services (DACS) to receive applications for additional rebates from the natural gas fuel fleet vehicle rebate program, giving preference to governmental applicants. Any remaining funds may be expended for commercial applicant rebates. SB 90 passed the Senate with a vote of 39 – 0, and the House companion bill, HB 285 (Ray) passed all of its committees, but has not been heard by the full House to date.

Fracking / Regulation of Oil and Gas: HB 191 (Rodrigues) passed the House on 1/27 with a vote of 73 – 45, and the Senate companion, SB 318 (Richter) was heard but failed by a vote of 9 – 10 in the Senate Appropriations

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committee. Through a rules maneuver, this bill was brought back by a motion to reconsider, and was left pending. The bill has been put back on the agenda for Senate Appropriations for 3/1.

HB 191 and SB 318 (Richter) in sum, would preempt to the state, all matters relating to the regulation of the exploration, development, production, processing, storage, and transportation of oil and gas. Additionally, it directs DEP to conduct a study analyzing the potential impacts that high-pressure well stimulations may have on Florida's underlying geologic features. The bill prohibits permits for high-pressure well stimulations from being issued until the DEP adopts rules regulating high-pressure well stimulations and such rules take effect. Currently, 31 counties and 46 cities have passed ordinances or resolutions banning or opposing fracking.

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- Preempts any local ordinances imposing insurance requirements on transportation network companies.
- Requires the TNC to provide an electronic notice to the TNC driver that it is illegal for a TNC driver to solicit or accept a ride if the ride is not arranged through the TNC's digital network; and if a TNC driver provides a ride not arranged through the TNC network, the ride is not covered by the TNC driver's or the TNC's insurance policy.

SB 1118 passed the Appropriations committee this week, with a vote of 11 – 2.

Government Accountability: CS/CS/SB 686 (Gaetz) is an omnibus government accountability bill, which does the following:

- Prohibits legislators from accepting employment with private entities that directly receive funding through state revenues appropriated by the General Appropriations Act, if he or she knows, or with the exercise of reasonable care should know, that the position is being offered by the employer for the purpose of gaining influence or other advantage based on the legislator's office or candidacy. A member who is employed by such an entity before his or her legislative service may keep his or her employment, however, there are limitations on advancement, promotions, additional compensation, or anything of value that is given because of his or her legislative position. Additionally, such advancement, promotion, additional compensation, or thing of value may not be inconsistent with that given to any other similarly situated employee. For acceptance of future employment by legislators with such entity, several criteria must be met, including the position must already exist or be created without the knowledge or anticipation of the legislator's interest in the position, and the position must be open to other candidates.
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SB 686 has not yet been scheduled for a hearing by its last committee, Appropriations.

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The dates for elections of municipal officers may be selected under either Option 1 or Option 2, but not both.

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Traffic Infraction Detectors (Red Light Cameras): SB 168 (Brandes) which repeals the use of red light cameras, was passed by the Transportation committee with a vote of 4 – 3. The bill was amended in committee to change the effective date to July 1, 2019, in order to allow for current contracts with municipalities to expire. However, the bill is next assigned to be heard by the Transportation and Economic Development Appropriations subcommittee, Chaired by Senator Latvala, and the bill is not likely to be heard.

HB 4027 (Artiles) is the house companion bill. This bill passed full Appropriations committee with a vote of 15 – 12, on 2/16.

Drones: SB 642 (Diaz de la Portilla) and HB 459 (Fitzenhagen) these bills provide for liability for injury to a person or property damage in this state for the negligent operation of a drone. SB 642 passed the Rules committee, 12 – 1, on 1/27 and the House companion, HB 459 has not been heard to date.

Drone Use by Sexual Predators: SB 510 (Hukill) and HB 1301 (Metz) would create a third degree felony for convicted sexual predators who use or operate a drone to view or record an image of a minor. SB 510 has not been heard to date. HB 1301 passed the Justice Appropriations Subcommittee 8 – 0.

Body Cameras/Law Enforcement Officers: HB 93 (Jones) and SB 418 (Smith) Requires law enforcement agencies that permit law enforcement officers to wear body cameras, to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. The policies would be required to include the following:

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- Training for use and storage of camera, and use and maintenance of data.

