



# Legislative Report 2019

Associated Builders and Contractors of Florida

<p><b>Carol Bowen</b></p>	<p><b>Contact Us:</b></p>	
<p>Chief Lobbyist Email: <a href="mailto:cbowen@abceastflorida.com">cbowen@abceastflorida.com</a> Cell: (954) 465-6811</p>	<p>Central Florida: (407) 629-0144 East Coast: (954) 984-0075 First Coast: (904)731-1506 Gulf Coast: (813)879-8064 North Florida: (850)385-0060</p>	

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# 2019 TALLAHASSEE SESSION

By the Numbers

## The Legislative Branch Lobbyists

<b>1,900</b>	Registered Lobbyists
<b>3,921</b>	Principals Represented
<b>11,645</b>	Total Registrations

## The Bills

<b>1,675</b>	General Bills
<b>174</b>	Bills that Passed both the House and Senate
	* Does not include local bills.
	*Setting the record for the fewest bills passed since 2001
<b>2</b>	<b><i>ABC Legislative Priorities Passed</i></b>

## The Budget - \$91.1 Billion\* – Some Highlights

\$3.3 Billion	Reserves
\$16 Billion	PreK-12 Education Funding
686.8 Million	Water Quality Projects (Amt. requested by Governor)
	<ul style="list-style-type: none"> <li>• 400 million for Everglades Restoration</li> <li>• 100 million to restore springs</li> <li>• 50 million for targeted water quality improvements</li> <li>• 40 million for alternative water supply</li> <li>• 25 million to combat algae blooms (both red and blue green)</li> <li>• 4.2 million for red tide research</li> </ul>
\$100 Million	To address Housing Needs in the Panhandle
\$83.3 Million	Opioid & Substance Abuse Services
\$10 Million	Florida Pathways to Career Opportunities Grant

\*Final Budget subject to change.

# **ABC Bills**

**As Determined at the Annual Legislative Planning Conference**

# YOUR LEGISLATIVE PRIORITIES

## **PASSED:** Permit Fee Transparency (House Bill 127)

Bill Sponsors: Representative Jayer Williamson and Senator Keith Perry

### About the Bill:

ABC believes that predictability and certainty play an important role with permitting and inspections. This legislation requires Building Departments to post their permit and inspection fee schedules on their website in an area that is easy to access by July 1, 2019. And because we know that Florida Statute requires Building Department fees to be reasonable, to be tied to their level of service, and that revenues must stay within their budget, we are asking these departments to post budgetary information on their website by December 31, 2020. This report must give a full picture of the demands on the department including items such as the number of permits requested, number of permits issued, the number of inspections requested, the number of inspections conducted, and the number of times that private providers were utilized in lieu of traditional department staff. After that initial report, if a department seeks to adjust their fee schedule, they'd be required to post updated department and financial information indicating their level of service, and why the adjustment is necessary.

### **How they Voted:**

#### **House Committee References:**

- Local, Federal and Veterans Affairs Subcommittee:
  - 14-0
  - Members: Antone, Buchanan, DiCeglie, Duggan, Eskamani, Hage, Jenne, Jones, Killebrew, Overdorf, Payne, Rommel, Tomkow and Zika
- Business and Professions Subcommittee:
  - 15-0
  - Members: Alexander, Cassello, Donalds, Fernandez-Barquin, Fine, Fitzenhagen, Gottlieb, Hage, Mariano, Newton, Rodriguez A., Rodriguez, A.M., Smith, D, Tomkow, Willhite
- State Affairs Committee:
  - 22-0
  - Members: Clemons, DiCeglie, Drake, DuBose, Good, Grall, Hart, Hattersley, Ingoglia, Latvala, McClure, Newton, Payne, Pigman, Plakon, Polsky, Raschein, Rodriguez, A., Roth, Slosberg, Trumbull, and Zika
- Full House Vote:
  - 114-0

#### **Senate Committee References:**

- Community Affairs:
  - 5-0
  - Members: Broxson, Farmer, Flores, Pizzo, Simmons
- Innovation, Industry and Technology:
  - 10-0
  - Members: Benacquisto, Bracy, Bradley, Brandes, Braynon, Farmer, Gibson, Hutson, Passidomo and Simpson
- Rules:
  - 16-0
  - Members: Benacquisto, Book, Bradley, Brandes, Braynon, Farmer, Flores, Gibson, Hutson, Montford, Passidomo, Rodriguez, Simmons, Simpson, Stargel, and Thurston
- Senate Final Vote:
  - 40-0

