

2019 Legislative Update

The 2019 Florida Legislative Session convened March 5, 2019, and, due to prolonged budget negotiations, Session was extended by one day to May 4. A total of 3,571 bills were filed, of which 196 passed both chambers. Entering Session, the Legislature faced several pressing issues, including developing legislation to implement a number of constitutional amendments approved by voters in 2018

as well as the legislative recommendations of the Marjory Stoneman Douglas High School Public Safety Commission. There was also an urgency to provide relief to the residents and localities impacted by Hurricane Michael. The House and Senate reached agreement on a \$91 billion budget.

SENATE AND HOUSE BILLS	FILED	PASSED BOTH CHAMBERS
Concurrent Resolutions	8	2
Resolutions (one chamber)	83	n/a
General Bills	1658	145
Local Bills	30	15
Joint Resolutions	28	0
Memorials	13	1
Appropriations Projects	1630	n/a
Other	121	33
Totals	3571	196

This update summarizes key legislation that may impact survivors of domestic violence, their children, Florida's certified domestic violence centers and partnering agencies and allies.

Appropriations News

As Florida continued to recover from Hurricanes Irma and Michael, the difficult task of identifying and funding priorities was compounded by estimates reflecting that revenues were decreasing as the Legislative Session approached. To that end, the Revenue Estimating Conference reflected a decrease in the number of people divorcing, which created a significant reduction of revenues deposited into the Domestic Violence Trust Fund. Irrespective of the decline in revenues, the Governor and Legislature continued to demonstrate a firm commitment to the safety of survivors of domestic violence and their children by ensuring that Florida's 42 certified domestic violence centers received level-funding for 2019-20 fiscal year. Further, the Legislature passed a record \$91 billion budget with broad bi-partisan support.



Bills That Passed

FCADV Priority Legislation Public Records/Protective Injunctions (HB 845/SB 980)

Primary House Sponsor: Rep. B. Hage (Oxford) and Rep. A. Andrade (Pensacola)

Primary Senate Sponsor: Sen. G. Harrell (Stuart)

Purpose of Legislation:

This legislation is vital to the safety of survivors seeking a protective injunction. Abusers often will monitor court dockets to determine if an injunction was filed against them. This legislation also addresses the practice of groups that obtain this information through public records requests or by searching the dockets and sending solicitations for legal services to people named in petitions, which alerts the abuser to the petition before the injunction is served. This creates a danger for both the petitioner and the law enforcement personnel tasked with serving the order, and allows respondents to avoid service. The bill keeps confidential all information in a petition for an injunction for protection that could be used to identify the petitioner or the respondent until the respondent is personally served. FCADV was the singular organization advocating for the passage of this legislation.

Human Trafficking (HB 851/ SB 540)

Primary House Sponsor: Rep. H. Fitzhagen (Ft. Myers)

Primary Senate Sponsor: Sen. L. Book (Plantation)

Purpose of Legislation:

The bill creates a human trafficking education component for healthcare professionals and law enforcement and institutes a number of requirements relating to massage parlors and public lodging establishments. It creates a database of individuals convicted of soliciting prostitution. The bill also requires the Department of Legal Affairs to establish a direct support organization (DSO) to assist, fund, and support Statewide Council on Human Trafficking. The DSO may contract with the Florida Forensic Institute for Research, Security, and Tactics to develop training and information focused on human trafficking detection, best practices for reporting, interventions, and treatment for survivors.

Unemployment Compensation (HB 563/SB 990)

Primary House Sponsor: Rep. D. Joseph (North Miami)

Primary Senate Sponsor: Sen. A. Gibson (Jacksonville)

Purpose of Legislation:

Among other provisions of the bill, it protects certain victims of domestic violence from being disqualified to receive unemployment benefits. A survivor of domestic violence may voluntarily leave work and still receive reemployment assistance if she or he can demonstrate that leaving is a direct result of circumstances relating to domestic violence. Employers are not charged for the cost of benefits directed to these survivors, so employers are not negatively impacted by this legislation. The first iteration of this legislation debuted in 2000, therefore this was a great victory for survivors of domestic violence.

Federal Immigration Enforcement (HB 527/SB 168)

Primary House Sponsor: Rep. C. Byrd (Neptune Beach)

Primary Senate Sponsor: Sen. J. Gruters (Sarasota)

Purpose of Legislation:

The bill would prevent local governments from adopting policies that would impede law enforcement from communicating or cooperating with federal immigration officials. However, the bill was amended in the Senate so that the communication and cooperation requirements do not apply to an undocumented immigrant who is a witness to or victim of domestic violence. FCADV approached the sponsors to amend the provision that exempts cases of domestic violence.

