

PBC Legislative Update



APRIL 14, 2013

VOLUME 6 NUMBER 11

IN THIS ISSUE:

Sixth Week of the 2013 State Legislative Session

STATE ISSUES

1. Budget
2. Internet Cafes
3. Medicaid
4. Transportation
5. Preference in State Contracts
6. Election Reform
7. Internet Sales Tax
8. Manufacturing Tax
9. CJC
10. Animal Shelters
11. VAB
12. Homelessness
13. Agritourism
14. NNC

FEDERAL ISSUES

1. Bill Filed to Block Airport Tower Closures
2. Weekly Update
3. President Obama 2014 Proposed Budget

State Issues

Sixth Week of the 2013 State Legislative Session

Budget

By: County Staff, Anfield Consulting, and Pittman Law Group

This week, the Senate and House passed their respective budgets to ready themselves for the budget conference process. The Senate named budget conferees on Wednesday after passing its budget. The House passed its budget on Friday.

A date for budget conference negotiations has not yet been announced. Below are some of the details of the respective budgets.

Below are some of the **House and Senate local budget highlights.**

	<u>House</u>	<u>Senate</u>
TOTAL BUDGET	\$74.4 BILLION	\$74.3 BILLION
Environmental and Natural Resources		
Florida Forever	\$ 75,000,000	\$ 60,000,000
Water Projects	\$ 24,000,000	\$ 48,264,168
JW Corbett Levee	\$ 8,300,000	\$ 1,000,000
Glades Utility Water Infrastructure		\$ 1,000,000
Lake Worth Lagoon Initiative(4)		\$ 950,000
Loxahatchee River Initiative		\$ 1,000,000
Riviera Beach Water and Projects(3)		\$ 912,500
Everglades Restoration	\$ 32,000,000	\$ 70,000,000
Beach Restoration	\$ 20,229,017	\$ 35,652,992
Total Maximum Daily Loads	\$ 9,385,000	\$ 9,385,000
Petroleum Tank Clean-up	\$125,000,000	\$135,000,000
Criminal Justice		
PB Sheriff Prevention Intervention Plan	\$ 100,000	\$ 50,000
Transportation and Eco Development		
Transportation Disadvantaged Funding	\$112,000,000	\$112,000,000
Glades Street Funding	\$ 1,000,000	
Torrey Island Master Plan Development	\$ 75,000	
Libraries	\$ 22,235,000	\$ 21,000,000
Education		
Palm Beach State College Lox Campus		\$ 5,000,000

Internet Cafés

By: Ericks Consultants and County Staff

This week, Governor Scott signed into law to SB 1030, the Internet café ban. In addition to internet cafes, adult arcades commonly found near some of the senior communities in Palm Beach County will be forced to close their doors. The legislation clarifies current laws concerning charitable drawings, game promotions, amusement machines and slot machines.

Medicaid

By: FAC Staff and County Staff

The Florida Senate will take up the state-county Medicaid relationship on Tuesday, April 16 at 1:30 pm. A proposed committee bill ([SB 7156](#)) Relating to County Contributions to Medicaid will be considered by the Senate Health Policy Committee, chaired by Senator Aaron Bean.

Medicaid within Florida is changing through the implementation of Statewide Medicaid Managed Care, a Diagnosis Related Group (DRG) reimbursement system and a potential Florida alternative to Medicaid Expansion under the Affordable Care Act. Florida statute currently requires counties to pay a portion of the State's share for certain Medicaid services.

SB 7156 identifies \$269.6 million as the statewide county Medicaid contribution for state fiscal year 2013-14, with the amount subject to adjustment each year thereafter. County Medicaid contributions will change each year based on the percentage change in state Medicaid expenditures, which is defined in SB 7156 to be all expenditures used as matching funds for the federal Medicaid program. Increases could be significant depending on whether some form of the Affordable Care Act is implemented in Florida.

