

A Word from Williams

Monthly Legislative Update
April | 2018



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GREETINGS,

THE 2018 LEGISLATIVE SESSION CAME TO AN END ON MARCH 11TH, 2018. THIS SESSION CONCLUDES MY FIRST OF MANY TERMS IN REPRESENTING THE INTERESTS OF THE 92ND DISTRICT, WHICH REMAINS MY GREATEST PRIORITY. WITHIN THE PAST EIGHT WEEKS, I HAVE WORKED TIRELESSLY WITH MY FELLOW COLLEAGUES TO DRAFT AND PRESENT LEGISLATION THAT IMPROVES THE LIVES OF OUR CONSTITUENTS. BELOW I HAVE SUMMARIZED SOME KEY LEGISLATION THAT WAS INTRODUCED IN TALLAHASSEE THIS YEAR. THANK YOU AGAIN FOR ALL OF YOUR SUPPORT, IT IS TRULY AN HONOR TO SERVE YOU IN THE FLORIDA HOUSE OF REPRESENTATIVES.

- PATRICIA H. WILLIAMS, STATE REP. DISTRICT 92

Sponsored Bills Passed

House Bill 281 Incarcerated Parents

Requires DCF to include parents who are incarcerated in development of case plans for their children. It specifies respective responsibilities of department, correctional facilities, & incarcerated parents as well as provides conditions for amending the case plan.

- * Approved by Governor 3/21/2018 - 5:59 PM
- * Last Event: Chapter No. 2018-45 on Thursday, March 22, 2018 10:02 AM
- * Effective Date: July 1, 2018

House Bill 57 / Senate Bill 146 - Appointment of Attorneys for Dependent Children with Special Needs

Designates act as "Pro Bono Matters Act of 2018". This proposal requires payment of due process costs of litigation of all pro bono attorneys appointed to represent dependent children with special needs.

- * Approved by Governor 3/19/2018 - 6:46 PM
- * Last Event: 03/21/18 Chapter No. 2018-14 on Wednesday, March 21, 2018 10:28 AM
- * Effective Date: 03/19/2018



SENIOR IMPACT LEGISLATION

The annual budget (GAA HB 5001) included:

\$14.3 million **INCREASE** to the Dept. of Elder Affairs' (DOEA) Program of All-inclusive Care for the Elderly (PACE) to expand recipient slots by 475 individuals, Over \$130 million bump in Medicaid nursing home payments to help cover the cost of emergency generators, and ease the transition to a prospective payment system (PPS)

The Tax Package (HB 7087) included:

Sales and Use tax exemption for generators purchased for use at nursing homes or assisted living facilities from July 1, 2017, through December 31, 2018. The exemption is limited to a maximum of \$15,000 in tax for the purchase of generators for any one facility. 7 Day disaster Preparedness Sales Tax Holiday starting June 1 through June 7.

BUDGET BREAKDOWN HB 5001 The General Appropriations



\$404.3 million is being swept from Trust Funds
(Full listing on separate sheet)



\$3.3 Billion in Reserves



51 more state employees
The 2018-19 budget calls for 114,875 FTE



\$6.3 Billion overall spending increase

OR: \$1.5 Billion increase in spending
Trust Funds: \$4.8 Billion increase in spending

Themes

Budget growth is almost flat but there is more reliance on trust funds rather than general revenue.

As the population increases, the stresses on our health care and public education systems will continue to grow and this budget makes only incremental investments towards meeting those needs.

THE GOOD

1. Although incremental, there are increases in our K-12 public education system.
2. \$100.8 Million for Florida Forever.
3. Solid Investments in Higher Education.

THE BAD

1. Grants DFS the authority to override independently elected State Attorneys.
2. Ending Medicaid retroactive eligibility will shift hundreds of millions in health care costs onto the state's low-income and disabled population.
3. Incremental investments in public education continue to keep Florida towards the bottom in the state's ranking in spending.

SB 7028 Ratification of Department of Elderly Affairs Rules

Ratified the Department of Elder Affairs rule requiring Assisted Living Facilities to have emergency power generators. The bill was approved by the Governor and is law.

HB 681 Protection for Vulnerable Investors

Was a protection for vulnerable investors bill which that would have helped protect senior's from investment scams. The bill died in the Senate after passing the House 113 to 2.

HB 259 Elder Abuse Fatality Review Teams

Would have created elder abuse fatality teams in each judicial circuit to review possible instances of elder abuse of neglect. The bill was reported unanimously from two of its three committees but died in its last committee stop.

HB 1059 Exploitation of a Vulnerable Adult

Was a bill to protection vulnerable adults from unscrupulous individuals who are spending all their money and wasting their estates. The bill created a civil cause of action to protect a vulnerable adult from exploitation, including granting the court the ability to issue an injunction and freeze bank accounts and other assets before someone can spend them all. The bill has been signed into law by the Governor.

HB 1123 Tax Exemptions for the Elderly

Would have created sales tax exemptions for products that allow seniors to age in place. Unfortunately, the bill was never heard in committee and died in the House.

CS/CS/CS/HB 841 - Judiciary Committee, Civil Justice & Claims Subcommittee, Careers & Competition Subcommittee, Moraitis, Caldwell: Community Associations

Community Associations: Revising condominium association record keeping and financial reporting requirements; revising provisions relating to required association bylaws; revising board term limits; revising voting requirements relating to alterations and additions to certain common elements or association property; providing that an association may not prohibit a unit owner from installing an electronic vehicle charging station; providing when the installation of an electronic vehicle charging station may be the basis of a lien; revising requirements to serve as a board member; requiring an association to follow certain procedures when amending a governing document, etc.

Effective Date: July 1, 2018

Summary:

*The bill makes a number of changes to Community Associations and Condominiums. More specifically the bill:

- ☐ Removes time limit on designation as bulk buyer, making bulk buyer provisions permanent.
- ☐ Extends the deadline condominiums and cooperative associations have to make records available to unit owners from 5 working days to 10 working days.
- ☐ Provides that a condominium association may post the complete copies of the bids for materials, equipment, or services in lieu of summaries of bids for materials, equipment, or services.
- ☐ Provides that failure to post required information on the website is not cause on its own to invalidate any action or decision of the association, its board, or committees.
- ☐ Provides board members may service terms longer than one year if permitted by the bylaws but may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election.
- ☐ Provides that condominium board members are recalled if the board determines the recall is facially valid; provides attorney's fees for a recalled board member who prevails in arbitration, and attorney's fees for condominium associations if the arbitrator determines the recalled board member's petition is frivolous.
- ☐ Provides that a condominium association may not waive the financial reporting requirements for two years if it fails to respond to the Division's request to provide a financial report to a unit owner.
- ☐ Provides that a condominium association or agent of a condominium association is not liable for disclosing protected or restricted information unless the disclosure was made with a knowing or intentional disregard of the protected or restricted nature of the information.
- ☐ Provides that a condominium association must permanently maintain certain official records instead of for seven years.
- ☐ Increases the time in which a condominium or cooperative must respond to a unit owners' request to inspect records;
- ☐ Requires electronic records related to voting to be retained as official records, and allows notice of board meetings by website.
- ☐ Requires that a vote authorizing an alteration or addition to a condominium be held prior to beginning work.
- ☐ Amends co-op law to mirror condominium law regarding removal of board members who are 90 days or more delinquent on payments and restricting co-owners from serving on the board of directors.
- ☐ Allows condominium associations to provide electronic notice to any member who has provided a fax number or email.
- ☐ Amends cooperative common expenses to include communication and information services in bulk contracts.
- ☐ Clarifies that associations may apply payments for late assessments to interest, fines, and fees before applying the payments to assessments.
- ☐ Prohibits an association from restricting a unit owner's ability to install an electric vehicle charging station in a common parking area.
- ☐ Requires notice of an HOA member meeting to be mailed or delivered to the property owner's address on file with the county property appraiser or electronically transmitted where the property owner has consented to receiving such notice.

