

PBC Legislative Update



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Legislative Update—2016 Session Week Three

STATE ISSUES

The State Budget

By County Staff

Week three of session was a very significant one in terms of the budget as both the House and Senate appropriation subcommittees released their initial budgets. The four columns below show a general comparison of the overall funds allocated in each chamber and the overall differences between the two budgets.

Budget Details	'16 House Budget	'16 Senate Budget	Difference
General Rev	\$29,549,917,734	\$30,169,135,352	-\$619,217,618
Trust Funds	\$50,430,778,387	\$50,800,376,302	-\$369,597,915
Salary Rate	\$4,964,033,220	\$4,970,710,558	-\$6,677,338
Total Positions	112,691.07	112,908.82	-217.75
Total All Funds	\$79,980,696,121	\$80,969,511,654	-\$988,815,533

The chart below is a compilation of some of the local issues our Palm Beach County lobby team and local partners have been working on to secure in the 2016/17 state budget. The chart is organized by budget subcommittee and lists project names, initial amount requested, and allocations received so far in the respective House and Senate budgets. It should be noted that issues such as PECO funding for PBSC and FAU and proviso language for all water projects typically are not released until much later in the appropriations process. The budget in both the House and Senate will now go to the full Appropriations Committees. The Senate is expected to discuss their budget in committee all day Wednesday, February 3rd.

EDUCATION APPROPRIATIONS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
Palm Beach State College PECO Funding	\$9,000,000		
FAU STEM Life Sciences Initiative (Phase 2)	\$7,038,000	Line 25 Chair Report \$4,131,815	
FAU Jupiter Research Building PECO Funding	\$14,650,000		
PB Habilitation Center	\$482,600 \$166,511	Lines 33; \$225,000 (Adults w/ Disabilities) & 261C \$649,111 (FCO)	Line 261B \$649,111 (FCO)
Max Planck	\$3,000,000	Line 25 Chair Report \$1,050,000	Line 7ab Chair Report Non Recurring GR \$500,000
Local Library Funding - PBC On-Line Tutor Assistance	\$74,000	Line 111 \$74,000	

Local Library Funding - Digital Media Labs	\$140,000		
Adults with Disabilities	\$10,000,000	Line 33 \$6,171,576	
Glades West Tech HVAC Training	\$1,471,714	Line 124B \$1,471,714	
HHS APPROPRIATIONS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
Place of Hope	\$3,200,000		Line 330 \$100,000
Mental Health Pilot @ Jerome Golden Center	\$575,000		Line 388 \$575,000
Rape Crisis Center	\$2,500,000	Line 466 \$2,500,000	Line 466 \$2,500,000
Homeless Housing		Line 363 \$3,000,000 Statewide for HC	Line 363 \$2,000,000 Statewide for HC
Caridad - Optical Center	\$1,500,000		
Alzheimer's Community Care		Line 410 \$250,000	Line 410 \$250,000
Ruth & Norman Rales Jewish Family Services			Line 413 \$50,000
Jewish Assoc. for Residential Care (JARC) JFS - Mental Health Funding	\$180,000		
ChildNet - My Future My Choice Service Costs	\$2,500,000	Line 326 \$5,000,000 for state shared risk	Line 342 \$14,813,386 for statewide equity allocation per S409.991
Scripps Research Institute	\$3,000,000	TED Line 2234 \$1,000,000	HHS Line 472A \$2,000,000
Palm Beach PACE (Care for Elderly slots)	\$5,600,000	Line 419 \$4,491,270	
CRIMINAL JUSTICE APPROPS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
South Bay Correctional PILT		Lines 633K, 643, & 645K; \$275,560	Lines 633K, 643, & 645K; \$275,560
Sago Palm PILT		Line 633C \$142,900	Line 633C \$142,900
South Bay Correctional Facility		Line 702 \$2,893,625	Line 702 \$2,893,625
Sago Palm Work Camp		Line 702 \$857,125	Line 702 \$857,125
Restore Reentry Grant	\$500,000		Line 750 \$500,000
Insurance and Workers Comp Fraud - 4 prosecutor positions (15 th)	\$548,633	Line 882 \$548,633	
PBC Sheriff Unmanned Aircraft System		Line 1224 \$1,100,000	

