

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/CS/HB 599 — Public Works Projects

by Government Accountability Committee; Oversight, Transparency and Administration Subcommittee; and Rep. Williamson and others (CS/CS/SB 534 by Governmental Oversight and Accountability Committee; Community Affairs Committee; and Senator Perry)

Contracts for construction services that are projected to cost more than a specified threshold must be competitively awarded. Specifically, state contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid. Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the estimated cost exceeds \$300,000. The solicitation of competitive bids or proposals must be publicly advertised in the Florida Administrative Register.

The bill prohibits the state and its political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers, except as otherwise required by federal or state law. Specifically, the state or political subdivision that contracts for a public works project may not require that a contractor, subcontractor, or material supplier or carrier engaged in the project:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

Public works projects include only those projects for which 50 percent or more of the cost will be paid from state-appropriated funds.

The bill also prohibits the state or a political subdivision from restricting a qualified contractor, subcontractor, or material supplier or carrier from submitting a bid on any public works project or being awarded any contract, subcontract, material order, or carrying order. However, the prohibition does not apply to discriminatory vendors or those that have committed a public entity crime.

The bill does not apply to contracts executed by the Department of Transportation under ch. 337, F.S.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 20-17; House 77-40

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CS/SB 1634 — Residential Elevators

by Rules Committee and Senator Steube

The Legislature enacted the Erik “Max” Grablin Act in 2016. The act requires that the underside of the platform of an elevator car be equipped with a device that, if the platform of the elevator car is obstructed anywhere on its underside in its downward travel, interrupts the electric power to the driving machine motor and brake and stops the elevator car's downward motion within two inches. The downward motion can only be resumed after the elevator has been manually reset.

The bill removes the requirement that the underside of the platform of an elevator car be equipped with a device that, if the platform of the elevator car is obstructed anywhere on its underside in its downward travel, interrupts the electric power to the driving machine motor and brake and stops the elevator car's downward motion. The bill replaces the current requirement with a new requirement that all new elevator controllers in private residences must:

- Monitor the closed and locked contacts of the hoistway door locking device.
- Cut off any power to the elevator motor and brake if the closed and locked contacts of the landing locks are open while the elevator car is not in the unlocking zone for the hoistway door.
- Not allow the elevator car to restart until the owner or the owner’s agent has checked for obstructions above and below the elevator car, returned the hoistway door locking device contacts to normal operating position, and manually reset the elevator controller with the master elevator key.

The bill provides that a visual indicator must be visible at all landings until the hoistway door locking device has been returned to the normal operating position and the elevator has been manually reset.

The bill also requires the Florida Building Commission to adopt a provision for a hoistway door space guard.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-0; House 119-0

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HJR 7105 — Increased Homestead Property Tax Exemption

by Ways and Means Committee and Reps. La Rosa, Jacquet, and others (SJR 1774 by Senator Lee)

Currently, every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts. An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.

HJR 7105 proposes an amendment to the Florida Constitution to provide a homestead exemption, for all levies other than school district levies, on the assessed value greater than \$100,000 and up to \$125,000.

The amendment will take effect January 1, 2019, if approved by the electors at the November 2018 general election.

Vote: Senate 28-10; House 83-35

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HB 7107 — Homestead Exemption Implementation

by Ways and Means Committee and Rep. La Rosa

HB 7107 provides the statutory implementing language for the amendment to Article VII, Section 6(a) of the State Constitution, proposed in HJR 7105. HJR 7105 provides an additional homestead property tax exemption from all taxes, other than school district taxes, of up to \$25,000, by exempting assessed value greater than \$100,000 and up to \$125,000.

The bill amends s. 196.031, F.S., to provide the dollar threshold for the additional homestead exemption in the constitutional amendment. Additionally, the bill provides that the rolled back rate used by local governments in Fiscal Year 2019-2020 must be calculated as if the tax base had not been reduced by the increased homestead exemption. This provision also applies to the calculation of higher millage rates that may be levied with either a two-thirds or unanimous vote by a local governing board.

The bill directs the Legislature to appropriate funds to offset ad valorem tax revenue losses in fiscally constrained counties, as defined in s. 218.67(1), F.S., attributable to the reduction in the property tax base caused by the increased homestead exemption. There are presently 29 fiscally constrained counties.

If approved by the Governor, the bill takes effect on the same day that the constitutional amendment in HJR 7105 takes effect, which is January 1, 2019.

Vote: Senate 28-9; House 90-24

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HB 7113 — OGSR/Donor or Prospective Donor/Publicly Owned Performing Arts Center

by Government Accountability Committee and Rep. Willhite (SB 7002 by Community Affairs Committee)

HB 7113 eliminates the scheduled repeal of the current public records exemption for identifying information provided by a donor or a prospective donor to a publicly owned performing arts center if the donor or prospective donor wishes to remain anonymous. Such information includes the name, address, or telephone number of the donor or prospective donor.

The Senate Committee on Community Affairs sent out 18 surveys. The surveys revealed that publicly owned performing arts centers normally received requests for anonymity at the time of donation and that donors and prospective donors had chosen anonymity on several occasions. Most publicly owned performing arts centers appeared to collect only contact information from the donors and prospective donors such as their name, address, or phone number. One publicly owned performing arts center defined a donor as “one who is making or has made a contribution” and a prospective donor as “one who is or has been identified as one with the potential to make a contribution.”

Each of the publicly owned performing arts centers that responded to the survey believed that the exemption encouraged donations by ensuring the information provided by the donor or prospective donor remained confidential and exempt and stated that the public records exemption should be reenacted.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 117-0