Counties will be advised of their annual Medicaid contributions by June 1 of each year, and will be required to pay the monthly amount by the 5th of each month with no limitations on the source for payments. Revenue sharing will be deducted for any amount a county doesn't pay by the 5th. SB 7156 also provides that the amount of each county's contributions for state fiscal year 2013-14 will be provided by the Agency for Healthcare Administration (AHCA) and the Department of Revenue by June 20, 2013. Under this proposal the share for Palm Beach County would be just over \$15 million per year which is approximately the amount the County and Health Care District currently provide.

In the House, the Select Committee on Patient Protection and Affordable Care Act will take up a proposed committee bill creating the Florida Health Choices Plus Program as an alternative to Medicaid expansion.

Transportation Package

By: Anfield Consulting, County Staff, and The Moya Group

Department of Transportation (SB 1132)

Background and status update: This 100+ page bill, which is the FDOT's overall "transportation package" of changes, touches on a large number of subjects relating to transportation, transportation authorities, and transportation development. The 116-page strike-everything amendment adopted on Thursday.

The main changes in the strike-everything amendment adopted this week in committee included the deletion from the bill of provisions regarding:

- Bus benches
- Noise mitigation
- Aviation fuel taxes
- Language that dealt with natural gas fuels
- Language related to "ancillary development" in state rail corridors

And addition of provisions regarding:

- Mitigation for wetlands impacts of transportation projects
- Requires FDOT approval of outdoor public information systems on water management district lands if such approval is required by federal law to ensure that such systems do not violate federal highway regulations.

Preference in Award of State Contracts (CS/HB 307 & SB 684)

By: Anfield Consulting

Background: Current law requires each state agency, university, college, school district, or other political subdivision of the state of Florida to award a preference to Florida based businesses for the purchase of personal property, through competitive solicitation, when the lowest responsible and responsive bid or proposal is by a vendor whose principal place of business is located in another state. If the out-of-state bidder's home state offers an in-state preference, then the preference given to Florida based vendors is limited to the preference provided by the out-of-state bidder's home state. In cases where the out of state bidder's home state does not grant a preference, a preference of 5% is then given to the lowest responsible and responsive vendor having a principal place of business in Florida.

Proposed Changes: The House and Senate versions of this legislation currently employ two different methodologies.

SB 684 would expand this statute to include purchase of construction services, and repeal the exemption for municipalities and counties, which under the bill(s) provisions would supersede local ordinances and regulations in cases where project funds are derived in full or in part from state sources.

CS/HB 307, instead of including construction services under the same section of the statute as land purchases, would create a whole new section with nearly identical language that deals solely with construction services. The construction section would only be different in that it requires that an out of state bidder provide written documentation of the preferences offered in their home state, written by an attorney who is licensed by that same state to practice law.

Update: On Tuesday, the (S) Community Affairs Committee Temporarily Postponed **SB 684** at the request of the bill's sponsor. **CS/HB 307** is currently in the (H) Local & Federal Affairs Committee.

Elections

By: The Moya Group, Pittman Law Group, and County Staff

SB 600 by Senator Latvala, relating to Elections was heard in the Senate Rules Committee Tuesday morning. This legislation revises qualifications for late voter registration and places a limitation on the number of words for certain ballot summaries in joint resolutions proposed by the Legislature. The bill also authorizes the department to suspend all sales, leases, or use of defective voting systems in an election. Also contained in the legislation is a revision to the number of days and hours of early voting. Other Provision include:

- Revises the 100-foot no-solicitation zone provisions to specify that access by certain individuals outside of that zone may not be restricted.
- Revises the provisions relating to absentee ballots by adding the following:
 - Specifies that an absentee ballot request not being mailed to a residential address must be made in writing and signed by the elector;
 - Prohibits delivery of absentee ballots on election day;
- Makes it a third-degree felony to possess more than 2 ballots that belong to someone other than "immediate family."

The House bill, HB 7031:

- Allows the Supervisor of Elections to designate any fairground, civic center,

courthouse, county commission building, stadium or convention center as an early voting site.