Public Safety (HB 7125)

Primary House Sponsor: Judiciary Committee

Purpose of Legislation:

Among numerous provisions relating to public safety, the bill expands prohibitions on the awarding of attorney fees in proceedings involving petitions for injunctions for repeat violence, sexual violence, dating violence, and stalking. It also expands the definition of cyberstalking to include the unauthorized access of internet accounts or internet-con-

nected home systems. The attorney fees provision addresses a 2018 opinion from the Supreme Court that held that while attorney fees were specifically prohibited in proceedings involving a petition for an injunction for protection for domestic violence, there was no specific prohibition for repeat violence, dating violence, and sexual violence injunction proceedings. FCADV was the only survivor-focused organization actively working to ensure the passage of this provision. The cyberstalking provision addresses harassment and privacy issues arising from the proliferation of internet-connected home devices (e.g. Nest systems that control lights, thermostats, security cameras, etc.) and internet accounts that contain the personal information and/or communications of the user.

Community Development & Housing (HB 7103/SB 1730)

Primary House Sponsor: Rep. J. Fischer (Jacksonville)

Primary Senate Sponsor: Sen. T. Lee (Brandon)

Purpose of Legislation:

Among many provisions relating to development and housing, the bill requires that local inclusionary housing ordinances include incentives to offset the affordable housing contribution required of developer, and limits the time for local governments to review applications for development orders or permits. It also prohibits requiring that a developer pay impact fees prior to the issuance of a building permit. The bill provides legislative findings relating to the need to develop affordable workforce housing.

It is possible that the bill may impact those who need affordable housing, as it diminishes the current ability of local governments to mandate that developers of new housing allocate a certain number of units or houses as affordable housing or donate land for affordable housing, nor can the local government mandate the maximum amount a developer can charge for rent or a sale for those units. However, the bill does not impact federally-supported public housing or private housing for which federal vouchers are accepted for rent, which is the type of housing that survivors usually obtain initially when they have left the shelter or the abuser.

Bills That Did Not Pass

Marsy's Law 2018 Ballot Initiative 6

Sponsor: *Constitution Revision Commission*
Article I, Section 16; Article V, Sections 8 and 21;
Article XII

One issue not addressed by the Legislature was Marsy's Law, a constitutional amendment approved by voters in 2018, promoted as an expansion of rights for victims of crime. However, the vague language of the amendment has created uncertainty among the agencies, including law enforcement, that are subject to the reporting requirements and restrictions imposed by the law. This dearth of clarity has created inconsistencies in application between agencies and jurisdictions, and has presented

considerable difficulties for survivors. FCADV is currently considering options to provide clarity and consistency to ensure the rights survivors rightly expect. FCADV expressed concerns regarding this constitutional amendment from the onset and was one of only a few organizations unwilling to provide support due to the foreseen unintended consequences.

Comprehensive Health Education (HB 259/SB 1366)

Primary House Sponsor: *Rep. P. Williams*
(Lauderdale Lakes)

Primary Senate Sponsor: *Sen. D. Baxley (Ocala)*

Purpose of Legislation:

The bills would have added a human

trafficking component to the comprehensive health education curriculum, but also diminish the dating violence component.

Landlord and Tenants (HB 1283/SB 1794)

Primary House Sponsor: *Rep. C. Smith*
(Orlando)

Primary Senate Sponsor: *Sen. J. Rodriguez*
(Miami)

Purpose of Legislation:

The bill would have prevented early termination of lease agreements for survivors of domestic violence.

Special Appreciation

Each year we recognize key legislators who prioritize the needs of domestic violence survivors and their children through inclusion of critical funding and passage of prudent public policy. In addition to Speaker José Oliva and President Bill Galvano, several members demonstrated leadership in promoting legislation that strengthens protections for survivors.

First, we wish to thank our 2019 legislative champion, Senator Gayle Harrell (Stuart). At every turn, Senator Harrell supported survivors of domestic violence and their children. Chief among her accomplishments this year, Senator Harrell sponsored SB 980, which keeps confidential any information that could be used to identify the petitioner or respondent in a petition for an injunction for protection and associated documents until the respondent is personally served with the injunction.