STATE BUDGET FOR FISCAL YEAR 2018-2019

The overall budget for Fiscal Year (FY) 2018-2019 totals \$88.7 billion, with trust fund sweeps totaling approximately \$404.3 million. Compared to the last budget, there has been an overall \$6.3 billion increase. Below is the breakdown of the budget into “silos”, or categories, to highlight a few critical components in each area.

Education



The Florida Department of Education (DOE) was allocated a \$500 million increase in this budget. Regarding K-12 Education Funding, the total per pupil funding has increased by 1.39%, or about a \$101.50 dollar increase per child. While I would personally like to see a larger increase in funding in this area, I am pleased to see that the Legislature is investing more in our students. Florida is near the bottom of the list in per pupil funding when compared to other states.

The Schools of Hope project was awarded \$140 million. If you recall from last year, this program was designed to incentivize charter schools to set up shop near Florida's under performing traditional public schools and establish “schools of hope” that would, in theory, offer a better education to those students currently in struggling neighborhood schools. I believe that the money proposed for these “Schools of Hope” could be better used to find innovative ways to fund and fix our struggling public schools instead of inviting for-profit charter schools that offer the same curriculum to provide competition.

The Best & Brightest Teacher and Principal Scholarship Program received \$233.95 million in this Budget. From my perspective, this program does not reward teachers and principals on their effectiveness and ability, but instead rewards their test scores from high school. I believe there are better ways we can utilize these funds to reward our most effective teachers and principals, including giving teachers a much needed raise.

Public Education Capital Outlay (PECO) has been allocated approximately \$195.3 million, which is a significant increase from last year's budget. PECO funds are used to complete sorely needed repairs in our schools such as fixing or replacing air conditioning units and old roofs. I am glad to see an increase in this area however I am incredibly disappointed at how these funds have been allocated. Only \$50 million of this \$195.3 million will be going to traditional public schools while charter schools will be receiving \$145.3 million, despite there being more than double the amount of public schools than charter schools across the state of Florida. In the realm of Higher Education, I was pleased to see an increase in funding for both the Florida College System and the State University System.

Health and Human Services

In the Health and Human Services sector, \$37.1 billion dollars were appropriated. This is a \$2.98 billion dollar increase overall.

Low Income Pool (LIP) hospital funding received \$1.5 billion in funding to offset costs incurred by hospitals while treating the uninsured. Additionally, the Agency for Persons with Disabilities was given a \$46.4 million dollar increase in their budget, which I am pleased to see. The Department of Children and Families also saw an \$8 million dollar increase in funding for 69 additional caseworkers to address the workload increases for child protective investigators. While some areas saw increases, other programs in the Healthcare silo of the budget saw major cuts. There was a \$14.98 million dollar cut from Medicaid Home and Community based services and 336 jobs will be cut from County Health Departments.

While a good start, I don't believe that enough funds were allocated to help combat the opioid crisis we are experiencing in our state. I see the toll this epidemic takes on our communities. I believe the Legislature should invest more money into addressing this issue. It is not just about reactive solutions, I believe we need to also ensure that we are being proactive and invest in multiple prevention programs across the state.

FLORIDA'S BUDGET

HealthCare



Elimination of Medicaid Retroactive Eligibility for all non-pregnant adults.



\$14.98 million cut from Medicaid Home and Community based services.

336

Cuts 336 jobs from County Health Departments.

#PriorityBlue

FLHouseDems

STATE BUDGET FOR FISCAL YEAR 2018-2019

Justice

In the Justice budget, there is improved accountability for small privatized contractors by requiring funding departments to report certain information including program outcomes. There are also millions of dollars proposed to be allocated towards litigation costs for not complying with federal constitutional and civil rights mandates. The state has spent millions of taxpayer dollars fighting lawsuits related to legislation passed by the House and Senate that may violate the state or U.S. constitution, a practice which I believe we must end.

Environment

In the Environmental Budget, \$100 million has been allocated for the Florida Forever land acquisition Program, which last year received no funding. Everglades Restoration received \$143.1 million, a \$24 million decrease in funding. The South Florida Water Management District received \$50 million to expedite repairs to the Herbert Hoover Dike which protects the Glades communities from flooding. Springs restoration received \$50 million as well, which is the same amount they received in last year's budget. Beach Projects statewide received \$50 million, with \$11.2 million of that being allocated specifically for Beach Recovery related to Hurricane Irma damages.

Transportation, Military Affairs, Economic Opportunity

Of note in this budget area is that Affordable Housing received \$109.6 million, however a large amount of that is from trust fund sweeps.

Finance & Taxation

As per usual, much of the House effort in the realm of finance and taxation focused on tax cuts. The annual tax package, originally proposed with a value of over \$300 million, included several consensus items such as a back-to-school sales tax holiday, and property tax relief for homeowners devastated by this season's hurricanes. However, the bill also included a "poison pill" provision, which would have made tax credits against sales tax available to fund private school scholarships for the first time in the state's history. After the Parkland bills were adopted, the tax package was scaled back, and the bill ultimately adopted, HB 7087, did not include the poison pill.

FLORIDA'S BUDGET

Tax Breaks



Disaster Preparedness
Sales Tax Holiday



\$67 million tax exemption to
purchase generators for
nursing homes.

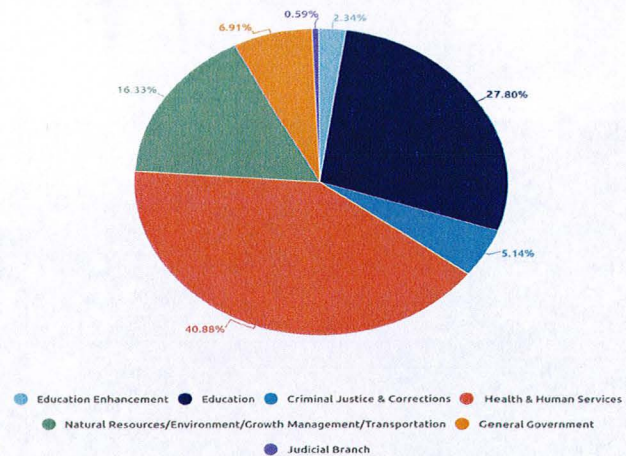


3-Day Back to School Tax
Holiday for Florida's working
families.

