



THE BERMAN BRIEFING

THE OFFICIAL PUBLICATION OF SENATE DISTRICT 31



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Dear Friends and Neighbors,

End of Session 2020

After six weeks of committee meetings and two months of Florida's legislative session, I'm happy to return to Palm Beach County. The cloud of a global pandemic, however, continues to hang over our heads. Most of us have had to adapt and work from home. Many have been laid off. Florida's history is rich and its people are diverse and resilient. We'll overcome this economic and public health crisis. Please know that as your State Senator, I'm committed to hearing your concerns and suggestions, and my office will continue to act as a hub of information and guidance. My social media pages (Facebook, Twitter) are constantly being updated as is the utilization of this Mail Chimp platform. Please do not hesitate to call my office or email me with any questions you may have.

With that said, I would like to follow through with my annual legislative report. The 2020 session was mostly a positive one. There was some legislation I would consider harmful or unnecessary but overall, my second year as your Senator was constructive.

Due to the spread of coronavirus and the uncertainty leading up to "sine die", our legislative session did not end on time. The original date of adjournment was Friday, March 13. Instead, an extension was voted on by legislators to take a final vote on the 2020-21 budget. I was one of several members who did not return to Tallahassee for the vote because of the public health risks large gatherings pose at this time. I submitted my "yes" vote via a letter to the Senate Secretary,

Lastly, I want to thank the Cultural Council of Palm Beach County and artist Ralph Papa for their generous use of Mr. Papa's artwork. Countless people enjoyed the beautiful tapestry of local sights in our district by Mr. Papa. The colors and joy it brought to our office were unending and I am truly grateful for this partnership. Thank you, Ralph!

MY LEGISLATIVE AGENDA

I am pleased to report that I have passed the following three bills this session. Each awaits a signature from the Governor:

HB 505/SB 358: Decedents' Property

This bill amends several sections of the probate and trust code relating to the compensation of attorneys, notice of administration, and conflicts of interests of fiduciaries. It resolves several conflicting court decisions and protects decedents' estates.

HB 783/SB 660: Uniform Commercial Real Estate Receivership Act

This bill will provide consistency, uniformity and guidance to the courts throughout the state with respect to when a receiver should be appointed over commercial real estate.

The legislation ensures that the value and condition of the property is preserved or realized for the benefit of the interested parties while a foreclosure or other action affecting the commercial property is pending.

HB 1461/SB 1296: Health Access Dental Licenses

This bill reinstates the health access dental license to continue to allow out-of-state licensed dentists to provide dental care to thousands of people located in under-served and rural communities. In 2008, the Legislature created this program and it sunsetted without renewal in 2019. Once signed by the Governor, new out of state dentists will be able to participate and obtain health access dental licenses.

SESSION REVIEW

ENVIRONMENT

SB 712: Environmental Resource Management

This legislation, termed the “Clean Waterways Act,” is considered to be a major step towards mitigating the state’s blue-green algae blooms in its waters. It increases fines for violations of environmental rules, creates a 50% matching grant program to assist local governments in switching from septic to sewer, creates new regulations for the agricultural use of fertilizers, requires municipalities to inspect their sewer systems for leaks, requires farmers to maintain and submit fertilizer records to the Department of Environmental Protection to ensure best management practices are being followed, and requires a unanimous vote by the Water Management District to approve a consumptive use permit for companies to use water derived from a spring for bottled water. SB 712 is the most significant water policy legislation the legislature has seen in quite some time.

SB 178: Public Financing of Construction Projects

This bill requires a public entity that commissions or manages a construction project within the coastal building zone using state funds to conduct a sea-level impact projection (SLIP) study prior to commencing construction. The bill authorizes DEP to bring a civil action to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure, if construction commences without complying with the section. Fiscal responsibility of taxpayer dollars is important, particularly if the money is funding projects located on coastal areas that will be inundated due to sea-level rise in the near future.

SB 172: Florida Drug and Cosmetic Act

This legislation passed early in session and in short, bans cities from passing ordinances to regulate sunscreen products with certain chemicals which might be harmful to coral reefs. Stemming originally from a law in Key West, which prohibited sunscreens containing oxybenzone or octinoxate, the legislature preempted the city and overruled such laws. Our local governments should not be prohibited from enacting sensible ordinances that prohibit the use of toxic chemicals in consumer products, particularly those local governments that derive considerable revenue from environmental tourism. Florida’s coral reefs are vital for the tourism industry, especially those in the diving, snorkeling and fishing communities. I voted no on this legislation because it infringes on home rule and fails to consider scientific data that suggests oxybenzone or octinoxate have a detrimental impact on the vitality of our coral reefs.