**Final Passage Date:** March 27, 2019

# YOUR LEGISLATIVE PRIORITIES

## **Passed:** Workforce Education (House Bill 7071)

Bill Sponsors: Representatives Mariano and Massullo, and Senators Hutson and Perry

### About the Bill:

ABC of Florida originally filed House Bill 367 (Donalds)/SB 522 (Diaz) dealing with Apprenticeship Reform. The legislation had two primary goals – to require annual reporting by the Department of Education to the Legislature about Apprenticeship Training in Florida and to create a statewide grant application process to allow for direct funding of Apprenticeship Programs between program providers and the Department of Education.

Early on in session, we were notified that the House would be producing a similar, but more comprehensive committee bill on the subject out of the Higher Education and Career Readiness Subcommittee and Education Committee. ABC was asked if our legislative effort could be incorporated into HB 7071, and if we would be willing to work with the committee in support of the bills' passage. This incorporation took place, and we appreciate the opportunity to work with sponsors and committee staff on this important piece of legislation.

### What does the bill do?

- By September 1 of each year, the Department of Education must publish an annual report on pre-apprenticeship and apprenticeship programs in the state. This report will include information like the amount of funding from the state per program, per trade, per area, the number of participants in training programs, the number of program providers, the amount of money received by program providers, the number of LEAs (or Local Education Agencies) who partner with program sponsors, the amount of money they receive per program as well as the amount of money they set aside for things like overhead and related program expenses.
- Encourages high schools to establish a "College and Career Decision Day" to highlight the multitude of post-high school opportunities.
- It renames Higher Education Coordinating Council as the Florida Talent Development Council. This group will work with the Commissioner of Education that Florida's educational offerings are those that meet the needs of the industry's most in demand in the state, or industries Florida is looking to attract to the state.
- It creates the Career and Technical Education Graduation Pathway. This pathway allows for students to take career and technical education course in high school if they wish to pursue a career directly after graduation. Each School Board must incorporate this graduation via CTE option into their student progression plan offerings.
- It allows Adjunct professors, often industry professionals, to come into schools to teach these CTE offerings.
- It creates the "Sail to 60 Initiative". SAIL is Strengthening Alliance between Industry and Learning and the purpose is to increase to 60 the percentage of working-age adults with a high-value postsecondary certificate, degree or training experience by 2030.
- It requires Career Pathway Agreements. Each Career Center and Florida College System Institution must submit annually to the DOE, a regional career pathway agreement for each certificate program offered by the Career Center that is aligned with an associate degree at a Florida College Institution. This agreement must highlight in demand trades, the relevant courses available to credit towards an associate degree relative to the trade at the local College institution, and how many credits can be earned by course towards an AD.
- It renames the FLAG Grant to the Florida Pathways to Career Opportunities Grant. This grant is available to high schools, career centers, charter technical career centers, Florida College System institutions, and other entities authorized to sponsor an apprenticeship or pre-apprenticeship program, on a competitive basis to establish new apprenticeship or pre-apprenticeship programs and expand existing apprenticeship or pre-apprenticeship programs. The Department of Education shall administer the grant program, and this is a direct funding opportunity for grant recipients.

How they Voted: this legislation received unanimous support in all committees and on the floor. Its Senate companion, SB 770, received the same unanimous support.

# YOUR LEGISLATIVE PRIORITIES

## **Did NOT Pass:** Reduction in Retainage (HB 101/SB 246)

Bill Sponsors: Representative Alex Andrade and Senator Ed Hooper

### About the Bill:

This legislation would have amended Florida's starting rate of retainage on public construction from 10% to a flat 5% for the duration of the project. The current retainage rate in Florida is 10% of every progress payment until the project is 50% complete, (as defined in the contract), at which point retainage can be reduced to 5% of every progress payment. 31 other states have reduced their rates of retainage from 10% down to 5% with many adding an additional drop in the rate when a certain percentage of the project is complete.

While the legislation passed the full House, and two of its three committees in the Senate with unanimous support, the bill ultimately stalled in the Senate, never making it to the floor for final consideration.