#PriorityBlue

FLHouseDems

HB 5001 - General Appropriations Act



Education Enhancement: \$2,128,846,515
 Education: \$25,258,497,729
 Criminal Justice & Corrections: \$4,669,736,640
 Health & Human Services: \$37,140,846,008
 Natural Resources/Environment/Growth Management/Transportation: \$14,838,086,425
 General Government: \$6,281,093,964
 Judicial Branch: \$539,273,587
 Total: \$88.7 Billion

This year did mark the first time in recent memory that the annual corporate income tax bill, sometimes called the "piggyback" bill, which adopts the IRS tax code as a starting place for the Florida tax code, became a controversial piece of legislation. In light of uncertainty regarding the impact of President Trump's tax credits, House Republicans chose to attach new provisions to the piggyback bill, which instituted a "roll-back" style, automatic tax reduction for corporate income tax based on the estimates of the office of Economic and Demographic Research. The bill, HB 7093, also binds the hands of future legislatures by requiring any additional revenues collected above the estimated amount be spent on tax cuts. Finally, for reasons unknown to this day, the bill breaks with traditional mathematics and requires that in certain instances, the state of Florida must round-down at a 5 when rounding decimals. The bill passed both chambers with democratic opposition and is headed to the Governor's desk.

A CLOSER LOOK

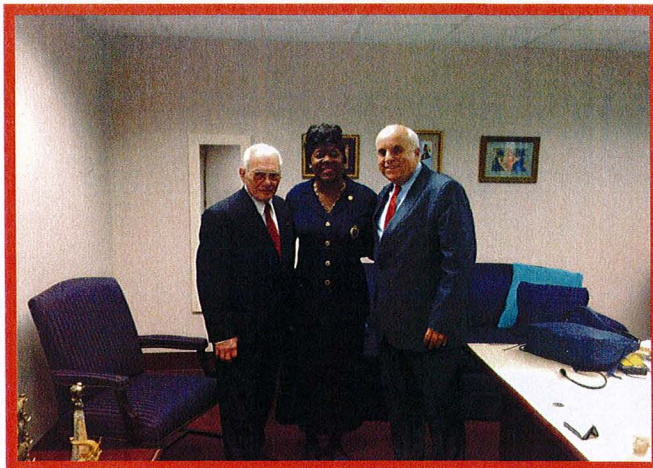
Concerned Citizens Gather to Demand Gun Policy Reform



A CLOSER LOOK



Representative Williams and AMI Kids



**Representative Williams and members of
Christian Family Coalition**



**Representative Williams accepts an award from the
Fire Fighters at Broward Days at the Capitol**



**Representative Williams and District 92
BSO Chiefs**



**Tamarac/Sawgrass
Democratic Club
Post Session Update**



EXHIBIT II



Becker
Becker & Poliakoff



2018 POST LEGISLATIVE SESSION REPORT

On Sunday, March 11, the 2018 Florida Legislative Session drew to a close. Lawmakers were forced to extend session past the scheduled March 9 end date after missing their budget approval deadline of March 6. The roughly \$89 billion budget for fiscal year 2018-19, is the State of Florida's largest ever, and includes a \$21.1 billion public school budget, a \$130 million increase in Medicaid funding for nursing homes, and a permanent expansion of the Bright Futures Scholarship program with a \$121 million increase to the program as well. The budget also includes a roughly \$171 million tax-cut package and a commitment to spend over \$50 million on the opioid crisis. The Legislature managed to come up with a \$400 million proposal to increase school safety and reduce gun violence in schools, but was unable to come to an agreement on a gambling package.

Governor Rick Scott vetoed about \$64 million from the total budget, far less than the almost \$12 billion in spending he vetoed from the Legislature's first budget last year.

Appropriations

Pompano Beach Drinking Water Interconnects Rehabilitation (HB 2825).....\$287,500
(Governor Scott Vetoed)

Bills that Passed

Environmental

SB 168, Relating to Nonnative Animals, is sponsored by Senator Steube. The bill directs the Florida Fish and Wildlife Conservation Commission (FWCC) to establish a pilot program for the eradication of priority invasive species and submit the report to the Governor and Legislature. It also authorizes FWCC to enter into specified contracts and provides appropriations. The bill passed the House and Senate on March 7 and was Ordered Enrolled. An amended version of the bill deleted the provision requiring animals that belong to certain nonnative species to be implanted with a passive integrated transponder tag before sale, resale, or being offered for sale by a pet dealer. It also deleted the definition of "Pet dealer." Signed by Presiding Officers and Presented to the Governor on March 16.

For more information on this bill, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/00168>

CS/CS/HB 1149, Relating to Environmental Regulation (Vetoed), is sponsored by the House Natural Resources and Public Lands Subcommittee and Representative Payne. The bill revises required provisions of the water resource implementation rule, it requires the Department of Environmental Protection (DEP) and water management districts to develop and enter into certain memoranda of agreement, and it requires counties and municipalities to address the contamination of recyclable material in specified contracts. The Committee Substitutes require counties and municipalities to address the contamination of recyclable material in contracts with residential recycling collectors for the collection or transportation of residential recyclable material, and with material recycling facilities (MRF) for the processing of residential recyclable material. They also require that the contracts define the term "contaminated recyclable material" in a manner that is appropriate for the local community based on the available markets for recyclable material and that they provide that a residential recycling collector is not required to collect or transport contaminated recyclable material. A floor amendment added additional criteria for activities in surface waters and wetlands. Another floor amendment added the following provision to Section 374.4135: "or, when credits are not available at a mitigation bank permitted under Section 373.4136, mitigation areas created by a local government which were awarded mitigation credits pursuant to the uniform mitigation 40 assessment method as provided in Chapter 62-345, Florida Administrative Code, under a permit issued before December 31, 42 2011." The bill passed the House, passed the Senate on March 9, and was Ordered Enrolled

For more information on this bill or the Committee Substitute, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01308>

Firearms

CS/HB 55, Relating to the Sale of Firearms, is sponsored by the House Oversight, Transparency & Administration Subcommittee and Representative White. The bill requires Florida Department of Law Enforcement procedures to allow the payment or transmittal of processing fees for criminal history checks of potential firearms buyers by electronic means, and it provides that criminal history check requests may be made by electronic means. The Committee Substitute authorizes a licensee to request FDLE to conduct a criminal history check via electronic means other than a telephone call and changes the effective date of the bill from July 1, 2018, to October 1, 2018. The bill passed the House, passed the Senate as amended, and was Ordered Enrolled on March 9.