SB 822: Drones

This bill allows the use of a drone by non-law enforcement employees, such as the Fish and Wildlife Conservation Commission or the Florida Forest Service, for the purposes of managing and eradicating invasive species of plants

and animals on public lands and suppressing wildfire threats. Drones present an affordable and efficient alternative to addressing these issues and the policy will have a positive economic and environmental impact on our state.

EDUCATION

SB 70 - Alert Systems in Public Schools

I'm proud to have co-sponsored this legislation in the Senate, a nonpartisan bill to require panic alarms in our public schools. Termed "Alyssa's Law" after Alyssa Alhadeff who was tragically killed in the Marjory Stoneman Douglas High School shooting, the panic alarm bill will create links between the schools and law enforcement and will help clear confusion that's so often a part of these tragedies. The panic alarms will also loop in teachers so that they might have ample time to barricade their classrooms and keep their students safe. I truly wish legislation like this wasn't necessary, but society today continues to endure the pain of mass shootings, and so we must adapt.

SB 646: Intercollegiate Athlete Compensation and Rights

Joining California, Florida is poised to overrule the NCAA's longstanding prohibition on college athletes making money from their name, image and likeness. This bill finally recognizes the injustice of professionalizing nearly everyone associated with college athletics besides the college students themselves. If they are to put in hard work and sustain difficult injuries, they should be compensated.

HB 7067: K-12 Scholarship Programs

As has been the case in previous legislative sessions, I continue to have concerns about public taxpayer dollars funding private school voucher programs. This legislation primarily made changes to the Family Empowerment Scholarship that could lead to another 29,000 more students receiving vouchers next year. Another change made essentially broadens the maximum household income level, which, in effect, allows more middle class families to send their children to private or religious schools with taxpayer dollars. Many of these religious schools teach anti-LGBTQ policies and are not measured on academic gains. Private school students are not required to take the same standardized testing that public school children are and the results of their testing are not made public. Dipping further into our public school funding is not the way to go and I was adamantly opposed to this legislation.

PUBLIC SAFETY/CRIMINAL JUSTICE

SB 290: School Bus Safety

This legislation increases the minimum civil penalty for failing to stop for a school bus from \$100 to \$200, and increases the minimum civil penalty for failing to stop for a school bus on the side that children enter and exit from \$200 to \$400. Far too often we see drivers endangering school children simply because they don't want to wait a minute or two.

HB 1087: Florida Coalition Against Domestic Violence

A recent investigation uncovered that the Florida Coalition Against Domestic Violence, a non-profit organization that provides domestic violence programs using state funds, paid its former CEO over \$7 million in compensation over a three year period. While I am in full agreement and voted in favor of the termination of this partnership between FCADV and the state, I have concerns about DCF continuing these vital and time-sensitive services seamlessly. For now, the investigation will continue and we will keep a close eye on DCF's new oversight role to ensure services are uninterrupted.

SB 852: Incarcerated Pregnant Women

Named in honor of Tammy Jackson, a woman who labored in solitary confinement for over seven hours with no medical care, this legislation ensures no incarcerated pregnant woman would give birth without proper medical treatment and will not have to do so within involuntary solitary confinement. Incarcerated women in this scenario will be ensured health, safety and dignity during childbirth, a misstep by the state in Tammy's case.

SB 1794: Constitutional Amendments

In another step in reducing the power of citizen petition initiatives, the legislature passed a bill which would impose new restrictions on ballot initiatives, making it harder to amend Florida's Constitution. These include increasing the cost for supervisors of elections to verify ballot signatures, add a requirement to include a financial impact statement to the state and increases the threshold of petitions from 10 to 25 percent for the ballot to be ready for review by the Florida Supreme Court. These additional burdens will create a harder, slower process for citizen driven amendments on future ballots. In addition, the legislation limits the time a signed petition is valid, further stifling citizens' voices. Unsurprisingly, this bill passed on a party-line vote in both chambers. This legislation suppresses the will of the voters, who have few methods to pursue change when they feel legislation is not being enacted to meet the needs of the people.

SB 664: Verification of Employment Eligibility

Continuing an anti-immigrant assault on our state, the legislature passed a bill requiring all government agencies, government contractors and businesses that receive state-funded incentives to use e-verify. Private employers can maintain the system as an option but at the least, would be required to keep three years' worth of I-9 forms. A provision the Governor wanted dealing with random audits was ultimately stricken from the final language. This bill is heavy-handed in certain industries, including agriculture, construction and tourism and is nothing more than another way to keep our working families in the shadows. In unprecedented times like these, the last thing we need is to have undocumented people hesitate to go to the hospital or seek health care. The fear and reluctance of these undocumented workers could lead to the further spread of COVID-19 and poses a great risk to others.

