

PBC Legislative Update

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October Committee Week Update

State Issues

Budget

by: Ericks Consultants

It looks like all of that talk about a possible budget surplus was not true. The budget forecasters for the state have estimated that the budget hole will be \$2 billion. Amy Baker, a mainstay in state economic forecasts, warned that tax receipts are still down and that further pain may be felt depending upon global circumstances. Such factors involve the national economy and the current debt crisis in Europe.

Gun Legislation

by: County Staff, The Moya Group, and Corcoran & Johnson

During the Oct. 17th Committee week, County lobbyists and staff met with key legislators regarding a proposal to include in the list of concealed weapon carry exceptions for entry, government buildings and day care facilities. These included meetings with both Sen. Joe Negron and Rep. Matt Gaetz, sponsors of last year's legislation, Rep. Lori Berman, who has been instrumental in drafting proposed legislative changes, Carey Baker, advisor to the Senate Majority office and Sen. Greg Evers, Chair of the Senate Criminal Justice Committee.

While the meetings were all helpful and legislators understood the concerns we raised in pushing the proposed language, it seems unlikely there will be changes this session to the statute that governs concealed weapons. If there is a change it will most likely be to clarify that the local governments may continue to keep open local shooting ranges.

Red Light Cameras and Yellow Light Duration

by: County Staff and Ericks Consultants

Although no direct bill has been filed to repeal red light cameras, there are rumors one will be back for discussion this legislative session. During this past committee week, the implementation, current technology and citation process of the red light cameras were discussed in detail by law enforcement, local governments and others.

Sen. Rene Garcia recommended that revenues generated from red light infractions should be reinvested for public safety and law enforcement as opposed to plugging holes in local government budgets.

Sen. Rhonda Storms voiced her concerns regarding local government's ability to manipulate the time of yellow signal intervals to increase the revenue achieved by issuing citations. Law enforcement from Orlando, and others who addressed the Committee, stated they abide by the speed, grade and factors of the roadway and adhere to the federal rules and standards for traffic control devices.

Legislation has been filed by Rep. Larry Ahearn (HB 33) and Sen. Rene Garcia (SB 590) to require minimum yellow signal display durations and all-red clearance intervals on traffic control signals. It also provides for the dismissal of citations for running a red light if the traffic control signal does not meet specified requirements. House Bill 33 passed the House Transportation and Highway Safety Subcommittee on Wednesday, October 19th by a vote of 13-1. Sen. Jack Latvala, Chair of the Senate Transportation Committee, stated he will take up bills to make yellow light durations uniform across the state for varying speed limits.

Just recently, a report was issued on all intersections in Palm Beach County regarding yellow light display durations, and Palm Beach County met and exceeded the minimum criteria at 100% of the locations.

An issue raised was the inconsistency of issuing a citation at intersections where right turns when a red light is displayed are permitted. Some local governments issue tickets based upon the speed of the vehicle approaching an intersection when turning right on red (i.e. slowing down and turning right versus coming to a complete stop and turning right) while others do not. It was mentioned that the Florida League of Cities is looking to address this issue by finding a sponsor to file legislation that would standardize the right turn on red infractions.

One statement brought up by all who addressed the Senate Transportation Committee was since red light cameras have been put into effect, there has been a reduction in rear-end collisions and crashes in the locations where cameras have been placed. The cameras are not being used as a large revenue generator but as a public safety tool.

Additional traffic light infraction legislation:

HB 343 by Rep. Peter Nehr and SB 568 by Sen. Stephen Wise provide that any traffic infraction detector (red light camera) used to enforce traffic laws must be tested for accuracy at least once every 6 months by a private company that does not have any interest in the outcome of the accuracy check. Any citation issued due to a traffic infraction based on a red light camera is null and void unless the device has passed the accuracy test.

Special Districts

by: Ericks Consultants

Senator Mike Bennett passed his Special Districts bill out of the Community Affairs Committee. The discussion at the meeting was not so much about eliminating special districts but eliminating existing impediments that make it difficult for one special district to voluntarily merge with another special district or for a special district to voluntarily dissolve itself.

Earlier this year, the Governor spoke about the need to review each and every special district across the state. There are over 1600 special districts in Florida. The Governor's Office is looking at all the district's missions, compensation packages, accountability and efficiency. According to the Governor's Office they are not taking an ax to each special district, rather a measured approach in a fiscally responsible way.

911 Good Samaritan Act

by: County Staff

The "911 Good Samaritan Act" has been refiled by Sen. Maria Sachs (SB 278) and Mack Bernard (HB 125). This legislation is a top priority for the Sheriff's Department and is included in Palm Beach County's legislative priorities. The bill provides that a person who in good faith seeks medical assistance for an individual experiencing a drug-related overdose may not be charged,

prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the person's seeking medical assistance. The same goes for a person who experiences a drug-related overdose and is in need of medical assistance. He or she may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the overdose and the need for medical assistance.