For more information on this bill or its Committee Substitute, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=59768&SessionId=86>

CS/SB 7026, Relating to Public Safety, is sponsored by the Senate Appropriations and Senate Rules Committees. Cited as the “Marjory Stoneman Douglas High School Public Safety Act,” this bill establishes the Medical Reimbursement Program for Victims of Mass Shootings in the Department of Legal Affairs. The bill also establishes the Office of Safe Schools within the Department of Education, it prohibits a person younger than a certain age from purchasing a firearm, it prohibits bump-fire stocks in the state, and it creates the Marjory Stoneman Douglas High School Public Safety Commission (Commission) within the Florida Department of Law Enforcement. The Committee Substitute authorizes law enforcement to seek the voluntary surrender of firearms and ammunition kept in the person’s residence at the time he or she is taken into custody pursuant to the Baker Act. It also clarifies the information that the Commission may request, and must be provided, to carry out the Commission’s duties, including both confidential and exempt information. The Committee Substitute appropriates \$200 million in recurring and \$200 million in nonrecurring funds from the General Revenue Fund to implement the bill provisions. There were a few different floor amendments that were adopted. The bill was approved by the Governor on March 9.

For more information on this bill, its Committee Substitute, or the floor amendments, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07026/?Tab=Analyses>

Local Government

SB 100, Relating to Identification Card and Driver License Fees for Veterans, is sponsored by Senator Steube. The bill deletes fees for adding the word “Veteran” to an identification card or a driver license, it revises acceptable forms of identification required to add the word “Veteran” to an identification card or a license, and it prohibits tax collectors from charging certain driver license service fees to veterans who present specified forms of identification. A floor amendment specifies who the exemption applies to and under what conditions. The bill passed the Senate, passed the House, and was Ordered Enrolled in the Senate on March 9.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00100/?Tab=BillHistory>

SB 186, Relating to a Resign-to-run Law, is sponsored by Senator Hutson. The bill requires an officer who qualifies for federal public office to resign from the office he or she presently holds if the terms, or any part, run concurrently. It prescribes requirements for the written resignation, and it provides for an automatic, irrevocable resignation in the event of noncompliance. A floor amendment added says that subsections (3) and (4) do not apply to anyone holding federal office, or, an elected officer if the term of the office that he or she presently holds is scheduled to expire and be filled by election in the same primary and general election period as the federal office he or she is seeking. The bill passed the Senate, passed the House, and was Ordered Enrolled in the Senate on March 7.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00186/?Tab=BillHistory>

CS/HB 361, Relating to Persons Authorized to Visit Juvenile Facilities, is sponsored by the House Criminal Justice Subcommittee and Representatives Richardson and Stafford. The bill authorizes specified persons to visit, during certain hours, all juvenile facilities operated or overseen by the Department of Juvenile Justice (DJJ) of the county. It also authorizes such persons to visit juvenile facilities outside of certain hours pursuant to DJJ rules, and it prohibits DJJ from unreasonably withholding permission for visits to such facilities by certain persons. The Committee Substitute makes the provisions applicable to all juvenile justice facilities, including those run by counties, allow for visitation by specific persons between 6am and 11pm at their pleasure, and allow any visitation before 6am or after 11pm pursuant to rules adopted by DJJ. The bill passed the House, passed the Senate on March 6 unanimously, and was Ordered Enrolled in the House.

For more information on this bill or its Committee Substitute, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00361/?Tab=BillHistory>

CS/SB 566, Relating to the Unlawful Detention by a Transient Occupant, is sponsored by the Senate Judiciary Committee and Senator Young. The bill revises factors that establish a person as a transient occupant of residential property and authorizes a former transient occupant, under certain circumstances, to bring a civil action for damages or recovery of personal belongings. The Committee Substitute limits documents or identification cards used to support a claim of transient occupancy to have been issued or sent within the previous 12 months and not the distant past, and it increases the time to recover personal belongings after the transient occupancy ends from 5 days to 10 days. A floor amendment removes line 75 and inserts: "leaves the dwelling when directed by a law enforcement." The bill passed the House, passed the Senate, and was Ordered Enrolled on March 9.

For more information on this bill or its Committee Substitute, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00566/?Tab=BillHistory>

CS/HB 539, Relating to Alarm Verification, is sponsored by the House Careers & Competition Subcommittee and Representative Cortes. The bill revises requirements for alarm verification to include additional methods by which an alarm monitoring company may verify a residential or commercial intrusion/burglary alarm signal and to require that two attempts be made to verify an alarm signal. The Committee Substitute makes the phrase "alarm monitoring company" consistent in the bill and clarifies that the alarm monitoring company confirms the alarm with the

owner, occupant, or his or her authorized designee of the premises. The bill passed the House and the Senate and was Ordered Enrolled in the House on March 7.

For more information on this bill or its Committee Substitute, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00539/?Tab=BillHistory>

CS/SB 1132, Relating to Vessel Safety Inspection Decals, is sponsored by Senator Hutson. The bill provides rulemaking authority to the Fish and Wildlife Conservation (FWC) Commission regarding expiration and design of safety inspection decals. A Committee Substitute recommended by the Senate Appropriations Subcommittee on the Environment & Natural Resources provides that all decals issued by the FWC on or before December 31, 2018, are no longer valid after that date. It also delays the effective date from July 1, 2018, to January 1, 2019. A floor amendment deleted line 26 and added "valid for less than 1 calendar year or more than 5 years and, at 6 a minimum, must meet the." The bill passed the Senate, passed the House, and was Ordered Enrolled in the Senate on March 7.

For more information on this bill or its Committee Substitute, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01132/?Tab=BillHistory>

CS/CS/HB 1151, Relating to Development of Regional Impact, is sponsored by the House Commerce Committee, the House Agriculture & Property Rights Subcommittee, and Representative La Rosa. The bill specifies ethics training requirements for community redevelopment agency commissioners, it requires certain initiatives or referenda to be reconsidered, and it revises laws addressing community redevelopment agencies. It also revises mechanisms by which adjacent lands located within local governments may be added to boundaries of a new community development district. The Committee Substitutes clarify that actions by a local government on a development order may not amend to an earlier date the date agreed to by the local government not to impose downzoning, unit density reduction, or intensity reduction. They also transfer the Developments of Regional Impact exemptions and partial exemptions from Section 380.06 to Section 380.0651, which contains the guidelines and standards for determining the size of a proposed development. A floor amendment added the language "that exceeds the statewide guidelines and standards specified in Section 380.0651 and is not otherwise exempt pursuant to Section 380.0651 must," to lines 2568-2579, and changed the applications for development approval the subsection did not apply to. Another floor amendment adds the definition of "master plan." The bill passed the House, passed the Senate as amended, and was Ordered Enrolled in the House on March 9

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01151>

CS/CS/HB 1173, Relating to Lands Used for Governmental Purposes, is sponsored by the House Local, Federal & Veterans Affairs Subcommittee and Representative Raschein. The bill specifies the authority of the Division of State Lands within the Department of Environmental Protection to acquire lands from an annual list provided by the Department of Economic Opportunity and the Florida Defense Support Task Force for the purpose of buffering military installations against encroachment. The Committee Substitutes conform the definition of "non-conservation lands" in the defense conversion and transitions statutes with the definition in the state lands statute, and they authorize each land authority to use tourist impact tax funds to pay

for costs related to affordable housing projects. They also add projects that mitigate the effects of natural disasters and floods in developed areas to the criteria and numeric performance measures the Acquisition and Recreation Council must consider when evaluating proposed Florida Forever projects. A floor amendment specified that the legislative intent of the bill was in part, to “provide affordable housing” in the Apalachicola Bay Area, and another floor amendment specified procedures for the acquisition of buffer land. The bill passed the House, passed the Senate as amended, and was Ordered Enrolled in the House on March 8.

