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MEMORANDUM

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DATE: March 28, 2014

SUBJECT Legislative Update - Weekly

Below please find a summary of legislative activity for week 4 of the Legislative Session (March 24-28). If you have any questions regarding these issues or others, please do not hesitate to contact us.

1.) **Elimination of the Sales Tax on Commercial Leases** – For better or worse, there was no significant change in this issue during Week 4 of legislative session. The Senate released its budget and the appropriations committee approved it on Thursday, March 27. It is expected to be heard on the floor of Senate on Thursday, April 3. In the House, the Budget is prepared and will be ready for a vote also on Thursday, April 3. We continue to push this conversation, but with the budgets written and no inclusion of the lease tax cut, this issue is virtually done for the 2014 legislative session.

Bottom Line: We have changed the conversation, but much is left to be done. We now strongly believe that a visit to Tallahassee with Senator Hukill and Speaker-Designate Crisafulli would be a good move for next year's prospects. Putting this on Crisafulli's radar will help position us for big success next year.

HB11(Steube)/SB 176(Hukill) – This legislation has yet to move in either chamber. We do not expect that it will move any further on the House side. We are making overtures to get the Senate moving this legislation.

2.) **Support for Public/Private Partnerships** – As you may recall, during the 2013 legislative session, HB 85 (relating to PPPs) passed both chambers, creating a mechanism for political subdivisions in the State of Florida to enter into Public-Private Partnerships. This year, there are a few pieces of legislation that are advancing to enhance the changes from last year. Representative Steube has legislation (with Senator Latvala) that will expand PPPs to the State University System. In addition, Representative Roberson and Senator Evers has legislation that will create a public records exemption for unsolicited bids submitted under last year's legislation.

HB541(Steube)/SB900(Latvala) - Public-Private Partnerships: Provides for partnerships between state universities & private entities for construction or improvement by private entities of facilities or projects used predominantly for public purpose; provides procurement procedures for state university board of trustees, including proposals for qualifying project & comprehensive agreement for partnership transactions; provides requirements for project approval & financing sources; provides for applicability of sovereign immunity for boards of trustees with respect to qualified projects. Effective Date: July 1, 2014

Latest Action: The House bill is still awaiting a hearing in the Appropriations committee. This is expected in week 5, after allocations and budget is approved in week 4. On the Senate side, the Community Affairs Committee approved this legislation on Tuesday, March 25. Its next committee of reference is Appropriation Subcommittee on Education. We have already reached out to the Chairman to keep this bill moving.

HB543(Steube)/SB1396(Montford) - Public Records/Public-private Partnerships/State Universities; Amending provisions relating to public-private projects for the upgrade of state university facilities and infrastructure; providing an exemption from public records requirements for unsolicited proposals held by a state university board of trustees for a specified period; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: On the same date that SB 900 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Latest Action: The House version is awaiting a hearing in the Education Committee. The Senate version passed unanimously in Government Oversight and Accountability on Wednesday, March 26. The next committee of reference is Rules and we have already reached out to the Chairman.

HB1051(Roberson)/SB1318(Evers) - Pub. Rec./Public-Private Partnerships: Provides exemption from public records requirements for unsolicited proposals held by responsible public entity for specified period; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2014

Latest Action: The House version was passed in Local & Federal Affairs on Thursday, March 27. Its next and final committee of reference is State Affairs. In the Senate, we expect that the Governmental Oversight and Accountability committee will take up this legislation at its next meeting on April 3.

3.) Workforce Development

HB147(Caldwell)/SB286(Richter) - Concrete Masonry Education: Designates act as "Concrete Masonry Education Act; creates Florida Concrete Masonry Education Council, Inc.; provides powers & duties of council; provides for appointment & terms of council's governing board; authorizes council to accept grants, donations, contributions, & gifts; authorizes council to make payments to other organizations; provides for collection of voluntary assessment on concrete masonry units; requires manufacturers who elect to pay assessment to commit to paying assessment for specified period; requires council to adopt bylaws. Effective Date: July 1, 2014

Latest Action: The House version was unanimously passed by the Transportation & Economic Development Appropriations committee on Monday, March 24. Its next committee of reference is Economic Affairs. The Senate version is still waiting to be heard in its final committee (Governmental Oversight & Accountability). We expect it will be heard during Week 5.

4.) Flood Insurance

SB542(Brandes)/HB 879(Hooper) - Flood Insurance; Adding projected flood losses to the factors that must be considered by the Office of Insurance Regulation in reviewing certain rate filings; authorizing insurers to offer flood insurance on residential property in this state; prohibiting Citizens Property Insurance Corporation from writing flood insurance; prohibiting the Florida Hurricane Catastrophe Fund from reimbursing losses caused by flooding, etc. Effective Date: Upon becoming a law.

Latest Action: The Senate passed this legislation on the floor with a unanimous vote on Wednesday, March 26. The House version was unanimously passed by Government Operations

Appropriations Subcommittee on Monday, March 24. Its next and final committee stop is Regulatory Affairs.

5.) Growth Management

SB 372(Galvano)/HB 241(Gaetz) – Relating to Developments of Regional Impact: Deleting certain exemptions for dense urban land areas; revising the exemption for any proposed development within a county that has a population of at least 300,000 and an average population of at least 400 people per square mile, etc.

Latest Action: In the Senate, this legislation was narrowly passed by the Appropriations Committee on Thursday, March 27. A few Republicans, including Chair Negron, voted against the measure. Its next committee is Rules, chaired by Senator Thrasher (voted in favor of legislation in Appropriations). In the House, the legislation has not moved. It has three references. We will keep you apprised of its movements, but unless it moves next week it is likely dead.

SB 374(Detert)/HB 189(Boyd) – Relating to Growth Management: Revising restrictions on initiative or referendum process in regard to local comprehensive plan amendments & map amendments. Effective Date: upon becoming a law.

Latest Action: In the Senate, the Commerce and Tourism Committee unanimously passed this legislation on Monday, March 24. In the House, the legislation is awaiting placement on the special order calendar for a floor vote.

6.) Infrastructure Funding

SB 1152(Latvala) – Relating to Leases for Wireless Communication Facilities on State Property; Describing the types of Department of Transportation property eligible for factoring future revenues received by the department from leases for communication facilities on department property; authorizing the department to enter into agreements with investors to purchase the revenue streams from department leases of wireless communication facilities on such property; requiring the proceeds from such leases to be used for capital expenditures, etc. Effective Date: 7/1/2014.

Latest Action: In the Senate, the legislation is still waiting to be heard.

NAIOP Exec Committee
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We will continue to advocate for your issues and monitor legislation that will affect your industry, in hopes of a successful 2014 legislative session. As always, please do not hesitate to contact us with any questions. We are honored to represent NAIOP before the Florida legislative and executive branches.