The Senate bill passed out of committee with a 10-5 party line vote with Democrats opposing. SB 600 has been placed on the Special Order Calendar to be heard on the Senate Floor on 4/16/13. SB 600 sponsored by Senator Latvala, contains several provisions similar to House package, HB 7013, which already passed the Florida House with a 118-1 vote.

The County worked this week with members of the Senate committee to offer an amendment to the bill on the floor next week that would extend the 2016 deadline for election system compliance to 2020.

Internet Sales Tax

By: Ericks Consultants and County Staff

On Thursday, the Senate Appropriations Subcommittee on Finance and Tax heard and passed by a 10-1 vote SB 316 by Sen. Detert. This legislation would provide for the collection of sales tax on items that are sold by online merchants. The original filed version included tax exemptions for manufacturing equipment. The bill was amended to remove the manufacturing tax break, and that language was added to Sen. Detert's SB 518. There are several other provisions relating to taxation - including Communication Services Tax reform and a sales tax holiday - that are included in the bill in order to make the bill "revenue neutral." These provisions are either in different packages in the House or are not moving in the House at all, leaving the fate of the bill open. It has two more committee stops before it can come before the entire Senate.

Manufacturing Taxes

By: County Staff

On Wednesday, the House Economic Development & Tourism Subcommittee heard and passed by a 9-3 vote HB 391 by Rep. Magar. This legislation is the companion bill to SB 518 by Sen. Detert and eliminates the manufacturing machinery and equipment sales tax. The bill is intended to encourage capital investment and new job opportunities in Florida's manufacturing sector. The Florida Ports Council, Manufacturers Association of Florida and Printing Association of Florida all support this legislation. The House Economic Affairs Committee has placed HB 391 on its agenda for Tuesday, April 16th at 2:00pm. SB 518 is waiting to be heard in the Senate Appropriations Subcommittee on Finance & Tax.

Criminal Justice Commission

By: The Moya Group

SB 1042 relating to Public Meetings/Criminal Justice Commissions by Senator Abruzzo was heard in its final committee of reference Tuesday morning. The Senate Rules Committee unanimously supported the bill. Senate Bill 1042 provides an exemption from public meeting requirements for that portion of a meeting of a duly constituted criminal justice commission at which specified members of the commission discuss active criminal intelligence information or active criminal investigative information currently being considered by, or which may foreseeably come before, the commission. This legislation has been placed on the Special Order Calendar for 4/16/13.

The bills companion legislation, HB 361 by Representative Kerner, has successfully passed through all of its committee references and is waiting to be placed to the Special Order Calendar to be heard on the House Floor.

Animal Shelters and Control Agencies

By: The Moya Group

SB 674, by Senator Montford, relating to Animal Shelters and Animal Control Agencies, was passed on Third Reading on Thursday. The Senate showed unanimous support of

the measure. This bill declares legislative priorities relating to the importation and uncontrolled breeding of dogs and cats. The legislation requires that each public or private animal shelter, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivisions prepare and maintain specific records.

HB 997, the companion language to SB 674, by Representative Cummings was heard Tuesday Afternoon in the House State Affairs Committee. The Committee passed the bill with unanimous support. This bill has been place on Calendar, on Second Reading.

Value Adjustment Boards

By: The Moya Group

SB 1200 by Sen. Wilton Simpson (R-New Port Richey) was passed with unanimous support by the Senate Appropriations Subcommittee on Finance and Tax on Thursday morning. The bill deletes the authorization for a value adjustment board, upon its own motion, to review lands classified by property appraiser as agricultural or nonagricultural. The language also removes the requirement that a property appraiser must reclassify, as nonagricultural, certain lands that have been zoned to nonagricultural use. The bill deletes the authorization for a board of county commissioners to reclassify as nonagricultural certain lands that are contiguous to urban or metropolitan development. Also removed is the evidentiary presumption that land is not being used primarily for bone fide agricultural purposes if it is purchased for a certain amount above its agricultural assessment. The language also deletes the authorization for a value adjustment board, upon its own motion, to review property granted or denied classification by property appraiser as historic property that is being used for commercial or certain nonprofit purposes. HB 1993 also removes the authorization for a value adjustment board, upon its own motion, to review land granted or denied high-water recharge classification by property appraiser. Finally the legislation deletes the authorization for a value adjustment board to review property tax exemptions, upon its own motion or motion of a property appraiser, and deletes certain notice requirements relating to review of such exemptions. The bill provides for retroactive application.