### How they Voted:

#### **House Committee References:**

- Business and Professions Subcommittee:
  - 14-1
  - Yes Votes: Alexander, Cassello, Donalds, Fernandez-Barquin, Fine, Fitzenhagen, Hage, Mariano, Newton, Rodriguez A., Rodriguez, A.M., Smith D, Tomkow, and Willhite
  - No Vote: Gottlieb
- Oversight, Transparency, & Public Management Subcommittee:
  - 13-1
  - Yes Votes: Aloupis, Andrade, Daniels, DuBose, Fernandez, Fischer, Good, Grall, Grant J, LaMarca, Plakon, Plasencia, Yarborough
  - No Vote: Eskamani
- Commerce Committee:
  - 18-1
  - Yes Votes: Andrade, Buchanan, Cassello, Fernandez, Fitzenhagen, Hage, LaRosa, Overdorf, Plasencia, Robinson, Rodrigues R., Sabatini, Santiago, Silvers, Stevenson, Stone, Willhite, Williamson
  - No Vote: Stark
- Full House Vote:
  - 104-10
  - No Votes: Cortes, J, Eskamani, Geller, Goff-Marcil, Gottlieb, Joseph, McGhee, Mercado, Smith C, Watson, B

#### **Senate Committee References:**

- Governmental Oversight and Accountability
  - 4-0
  - Yes Votes: Albritton, Bean, Hooper and Rader
- Community Affairs
  - 5-0
  - Yes Votes: Broxson, Farmer, Flores, Pizzo, Simmons
- Appropriations – Never Heard

# **ABC of Florida Legislative Award Recipients**



# ABC OF FLORIDA LEGISLATOR OF THE YEAR

## About the Award

The “Legislator of the Year” award is given by ABC of Florida to those legislators who go above and beyond on behalf of the Association and the industry at-large. More than simply getting our bills across the finish line, these individuals have demonstrated their shared belief in our policy initiatives, our core values, and in the important role that the Commercial Construction Industry plays in Florida. They have done an outstanding job on your behalf.



## Representative Jay Williamson

- First elected to the House in 2016
- Occupation: Electrical Contractor
- Residence: Pace, FL

## Award Recipient:

Representative Williamson is receiving this award for the third time in three years.

*Representative Williamson is a defender of the free market, of competitive and transparent policies, and a believer in staying true to your word.*

## History with ABC of Florida

- 2017 - Passes Open Competition Legislation (HB 599)  
NOTE: This legislation was a legislative priority for both the National and State Association
- 2018 - Passes Permit Fee Transparency Legislation in House (HB 725), bill dies in Senate
- 2019 - Passes Permit Fee Transparency Legislation in House (HB 127) - bill passes full Legislature

# ABC OF FLORIDA LEGISLATOR OF THE YEAR



## Senator Keith Perry

- Served in the House 2010-2016
- First elected to Senate in 2016
- Occupation: Roofing Contractor
- Residence: Gainesville, FL

## Award Recipient:

Senator Perry is receiving this award for the third time in three years.

*Senator Perry is a tireless advocate for predictability, uniformity and transparency in government regulations. He is a tremendous voice for the industry in Tallahassee.*

## History with ABC of Florida

- 2016 - As a Representative, sponsored ABC of Florida's Statute of Repose Reduction Legislation - bill passes all committees but stalls on House floor.
- 2017 - Passes ABC Open Competition Legislation in the Senate - Bill passes full Legislature.  
NOTE: This legislation was a legislative priority for both the National and State Association
- 2018 - Passes Permit Fee Transparency legislation through all committees - bill stalls on Senate Floor.
- 2019 - Passes Permit Fee Transparency Legislation in Senate (HB 127) - bill passes full Legislature.

# ABC OF FLORIDA LEGISLATOR OF THE YEAR



## Representative Alex Andrade

- First elected to the House in 2018
- Occupation: Attorney
- Residence: Pensacola, FL

## Award Recipient:

This is Representative Andrade's first-time receiving ABC's "Legislator of the Year" award.

