

PBC Legislative Update



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End of January Update

State Issues

GOVERNOR'S BUDGET

By: County Staff, OIA Staff Miami-Dade County, FAC Staff

Governor Scott released his proposed 2014/15 State budget this past month. Below is an overview of some of the county priorities and how they fared in his recommendations.

County Priorities:

1. Film/TV/Entertainment Incentive funding is not included;
2. The Sadowski Act/Local Government Affordable Housing Trust Fund is swept to the state's General Revenue fund in an amount of \$142.3 million, meaning these doc stamp revenues would not be available for affordable housing;
3. Florida Retirement System contributions rates are increased over the current year, based on an increase in the rates for the unfunded actuarial liability (this would in turn increase FRS contribution costs for the County), a copy of the draft conforming bill on this issue is attached;

Transportation:

4. The FDOT Transportation Work Program is funded at \$8.8 billion, a \$136 million increase over the current year:
 - a. \$3.8 billion to expand transportation system capacity which includes adding 252 new lane miles;
 - b. \$138.9 million in seaport infrastructure improvements;
 - c. \$324.6 million for aviation improvements;
 - d. \$192.5 million for scheduled repairs of 51 bridges and replacement of 15 bridges;
 - e. \$843.3 million for maintenance and operation of existing facilities;
 - f. \$528 million for transit program improvements; and
 - g. \$134.3 million for safety initiatives;

Economic Development:

5. Visit Florida is funded at \$100 million, an increase of \$36.5 million over the current year;
6. \$95 million in flexible funding is provided for economic development tools and incentives;
7. \$3.2 million in funding for FWCC public shooting range in Palm Beach County;

Juvenile Justice:

8. The state share of juvenile detention is increased by \$17.2 million for the state to cover 43 percent share of juvenile detention costs; County contributions for juvenile detention is estimated to be \$57.8 million for state fiscal year 14-15;
9. There is an additional \$18.4 million in current state fiscal year 13-14 funding for juvenile detention to fund a Department of Juvenile Justice deficit resulting from recent court rulings in favor of counties on the County/State shared cost formula;

Public Safety:

10. E-911 fees are extended to prepaid wireless services, but the E-911 fee is reduced from 50 cents per month to 40 cents per month, a copy of the draft conforming bill on this issue is attached;
11. Services for children who are victims of Human Trafficking are funded at \$2.5 million through the Department of Children & Family Services;

Public Works:

12. Local government mosquito control programs are funded at \$2.6 million, which is the current year level;

Libraries/Cultural Programs/Museums/Historic Preservation:

13. State Aid to Libraries is funded statewide at \$24.7 million, a small decrease from the current year, but enough of a match to fully draw down federal library grants;
14. Cultural, Museum and Historical Preservation Grants are funded at \$6.9 million;

Affordable Housing:

15. Affordable housing is funded at \$89.3 million, including \$20 million for the State Housing Initiatives Partnership (SHIP) program and \$69.3 million for the State Apartment Incentive Loan Program (SAIL);
16. Homeless Housing Assistance Grants are funded in an amount of \$2 million in recurring general revenue for local homeless coalitions;

Early Learning:

17. Early learning programs are funded at \$1.1 billion, which is an increase of \$59.4 million over the current year;

Low Income Pool:

18. The Medicaid Low Income Pool is funded at current year levels contingent on an extension from the federal government;

Human Services:

19. Community Mental Health Services are funded at \$300 million, a decrease of almost \$28 million compared to the current year;
20. Community Substance Abuse Services are funded at \$118 million, a decrease of approximately \$10 million compared to the current year;
21. County Health Departments are funded at \$133 million, an increase of almost \$10 million compared to the current year;

22. The Public Safety, Mental Health and Substance Abuse Local Matching Grant Program is funded at \$3 million;

Agriculture:

23. Agricultural programs to fight citrus diseases, such as greening, black spot and canker, are funded at \$12 million;

Beaches/Environmental:

24. Beach restoration is funded at \$25 million, which is the current year level;

25. \$20 million is swept from the Inland Protection Trust Fund (petroleum tank cleanup) to the state's General Revenue fund;

26. Everglades restoration is funded at \$130 million, which is a \$60 million increase from current year funding;

27. The drinking water revolving loan program is funded at \$77.1 million, which represents an increase of approximately \$4.3 million from last year, and the wastewater revolving loan program is funded at \$161.5 million, an increase of almost \$19 million compared to the current year;

28. Springs restoration is funded at \$55 million, with proviso directing that these funds be used to leverage additional funds from water management districts and other local partners, an increase of \$45 million over the current year.

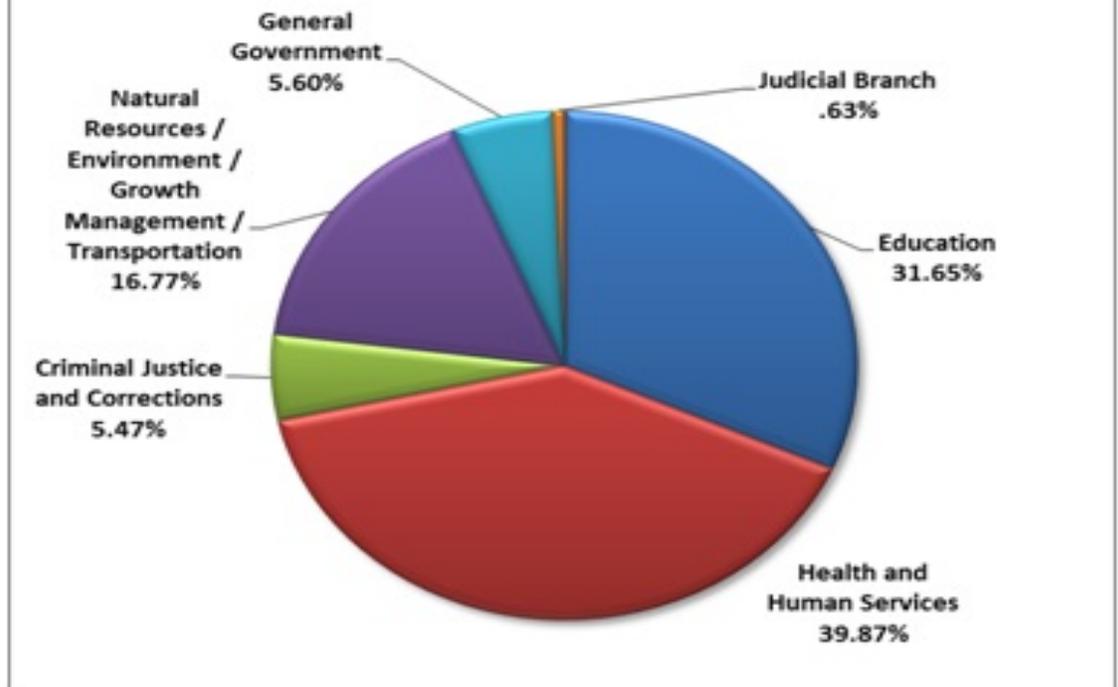
Included below is additional information on the Governor's budget proposal from the Florida Association of Counties:

FY 2014/15 Governor's Proposed Budget – General Overview

The Governor's proposed budget for Fiscal Year 2014/15 totals approximately \$76.1 billion, and represents a \$1.59 billion increase from last year's General Appropriations Act. The chart below summarizes a comparison of the current FY 2013/14 budget and Governor's proposed SFY 2014/5 budget.