The House companion, HB 1193 by Rep. Beshears, has been Placed on the Calendar for Second Reading and awaits placement on the Special Order Calendar to be heard on the House Floor.

Homelessness

By: Ericks Consultants

The House passed HB 93, which would allow for a voluntary contribution to be collected at the DMV to assist with homelessness, with only a single no vote this week. Its Senate companion was passed by the Senate Rules Committee and is now headed to its final committee before going to the floor.

Agritourism (SB 1106 & HB 927)

By: Anfield Consulting

These two bill(s) provide legislative intent against duplicative ordinances and contain provisions that would expressly prohibit local governments from adopting ordinances, regulations, rules, or policies that regulate, restrict, or otherwise prohibit agritourism activities on land classified for agricultural use, with the exception of Emergency Management activities under Chapter 252, F.S. (Agritourism activities would not include the construction of new or additional structures or facilities to house, shelter, transport, or accommodate the general public.).

The bills also provide a release from liability for agritourism operators for injuries resulting from resulting from the "inherent-risks of agritourism activities" which in the bill(s) are defined as "those dangers or conditions that are an integral part of an agritourism activity" and includes such things wild and domestic animals, farm machinery and vehicles, and the participants own disregard for the dangers inherent in

these things. However, farm operators would not be released from their obligations to properly inform their guests of any of these dangerous conditions, and would be required to post signage containing bill specified warning language informing guests of these dangers. This language must be included in any contracts signed, either for services, rentals, or instruction. Failure to do so would result in the loss of liability immunity.

Update: On Wednesday, the Senate took up **CS/CS/SB 1106** on Second Reading and rolled it to Third. The next day it was taken up again on final reading and passed. It will now be sent to the House in messages, where **CS/CS/HB 927** is currently on Second Reading.

Numeric Nutrient Criteria (CS/HB 7115 & SB 1808)

By: Anfield Consulting

This legislation amends current law to direct DEP to establish numeric nutrient criteria for remaining waterbodies in the state that were not covered under the rules approved by EPA on November 30, 2012. The bills also specifies that once EPA removes federal numeric nutrient criteria and ceases future numeric nutrient criteria rulemaking in the state, Rule 62-302.531(9), F.A.C., described above, will be removed from the Florida Administrative Code. Any additional estuary criteria adopted by DEP during 2013 would be exempted from legislative ratification.

DEP would be directed to establish specific numeric nutrient criteria for unimpaired waters (including DEP's calculation of the current conditions of those waters) and for those estuaries and non-estuarine coastal waters without numeric nutrient criteria established by rule or final order as of the date of the report, and directs DEP to send a report to the Legislature and Governor conveying the status of establishing numeric nutrient criteria.

Update: On Tuesday, the Senate Community Affairs Committee adopted a strike all to **SB 1808** which conforms the Senate bill to the House version (described above.) **CS/SB 1808** will next be heard on the Senate Floor. **CS/HB 7115** is currently on Second Reading in the House.

Federal Issues

Senators Introduce Legislation to Block Closure of Airport Towers

By: US Senator Bill Nelson's Office

The Federal Aviation Administration announced it would delay plans to immediately close control towers at 14 small airports statewide. But, the FAA says it's still planning to go ahead with the closings in June.

So a group of Republican and Democratic U.S. senators this week - including Nelson - unveiled legislation aiming to block federal aviation officials from closing 149 air traffic control towers nationwide, including the 14 in Florida, along with six in Connecticut and five in Kansas.