*As a Freshman legislator, Representative Andrade took an issue that hasn't been raised in Florida in roughly 15 years and passed it out of the House. He is fearless in his representation of the industry and of the bills he sponsors.*

## History with ABC of Florida

- 2019 - Sponsors ABC's Reduction in Retainage Legislation (House Bill 101).
- While this bill ultimately stalled in the Senate, Representative Andrade successfully moved the bill through all committee stops and passed it off the House Floor with a 104-10 vote.
- Representative Andrade was complimented throughout session for his efforts to speak to all members of the committees of reference for this legislation.

# ABC OF FLORIDA LEGISLATOR OF THE YEAR



## Senator Ed Hooper

- Served in the House 2006-2014
- First Elected to Senate: 2018
- Occupation: Retired Firefighter, former City Commissioner
- Residence: Clearwater, FL

## Award Recipient:

This is Senator Hooper's first-time receiving ABC's "Legislator of the Year" award.

*Senator Hooper's background in local government gives him a keen understanding of how the public and private sectors interact on public works projects, where frustrations may exist and where improvements can be made.*

## History with ABC of Florida

- Senator Hooper has a long history with ABC of Florida from his time in the House.
- As a member of the House, then Representative Hooper was often the recipient of ABC's Friend of Free Enterprise Award.
- As a Senator, he agreed to sponsor our Reduction in Retainage legislation. His testimony in committees reflected his tremendous understanding of how retainage works and the positive impact our legislation would have on the process.
- While the bill ultimately failed to pass the Senate, after stalling in the Appropriations Committee, Senator Hooper did successfully pass the bill, with unanimous support, out of the first two committees of reference.

# ABC of Florida Education Innovators

## Apprenticeship Training and Workforce Education

ABC of Florida is the largest single provider of Apprenticeship Training in the State. We believe strongly that a skilled workforce is a safe workforce, and right now, our industry is suffering from the largest skilled worker shortage in recent history. With more than 50% of our workforce getting ready to retire, we need to be working with all interested parties to attract and identify our next generation of workers. We are not an industry of last resort, nor should we be treated as a fallback to college. But construction is the one industry that cannot be outsourced and will not go away, and therefore, we need to be taking steps to educate individuals on the positive impact a career in construction can have on their life. We appreciate the tremendous work by the following legislators this session to reintroduce and highlight the industry's educational and training opportunities for Floridians.

### Thank you to:

Governor Ron DeSantis

Department of Education Commissioner Richard Corcoran

Senator Manny Diaz

Representative Jennifer Sullivan

Senator Travis Hutson

Representative Amber Mariano

Senator Keith Perry

Representative Ralph Massullo

Senator Kelli Stargel

Representative Byron Donalds

### Through their Legislative Efforts:

- \$10 million in recurring funding for the Florida Pathways to Career Opportunities Grant
- Career and Technical Education Opportunities re-introduced into our K-12 Education System via the CTE Graduation Pathway
- Increased and improved transparency in the administration and management of Apprenticeship and Pre-Apprenticeship Training in Florida
- Authorizes Charter Schools to serve as Local Education Agencies
- Equalizes the credit received by K-12 institutions for students graduating via the CTE pathway.

## **Other Industry-Related Bills**

# Other Industry Related Bills from Session

## Bills To Celebrate

### Open and Expired Permits (HB 447)

Representative Diamond/Senator Perry

This bill began as a way of updating local processes for closing out open or expired permits that have been on a Building Department's books for extended periods of time, but with no action taken by a contractor or owner. The primary impact of the legislation was the residential market. The purpose behind the legislation is to ensure that when residential property exchanges hands, the new owners are free of lingering and open or expired permits tied to the property.

This legislation was one we monitored and interacted with during session, but not one of our priority issues. In the final hours of session however, it was amended to include a number of legislative efforts that we had been tracking and supporting throughout session. The final version of 447 also accomplishes the following:

- Amends section 553.(7)(a), FS, to include the following: *“Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of the state.”*
  - This language comes from **HB 1333**
- Amends 553.80 FS to impose new restrictions on the use of surplus revenue by Building Departments. Specifically, it states, *“A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term “operating budget” does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph (a)2. However, a local government which established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board.”*
  - This was predominantly the substance of **House Bill 715**
- Amends a provision of section 558.004 FS, or Florida's Construction Defects Law, to establish the following: *“A notice of claim served pursuant to this chapter shall not toll any statute of repose period under chapter 95.”*

### Attorney Fees and Costs (HB 829)

Representative Sabatini/Senator Hutson

This legislation establishes that in the instance where a party challenges a local government ordinance as being preempted by the Florida Constitution, and prevails over the local government, the prevailing party is entitled to attorney fees and costs. These fees and costs must be directly related to preparing motions, hearings, trials and appeals. If signed by the Governor, this would go into effect July 1, 2019.