Section	GAA	Gov.'s Proposed	\$ Difference	% Difference
	SFY 2014	SFY 2015	SFY 14 vs. SFY 15	SFY 14 vs. SFY 15
Section 1. Education	1,609,500,000	1,885,500,000	276,000,000	17.15%
Section 2. Education	20,485,900,000	22,193,800,000	1,707,900,000	8.34%
Section 3. Health and Human Services	31,144,200,000	30,336,600,000	(807,600,000)	(2.59%)
Section 4. Criminal Justice and Corrections	3,832,600,000	4,158,100,000	325,500,000	8.49%
Section 5. Natural Res. / Environment / Growth / Transportation	12,520,700,000	12,761,200,000	240,500,000	1.92%
Section 6. General Government	4,455,700,000	4,263,500,000	(192,200,000)	(4.31%)
Section 7. Judicial Branch	444,000,000	482,300,000	38,300,000	8.63%
Total Budget	74,492,600,000	76,081,000,000	1,588,400,000	2.13%

SFY 2015 Governor's Proposed Budget



Health and Human Services received the largest portion of funding in the amount of approximately \$30 billion. This represents a 2.59% decrease in appropriations from the current year. All Educational programs and services combined received the second largest amount of funding equal totaling approximately \$24 billion. This represents an increase of approximately 8.98% from the current fiscal year. Finally, natural resources, environmental issues, growth management and transportation expenditures represent the third largest portion of the SFY 2015 budget with funding equaling \$12.5 billion, which represents a 1.9% increase from the current fiscal year.

Proposed general revenue expenditures for SFY 2015 equal \$27.52 billion and trust fund expenditures total approximately \$48.56 billion. The chart below compares expenditures between SFY 2014 and the proposed SFY 2015 budget by fund type.

<u>Budget Comparison by Fund Type (In Millions)</u>	GAA	Gov.'s Proposed	\$ Difference	% Difference
	SFY 2014	SFY 2015	SFY 14 vs. SFY 15	SFY 14 vs. SFY 15
General Revenue	26,828.10	27,521.40	693.30	2.58%
Trust Funds	47,664.50	48,559.60	895.10	1.88%
All Funds	74,492.60	76,081.00	1,588.40	2.13%

FY 2014/15 Governor's Proposed Budget – County Funding Highlights

Health and Human Services

1. Funding equal to \$299,658,267 for **Community Mental Health Services**, a nearly \$28 million decrease compared to the previous year.
2. Funding equal to \$117,936,152 for **Community Substance Abuse Services**, an approximate \$10 million decrease compared to the previous year's budget.

3. Funding equal to \$132,777,905 for **County Health Units** represents an approximate up almost \$10M increase compared to last year's budget.
4. \$3M for the **Public Safety, Mental Health, and Substance Abuse Local Matching Grant Program**, which supports county programs that serve adults or youth who are in behavioral crisis and at risk of entering the criminal justice system.
5. \$2,000,000 in recurring general revenue for **Homeless Housing Assistance Grants**, to be distributed to local homeless coalitions throughout the state.

Public Safety

1. An additional \$18,400,000 in current year funding (FY 13-14) for **Juvenile Detention to fund an agency deficit resulting from recent court rulings** on the County/State shared cost formula (in favor of the counties).
2. The Legislature estimated county funding requirements for FY 14-15 for **Shared County/State Juvenile Detention** to be \$57,785,784. This represents an increase in state funding proportions for this cost share relationship. The previous proportion was approximately 75% County/ 25% State. Going forward the Governor's budget proposes approximately 57% county/ 43% State.

Agricultural and Environmental

1. The appropriation for **mosquito control programs** is \$2,660,000. This amount is identical to the appropriation from last year.
2. The appropriation for **everglades restoration programs** is \$100,000,000, which is \$30,000,000 more than the appropriation from last year. Proviso designates the funds for the design, engineering and construction of the Comprehensive Everglades Restoration Plan, the Lake Okeechobee Protection Plan, the Caloosahatchee and St. Lucie Watershed Protection components, and earmarks \$3,000,000 to the Department of Agriculture and Consumer Services for agricultural non-point source controls on the Okeechobee, Caloosahatchee and St. Lucie watersheds.
3. The appropriation for the **drinking water revolving loan program** is \$77,194,809, which represents an increase of approximately \$4.3 million from last year.
4. The appropriation for the **wastewater revolving loan program** is \$161,558,133, which represents an increase of almost \$19 million from last year.
5. The appropriation for **springs restoration** this year is \$55,000,000. Proviso directs these funds to be used to "leverage additional funds from water management districts and other local partners." In addition, \$25,000,000 is directed to water quality projects identified by the Central Florida Water Initiative or the North Florida Regional Water Supply Partnership.