Those are the three states represented by the bill's chief cosponsors, Nelson (D-FL), Richard Blumenthal (D-CT) and Jerry Moran (R-KS). The three serve on the Senate's Commerce, Science and Transportation Committee.

"The loss of air traffic controllers at these towers poses a real public safety issue and a threat to local business and commerce," said Nelson, a senior member of the committee. Also, many of the regional airports serve not only business and commerce, but law enforcement, air ambulances and search and rescue operations, as well. They're not low-priority operations, Nelson added.

The towers in Florida facing the budget axe are Lakeland's Linder Airport, Naples Municipal, Boca Raton, New Smyrna Beach Municipal, Page Field in Fort Myers, North Perry in Hollywood, Leesburg International, Ocala International-Jim Taylor Field,



Palm Beach County

Board of County

Commissioners

Steven L. Abrams, Mayor

Priscilla A. Taylor, Vice Mayor

Hal R. Valeche

Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

**Palm Beach County
Legislative Affairs**

301 North Olive Avenue
Suite 1101.4
West Palm Beach, FL
33405

Todd J. Bonlarron

**Director
Phone**

Office (561) 355-3451
Mobile (561) 310-7832

Fax

(561) 355-3982

E-mail

tbonlarr@pbcgov.com

We're on the Web!

www.pbcgov.com

Ormond Beach Municipal, Punta Gorda, Northeast Florida Regional in St. Augustine, Albert Whitted in St. Petersburg, Witham Field in Stuart and Space Coast Regional in Titusville.

Specifically, the lawmakers' bill - called The Protect Our Skies Act - prohibits the FAA administrator from closing any air traffic control towers, including both those that are operated by the FAA and FAA contractors. Meantime, some of the airports have sued to block the FAA's action.

The first chance to discuss the legislation could come at a Commerce hearing on aviation safety set for April 16.

Weekly Update

By: Becker And Poliakoff

THE HOUSE: Will be taking up only two bills this week dealing with small conduit hydropower development and the Labor-Management Relations Act.

A House Energy and Commerce subcommittee will hold a hearing forcing the approval of the Keystone XL pipeline.

Defense Secretary Chuck Hagel will make his first appearance on Capitol Hill since his confirmation when he testifies separately before the House Armed Services Committee and before the Senate Armed Services Committee.

THE SENATE: May begin work on a package of gun proposals that includes tougher penalties for gun trafficking, expanded background checks for gun purchases and increased school-safety grants. Majority Leader Harry Reid introduced S. 649, which rolled together three bills approved by the Judiciary Committee. The package excludes a provision sought by gun-control advocates that would have banned assault weapons. Negotiations have been taking place on ways to come up with substitute language that can garner at least 60 votes to overcome a threatened filibuster. The legislation is a response to the December 14th mass shooting of 20 children and six adults at the Connecticut Sandy Hook elementary school.

A bipartisan group of eight senators tentatively plan to release its plan for overhauling the immigration system, including a proposed pathway to citizenship for people in the U.S. illegally.

President Obama 2014 Proposed Budget

President Obama released his budget this week, which includes \$3.78 trillion in spending and also includes reductions intended to replace the sequestration's across the board cuts. The budget furthers various goals of the Administration, as described below:

- \$50 billion in new cash for roads and public works,
- \$1 billion for 15 new institutes to promote innovation in manufacturing and
- \$77 billion to make free, public pre-school available to 4-year-olds nationwide
- The cost of those initiatives would be covered through spending cuts and new revenues, including placing a \$3 million cap on the value of individual retirement accounts and raising the federal cigarette tax from \$1.01 to \$1.95 per pack.

One element of importance to county governments in the federal budget debate is maintaining the tax exempt status of municipal bonds. A White House summary indicates that in his budget proposal for fiscal 2014 President Obama would limit the value of tax benefits for municipal bonds to 28 percent from the current 35 percent.