# Other Industry Related Bills from Session

## Bills to Celebrate

### **Assignment of Benefits Reform (HB 7065)**

Representative Rommel/Senator Broxson

After a 7-year battle between Insurance, the industry and taxpayers, this session saw some reform in this area. This bill ultimately limits the use of AOB provisions in property insurance contracts.

More specifically, the bill:

- Defines “assignment agreement” and establishing requirements for the execution, validity, and effect of such an agreement;
- Prohibits certain fees and altering policy provisions related to managed repairs in an assignment agreement;
- Transfers certain pre-lawsuit duties under the insurance contract to the assignee and shifting the burden to the assignee to prove that any failure to carry out such duties has not limited the insurer’s ability to perform under the contract;
- Requires each insurer to report specified data on claims paid in the prior year under assignment agreements by January 30, 2022, and each year thereafter;
- Allows an insurer to make available a policy prohibiting assignment, in whole or in part, under certain conditions;
- Revises the state’s one-way attorney fee statute to incorporate an attorney fee structure in determining the fee amount awarded in suits by an assignee against an insurer;
- Requires service providers to give an insurer and the consumer prior written notice of at least 10 business days before filing suit on a claim.

### **Electronic Legal Documents (HB 409)**

Representative Perez/Senator Brandes

This legislation allows for online/electronic notarization services under part II, Chapter 117 FS. The legislation was worked on in partnership with groups like AARP to ensure a certain level of protection for the elderly population it’s meant to positively assist. ABC did waive in support of this legislation because many of our members documents require notarizations, including new requirements under the new Bond Bill, HB 1247.

Specifically, the bill:

- Creates registration requirement for online notaries;
- Authorizes third parties to rely on notaries’ electronic journals and records as evidence of valid powers of attorney;
- Creates and provides multiple safeguards to reduce the risk of fraud, including the use of video and audio conferencing that could be entered into the evidentiary record and made reviewable by a judge during probate.



# Other Industry Related Bills from Session

## Bills to Take Notice of:

### The Bond Bill (HB 1247)

Representative Perez/Senator Stargel

The final version of the bill looks very different than its starting point. Thank you to the ABC Attorney's Group for identifying the areas of greatest concern in the legislation and to Representative Perez and Senator Stargel for their willingness to address our concerns by amending their bill. However, this is a policy shift and a change in practice for how contractors may file a notice of nonpayment and is something to be made aware of. Specifically, the bill does the following:

- Requires notice of nonpayment to be declared true to the best of the subcontractor's knowledge;
- Provides that negligent (not fraudulent) inclusion or omission of information that does not prejudice the contractor in the notice of nonpayment does not invalidate the bond rights;
- Specifies that a notice of nonpayment is fraudulent if the claimant:
  - Willfully exaggerates the amount unpaid;
  - Willfully includes a claim for work not performed or materials not furnished;
  - Prepares the notice with willful and gross negligence;
- Provides a suggested form for notice of nonpayment;
- Allows for prevailing attorney fees for contractors and specifies that this applies to payment or performance bonds issued on or after October 1, 2019;
- This bill also amends section 713.23, Florida's Lien Law, to require that a lienor claiming under a bond must serve a notice under oath and within a specified time frame "during the progress of the work of thereafter, but may not be served later than 90 days after the final furnishing of labor, services, or materials by the lienor, or with respect to rental equipment, later than 90 days after the date the rental equipment was on the job site and available for use. A notice of nonpayment that includes the sums for retainage must specify the portion of the amount claimed for retainage."

### Construction Defect Legislation (HB 911/ SB 1246)

Representative Santiago and Senator Wright

While this legislation **DID NOT PASS**, it was an effort to amend the Florida's Construction Defect Statute, Chapter 558 FS. The proposed legislation eliminated the notice and opportunity to cure elements of the statute and immediately sent parties to mandatory, but non-binding arbitration. While ABC agrees that there are problems with how 558 claims are currently being handled, the elements of the proposed legislation would have only exacerbated the current frustrations, and not improved the process overall. This legislation will return, and ABC will be working with interested parties and bill sponsors over the summer on the topic.