For more information on this bill or the Committee Substitutes, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=62320&SessionId=86>

HB 1009, Relating to the Closing the Gap Grant Program, is sponsored by Senator Brown. The bill requires a Closing the Gap Grant proposal to address racial and ethnic disparities in morbidity and mortality rates relating to Lupus. The bill passed the House, passed the Senate, and was Ordered Enrolled on March 8.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/1009>

CS/CS/SB 1392, Relating to Prearrest Diversion Programs, is sponsored by the Senate Appropriations Committee, the Senate Criminal Justice Committee, and Senator Brandes. The bill encourages counties, municipalities, and public or private educational institutions to implement prearrest diversion programs. It requires that in each judicial circuit, the public defender, the state attorney, the clerks of the court, and representatives of participating law enforcement agencies create a prearrest diversion program and develop its policies and procedures. It requires, rather than authorizes, the Department of Law Enforcement to adopt rules for the expunction of certain non-judicial records of the arrest of a minor upon his or her successful completion of a certain diversion program. The Committee Substitutes require the Department of Juvenile Justice to develop and provide guidelines for best practice models for civil citations or similar diversion programs to the judicial circuits as a resource. They clarify that the state attorney will be required to operate the prearrest diversion programs for the circuit. Floor amendments deleted the requirement that the state attorney, clerks of court, and others create a prearrest diversion program, and requiring the Department of Law Enforcement to collect and provide certain information. The floor amendments also specify who is eligible for the prearrest diversion programs. The bill passed the Senate, passed the House as amended on March 7, and was Ordered Enrolled in the Senate on March 9.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01392>

Miscellaneous

CS/CS/SB 376, Relating to Workers’ Compensation Benefits for First Responders, is sponsored by the Senate Appropriations Committee, the Senate Banking Committee, and Senator Book. The bill provides that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable by workers’ compensation benefits. It also specifies that benefits do not require a physical injury and are not subject to certain apportionment or limitations. The Committee Substitutes restore current law in its

general application of mental and nervous injury benefits for first responders, require the Department of Financial Services to adopt rules, and require an employing agency of a first responder to provide educational training relating to mental health awareness. They also revise compensability requirements of law enforcement officers, firefighters, emergency medical technicians, and paramedics for PTSD under Chapter 440. The bill passed the Senate, passed the House unanimously on March 5, and was Ordered Enrolled.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/376/?Tab=BillHistory>

CS/SB 394, Relating to Fire Safety, is sponsored by Senate Governmental Oversight & Accountability Committee and Senator Bracy. The bill requires the Division of State Fire Marshal to establish specified courses as part of firefighter and volunteer firefighter training and certification, and it specifies the Division's authority to adopt rules for training related to cancer and mental health risks within the fire service. The Committee Substitute deletes provisions of the original bill that would have revised qualifications for firefighter certification to require firefighters to be a nonuser of tobacco or tobacco products during his or her career in the fire service. The bill passed the Senate, passed the House on March 5 unanimously, and was Ordered Enrolled in the House.

For more information on this bill or its Committee Substitute, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/00394/?Tab=BillHistory>

CS/CS/SB 376, Relating to Workers' Compensation Claims for First Responders, is sponsored by the Senate Appropriations, the Senate Banking & Insurance Committee, and Senator Book. The bill provides that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable by workers' compensation benefits. It also specifies that benefits do not require a physical injury and are not subject to certain apportionment or limitations. The Committee Substitutes restore current law in its general application of mental and nervous injury benefits for first responders, require the Department of Financial Services to adopt rules, and require an employing agency of a first responder to provide educational training relating to mental health awareness. They also revise compensability requirements of law enforcement officers, firefighters, emergency medical technicians, and paramedics for PTSD under Chapter 440. The bill passed the Senate, passed the House unanimously on March 5, and was Ordered Enrolled.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/376/?Tab=BillHistory>

HB 359, Relating to State and Local Governmental Relations with the Government of Venezuela, is sponsored by Representatives Nunez and Diaz. The bill requires the State Board of Administration to divest investments, and prohibits it from investment, in any institution or company or subsidiary of a company domiciled in the United States which does business in or with the government of Venezuela or its agencies or instrumentalities in violation of federal law. The bill passed the House, passed the Senate, and was Ordered Enrolled in the House on March 8.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00359>

CS/CS/HB 591, Relating to Missing Persons with Special Needs, is sponsored by the House PreK-12 Appropriations Subcommittee, the House Criminal Justice Subcommittee, and Representative Porter. The bill expands pilot projects for missing persons with special needs to all centers for autism and related disabilities (CARD) at institutions in the State University System. The Committee Substitutes remove the term "pilot" from the bill as the project is now statewide, amend the term "institutions in the state university system" to read "state university," and provide a reference to Section 1000.21 for a definition of "state university." They also correct the statutory reference of Section 1000.21 to Section 1004.55, which defines the Centers for Autism and Related Disabilities, and amend the selection of participant criteria from the University of Florida to each CARD service area. A floor amendment deleted the sunset provision in the bill's language. The bill passed the House, passed the Senate, and was Ordered Enrolled in the House on March 6.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00591>

SB 660, Relating to a Florida Insurance Code Exemption for Nonprofit Religious Organizations, is sponsored by Senator Brandes. The bill revises criteria under which a nonprofit religious organization that facilitates the sharing of contributions among its participants for financial, physical, or medical needs is exempt from requirements of the code. A floor amendment adds those who share a common set of "ethical beliefs" to the bill's language, provides amounts that participants may contribute under the bill, and requires a written disclaimer on or accompanying gall applications and guideline materials distributed on behalf of the organization. The bill passed the Senate, passed the House, and was Ordered Enrolled in the Senate on March 7.