SB 1198: Purple Alert

A legislative priority of mine for two consecutive sessions, SB 1198 would create the state's first-ever public advisory for missing intellectually or developmentally disabled adults whose disappearance poses an imminent threat to their safety. Close to two years ago, a 30 year-old man from Port St. Lucie named Joshua Marshall, who was non-verbal and autistic, wandered from his home and went missing from his caregivers. Tragically, he was later found in a retention pond by authorities. A woman at a nearby gas station saw him alive and well but did not know he was missing or in need of help. Had an alert like this existed at that time, Joshua may still be here with us today. Although this bill did not pass, I intend to continue to advocate for it in the future.

HEALTH CARE

HB 607: Direct Care Workers

This bill signed by the Governor on March 11 expands the scope of practice by allowing advanced practice registered nurses to provide primary care independently of physicians. Although I appreciate the wonderful ARNPs and other nurses in the medical field, I am concerned of the lack of a physician to oversee a patient's care.

SB 82: Individuals with Disabilities

This legislation will overhaul the state's Medicaid-funded iBudget program, which helps support individuals with intellectual or developmental disabilities to live in their homes as independently as possible -- the alternative to institutionalized care. We will carefully monitor these changes to assure that individuals receive appropriate treatment.

SB 810: Tobacco Products

This bill, known as T21, raises the age to purchase tobacco to 21. The bill identifies e-cigarettes and vaping products as tobacco products and would include these products as well as dip and chew, in these age increases. The federal government implemented similar legislation in January and this bill brings Florida in line with our nation. I have been a strong proponent of this bill and worked hard with the American Cancer Society Cancer Action Network, the American Heart Association, American Lung Association and the Campaign for Tobacco-Free Kids to assure its passage.

HB 467: Physical Therapy Practice

Physical therapists will be permitted to practice a procedure known as dry needling (similar to acupuncture) if they have two years of licensed practice as a PT, 50 hours of in-person education on dry needling from an accredited entity and the completion of 25 sessions of practice under a PT already licensed to practice dry needling and has been doing so for one year.

HB 389: Practice of Pharmacy

This legislation allows for the expansion of the role of pharmacists, in agreements with physicians, to treat patients for chronic illnesses. The list includes arthritis, asthma, COPD, Type 2 diabetes and obesity, among others. The other piece of the bill allows pharmacists to "test and treat" for the flu and strep throat, among a few other less serious conditions. I already expressed serious concerns with this legislation but now, with the quick spread of COVID-19 around our world, I do not feel patients should be walking into Publix, Walgreens, CVS, Wal-mart and other large retailers when they are sick. While pharmacists are well-trained in their fields, they are not trained to be medical doctors. Especially with a pandemic on our ends, this legislation is dangerous to others. Unfortunately, the Governor already signed this bill into law on March 11.

HB 43: Jordan's Law

In September 2018, two year old Jordan Belliveau of Largo died a violent death, even though he was being followed by the Department of Children and Families. HB 43, named "Jordan's Law," passed both chambers and is now heading to the Governor for signature. The legislation includes various protections, ranging from additional training on head/brain injuries, to standards for judges in child dependency cases, to a central database for involved agencies to be aware of prior investigations in the home.

SB 404: Abortion

The legislature took an unprecedented and unconstitutional step to restrict the privacy and reproductive rights of minor women. SB 404 passed and was signed by the Governor midway through session. The law requires a parent's consent in order for a minor to have an abortion. Family dynamics are naturally complicated, but more so when a teen becomes pregnant. Passing legislation to allow government intrusion will not create stronger families. This legislation may jeopardize teens' health and safety, and ultimately, is an unconstitutional bill created to coerce minors in having children against their will.

TRANSPORTATION AND ECONOMIC DEVELOPMENT

SB 474/HB 1193: Deregulation of Professions and Occupations

The bill lessens or removes educational requirements for auctioneers, barbers, geologists, electrical contractors, nutritionists, interior designers, landscape architects, accountants, and boxing announcers. It removes licensing penalties for failure to pay student loans. It also calls for reciprocal licensing from other states, a provision that will help Florida's mobile, military population.

SB 140: Fireworks

Fireworks are currently illegal in Florida, with the exception of sparklers, unless individuals sign a waiver claiming the fireworks are being used for agricultural purposes, such as scaring off birds. The changes made in SB 140 would allow people to legally purchase fireworks during three specific holidays: New Year's Eve, New Year's Day and Independence Day. The need for people to declare the use of these fireworks on those dates would be eliminated.