Transportation and Economic Development

1. **Small County Road Assistance Program** funding equal to \$26,257,065, reduced by approximately \$1.5 million from last year.
2. Funding equal to \$65,778,365 for the **Small County Outreach Program**, increased from \$46.2 million in the previous year.
3. Funding equal to \$48,386,043 for the **County Transportation Program**, reduced from \$74.9 million in the previous year.
4. \$89,300,000 in funding for **affordable housing programs**. \$20 million has been designated specifically for S.H.I.P. This issue was not funded last year.

General Government

1. Funding equal to \$25,699,440 for **libraries**. This represents a modest decrease compared to the previous year.
2. Funding equal to \$25,100,000 in **fiscally constrained county funding to offset the impacts of previously approved constitutional amendments**.
3. \$18,507,042 in **emergency distribution revenue sharing for small counties**.

To review the Governor's proposed SFY 2015 budget in its entirety please visit: <http://flitsyourmoney.com/>

SFY 2015 Governor's Proposed Budget – Implementing and Conforming Bills

Appropriations Implementing and Conforming bills make certain changes to substantive law in order to implement the proposed General Appropriations Act. The Governor's proposed implementing and conforming bills have yet to be released at the time of this update. However, some anticipated topics that may impact counties are listed below. As the proposed bills are published, FAC staff will provide summary analyses of their impact to counties.

Anticipated Conforming Bill topics:

1. **FRS Contribution Rates**, including any changes to the Unfunded Actuarial Liability rates.
2. **Tax Reform proposals**, including but not limited to:
 1. Sales tax exemption on commercial leases
 2. E-911 fees
 3. Corporate Income Taxes
 4. Corporate Filing Fees
 5. Hurricane item sales tax holiday
 6. Back to school sales tax holiday
 7. Highway Safety Fees

HOUSE SPEAKER AND SENATE PRESIDENT ISSUE JOINT 2014 LEGISLATIVE PRIORITIES

By: County Staff

President Gaetz and Speaker Weatherford on Wednesday unveiled "Work Plan Florida 2014," their joint priorities for the upcoming legislative session. The five-point legislative agenda covers the following issues:

1. **Economic Opportunity through Education:** Address poverty through higher education and jobs, by making college more accessible and affordable, while also providing for education and training programs that better prepare individuals for the workplace.
2. **Florida GI Bill:** Support active and veteran military members and their families by improving educational and employment opportunities and lowering education costs, and investing in improvements to the state's existing military infrastructure.
3. **Protect Vulnerable Floridians:** Safeguard the state's children and seniors by: strengthening laws addressing sexual offenders, including public notification and monitoring requirements; reforming child welfare laws and increasing funding for child advocacy centers; providing funding to reduce the critical needs waiting list for disabled persons; tightening regulations on assisted living facilities; and expanding efforts to tackle Florida's growing human trafficking problem.
4. **\$500 Million Tax Cut:** Support a broad-based tax cut intended to benefit low-income and working Floridians by reducing taxes and fees, and specifically lowering vehicle registration fees.
5. **Improve Government Accountability and Efficiency:** Reform the Florida Retirement System, including efforts to enroll more public employees into privately managed investment accounts versus traditional pension plans, as well as strengthening the state's ethics laws as they apply to public employees, officials, and lobbyists.