For more information on this bill or the amendment, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/00660/?Tab=BillHistory>

HB 1013, Relating to Time Observances, is sponsored by Representatives Nunez and Fitzenhagen. The bill creates the "Sunshine Protection Act," which directs the Legislature to submit a request to the Secretary of the United States Department of Transportation to redesignate portions of the state in the Central Time Zone into the Eastern Time Zone. The bill passed the House, passed the Senate, and was Ordered Enrolled in the House on March 6.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01013>

CS/CS/CS/HB 1059, Relating to the Exploitation of a Vulnerable Adult, is sponsored by the House Judiciary Committee; the House Children, Families, & Senior Subcommittee; the House Civil Justice & Claims Subcommittee; and Representative Burton. The bill creates a cause of action for injunction for protection of vulnerable adults from exploitation, and it provides requirements for the Clerk of Circuit Courts. The Committee Substitutes require a clerk's fee for filing a petition paid from the assets of the vulnerable adults, based on the total value of assets. They also increase the time the Department of Children and Families has to provide the court with relevant records from its Adult Protective Services Program from 24 hours to 72 hours and limit the allowable venue locations to the circuit where the vulnerable adult resides or where a

guardianship case regarding the vulnerable adult is filed. A floor amendment provided duties of the clerk of the court, conditions under which a temporary injunction may be granted, what constitutes reasonable cause, etc. The bill was Ordered Engrossed and Enrolled on March 8.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01059>

CS/CS/HB 1211, is sponsored by the House Commerce Committee, the House Careers & Competition Subcommittee, and Representative Abruzzo. The bill requires commercial airboat operators to have specified documents onboard and provides exceptions and penalties. It also directs the Fish and Wildlife Conservation Commission (FWCC) to adopt rules by a specified date. The Committee Substitutes clarify the list of items that an airboat operator must have onboard when carrying passengers for hire on waters of the state and change "beginning December 31, 2018" to "beginning July 1, 2019," for the date after which an airboat operator must have certain items onboard when carrying passengers for hire on waters of the state. The bill passed the House, passed the Senate, and was Ordered Enrolled in the House on March 9.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01211>

HJR 7001, Relating to the Supermajority Vote for State Taxes or Fees, is sponsored by the House Ways & Means Committee and Representative Leek. The bill proposes an amendment to the State Constitution to prohibit a state tax or fee from being imposed or raised except through legislation approved by two-thirds of each House of the Legislature. It also requires a state tax or fee imposed or raised to be contained in a separate bill that contains no other subject. The bill passed the House, passed the Senate on March 5 (25-13), and was Ordered Enrolled in the House on the same day.

For more information on this bill or the Committee Substitute, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/07001>

CS/HB 7087, Relating to Taxation, is sponsored by the House Ways & Means Committee and Representative Renner. The bill provides an exemption from excise taxes on certain document notes and mortgages related to housing financing authority, it provides sales tax exemptions for specified products destroyed or reduced in value as a result of hurricanes, and it provides for a documentary stamp tax exemption for certain transfers of homestead property between spouses. The Committee Substitute provides the Department of Revenue (DOR) with emergency rulemaking authority. It provides that the temporary tax relief provisions related to hurricane damage (Sections 32-35 of the bill) will be treated as "revenue laws" for purposes of DOR's tax administration. It also clarifies that, where a condominium association has filed a single joint petition to the Value Adjustment Board, the association may continue to represent the unit owners through a related subsequent proceeding. Dozens of floor amendments were added. The bill passed the House, passed the Senate as amended, and was Ordered Enrolled on March 11.

For more information on this bill, its Committee Substitute, or its amendments, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/07087>

For a list of comparable bills, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/07087/?Tab=RelatedBills>

HB 7093, Relating to Corporate Income Taxation, is sponsored by the House Ways & Means Committee and Representative Renner. The bill provides an adjustment of the corporate tax rate based on net collections exceeding adjusted forecasted collections for specified fiscal years. It also provides for treatment of net collection amounts that exceed adjusted forecasted net collections for specified fiscal years, and it revises the tax rate. A floor amendment specified the "2019 Legislature shall consider the report required by subsection (3) to determine whether adjustments to the automatic tax rate adjustment mechanism under Section 220.1105." The amendment also defines terms and specifies under what conditions the tax rate shall be imposed. A second floor amendment specifies that the Department of Revenue shall examine how the Tax Cuts and Jobs Act will affect the state corporate income tax. The bill passed the House, passed the Senate as amended, and was Ordered Enrolled in the House on March 9. For more information on this bill or its amendment, visit this link:
<http://www.flsenate.gov/Session/Bill/2018/07093/?Tab=BillHistory>

Opioid Crisis

CS/CS/HB 21, Relating to Controlled Substances, is sponsored by the Health Quality Subcommittee and Representative Boyd. The bill requires practitioners to complete a specified, board-approved continuing education course to prescribe controlled substances; it defines "acute pain;" and it provides for the adoption of standards of practice for treatment of acute pain. The Committee Substitutes reinstate current law which allows healthcare regulatory boards indirect access to the Prescription Drug Monitoring Program for investigations involving licensees who are authorized to prescribe controlled substances. The Committee Substitutes also do the following: revise the topics for the required continuing education to include non-pharmacological therapies and the prescribing of emergency opioid antagonists; clarify that licensees required by their practice act to complete a course on safe and effective prescribing of controlled substances are exempt from the continuing education required by the bill; exclude pain related to cancer, a terminal condition, palliative care, and traumatic injury from the definition of "acute pain;" require the Department of Health to take into account different practice settings when developing rules for the standards of practice for acute pain; and provide guidance on what the rules may include rather than requiring specific topics. There were multiple floor amendments to this bill. The bill passed the House and Senate as amended, and was Ordered Enrolled on March 9.

For more information on this bill, its the Committee Substitutes, or its floor amendments, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=60136&SessionId=86>

Bills that Died

Environmental

CS/SB 370, Relating to the Land Acquisition Fund, is sponsored by the Senate Appropriations Committee and Senator Bradley. The bill requires a specified annual appropriation to the Florida Forever Trust Fund, and it prohibits moneys from the Land

Acquisition Trust Fund from being used for specified costs. The Committee Substitute specifies the budget entities that cannot use the distributed monies. The bill Died in Committee.

For more information on this bill or its Committee Substitute, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00370/?Tab=BillHistory>

Firearms

CS/SB 1048, Relating to Firearms, is sponsored by the Senate Judiciary Committee and Senator Baxley. The bill authorizes a church, synagogue, or other religious institution to allow a concealed weapons or concealed firearms licensee to carry a concealed handgun in certain established physical places of worship under certain circumstances. In the underlying bill, a religious institution could authorize a person who has a concealed handgun license to carry a firearm anywhere the religious institution could lawfully meet, regardless of whether a licensee's carrying in that place would otherwise be prohibited. Under the Committee Substitute, a religious institution may authorize a person who has a concealed handgun license to carry a concealed handgun only on certain properties that are used by a religious institution and only under a number of limitations. The bill Died on the Calendar.

For more information on this bill or the Committee Substitute, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01048/?Tab=BillHistory>

There is no companion legislation. A comparable House bill, **HB 1419**, was indefinitely postponed. For more information on this bill, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=62719&SessionId=86>

Local Government

CS/CS/CS/HB 697, Relating to Impact Fees, is sponsored by the House Government Accountability Committee, the House Ways & Means Committee, the House Local, Federal & Veterans Affairs Subcommittee, and Representative Miller. The bill revises minimum requirements for the adoption of impact fees, it prohibits local governments from requiring certain conditions in development orders, and it specifies the process for local government review and approval of detailed specific area plans or related development orders. The Committee Substitutes require that impact fees have a rational nexus to both the need for additional capital facilities and the expenditure of funds collected and benefits accruing to the new construction. They require local governments to designate the funds collected by the impact fees for acquiring the capital facilities to benefit the new residents. They also prohibit local governments from requiring the payment of impact fees prior to issuing a building permit and specify that local governments must also designate funds collected by impact fees for acquiring, constructing, or improving capital facilities to benefit new users. The bill Died in Committee.