House Bill 125 passed the House Criminal Justice Subcommittee on Tuesday, October 18th by a unanimous vote of 13-0. Senate Bill 278 is on the Senate Criminal Justice Committee agenda and is set to be heard on Thursday, November 3rd.

Inmate Reentry

by: County Staff and Ericks Consultants

Legislation has been filed by Sen. Ellyn Bogdanoff (SB 448) and Rep. Ari Porth (HB 177) that would require the Florida Department of Corrections (DOC) to develop and administer a nonviolent offender reentry program designed to divert nonviolent offenders from long periods of incarceration when a reduced period of incarceration followed by intensive substance abuse treatment may have the same deterrent effect, rehabilitate the offender, and reduce recidivism. On Tuesday, October, 18th, the House Criminal Justice Subcommittee passed HB 177 by a vote of 12-3 to move this bill to the next committee.

Concerns were raised in the House Criminal Justice Subcommittee regarding eligibility requirements on inmates with prior non-violent offenses. Rep. Porth agreed and is currently working on a revised (strike-all) version to address all concerns.

The Florida Sheriffs Association opposes the bill stating that extended prison sentences are imposed for a reason and by providing this program for those who are serving those sentences would be a weakening of the punishment and also a public safety issue. At the time of the hearing, Attorney General Pam Bondi had not issued a statement on whether her office supports or opposes this legislation.

Those who voiced support of the bill include Rep. Gayle Harrell, Chair of the Criminal Justice Subcommittee, and Rep. Rich Glorioso, Chair of the Criminal Justice Appropriations Subcommittee. Rep. Glorioso stated that the legislation could provide a means to reducing prison costs. Associated Industries of Florida (AIF) and Florida TaxWatch both agree with Rep. Glorioso regarding a cost savings. AIF believes that rehabilitation programs work to reform those who need it most while reducing recidivism.

Misdemeanor Pretrial Substance Abuse Programs

by: County Staff

Also on Tuesday, October 18th, HB 183 by Rep. George Moraitis was heard and passed the House Criminal Justice Subcommittee unanimously. Its Senate companion, SB 186 by Sen. Jeremy Ring has passed unanimously out of both the Senate Criminal Justice and Judiciary Committees.

This legislation would expand the group of persons eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program to include those who have not previously been convicted of a felony and have been charged with specified misdemeanors. Those who are eligible for admission into the drug and substance treatment program also include those who may have been previously admitted into a pretrial program. Rep. Moraitis believes this legislation has the ability to reduce recidivism.

Governor Rick Scott's 2012 Job Creation and Economic Growth Agenda

by: County Staff

In the House Economic Affairs Committee on Wednesday, October 19th, Gov. Scott's 2012 Job Creation and Economic Growth Agenda were proposed.

They include the following seven steps to get Florida back to work:

1. Streamline business permitting & eliminate burdensome rules & regulations
2. Providing tax relief and reform for Florida's working families and businesses
3. Reforming Florida's unemployment system to create a reemployment system
4. Restoring accountability and credibility to Florida's Workforce Boards
5. Prioritize vital transportation projects to facilitate eco. dev. opportunities
6. Offer stability to Florida businesses by balancing budget w/o raising taxes
7. Prioritizing science, technology, engineering and mathematics in education

The following are Gov. Scott's key initiatives:

- Require unemployment recipients who fail basic job skills testing to enter a workforce training program to learn those basic skills in order to continue receiving benefits
- Reprioritize state transportation projects to focus on those projects that would, over the short and long term, help to create the most number of jobs
- Reduce business taxes by exempting small businesses from paying the Tangible Personal Property Tax on up to \$50,000 in equipment, eliminating the obligation to pay the tax for approximately half of all businesses
- Continue to eliminate over 1,000 state rules and regulations that stifle business growth and job creation
- Clean up irresponsible spending and remove problem board members at Florida Workforce Boards.

Department of State 2012-13 Legislative Budget Request

by: County Staff

On Thursday, October 20th, the Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations heard the Department of States 2012-13 Legislative Budget Request.

The Department of State currently has a recurring base budget of:

\$22.4 million in General Revenue funds and \$29.3 million in Trust Fund dollars.

The Department's current non-recurring General Revenue funding totals \$28.3 million. Of this amount:

- **\$21.3 million is for State Aid to libraries**
- The remaining \$7 million includes funding for special elections as well as funding for various historical, cultural and library grant programs

The Department is requesting the following:

- \$2.5 million in non-recurring General Revenue for Cultural and Museum Grants
- \$1 million for Historic Preservation Small Matching Grants
- \$21.3 million in recurring General Revenue for State Aid to libraries (the State must meet the Maintenance of Effort level of at least \$21,250,751 from State Funds to receive its full allocation of federal matching funds)
- \$500,000 in non-recurring General Revenue to provide grants for specific cultural projects
- **\$1 million in non-recurring General Revenue for grants to the state's Library Cooperatives**
- **\$2.5 million in non-recurring General Revenue to reimburse**

counties for conducting special elections

- \$1.2 million in non-recurring General Revenue to advertise proposed amendments to the Constitution
- \$1 million in non-recurring funds from the Federal Grants Trust Fund for Federal Election Activities

