

2018 End-of-Session Report

Enclosed is our team's 2018 End-of-Session Report, on behalf of Southern Strategy Group and Ronald L. Book, P.A.

Budget:

The Florida Legislature this year passed an \$88.7 billion state budget, which represents a 7.6 percent increase over this year's budget, or about \$6.3 billion. One of the biggest single increases was for the state's proposed emergency response spending, which climbed by \$1.5 billion, in addition to \$400 million for school safety and mental health improvements prompted by the Valentine's Day shooting at Parkland's Marjory Stoneman Douglas High School. Overall investing \$69 million for early mental health screening and services, \$97 million for school resource officers, \$98 million for school-hardening grants, \$25 million to raze and rebuild the freshman building where the shooting spree occurred, and \$67 million for a highly controversial program to train school staff who voluntarily apply to conceal carry a weapon on campus. For Florida's 2.8 million school kids, lawmakers also increased per-pupil spending by \$101, about half the amount Gov. Rick Scott proposed last fall. This represents just over a 1 percent increase, bringing per-pupil spending to \$7,408.

While many cuts were necessary to pay for the increased spending in emergency response services, mental health and school safety initiatives, we secured funding for two of the City's projects:

- Fire Station at Cartagena Park at \$1,500,000
- Regional Emergency Operations Center & Public Safety Building at \$1,500,000

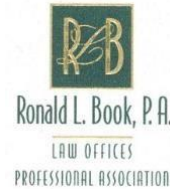
Florida Recreation Development Assistance Program (FRDAP):

We successfully advocated for the funding of the FRDAP Grant Program ranked list of small development projects, (budget line 1686A) which includes two of the City's projects:

- Coral Gables – Betsy Adams and Coral Gables Garden Club Park: \$50,000
- Coral Gables – Maggiore Park: \$50,000

Clerk of Courts:

In addition to the two City sponsored projects, we worked with Miami-Dade Clerk of Court Harvey Ruvlin to secure funding in this year's Tax Package (HB 7087) solely for Miami-Dade County in the amount of \$1,500,000 to help fund its operations.



Assisted Living Facilities Back-Up Power:

HB 7028 by the Senate Rules Committee and the House Health & Human Services ratifies Rule 58 A - 5.036 by the Department of Elderly Affairs Rules requiring that an assisted living facilities within an evacuation zone have sufficient fuel for back-up power. The hours of fuel vary depending on the facilities bed-size (see rule attached). We were successful in advocating this issue studied, debated and adopted in the House Select Committee on Hurricane Response & Preparedness, and ultimately filed and passed as a bill by both chambers.

Preemption:

Red Light Cameras:

HB 6001 by Representative Avila and SB 176 by Senator Hutson would have repealed the use of red-light cameras in the State of Florida. Both bills died.

Parking Garages -Back-In Parking Preemption:

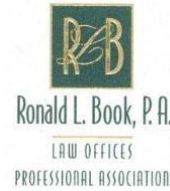
SB 378 by Senator Steube would pre-empt local government from regulating back-in parking within parking garages, as well as void any ordinances currently in effect. We were successful in not having a House companion bill filed, and not having the Senate bill heard in any of its committees of reference.

Tree and Timber Trimming, Removal, and Harvesting Preemption:

SB 574 by Senator Steube and HB 521 by Representative Edwards would have preempted to the state the regulation of the trimming, removal, or harvesting of trees and timber on private property and would have prohibited local governments from banning the burial of vegetative debris on certain properties larger than 2.5 acres. We succeeded in having the Senate bill killed by preventing a hearing in its last committee of reference, ultimately killing the bill.

Charter County and Regional Transportation System Surtax Preemption:

HB 243 by Representative Avila and SB 688 by Senator Garcia would have required Miami-Dade County to use surtax proceeds from the People's Transportation Plan (half-penny surtax) exclusively for capital projects, prohibiting any use of these funds on operations. This bill, effective immediately, would have caused a \$100,000,000 deficit in the County's transportation department. We were successful in amending this bill to allow municipalities to continue to use their portion of the surtax to fund their trolley systems, but the bill ultimately died in the Senate.



Community Redevelopment Agencies:

HB 17 by Representative Raburn and SB by Senator Lee would require that the creation of new CRAs on or after October 1, 2018, may only occur by special act of the Legislature. It also provided for the termination of existing CRAs at the earlier of the expiration date stated in the agency's charter, or on September 30, 2038. In addition, the bill included many other changes that would have adversely affected the City's Community Redevelopment Agencies. This bill was a priority of House Speaker Corcoran as well as Speaker-Designate Oliva. We were successful in killing this bill in the Senate, in addition to stopping a last-minute effort on the last day of session to amend this bill's language onto a different bill.