For more information on this bill or its Committee Substitutes, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/00697>

CS/CS/CS/HB 815, Relating to County and Municipal Public Officer Transparency, is sponsored by the House Government Accountability Committee, the House Public Integrity & Ethics Committee, the House Local, Federal & Veterans Affairs Subcommittee, and Representative

Avila. The bill requires that requests for travel authorization by county or municipal public officers be approved by the governing body of the county or municipality at a regularly scheduled meeting. It also requires counties, county constitutional officers, or municipalities to adopt travel policies and include travel expenses as separate budget items. The Committee Substitutes remove the \$120 cap on per diem expenses for local government officers and employees and provide an exemption for elected county constitutional officers from certain limitations on travel created by the bill. They also require incumbent county and municipal officer candidate campaign finance reports to be posted on the qualifying officer's website instead of the general purpose government website, and remove the 24-hour before or after travel limitation. This bill Died in Committee. For more information on this bill or its Committee Substitutes, visit this link: <https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=61359&SessionId=86>

CS/CS/HB 883, Relating to Local Government, is sponsored by the House Government accountability Committee, the House Local, Federal & Veterans Affairs Subcommittee, and Representative Ingoglia. The bill specifies ethics training requirements for community redevelopment agency commissioners, it requires certain initiatives or referenda to be reconsidered, and it revises laws addressing community redevelopment agencies. It also revises mechanisms by which adjacent lands located within local governments may be added to boundaries of a new community development district. The Committee Substitutes remove duplicative language and the requirement that a petitioner provide a copy of the petition. They also provide for the petition to record a notice of boundary amendment that reflects the new boundaries of the district. The bill Died In Messages.

For more information on this bill or the Committee Substitutes, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/00883/?Tab=BillHistory>

CS/CS/HB 971, Relating to Interruption of Services, is sponsored by the House Commerce Committee, the House Energy & Utilities Subcommittee, and Representative Fine. The bill prohibits municipalities or private companies from charging for garbage pick-up services that are not rendered within a specified period. It also requires municipalities or private companies to issue a credit or refund on the next regular bill. The Committee Substitutes remove all provisions of the bill related to interruption of services provided by telecommunications companies and cable and video service providers, and they require garbage pick-up within 4 calendar days of the originally scheduled pick-up date to avoid the requirement to provide a credit or refund. The bill Died on the House Calendar.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00971/?Tab=Analyses>

There is no companion legislation, but on a comparable Senate bill, **SB 1368**, Died in Committee. For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01368>

CS/CS/SB 1262, Relating to Election Dates for Municipal Office, is sponsored by the House Government Accountability Committee and Representative Caldwell. The bill requires the governing body of a municipality to determine dates on which the initial and runoff elections for municipal offices are held and provide options therefor. It preempts to the state the authority to establish election dates for municipal elections. It also requires municipal recall elections to be

held concurrently with municipal elections under certain conditions. The Committee Substitutes allow a governing body of a municipality to choose the third Tuesday in March in an odd-numbered year or even-numbered year, or any combination thereof, to hold its elections. They also allow a runoff to occur in the form where the initial action is held at an election on the Tuesday 7 weeks before the third Tuesday in March and the runoff election is held at an election on the third Tuesday in March. The bill was substituted for **HB 7037** on March 10 and Laid on the Table.

For more information on this bill or its amendments, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=62753&SessionId=86>

The companion House bill, **HB 7037**, Died on the Senate Calendar. For more information on this bill or its amendments, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01262>

CS/SB 1426, Relating to Local Government, is sponsored by the Senate Rules Committee and Senator Lee. The bill expands the scope of the Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements, creates the "Local Government Fiscal Transparency Act," and requires local governments to post certain voting record information on their websites. The Committee Substitute defines the time period for which a tentative budget and its amendments must remain on the local government's website, and it redefines the term "debt." The bill Died on the Senate Calendar.

For more information this bill, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01426>

SB 1776, Relating to Vegetable Gardens, prohibits local governments from regulating vegetable gardens on residential properties except as otherwise provided by law. The bill Died in Messages.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01776/?Tab=BillHistory>

Miscellaneous

HB 7039, Relating to Human Trafficking, is sponsored by the House Criminal Justice Subcommittee and Representative Spano. The bill provides mandatory minimum sentences for certain human trafficking offenses, it expands the definition of the term "adult theater," and it prohibits assessing certain fees and costs to victims of human trafficking seeking criminal records expungement. The bill Died in Committee.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07039>

The companion Senate bill, **SB 1502**, Died in Committee. For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01502>

HB 7067, Relating to Gaming, is sponsored by the House Tourism & Gaming Control Subcommittee and Representative La Rosa. The bill authorizes and directs the Governor, in cooperation with the Seminole Tribe of Florida, to execute a new compact in a certain form.

It also requires the Division of Pari-Mutuel Wagering to revoke permits to conduct pari-mutuel wagering for permit-holders that fail to make specified payments or obtain operating licenses. The bill was indefinitely postponed and withdrawn from consideration.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07067>

There is no companion legislation, but there are comparable House and Senate bills. For a list of these bills, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07067/?Tab=RelatedBills>

As always, we are honored to serve your community and we thank you for a successful and productive 2018 Legislative Session.

Sincerely,

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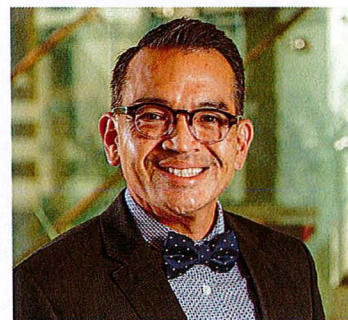
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EXHIBIT III

Pompano Beach City Commission

May 8, 2018

Zoning Amendments for Community Residences for People With Disabilities

Pompano Beach, Florida:
Principles to Guide
Zoning for Community
Residences for People
With Disabilities



Resolution 2018-99
March 13, 2018

Prepared by
Daniel Lauber, AICP
January 2018

Proposed zoning intended to:

- ❖ **Require all community residences — including existing ones — to obtain available license or certification** in order to:
 - (1) Extend to people in recovery the same protections afforded to people with other disabilities:** Protection from abuse, mistreatment, exploitation, theft, and fraud at the hands of unscrupulous or incompetent operators

Proposed zoning intended to:

(2) **Assure they receive they receive the support they need** to achieve normalization and community integration — in the case of people in recovery — achieve long-term sobriety

❖ **Distinguish** between small community residences that emulate a biological family and larger recovery communities — and locate each in the appropriate zoning districts

