



The Florida Bar

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Memorandum

To: Board of Governors, Legislation Committee, Section Chairs, Chairs-Elect and Legislative Chairs

From: Josh Doyle, Executive Director
Rick Courtemanche, Deputy General Counsel

CC: Jim Daughton and Aimee Diaz Lyon, Legislative Counsel

Date: April 12, 2019

Re: Review of Legislative Activity April 8-12, 2019 (Week 6)

Florida DOH struggled to manage toxic algae crisis; Senate panel OK's felon voting rights bill with conditions; Ballot measure would revamp Florida primaries; Despite heated opposition, House panel pushes forward medical marijuana restrictions; Gambling talks with Seminoles inching forward; Florida House approves drug imports from Canada.

These headlines are just a few examples of the breadth of policy issues the legislature is pursuing in the 2019 Legislative Session. Only three weeks remain to address these issues, adopt a \$90 billion budget, and to end the 2019 session on time.

Following is an update of those bills in which The Florida Bar has a position on or ones that directly impact the Judiciary:

Budget – State Court System

The House in **HB 5001** and Senate in **SPB 2500** released their perspective budgets. The Senate fully funds the Court's top priority of employee pay increases at \$9,790,235. The House currently does not fund this increase setting up the issue as a budget conference discussion. In addition, both budgets fully fund the 5th DCA storm window request. However, neither budget contains funding for the 2nd DCA new courthouse site acquisition, design and construction. The Senate bill adds two circuit court judges, one in the 9th Circuit and one in the 12th Circuit. The House budget includes two county court judges one in Citrus County and 1 in Flagler County. The issue of additional judges will be decided during the budget conference.

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- On April 4th, **HB 5001** passed in the House; now in **Budget Conference**.
- On April 3rd, **SPB 2500** passed in the Senate; now in **Budget Conference**.

Link to **HB 5001**: <http://www.flsenate.gov/Session/Bill/2019/05001>

Link to **SPB 2500**: <http://www.flsenate.gov/Session/Bill/2019/02500>

Constitution Revision Commission – Abolition

SJR 362 by **Sen. Brandes** and **HJR 249** by **Rep. Drake** propose an amendment to the State Constitution abolishing the Constitution Revision Commission.

- *On April 10th, the Rules Committee passed SJR 362; now on Senate Calendar for 2nd reading;*
- **HJR 249** on **House** calendar for 2nd reading.

Link to **SJR 362**: <http://www.flsenate.gov/Session/Bill/2019/00362>

Link to **HJR 249**: <http://www.flsenate.gov/Session/Bill/2019/00249>

Constitution Revision Commission – Single-Subject Limitation (No Movement This Week)

SJR 74 by **Sen. Bradley** and **HJR 53** by **Rep. Byrd** propose an amendment to the State Constitution to require that any proposals to revise the State Constitution, or any part thereof, filed by the Constitution Revision Commission be limited to a single subject.

- **SJR 74** passed in **Senate** on March 27th;
- **HJR 53** in **Judiciary Committee** (3/3).

Link to **SJR 74**: <http://www.flsenate.gov/Session/Bill/2019/00074>

Link to **HJR 53**: <http://www.flsenate.gov/Session/Bill/2019/00053>

Constitutional Amendment – Elector Approval

SJR 232 by **Sen. Baxley** and **HJR 57** by **Rep. Roth** would amend the State Constitution to increase the percentage of elector votes required to approve an amendment or a revision to the State Constitution from 60 percent to 66 and 2/3 percent.

- **SJR 232** in **Judiciary Committee** (2/3);
- *On April 8th, the State Affairs Committee passed HJR 57; now in Judiciary Committee (3/3).*

Link to **SJR 232**: <http://www.flsenate.gov/Session/Bill/2019/00232>

Link to **HJR 57**: <http://www.flsenate.gov/Session/Bill/2019/00057>

Constitutional Amendment – Citizen Initiative

HB 7111 by **House Judiciary Committee** and **PCB SB 7096** by **Senate Judiciary Committee** would amend the State Constitution to change the process for citizen initiatives including: requiring the amendment sponsor to register as a Florida political committee; require petition-gatherers to be Florida residents, register with the Secretary of State, and not be paid based on the number of petitions gathered; require the ballot summary to contain certain information including the name of the sponsor and the amount of in-state contributions, and; require the Attorney General to petition the Florida Supreme Court to determine whether the proposed policy to be implemented by the amendment could be instead implemented by the Legislature without amending the constitution and identify any undefined terms in the amendment that will have a substantive impact.

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- **HB 7111** in **State Affairs Committee** (2/2).
- *On April 9th, the Appropriations Subcommittee on Transportation, Tourism, and Economic Development passed PCB SB 7096; now in Appropriations (3/3).*

Link to **HB 7111**: <http://www.flsenate.gov/Session/Bill/2019/07111>

Link to **PCB SB 7096**: <http://www.flsenate.gov/Session/Bill/2019/07096>

Judicial Nominating Commissions (No Movement This Week)

SB 138 by **Sen. Thurston** and **HB 93** by **Rep. Jacquet** would reinstate the composition of the judicial nominating commissions as it existed prior to 2001. Currently, the governor appoints nine members to each of the 26 JNCs. Three of those members are from a list recommended from The Florida Bar. Under the legislation, the governor would only appoint three members to each nine-member nominating commission. Three other members would be appointed by The Florida Bar, and then the six members of each JNC panel would select the remaining three members.