# Other Industry Related Bills from Session

## Bills to Take Notice of:

### Industry De-Regulation (HBs 27, 397/SB 1640)

There was an overall trend this session, by Governor DeSantis, DBPR Secretary Beshears, and the Legislature, to identify industries where certain licensing requirements could be eliminated, simplified, or made more uniform. The overall goal was to identify those requirements that serve as nothing more than an artificial barrier to securing an industry license or that help to create a protectionist element for industries in Florida.

As an Association that celebrates a competitive marketplace and streamlined government, we philosophically appreciate a discussion of de-regulation. Our members often complain about the layers of licensing requirements and related regulations they must meet simply because they do business in more than one city or county.

As an inherently dangerous industry, governed by a myriad of Federal, State, and Local Regulations, in a volatile market and in a region that is subject to tumultuous weather patterns, we need to continue to monitor and engage in the discussion because our industry is one that is targeted for certain deregulation elements.

There were a number of bills this session that touched on both deregulation and streamlining regulations. While they did not pass, we felt it important to share some of the following examples of industry related changes discussed:

- Elimination of seats on the CILB
- Elimination of seats on the Building Commission
- Allowing for Apprentices to use their education component to meet the education requirement for licensing
- Allowing a graduating apprentice to opt out of the testing required for licensure
- Allowing for contractors from other states, if they meet a series of requirements, to have a number of items waived in order to secure a license in Florida.

## The Legislative Trains

# The Legislative Trains

## Senate Bill 7070 – K-12 Education (Senator Diaz and Representative Sullivan)

Senate Bill 7070 was the comprehensive Education Legislation for the 2019 Legislative Session. This legislation carried with it, many of the overall education goals of the DeSantis Administration. This bill, now signed into law by the Governor, accomplishes a number of things including:

- The passage of the Family Empowerment Scholarship Program which will offer school choice to 18,000 students, including 13,000 currently on a waiting list for Florida's Tax Credit Scholarship;
- Allocated \$147.9 million in the Gardiner Scholarship Program, for 1,900 students with special needs who are currently on the waiting list;
- Allocated \$40 million towards Schools of Hope
- Eased teacher testing requirements
- Amends Florida's Education Code as it relates to cost per student station limitations on funding the construction of new schools.

Under this legislation, already signed into law by Governor DeSantis, a School District may finance a school with total costs per student station in excess of the amounts found in Section 1013.64(6)(b)1., F.S., but only if such school is financed with Certificates of Participation.

How might this work? A School District may issue Certificates of Participation to finance a school and use its capital outlay funds to pay for the portion of the costs of a school that is less than the costs per student station limitations and then use other local sources such as impact fees, voted sales tax, or voter approved ad valorem taxes, to pay for the portion of a school that exceeds the costs per student station limitation.

For projects where Certificates of Participation are NOT issued however, a School District would still be prohibited from using funds from any sources to pay any portion of the school with total costs per student station in excess of the costs per student station limitations.

# The Legislative Trains

## House Bill 7103 – Community Development and Housing

This legislation served as a Committee Bill out of State Affairs and ultimately the Commerce Committee. The bill began as a comprehensive look at land development, land use and zoning regulations, affordable housing and related fees. In the final hours of session, the legislation bounced back and forth between the two Chambers. The final bill, still under consideration by the Governor, does a number of things:

- Allows inclusionary zoning to require developers to set aside a certain percentage of units for low income residents, but requires that any cost associated with doing so, be allowed to be offset by incentives like bonuses or waived fees;
- Imposes a 30-day time limit for a local government to review development applications;
- Makes changes to when and how impact fees may be imposed and collected;
  - Requires local governments to provide for accounting for impact fee collections and actual expenditures of fees;
  - Fees must be limited to actual costs;
  - Fees cannot be collected before the issuance of the permit for the property/project subject to the fee;
  - Fees must be proportional and reasonably connected to the need for additional capital facilities and the impact of the new residential or commercial construction;
  - Fees must be proportional or reasonably connected to the expenditures of the funds collected and the benefit accruing to the new residential or commercial project;
  - Impact fee revenue generated must be earmarked for use in acquiring, constructing, or improving capital facilities to benefit new users;
  - Impact fee revenue may not be used to pay existing debt or for previously approved projects;
  - In an action challenging an impact fee, the government has the burden of proof that the imposition of the fee or credit meets the requirements of purpose for impact fees;
  - This does not apply to water or sewer fees;
- Those who lose land development disputes in court will be required to pay both parties' legal fees;
- Make changes to the existing private provider statutes:
  - prohibits local jurisdictions from charging fees for building inspections if the owner or contractor hires a private provider – but allows the local jurisdiction to charge a reasonable administrative fee;
  - Imposes a 20-day time limit for a local government to review and issue a development permit requested via the use of a private provider, unless the jurisdiction notifies the applicant of deficiencies in the plans or permit application within 20 days;