HB 969: Broadband Internet Service

Creating a new Florida Office of Broadband under the Florida Department of Economic Opportunity, this legislation kick starts a program that fell dormant to encourage an expansion of broadband internet service throughout our state. The major targets include universities and colleges, schools, libraries and rural, underserved areas. Increasing the use, transmission speed and availability of broadband will afford better and more secure access to internet-based resources. The DEO may use this legislation to apply for grants for federal grants to administer this program.

BUDGET

On March 19th, the Florida Legislature passed its budget for the 2020-21 fiscal year, but it's almost certainly subject to change. The budget was crafted with revenue projections made prior to the global outbreak of the coronavirus. As we're all aware, the virus is having an unprecedented impact on our nation's economy. Unemployment is increasing, and revenue derived from the state's sales tax is decreasing. Many expect the Florida Legislature to reconvene in a special session to craft a new budget with updated projections from leading state economists. Until then, we're left to assess our current budget.

Key highlights of the budget include:

\$500 million for teacher pay raises: **\$400 million** allocated towards beginning teacher pay and **\$100 million** towards veteran teacher pay;

\$100 million for the Florida Forever land-buying conservation fund;

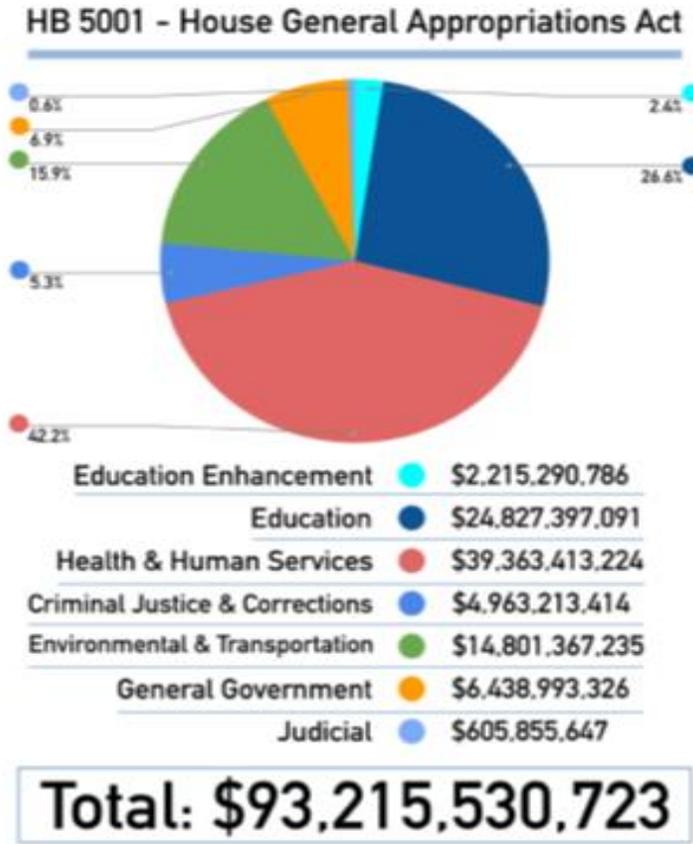
\$370 million (full funding) for the Sadowski Affordable Housing Trust fund without transfers to other budget silos;

\$335 million for a 3% state employee raise;

\$300 million added to Florida's reserves to potentially deal with the outbreak of coronavirus; and

Just under **\$48 million** for the tax package, a reduction from the initial proposal of \$193 million. The tax package includes **\$42 million** for the three-day back-to-school sales tax holiday on August 7-9, and **\$5.6 million** for the seven-day disaster preparedness sales tax holiday from May 29 – June 4.

I supported this budget because our state desperately needed to acknowledge and reward the dedication of its teachers through a \$47,500 baseline pay raise. It also needed to drastically fund affordable housing measures: according to a 2016 report by United Way, 47% of all families in Palm Beach County could not afford to live here, with 17% living in outright poverty. I was pleased to see the Legislature remove the corporate tax breaks in the final tax package, but I'm concerned that we missed out on an opportunity to provide small businesses with considerable tax breaks in the face of the outbreak of coronavirus.



Many good ideas did not make it through, including criminal justice reform to allow judges more discretion in sentencing low level drug offenders, protection against discrimination of LGBTQ people and the regulation of private gun sales. Hopefully these ideas will be successful next year.

I appreciate and am honored to be your voice in the Florida Senate. Please know that our office is here to assist you in these difficult times.

All the best,

Lori Berman
State Senator, District 31