MEMORANDUM

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FROM: Chris Carmody

DATE: March 28, 2014

SUBJECT Legislative Update - Weekly

Below please find a summary of legislative activity for week 5 of the Legislative Session (March 31 – April 4). 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** – Both the House and Senate approved their respective budgets last week. Neither included the commercial lease sales tax elimination.

Bottom Line: There is still a small chance that this issue could break free, but with both budgets set, the chances are slim.

**HB11(Steupe)/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. Both this and the Senate version were slowed down due to language requested by the Governor’s office that would require several levels of government approval before a university could enter into a PPP. Now the sponsors are ready to move forward and attempt to find common ground with the BOG and universities. The House version is expected to move forward in Week 6. On the Senate side, the Appropriation Subcommittee on Education is set to hear the bill on Wednesday, April 9.

**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 is set to be heard in Rules on Wednesday, April 9.

**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 passed State Affairs on Friday, April 4. It is now on the calendar for the House floor. In the Senate, the Governmental Oversight and Accountability committee took up and passed this legislation on Thursday, April 3. It is now set for the agenda of its next committee (Rules) on Wednesday, April 9.

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 awaits its next committee of reference in Economic Affairs. The Senate version was heard and passed in its final committee (Governmental Oversight & Accountability) on Thursday, April 3. It is now ready for the Senate floor.

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 awaits its final committee stop in 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 is set to be heard in Rules Committee on Wednesday, April 9. 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 Rules Committee passed this legislation on April 2. 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. The language of this bill was amended in to SB 1048 (also by Latvala). SB 1048 has passed its Senate committee references and is awaiting a vote on the Senate floor. The closest House companion is HB 1161 and it also contains the language of SB 1152. The House version has passed all of its committee references and is awaiting a vote on the House floor.

**Conclusion**

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.