- If the jurisdiction DOES NOT respond with the permit, or with information as to deficiencies within 20 days, the permit application is deemed to be approved as a matter of law, and the permit shall be issued on the next business day;
- If there are deficiencies, within the original 20-day window, and the permit applicant submits revised documents, the building department has the remainder of the original 20-day period to issue the permit or provide feedback;
- Limits any subsequent plan reviews to the deficiencies noted in the original written notice;
- Limits the number of times a local jurisdiction can audit the services of a private provider to 4 times in a calendar year, unless the Building Official deems a condition of the building constitutes an immediate threat to public safety or welfare;
- Includes the Fire safety Language relating to high rise condominiums that was in contention this session. The final language establishes the following:
  - For residential condominiums deemed to be a “high-rise” as defined under the Florida Fire Prevention Code, the condo association has until January 1, 2024, to retrofit with either a fire sprinkler system or an engineered life safety system.
  - Requires the state Fire Marshall, by July 1, 2019, to issue a data call to all local fire officials to collect data regarding high-rise condominiums greater than 75 feet, that have not been retrofitted.
  - This report will be sent to the Governor by September 1, 2020.

# A Look Ahead to the 2020 Session

## **Determining our Legislative Priorities**

ABC of Florida holds an annual Legislative Planning Conference to determine the bills that will serve as our Legislative Priorities for the upcoming session. Legislative goals are determined by our entire ABC of Florida membership through this conference, and any active ABC member is allowed to participate. This year, the conference is being held in conjunction with our annual State Convention to ensure that we are prepared for the early start to the 2020 session.

The Planning Conference will be held on July 26<sup>th</sup> and Registration is required.

## **The 2020 Legislative Session**

The 2020 Legislative Session officially begins on Tuesday, January 14, 2020. This means that Organizational Session and Committee Weeks will take place early in the Fall of 2019.

## **Care to be an Industry Lobbyist for the Day?**

ABC of Florida will hold our annual Tallahassee Legislative Conference on Wednesday and Thursday, January 22<sup>nd</sup> and 23<sup>rd</sup> respectively. Registration is required.

## **Need More Information?**

Please visit the ABC of Florida website at [www.abcfloida.com](http://www.abcfloida.com) for more information on the Planning and Legislative Conferences. Or contact Carol Bowen at [cbowen@abceastflorida.com](mailto:cbowen@abceastflorida.com).

# More about ABC of Florida

**Chief Lobbyist:**

Carol Bowen, [cbowen@abceastflorida.com](mailto:cbowen@abceastflorida.com)

**Supplemental Lobbying Services:**

Robert Stuart, Chris Carmody and Chris Dawson of Gray Robinson

**2019 ABC of Florida Chairman of the Board:**

Chip Tucker, President of Tucker Paving

**ABC of Florida Chapter Contacts (5):**

Central Florida

*Mark Wylie*

*[mwylie@abccentralflorida.org](mailto:mwylie@abccentralflorida.org)*

East Coast

*Peter M. Dyga, CAE*

*[pdyga@abceastflorida.com](mailto:pdyga@abceastflorida.com)*

First Coast

*Karin Tucker Hoffman*

*[ktucker@abcfirstcoast.com](mailto:ktucker@abcfirstcoast.com)*

Gulf Coast

*Steve Cona, III*

*[Stevecona3@abcgulf.org](mailto:Stevecona3@abcgulf.org)*

North Florida

*Angie Brooke*

*[brooke@abcnorthflorida.org](mailto:brooke@abcnorthflorida.org)*