Representatives Brett Hage (Oxford) and Alex Andrade (Pensacola) shepherded HB 845, the House version of SB 980, through the process. HB 563, championed by Representative Dotie Joseph (North Miami), expands unemployment protections for survivors of domestic violence. Representative Joseph held multiple press conferences in Tallahassee and South Florida to generate broad-based support throughout the state. The Senate version of the bill was sponsored by Senate Minority Leader Audrey Gibson (Jacksonville), who has a strong record of support for survivors.

HB 7125, sponsored by Representative Paul Renner (Jacksonville) incorporated language from other bills supported by FCADV: B 669/SB 916 (Cyberstalking) and HB 297/SB 768 (Attorney Fees). HB 669/SB 916, sponsored by Representative Mike Grieco (Miami Beach) and Senator Jason Pizzo (Miami), expanded the definition of cyberstalking to include unauthorized access of online accounts and home systems. HB 297/SB 768, sponsored by Representative Chuck Brannan (Macclenny) and Senator Keith Perry (Gainesville), limits the awarding of attorney fees in proceedings involving petitions for injunctions for protection for repeat, dating, and sexual violence or stalking.

HB 168 prohibits local governments from adopting policies that would prevent law enforcement from communicating or cooperating with federal immigration enforcement officials. Senator Pizzo introduced and Senator Joe Gruters supported an amendment that allowed an exception in cases involving a victim of or witness to domestic violence. We appreciate their consideration of the special circumstances presented by domestic violence and the need to promote reporting of this terrible crime.

Key Executive and Legislative Staff

Each Legislative Session, FCADV interacts with many dedicated executive and legislative staff who go above and beyond the call of duty to assist with legislative and appropriations issues by answering a myriad of questions. We sincerely appreciate their time, commitment, and patience! To the following individuals, we extend a special thank you: Eric Pridgeon, House Appropriations; Brian Clark and Billy Fontaine, House Health Care Appropriations; Tonya Kidd and Diane Sneed, Senate Health & Human Services Appropriations; Michael Poche, Whitney Hall, and Ryan Padgett, House Judiciary; Karen Sweeney, Legislative Assistant to Senator Harrell; Dawn Faherty, Legislative Assistant to Representative Hage; Rachel Witbracht, Legislative Assistant to Representative Andrade; and Mary Beth Vickers and Kate West in the Governor's Office of Policy & Budget.

FCADV Legislative Initiatives and Projects

As the professional association for Florida's 42 certified domestic violence centers, FCADV regularly engages the Legislature to help develop and promote legislative proposals to add or expand protections for survivors of domestic violence and their children, as well as to advocate for funding of services to assist survivors and their families. This year, FCADV worked to promote a number of proposals before the legislature.

FCADV actively sought sponsors for legislation to address the public records and attorney fee issues relating to petitions for protective injunctions. FCADV led the effort to secure support for the public records legislation by conferring with committee staff, meeting with members of each committee of reference, developing and providing background information and talking points to explain the issue, speaking in support of the legislation in public meetings, and reaching out to allied stakeholders. FCADV engaged in similar action as relates to the attorney fee bills.

All these accomplishments are the results of a year-round effort of analysis, communication, and, above all, teamwork among a professional staff with one common goal: improving the lives of survivors of domestic violence and their children.



425 Office Plaza Drive
 Tallahassee, FL 32301
 Phone: (859) 425-2749
 Fax: (850) 425-3091
 Hotline: 1-800-500-1119

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The following email addresses are provided if you would like to personally express your appreciation:

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- Attorney General Ashley MoodyAshley.Moody@myfloridalegal.com
- Senate President Bill Galvano.....galvano.bill@flsenate.gov
- Senator Gayle Harrellharrell.gayle@flsenate.gov
- Senator Audrey Gibsongibson.audrey@flsenate.gov
- Senator Joe Grutersgruters.joe@flsenate.gov
- Senator Keith Perry.....perry.perry@flsenate.gov
- Senator Jason Pizzopizzo.jason@flsenate.gov
- House Speaker Richard Corcoranrichard.corcoran@myfloridahouse.gov
- Representative Brett Hage.....brett.hage@myfloridahouse.gov
- Representative Alex Andrade.....alex.andrade@myfloridahouse.gov
- Representative Chuck Brannancharles.brannan@myfloridahouse.gov
- Representative Mike Grieco.....michael.grieco@myfloridahouse.gov
- Representative Dotie Joseph.....dotie.joseph@myfloridahouse.gov

For more information regarding the 2019 Legislative Session, please call FCADV at 850/425-2749
 Contacts: Tiffany Carr, President/CEO • Scott Howell, Vice President of Internal & External Affairs