SB 418 will be heard in Fiscal Policy, 2/24. HB 93 passed the Judiciary committee 17 – 0, on 2/4.

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Ronald L. Book, P.A.
LAW OFFICES
PROFESSIONAL ASSOCIATION

2016 Session
Week 8 Report

The budget conference began late Friday of week 7, and as of this Saturday, 3/5, conference is ongoing. Several areas of the budget have been completed, though education, criminal justice, and the agriculture and natural resources budgets, (including water projects), remain unresolved. However, until the full budget is printed and goes to a vote, no area is technically closed. We expect the water projects list for funding to be completed this weekend or possibly Monday. Both the Senate and the House budget do include $50 million allocated for water projects.

- **Local Government Issues:** The following are bills filed that affect local governments. Should you have questions or need further information on these issues, or issues not included, please contact us and we will provide that information.

Natural Gas Rebate Program: SB 90 (Simpson) and HB 285 (Ray) authorizes the Department of Agriculture and Consumer Services (DACS) to receive applications for additional rebates from the natural gas fuel fleet vehicle rebate program, giving preference to governmental applicants. Any remaining funds may be expended for commercial applicant rebates. HB 285 and its companion bill, SB 90 are on the House Special Order Calendar, for 3/7.

Fracking / Regulation of Oil and Gas: As reported, HB 191 (Rodrigues) passed the House on 1/27 with a vote of 73 – 45, and the Senate companion, SB 318 (Richter) was heard but failed by a vote of 9 – 10 in the Senate Appropriations committee. Through a rules maneuver, this bill was brought back by a motion to reconsider, and was left pending. The bill was back on the agenda for Senate Appropriations for 3/1, but the bill sponsor, Senator Richter, declined the motion to reconsider the bill. Therefore, the bill remains as having failed in Senate Appropriations, 9 – 10.

Transportation Network Companies (Uber, Lyft ride sharing services): HB 509 (Gaetz, M.) passed the full House during week 3, with a vote of 108 – 10, and is awaiting action in the Senate. HB 509 as passed, would take effect July 1, 2016, and was summarized in detail in the week 4 report.

Transportation Network Companies/Insurance: HB 1118, (Simmons), is the Senate TNC bill that at this time, only addresses insurance required of the company and drivers, and would take effect July 1, 2017. This bill:

- Specifies minimum insurance requirements for TNCs, and requires transportation network companies or drivers to maintain primary automobile liability insurance of at least $125,000 for death and bodily injury per person, $250,000 for death and bodily injury per incident, and $50,000 for property damage. The bill creates two time periods during which the insurance is required. The first time period is during the time when a driver is logged on to the transportation network company's digital network but not providing a prearranged ride. The second time period is during a prearranged ride.
- Requires TNC drivers to maintain liability insurance of at least $25,000 for death and bodily injury per person, $50,000 for death and bodily injury per incident, and $10,000 for property damage. Such coverage would apply at all times other than during a prearranged ride or when the driver is logged on to the TNC

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digital network but not providing a prearranged ride. The bill also requires that coverage meeting the requirements of the Florida Motor Vehicle No-Fault Law be maintained at all times.

- Preempts any local ordinances imposing insurance requirements on transportation network companies.
- Requires the TNC to provide an electronic notice to the TNC driver that it is illegal for a TNC driver to solicit or accept a ride if the ride is not arranged through the TNC's digital network; and if a TNC driver provides a ride not arranged through the TNC network, the ride is not covered by the TNC driver's or the TNC's insurance policy.

SB 1118 is now on the Senate Special Order Calendar.

Government Accountability: CS/CS/SB 686 (Gaetz) was scheduled for a hearing in Senate Appropriations, on 3/3, but was not considered. SB 686 is an omnibus government accountability bill, which would have done the following:

- Prohibit legislators from accepting employment with private entities that directly receive funding through state revenues appropriated by the General Appropriations Act, if he or she knows, or with the exercise of reasonable care should know, that the position is being offered by the employer for the purpose of gaining influence or other advantage based on the legislator's office or candidacy. A member who is employed by such an entity before his or her legislative service may keep his or her employment, however, there are limitations on advancement, promotions, additional compensation, or anything of value that is given because of his or her legislative position. Additionally, such advancement, promotion, additional compensation, or thing of value may not be inconsistent with that given to any other similarly situated employee. For acceptance of future employment by legislators with such entity, several criteria must be met, including the position must already exist or be created without the knowledge or anticipation of the legislator's interest in the position, and the position must be open to other candidates.
- Include changes to Florida's governmental ethics policies such as broadening the water management district lobbyist registration provisions to apply to many more special districts and applying post-employment lobbying restrictions to certain individuals with Enterprise Florida, its divisions, and the Florida Development Finance Corporation.
- Applied certain ethical standards and post-employment lobbying restrictions to corporations created or housed within the Department of Economic Opportunity (DEO) that are not currently covered by ethical standards.
- Extend the conflicting contractual relationship ban in s. 112.313(7)(a), F.S., to include contracts held by a business entity in which a public officer or public employee holds a controlling interest in a business entity or is an officer, director, or a member who manages such an entity.
- Require that, beginning in 2016, all elected municipal officers file the more detailed CE Form 6 financial disclosure with their qualifying papers for each year that they hold office.
- Amend Florida's criminal provisions relating to Bribery, Misuse of Public Office, Unlawful Compensation or Reward for Official Behavior, Official Misconduct, and Bid Tampering to replace the corrupt intent mens rea requirement with the knowingly and intentionally mens rea requirement. The bill also applies the crimes of Official Misconduct and Bid Tampering to "public contractors."
- Require local governmental entities to keep their final budgets, and any amendments thereto, on their website for a period of 2 years after adoption.
- Require various governmental entities to adopt internal controls to prevent and detect fraud, waste, and abuse.
- Require governmental entities to investigate claims of unauthorized compensation.
- Allow the Governor or Commissioner of Education, or their designees, to report that a local governmental entity has failed to comply with applicable auditing, financial reporting, bond issuance notification, bond verification provisions, or failed to disclose a financial emergency or provide information required during a financial emergency. The bill increases the Single Audit Act threshold from $500,000 to $750,000 and allows the Auditor General to review the threshold periodically and make appropriate recommendations to the Legislature. The bill makes changes to the financial reporting requirements and independent audit

requirements. The bill specifies who can serve as members of the auditor selection committees for local governmental entities. The bill requires the Florida Virtual School to have an independent financial audit each year.

Election Dates for Municipal Office: HB 7059 (Caldwell) The Florida League of Cities remains strongly opposed to this bill. This bill has passed the House with a vote of 70 – 47, on 2/3. The House bill has no Senate companion at this point, and it was expected that the Senate would address this bill, but to date, no companion has been released.

The bill preempts to the state, the authority to establish the dates of elections of municipal officers and provides the exclusive method for establishing those dates. Any state law, municipal charter, or municipal ordinance that conflicts with the bill is superseded to the extent of the conflict. As a result, a municipality will no longer have authority to unilaterally establish the date of its municipal officer elections.

The House bill requires the date of elections for municipal officers to be established in accordance with one of the following options:

- Option 1: All elections of municipal officers in a county may be held on the same date as the general election in November of each even-numbered year or on the first Tuesday after the first Monday in November of each odd-numbered year, or both, as determined by the supervisor of elections (SOE);
  or
- Option 2: All elections of municipal officers in a county may be held on one alternative fixed date each year if the SOE and all municipalities within the county agree to the date and each municipality within the county adopts the date by ordinance. Each ordinance must also provide the dates for qualifying for the election and the date on which the elected officers' terms of office commence.

The dates for elections of municipal officers may be selected under either Option 1 or Option 2, but not both.

Additionally, the provisions of the bill that establish the method of selecting municipal election dates do not affect the manner in which vacancies in municipal office are filled or the manner in which recall elections for municipal officers are conducted. Lastly, in order to provide for an orderly transition of office, the bill provides that the terms of incumbent elected municipal officers, affected by the change in election dates, will be extended to the next municipal election.

Gun Legislation: This week, Senator Gaetz filed an amendment regarding "open carry" (amendment bar code 142992), to SB 612, a bill that revises the definition of the term "concealed weapon" to delete its inclusion of a "slungshot." This amendment mirrored Representative Gaetz' open carry legislation, however, the Senator withdrew the amendment and it was not considered.

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HB 4027 (Artiles) is scheduled for third reading, 3/7/16

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SB 418 / HB 93 is on third reading on 3/7.

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