Enhanced Lighting in High Crime Areas	\$200,000	Line 1224 \$200,000	
Insurance Fraud Protection - Palm Beach & 5 other counties (fund transfer for line 882)		Line 2411 \$1,561,202	Line 2411 \$1,561,202
WATER AND ENV APPROPS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
Lake Region Water Infrastructure	\$1,000,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
Beach & Inlet Mgmt 1. Coral Cove Park Dune Restoration - \$400,000 2. Jupiter/Carlin Shore Protection - \$100,000 3. Juno Beach Shore Protection - \$5,110,000 4. Central Palm Beach County Erosion Control Project - \$2,628,460 5. South Lake Worth Inlet Mgmt - \$90,000 6. Ocean Ridge Shore Protection - \$100,000 7. Delray Beach Nourishment - \$25,515 8. Boca Raton North Beach Shore Protection - \$158,600 9. Boca Raton Central Beach Shore Protection - \$4,793,600 10. Boca Raton South Beach Shore Protection - \$1,004,587 11. Boca Raton Inlet - \$392,325 12. Lake Worth Inlet Maintenance Dredging - \$196,500 13. Midtown Beach Restoration - \$7,856,800 14. Phipps Park Restoration - \$7,437,300	Total: \$30,293,687	\$28,140,270 Statewide	\$30,000,000 Statewide
Loxahatchee River Preservation Initiative 1. Hydrologic Restoration Phase II - \$125,000 2. Cypress Creek Weir: Phase 1 Design - \$85,000 3. Moonshine Creek Oxbow Restoration - \$375,000 4. Jones Creek Preserve Hydrologic Enhancement - \$88,000 5. Jupiter Farms Elementary Force Main - \$200,000 6. Pine Glades Natural Area Habitat Restoration - \$225,000 7. Jupiter Inlet Village Water Quality Improvements -	Total: \$3,155,963	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)

	\$624,731 8. Loxahatchee Slough Restoration & Educational Public Use Facility - \$310,000 9. Neighborhood Sewering Phase 6 - \$498,000 10. Seminole Avenue Stormwater Basin Improvements - \$475,232 11. Riverbend Park Picnic Island Sewer Line Extension - \$150,000			
	Lake Worth Lagoon 1. Bonefish Mangrove Islands & Seagrass - \$1,500,000 2. Lake Worth Lagoon Living Shorelines - \$500,000 3. Monitoring and Administration - \$200,000	Total: \$2,200,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
	J. W. Corbett Levee	\$3,000,000		
	Freshwater Lake Restoration 1. Lake Okeechobee Artificial Reef - \$150,000 2. Monitoring and Administration - \$15,000	\$165,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
	Municipal Local Water Requests: Boynton Beach Mangrove Park Water Quality Improvements Lantana ICW Water Main Replacement Project Lantana Lift Stations 1, 3, 4, & 9 Electrical Upgrades Delray Beach Reclaimed Water System Expansion Lake Worth Water Main Riviera Beach Singer Island Drainage Project Jupiter Inlet Colony Neighborhood Rehabilitation Project Tequesta Water System Improvement Project ITID Indian Trail M-1 Canal Improvement ITID M-1 Impoundment ITID MO Canal Improvements Wellington Reuse Water System Royal Palm Beach Canal System Rehabilitation Project	\$950,000 \$350,000 \$200,000 \$1,500,000 \$500,000 \$2,500,000 \$730,460 \$750,000 \$875,700 \$400,000 \$2,952,191 \$300,000 \$1,200,000		Line 1645A \$50,000,000 total statewide (proviso pending) Line 1645B \$50,000,000 total statewide (proviso pending)

Wellington Water & Wastewater Master Plan	\$500,000		
Riviera Beach Avenue T Drainage Improvements	\$2,000,000		
Riviera Beach RC-1 Canal Widening Project	\$1,000,000		
Wellington Drinking Water Recharge System	\$250,000		
WPB Currie Park Water Quality Retrofits	\$200,000		
Belle Glade NW 3rd Street Corridor Stormwater	\$800,000		
Pahokee Citizen's Villa - Storm Water Improvement Project	\$290,000		
Pahokee City-Wide Storm Water Project	\$725,000		
Pahokee East Lake Village Canal - Storm Water Project	\$435,000		
Palm Beach Gardens Stormwater Maintenance	\$750,000		
FDACS Biological Control Research Lab			
Petroleum Storage Tank Compliance Program	\$5,900,000	\$125,000,000	\$110,000,000
PBC Recreational Shooting Park	\$3,090,000	Line 1783A \$3,090,000	Line 1783A \$3,090,000
Alternative Water Supply Funding		\$0	\$30,000,000
FRDAP Funding		Line 1698A \$10,000,000	Line 1698A \$4,400,000 Funding includes: Okecheelee \$200,000 John Prince Park \$200,000 NPB Pool \$200,000
Lakeshore Drainage Relief Project (Lake Park)	\$6,000,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
Land Acquisition / Florida Forever		\$82,600,000	\$109,356,206
Everglades Restoration		Line 1590 \$82,000,000	Line 1590 \$100,000,000
TED APPROPRIATIONS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt.
Small County / Small City Funding	\$9,000,000	Line 1890 \$9,000,000	