Resign-to-Run:

HB 105 by Representative Santiago and SB 186 by Senator Garcia would require an officer who qualifies for federal public office to resign from the office he or she presently holds if the terms, or any part thereof, run concurrently. This bill was passed by both chambers and awaits Governor Scott's review.

Bicycle Sharing:

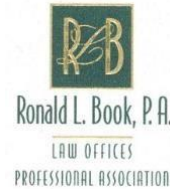
HB 1033 by Representative Toledo and SB 1304 by Senator Young would have preempted the banning and regulation of bicycle sharing companies. While the House version passed unanimously, the Senate companion died in the Banking & Insurance Committee.

Local Tax Referenda:

HB 317 by Representative Ingoglia and SB 272 by Senator Brandes originally required 60% vote for referenda considered at any election other than a general, it was later amended to prohibit referenda on any election other than a general. While the bill passed out of the House, we were successful in slowing it down and eventually killing it in the Senate.

Sale of Animals:

Preemption of the retail sale of animals from United States Department of Agriculture regulated breeders in both the tax package and the Florida Department of Agriculture's annual omnibus bill did not pass.



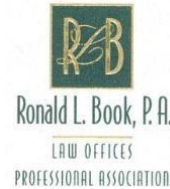
Workers' Compensation Benefits for First Responders:

SB 376 by Senator Book and HB 227 by Representatives Willhite and Plasencia. CS/SB 376 as amended in committee, revises workers' compensation standards for determining benefits for employment-related mental or nervous injuries of law enforcement officers, firefighters, emergency medical technicians, paramedics, and first responders. The bill revises eligibility and benefits for mental and nervous injuries involving first responders and occurring as a manifestation of a compensable injury, as provided in s. 112.1815, F.S., by providing for the payment of indemnity as well as the current medical benefits for mental or nervous injuries unaccompanied by a physical injury. Such a mental or nervous disorder must be demonstrated by a preponderance of evidence. Currently, the evidentiary standard is clear and convincing evidence.

Further, the bill authorizes the payment of medical and indemnity benefits pursuant to ch. 440, F.S., to a law enforcement officer, firefighter, emergency medical technician, or paramedic who experiences PTSD unaccompanied by a physical injury if all of the following conditions are met:

- The mental or nervous injury resulted while the law enforcement officer, firefighter, emergency medical technician, or paramedic was acting within the scope of employment and the person witnessed a murder, suicide, fatal injury, child death, or arrived on a scene of a mass casualty incident; and
- The mental or nervous injury is demonstrated by a preponderance of evidence by a licensed psychiatrist to meet the criteria for PTSD as described in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

CS/SB 376 / HB 227 has passed, and has been transmitted to the Governor, who must act on this bill by 3/27/18.



Linear Facilities:

HB 405 by Representative Williamson and SB 494 by Senator Lee. The Florida Electrical Power Plant Siting Act (PPSA) and the Florida Electric Transmission Line Siting Act (TLSA) establish centrally coordinated review processes for state and local permitting of specific electrical power plants and transmission lines. Under the PPSA, an application for certification of a site for a power plant and associated facilities must include a statement on the consistency of the site, and any associated facilities that constitute “development,” with existing land use plans and zoning ordinances. Further, the PPSA and the TLSA authorize the establishment of conditions in an order granting certification, though both state that they do not affect in any way the ratemaking powers of the Public Service Commission (PSC).

The bill amends the law to reflect the interpretation and implementation of the PPSA and the TLSA that was applied prior to the Third District Court of Appeals’ Miami-Dade County decision, effectively eliminating any precedential value from that decision. The bill addresses two issues: (1) application of local land use and development laws in a siting proceeding; and (2) the authority of the siting board to order a transmission line to be installed underground. The bill amends paragraphs 380.04(b) and (h), F.S., which contain the exclusions from “development” discussed above. The bill provides that the exclusion for construction on established rights-of-way applies to established rights-of-way and corridors and to rights-of-way and corridors to be established. It also provides that the exemption for the creation of specified types of property rights applies to creation of distribution and transmission corridors. The bill makes identical changes to s. 163.3221, F.S., which provides definitions for use in the Florida Local Government Development Agreement Act.

HB 405/SB 494 has passed, and has been transmitted to the Governor, who must act on this bill by 3/24/18.