PENSIONS

By: Ericks Consultants

Sens. Ring and Bradley's proposal to reform local government pensions passed its second of three committee stops this week. Senate Community Affairs unanimously approved the complicated reform package. The sponsors argued that the State could not neglect to act on the issue with so many municipalities unable to fund their pension systems and the fact that the State must be accountable for past interventions. They contend the bill is an attempt to find a "sweet spot" between unions and cities as unions and cities continue to play a blame game and refuse to compromise with one another on a solution. Sen. Ring made clear to the committee that cities and unions have a chance to craft their own compromise solution or have this solution imposed upon them. The Florida League of Cities testified that they could "live with the bill" but were not happy that the legislation would continue the 1999 levels and tie local government decisions with complex mandates. The sponsors insist that local collective bargaining is respected under the bill so long as it follows certain parameters.

Public Retirement Plans

By: Corcoran & Johnston

On Thursday, the Senate Governmental Oversight and Accountability Committee heard Senate Bill 388, relating to Public Retirement Plans, by Senator Bean. SB 388 provides that a consolidated government that has entered into an interlocal agreement to provide police protection services to another incorporated municipality is eligible to receive the premium taxes reported for the other municipality under certain circumstances. The bill authorizes the municipality receiving the police protection services to enact an ordinance levying the premium tax as provided by law and to distribute those premium tax revenues reported for the municipality to the consolidated government as long as the interlocal agreement is in effect.

In 2013, the Revenue Estimating Conference estimated that identical legislation would have had an insignificant negative fiscal impact on the state General Revenue Fund and a corresponding insignificant positive fiscal impact on local government revenues by shifting these tax revenues from the state to the local governments.

The bill passed unanimously with no debate or comment by the Committee.

SMALL BUSINESS IMPACT FEES

By: Ericks Consultants

The House Economic Development & Tourism Subcommittee officially voted to file a bill that would ban local governments from charging impact fees, proportionate share, and concurrency from small businesses (defined as under 6,000 feet) for three years. The ban may be overturned by a simple majority vote of the governing body of the local government. While the bill language does provide for the local option, many local government coalitions oppose the legislation as unnecessary and feel that local governments already have the option to waive fees. Several members also expressed concern and questioned the necessity.

ECONOMIC DEVELOPMENT PROGRAMS STUDY CONCLUDES ENTERPRISE ZONES HAVE A NEGATIVE RETURN ON INVESTMENT FOR THE STATE

By: Ericks Consultants

State economist Amy Baker presented to several Senate and House committees this week on a study directed by legislation passed last year that determined the Return On Investment (ROI) for seven state economic development incentives: the Capital Investment Tax Credit; Qualified Target Industry Tax Refund; Brownfield Redevelopment Bonus Tax Refund; High-impact Sector Performance Grant; Quick Action Closing Fund; Innovation Incentive Program; and Enterprise Zones. The study grouped projects according to whether or not they had received incentives from only one program or multiple programs. Ultimately, determined that all incentives had a positive ROI (although some variations were very low) with the exception of Enterprise Zones. Baker testified that Enterprise Zones had a negative ROI to the state, however she did acknowledge that EZs have a positive impact for local economies.

EVERGLADES, INDIAN RIVER LAGOON, LAKE OKEECHOBEE, AND LAKE WORTH LAGOON PROJECTS

By: Ericks Consultants

The Senate Appropriations Subcommittee on General Government heard presentations on the progress of the Central Everglades Planning Project, Central Everglades Restoration Project, short term and long-term projects recommended for funding by the Select Committee on Lake Okeechobee and the Indian River Lagoon, water quality monitoring devices, and more. The Chairman of the committee stated that the restoration efforts and cleanup projects were among the top priorities of the Senate and that he wanted appropriations to be based on proven science. Other committee members were also moved to pledge a commitment to the cause, which they considered to have statewide benefits. House leadership does not seem to agree with the Senate on the statewide impact of funding \$220 million of projects in one area. The Speaker-designate recently questioned the proposals and indicated that the House will tackle the same issues in a different way. Palm Beach County staff presented on the Lake Worth Lagoon Restoration Initiative to make the case for its request for \$2.075 in State funding included in the recommendations to help with vital projects such as seawall improvements and muck capping to combat the effects of storm water drainage from surrounding basins. The State has invested millions into the area, which is a huge economic generator and special habitat for various species, since the late 90s.