- **SB 138** in **Judiciary Committee** (1/3);
- **HB 93** in **Civil Justice Subcommittee** (1/3) – *no further subcommittee meetings scheduled*

Link to **SB 138**: <http://www.flsenate.gov/Session/Bill/2019/138>

Link to **HB 93**: <http://www.flsenate.gov/Session/Bill/2019/93>

Court Jurisdiction

SB 328 by **Sen. Brandes** increased the jurisdictional limits for civil actions in county court. The bill was amended in the **Judiciary Committee** setting the jurisdictional limit at \$30,000 on July 1, 2019, and \$50,000 on July 1, 2021. The bill also provides for a defendant in any civil action in which the court's jurisdiction is dependent on the amount in controversy to demand proof of the reasonableness of the amount in controversy within 30 days after the complaint is filed. In addition, the bill adjusts the filing fees in sections 28.241 and 34.041, F.S., to maintain the current applicable filing fees and their statutory distribution to various funds, based on the case's monetary value.

HB 337 by **Rep. Leek** increased the jurisdictional limits for civil actions in county court. The bill was amended in the **Civil Justice Subcommittee** setting the jurisdictional limit at \$30,000 on July 1, 2019, and \$50,000 on July 1, 2021. The bill also provides for: 1) authorizing Supreme Court justices to establish official headquarters in their district of residence; 2) adjusts the county court filing fee structure for cases between \$15,001-\$30,000 to match the filing fee structure for circuit court cases; and 3) require, where the court's jurisdiction is dependent on the amount of controversy, the plaintiff to provide proof at a hearing of the reasonableness of the amount in controversy.

- *On April 9th, the Infrastructure and Security Committee passed SB 328; now in Appropriations Subcommittee on Criminal and Civil Justice (3/4);*
- **HB 337** now in **Judiciary Committee** (3/3).

Link to **SB 328**: <http://www.flsenate.gov/Session/Bill/2019/328>

Link to **HB 337**: <http://www.flsenate.gov/Session/Bill/2019/337>

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Judicial Retirement (No Movement This Week)

SB 7028 by the **Committee on Governmental Oversight and Accountability** would modify provisions authorizing justices or judges to purchase additional service credit in the Florida Retirement System under certain circumstances to conform to the revisions made to the mandatory judicial retirement age established in Art. V, section 8 of the State Constitution. The bill would clarify that only a justice and judge who reaches age 70 prior to July 1, 2019, is authorized to purchase service credit relating to (a) temporary duty as a senior judge after that date or (b) the remainder of the justice or judge's term of office.

- **SB 7028** in **Appropriations Committee** (2/2)

Link to **SB 7028**: <http://www.flsenate.gov/Session/Bill/2019/07028>

High School Graduation Requirements – Civics (No Movement This week)

HB 73 by **Reps. Fetterhoff/Fitzenhagen** and **SB 416** by **Sen. Gruters** would require students receiving a high school diploma to obtain one-half credit in civics. The bill would require a student to correctly answer at least 60 of the 100 questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Bureau of Citizenship and Immigration Services.

- **HB 73** in **House PreK-12 Appropriations Subcommittee** (2/3) – *no further subcommittee meetings scheduled*;
- **SB 416** in **Senate Education Committee** (1/3).

Link to **HB 73**: <http://www.flsenate.gov/Session/Bill/2019/00073>

Link to **SB 416**: <http://www.flsenate.gov/Session/Bill/2019/00416>

Criminal Justice

SPB 7072 by **Senate Appropriations** is one of the criminal justice bills being considered by the Senate this year. An amendment filed by **Sen. Bradley** included the following:

- Increased the threshold amount for third degree felony offenses from \$300 to \$750;
- Specified that retail thefts that occur in more than one judicial circuit may be aggregated and must be prosecuted by the Office of the Statewide Prosecutor;
- Permitted a remote office and travel expenses for individual Supreme Court Justices;
- Required the Office of State Court Administrators to provide an annual report on the number of participants in each problem-solving court;
- Required the Chief Judge of each circuit to establish at least one Veterans' court within the circuit; and
- Added a Circuit Judge in the 9th and 12th judicial circuits.

PCB JDC 19-02 by **House Judiciary** was filed on April 5th and includes the following:

- Increased the threshold amount for third degree felony offenses from \$300 to \$1,000;
- Expands eligibility for sealing a criminal record if a charge was not filed, dismissed, or resulted in acquittal;
- Repeals and reduces driver licenses suspensions and revocations for non-driving related reasons;
- Repeals mandatory direct file for juvenile offenders and revises youthful offender sentencing eligibility;

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- Raises hydrocodone trafficking thresholds to bring them in line with similar controlled substances.
- *On April 9th, the Appropriations Subcommittee on Criminal and Civil Justice passed SPB 7072; now in Appropriations (3/3)*
- *On April 9th, the Judiciary Committee passed PCB JDC 19-02.*

Link to **SPB 7072**: <http://www.flsenate.gov/Session/Bill/2019/07072>

Link to **PCB JDC 19-02**:

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2998&Session=2019&DocumentType=Proposed%20Committee%20Bills%20\(PCBs\)&FileName=PCB%20JDC%2019-02.pdf](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2998&Session=2019&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&FileName=PCB%20JDC%2019-02.pdf)

The Office of General Counsel and Governmental Affairs review all proposed legislation and attempt to identify every Bar committee, section or division that may be interested in any bill. Compilations of those bills are arranged by division, committee or section name and may be accessed at <https://www.floridabar.org/member/legact/legact001/> .

Legislative bill text and analysis can also be viewed via “Online Sunshine” – the Florida Legislature’s official Internet site at www.leg.state.fl.us. You can use either the House of Representatives or the Senate link to look up bill information.