The following grant programs are currently in the process of being finalized:

- Historic Preservation Special Category Grants
- Library Construction Grants (These grants require a one-to-one match)
- Cultural Facilities Construction Grants
- Cultural Endowment Grants

Local Option Fuel Tax

by: The Moya Group and County Staff

Meetings on the local option fuel tax were held with members in the House of Representatives. Revisions to the local option fuel tax included in the 2011 Transportation Package would have allowed for "maintenance" of specific transportation related projects that have been excluded from the statute. The 2011 Transportation Package did not pass and we expect it to be back again this year. We expect the "maintenance" language to be included again in this year's bill.

Meetings in the Senate regarding the local option fuel tax were also held. The Transportation Chairman's Staff indicated the DOT Package will not be dealt with until the next committee week.

Federal Issues

White House Update – Week of Oct. 17th

by: Becker & Poliakoff

THE WHITE HOUSE: President Obama started a three-day bus tour across North Carolina and Virginia on Monday, Oct. 17th focusing on the \$35 billion he wants to spend to help cities and counties rehire teachers, firefighters, and police. This will be the first part of the jobs agenda that he will try to pass after the jobs plan failed to pass in Congress as a comprehensive package last week.

The White House and Congressional leaders are working on a job-creating plan for public works spending. House Republicans are putting forward a comprehensive surface transportation bill as the centerpiece of their jobs agenda, indicating that Republicans may reach an agreement with the President on a roads-and-bridges package and may accept his plans for extending and expanding the payroll tax holiday.

Senate Update – Week of Oct. 17th

by: Becker & Poliakoff

THE SENATE: will consider the first FY 2012 minibus appropriations bill, including the Agriculture, Commerce-Justice-Science, and Transportation-HUD appropriations bills, starting Monday, Oct. 17th. As the Senate begins debate on the minibus package with \$128 billion in discretionary spending, Senate leaders will need to finalize bill-by-bill spending limits, resolve policy disputes in some of the appropriations bills or settle on how to package the bills.

Appropriators want to finish work by Nov. 18 to avoid another stopgap and to beat the deadline for the joint deficit reduction committee to issue its recommendations. If appropriations work stretches to December, more stopgap funding measures will be needed, a potential problem for House Republican

leaders who failed to pass a continuing resolution in September because of demands by some Republicans for more spending cuts.

Also this week, the Senate HELP committee will mark up a bill rewriting the federal education No Child Left Behind law.

3% Withholding Requirement

by: Becker & Poliakoff

The House will consider HR 674 this week, repealing the 3% withholding requirement on payments due to vendors providing services to federal, state, and local governmental entities. Both parties agree that the current law should be eliminated due to high implementation costs and the strains on the construction industry. However, the Senate rejected a Republican proposal to abolish the law last week, because of opposition to the \$30 billion rescission in federal funds that bill required. The House will also consider legislation that would limit the availability of Medicaid and other health programs to a financial needs basis.

President's Jobs Package

by: Becker & Poliakoff

The Senate is in recess this week. Next week, they will focus on the infrastructure portion of the president's jobs package, \$60 billion worth of transportation projects offset by a 0.7% surcharge on income exceeding \$1 million. The bill includes a \$50 billion short-term infusion for the following:

- \$2 billion for airport development grants
- \$1 billion for the FAA NextGen air traffic control system upgrade
- \$27 billion for highway and rail projects
- \$4 billion specifically for passenger-rail upgrades, including some high-speed rail projects
- \$2 billion for Amtrak to upgrade and replace equipment and infrastructure
- \$3 billion to capitalize public transit projects
- \$6 billion for "fixed guideway" light rail and electric trolley buses, as well as bus systems
- \$5 billion for competitive grants available for any transportation additions and upgrades

The bill would also establish a national infrastructure bank to fund future transportation projects, helping to match public and private dollars. The bill provides \$10 billion to establish a board and an executive to run the infrastructure bank, along with some start up funds.

The Senate Environment and Public Works Committee will be conducting a Nov. 9 markup for a \$109 billion spending plan for highway construction and maintenance. The bill would restructure the transportation enhancements program requiring states to use a special highway funding set-aside for projects such as bicycle lanes, sidewalks and beautification.

Home Refinancing

by: Becker & Poliakoff

The White House announced new federal rules making housing refinancing easier for up to one million people. President Obama will be promoting on his three-day trip out West a new initiative to kick-start the economy on his own authority. The Federal Housing Finance Agency says the new rules will permit some borrowers to refinance regardless of how much a home's value has fallen.

The President will also be advancing his ideas for changing the No Child Left Behind education policies and reducing the time it takes for small businesses to get paid on their federal contracts. In both cases, Congress has been considering similar legislation although it is unlikely the mortgage maneuvers will be enacted anytime in the near future.

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