DOT PACKAGE

By: Ericks Consultants

The Senate Transportation Committee unanimously approved the Senate version of the

Department of Transportation's package. The Senate bill does *not* have language relating to red light cameras or parking meter revenue.

The bill would allow, among other things, DOT to fund 100% of costs for Strategic Airport Investment Projects that would improve access and capacity; allow the State to maximize trade, logistic and competitive opportunities in the aviation industry; help achieve intermodal logistics system goals; and has the ability to obtain matching funds.

County Staff Meets with Speaker Weatherford; Transportation Appropriations Chair Hooper

By: Corcoran & Johnston and County Staff

During the last Committee week in January, County staff and lobbyists met with Speaker Will Weatherford to discuss our priorities for the upcoming Session. Among the items discussed were Glades area funding requests for water infrastructure and economic development, funding for quiet zones on the FEC corridor, and support for homeless initiatives. We also met with Chairman Ed Hooper to follow up on our county's transportation funding requests.

Federal Issues

STATE OF THE UNION

On Tuesday, January 28th, President Obama delivered the State of the Union address to Congress and the nation. The President highlighted many issues during his speech, most notably the need for comprehensive immigration reform, jobs and the economy, education, health care reform and the need for an increase in the minimum wage, among many other issues.

For the full text of the speech please use the following link: [Text of SOTU](#)

Appropriations Bill Highlights

By: Becker & Poliakoff and Alcalde & Faye

The \$1.1 trillion bill (HR 3547) to fund the government through September, will cut overall discretionary spending for the Transportation and Housing and Urban Development departments by \$961 million compared with pre-sequestration level enacted for fiscal 2013. The bill will provide about \$7.1 billion less than the White House requested for transportation and housing programs.

The Omnibus Appropriations Bill, signed by President Obama, includes some of the following highlights discussed below.

Among law enforcement agencies, the Federal Bureau of Investigation will receive \$8.3 billion or \$232 million more than the enacted fiscal 2013 level. Within the FBI's budget, the bill prioritizes counter-terrorism and cyber security efforts and calls on the agency to free up an additional \$60 million "to meet the rising volume of requests" for background checks on prospective gun buyers.

The appropriations package includes \$75 million for the Comprehensive School Safety Initiative, a new program to be administered by the National Institute of Justice (NIJ) at the U.S. Department of Justice. Of the total, \$50 million will support pilot projects testing safety technologies, staff training and other initiatives. The NIJ will use the rest to evaluate the best ways to secure schools.

The Drug Enforcement Agency will receive \$2.4 billion, or a \$21 million increase. The Bureau of Alcohol, Tobacco, Firearms and Explosives will receive \$1.18 billion, a \$47 million increase.

Army Corps of Engineers funding will increase by \$487 million, or 10 percent, to \$5.5 billion, according to the summary by House appropriators. That will include an appropriation of more than \$1 billion from the Harbor Maintenance Trust Fund, an increase from the annual appropriation from the fund of about \$700 million.

The allocation is consistent with provisions in the House and Senate water authorization bills (HR 3080, S 601) now in conference that will phase in increased appropriations from the fund, which collects roughly \$1.6 billion each year in user fees.

The TSA will receive \$4.9 billion under the bill, \$225 million less than last year's enacted amount.

The TIGER grant program will get \$600 million to provide transportation grants to the states while his high-speed rail initiative will be zeroed out under a Transportation-HUD spending package that will allow \$50.8 billion in discretionary spending.

Federal Aviation Administration funding will be cut by \$168 million from fiscal 2013 enacted levels to \$12.4 billion. House appropriators say the funding will cover full operations of the air traffic control system along with investments in modernizing the system. Appropriators rejected White House proposals for new passenger facility fees.