Proposed zoning intended to:

- ❖ **Enable** community residences to achieve core principles of normalization and community integration by:
 - (1) **Preventing** existing clusters or concentrations from expanding and becoming more intense
 - (2) **Preventing** new concentrations or clusters from forming

Guiding Principles:

To make the “reasonable accommodation” that the Fair Housing Act requires, zoning protections must be fact-based and:

- ❖ Be **intended to achieve** a legitimate government interest
- ❖ **Actually achieve** that legitimate government interest
- ❖ Constitute the **least drastic means** necessary to achieve that legitimate government interest

Flow Chart: Proposed Zoning for Community Residences

**Zoning code
definition of “family”**

**Fits within cap of 3 unrelated
individuals that constitute a
“family”**

**Must allow as of right in all
residential districts with no
additional requirements**

**Exceeds cap of 3 unrelated
individuals that constitutes a
“family”**

**Zoning code must make a
reasonable accommodation
for these homes**

**Use least drastic means that
actually achieve legitimate
government interest**



Use least drastic means that actually achieves legitimate government interest

**If proposed community residence would house more than 10 residents and is *not* a state licensed “Community Residential Home” for 7 to 14 residents:
Seek “reasonable accommodation” to house more than 10 residents**

Family Community Residence

Relatively permanent tenancy
(Group home or long-term recovery residence):
No time limit on length of residency

Transitional Community Residence

Relatively transient tenancy
(Short-term recovery residence):
Residency limited to weeks or months

All residential districts, allowed as of right if:

- ✓ More than 660 feet from an existing community residence or recovery community, and
- ✓ Licensed or certified

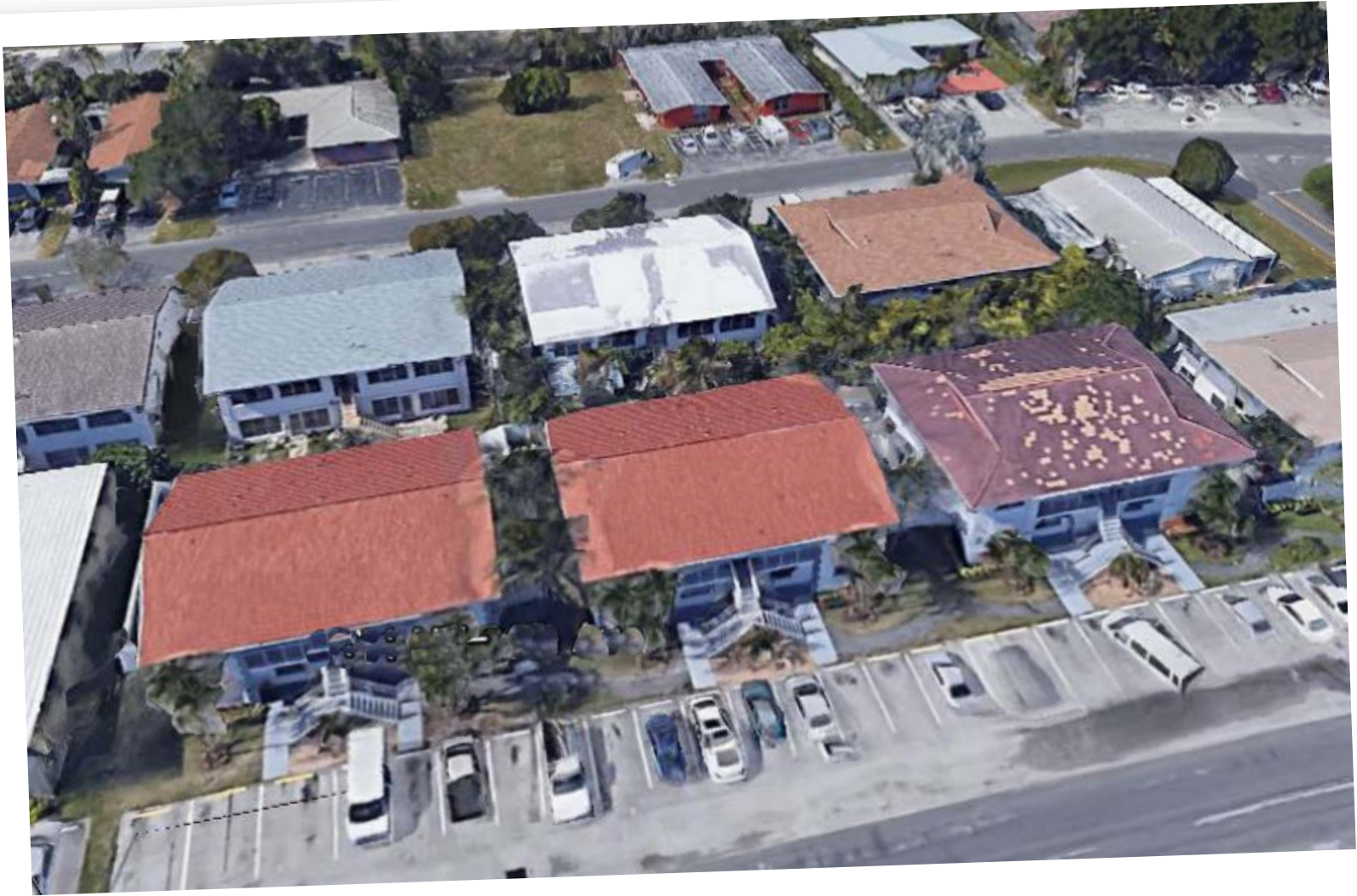
All multifamily districts, allowed as of right if:

- ✓ More than 660 feet from an existing community residence or recovery community, and
- ✓ Licensed or certified

**If both criteria are *not* met:
Obtain special exception**

**If both criteria are *not* met or
proposed site is in a
single-family district:
Obtain special exception**

Recovery Communities



Flow Chart: Proposed Zoning for Recovery Communities

Use least drastic means that actually achieves legitimate government interest

Recovery Community

Single-family districts:
Not permitted

except an existing recovery community may continue as a lawful special exception if it obtains and maintains state certification (or license)



Permitted use in all zoning districts where multifamily or institutional uses are allowed if:

- ✓ **More than 1,200 feet from any existing community residence or recovery community, and**
- ✓ **State certified (or licensed)**



If located with the 1,200 foot spacing distance:
Obtain special exception

New Process

New application and process called **Community Residence and Recovery Community Certificate**. This form will be used to determine compliance with the new ordinance.



If applicable, Special Exception or Reasonable Accommodation may be required

Compliance

Must receive licensure,
certification, or recertification
from the designated state
entity by March 1, 2019



Ordinance creates language
for revocation

Questions?

Off-Street Parking

- ❖ Requirements designed *not* to increase demand for on-street parking
- ❖ Narrowly tailored to meet actual demand as closely as feasible
- ❖ Allows for off-site parking to satisfy requirements
- ❖ Allows for reasonable accommodation request to reduce number of spaces in special circumstances

Pompano Beach Entire City