Section 8 low-income housing subsidies and public housing programs will get a \$411 million boost over enacted fiscal 2013 levels to \$26.3 billion, which is \$1.5 billion less than Obama requested. This includes continued assistance to 2.2 million families served by the Housing Choice voucher program while fully funding the White House request for 10,000 new veterans housing vouchers.

Overall, the Housing and Urban Development Department will receive a total of \$32.8 billion, \$687 million less than the pre-sequestration level enacted in fiscal 2013.

Community planning and development programs will be cut by \$145 million to \$6.6 billion. The bill includes no funding for new, unauthorized sustainable community development programs. The Community Development Block Grant program will get an \$82 million boost to just over \$3 billion.

Flood Insurance Delay Passes Senate

By: Becker & Poliakoff and Alcalde and Fay

The Senate overwhelmingly approved legislation, S. 1926 by Senator Robert Menendez (D-NJ), in January that would delay most of the flood insurance premium increases associated with the Biggert-Waters Act until after a study on flood insurance affordability can be conducted by the Federal Emergency Management Agency (FEMA) to guarantee the flood maps are accurate. That study and congressional review are expected to take roughly four years.

The bill deals with the aftermath of efforts to stabilize the flood insurance program, which has fallen an estimated \$24 billion in debt since 2005, largely from claims related to Hurricanes Katrina and Rita, as well as Superstorm Sandy. After Sandy struck the Northeast in 2012, environmentalists petitioned FEMA to force states to factor climate change risks into the hazard risk mitigation plans they must file to qualify for federal non-emergency disaster funds.

The measure now moves to the House, where further consideration in a timely manner is less certain as House leaders have openly voiced their opposition and reluctance to bring the bill forward in the near term.

Likewise, the White House has expressed several concerns claiming that postponing rate increases only hurts the NFIPs financial position and FEMA's ability to pay claims, and favors a phased-in approach to the rate increases.



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Farm Bill Deal

By: NACo Staff

On January 29, House members [voted 251-166](#) in favor of the farm bill conference report, sending the bill to the Senate floor. The Senate is expected to vote on the conference report on February 3; if passed by the Senate, the bill will go to the President's desk, where he is expected to sign it into law.

The Nutrition title in the conference report would preserve the three provisions supported by NACo, listed below, but adds a new requirement to the performance bonus provision:

- States would continue to have the flexibility to apply categorical eligibility to families that receive non-cash assistance under the Temporary Assistance for Needy Families (TANF) block grant
- The Secretary of Agriculture would still have the authority to grant waivers to states with high unemployment from the three-month benefit limit for single adults; and
- The performance bonus payments would continue, but states will have to reinvest them in fraud and abuse prevention.

The Supplemental Nutrition Assistance Program (SNAP) would be cut by \$8 billion over 10 years in the conference report. The Senate farm bill (S.954) proposed \$4.5 billion in cuts to SNAP over 10 years; the House farm bill (H.R.2642) proposed \$40 billion in cuts over the same period. The \$8 billion in savings agreed upon by the two chambers would be achieved by increasing the minimum Low-Income Home Energy Assistance Program (LIHEAP) benefit level that would allow individuals to automatically qualify for SNAP. Under current law, states can automatically enroll individuals in SNAP if those individuals receive LIHEAP benefits; this permitted some states to give nominal LIHEAP benefits – as low as \$1 – to some residents so that those residents would automatically qualify for SNAP. The conference report would set a minimum benefit level of \$20.

In addition, the final farm bill includes several NACo priorities on a broad range of programs that assist counties in the development of rural water-wastewater infrastructure, community facilities, broadband expansion, nutrition assistance, renewable energy, local and regional food systems, support for new farmers and business development initiatives.

Upcoming 2014 Legislative Session Dates

February 3, 2014	Interim Committee Week
February 10, 2014	Interim Committee Week
February 17, 2014	Interim Committee Week
March 4, 2014	Legislative Session Convenes Bill Filing Deadline – 12:00 pm
March 5, 2014	Palm Beach County Day
May 2, 2014	Legislative Session Scheduled to Conclude