Lake Worth Park of Commerce	\$3,500,000	Line 1906 \$2,500,000	Line 1906 \$1,000,000
Broadway Corridor Revitalization	\$450,000	Line 1906 \$450,000	
US 1 Complete Streets - Village of Tequesta		Line 1906 \$300,000	
Glades Roads	\$1,000,000	Line 1906; \$1,000,000	
Lake Okeechobee Wave Attenuation Project (formerly Pahokee Marina)	\$1,200,000	Line 2216 \$1,200,000	
Chain of Lakes Blueway Access Project	\$286,900	Line 2216 \$286,900	
Glades Region Inland Logistics Center (Inland Port)	\$470,000	Line 2234 \$470,000	
New Boys & Girls Club (Glades)	\$1,000,000 match		
Scripps Research Institute	\$3,000,000	TED Line 2234 \$1,000,000	HHS Line 472A \$2,000,000
FAU Tech Runway	\$3,500,000	Line 2234 \$1,000,000	Line 2234 \$250,000
WPB Calloway Armory		Line 2931 \$3,000,000	
Housing Finance Corp (SAIL)		Line 2223 \$131,200,000 (50% used for SAIL)	Line 2223 \$94,405,000
Sadowski Housing Trust Fund (SHIP)		Line 2224 \$185,800,000	Line 2224 \$47,000,000
State Library Funding State Aid	\$33,400,000	Line 3091, \$23,298,834	Line 3091; \$22,298,834
Library Cooperatives	\$2,000,000	Line 3090 \$2,000,000	Line 3090 \$2,000,000
Library Construction Grants		Line 3097A \$2,000,000 to fund list entirely	Line 3097A; \$2,000,000 to fund list entirely
YSPB's Choir in Glades	\$150,000	Line 3108A \$100,000	
Norton Museum	\$1,000,000	Line 3108A \$1,000,000	Line 3108A \$300,000
Torry Island Master Plan	\$75,000		
Cultural and Museum Grants	\$30,933,457 (413 ranked projects)	Line 3103 \$19,695,000	Line 3101 \$15,757,118 (funds Dos list less \$850,000 for proviso projects)
Cultural Facilities Program	\$11,906,424 (37 ranked projects)	Line 3108A \$13,140,751 (\$6,493,424 to fund DoS ranked list)	Line 3108A \$13,891,424 ((\$11,906,424 to fund entire DoS ranked list) Benzaiten Center for Creative Arts \$129,000 Center for Creative Education \$400,000 Indian Trail Improvement

			District \$100,000
			Loggerhead Marine Center \$500,000
			Norton Museum of Art \$500,000
			South Florida Science Center and Aquarium \$500,000
			The Zoological Society of the Palm Beaches \$500,000
			Village of Wellington /New Venue for Arts \$500,000

TRANSPORTATION DISADVANTAGED

By Ericks Consultants

Senate Transportation and Economic Development released an initial budget that includes proviso language that could impact transportation disadvantaged programs. The proviso states that any entity receiving funds from certain grant categories within the TD funds must provide performance measures (which includes pick-up times; error rates; wait times; scheduling; etc.) to the Department of Transportation by September 30th, 2016. DOT will then provide those measures to the appropriations committee chairs. The House language does not contain this proviso.

TAX PACKAGE

By Ericks Consultants, County Staff and FAC Staff

House Finance & Tax unveiled its draft \$1 billion tax cut plan this week. The plan reduces the sales and use tax on commercial leases by 1%; extends the manufacturing equipment tax cut; institutes several sales tax holidays- including a 10 day back-to-school holiday; provides corporate tax credits for various activities- including Brownfield Cleanup; eliminates taxes on textbooks, admissions, and datacenters; ad valorem exemptions for military service; makes other changes to the tax code, such as addressing piggybacks, alcohol and tobacco on cruise lines, and aviation fuel taxes. The package also mandates that 5% of CRA funds support youth service organizations if a certain percentage of served population is located within the area.

The bill also contains two provisions that have been controversial and opposed by local governments and tourism industry officials. Those provisions are:

- Local option to commit 10% of tourist development taxes revenues to fund law enforcement and emergency medical services in areas affected by increased tourism or tourism related event
- Requirement to spend 35% of tourist development tax revenues on advertising and promotion

There was testimony in opposition to these provisions, and Chair Gaetz indicated his willingness to work with stakeholders to add "comfort language" to the bill addressing some of these concerns.

The package was only workshopped. A new draft is expected to be released on Monday, February 1st with a committee hearing and vote on Wednesday, February 3rd.

TNC – UBER BILL

By County Staff, Anfield Consulting and Ericks Consultants

The House voted 108 to 10 to bring statewide uniformity to local regulation of TNC services such as Uber and Lyft. HB 509 includes multi-state and multi-jurisdictional background checks, along with a \$1 million insurance requirement that the company is responsible for enforcing. The bill allows for surplus lines insurance. Drivers will not be allowed to participate if they have had three tickets in the last three years. They are not allowed to accept ride hails that do not come through the app and not allowed to accept cash payments. The drivers must also abide with non-discrimination laws and ADA accessibility. Its Senate companion does not contain a local government preemption and has two more committees of reference. An amendment that would have required level 2 background checks was not adopted on the bill. SB 1118 would require TNC drivers to carry approximately the same level of insurance as taxi drivers, whereas the House version proposes a sliding scale.

SOBER HOMES

By County Staff

SB 1138 (Clemens) passed its first committee, Children, Families, and Elder Affairs, unanimously during week two of session. The bill would prohibit unethical marketing practices by substance abuse treatment providers and operators of recovery residences, such as soliciting or receiving kickbacks or bribes to secure residents, promising free rent and other perks to potential residents, and using predatory marketing. The bill has two more Committee stops: the Appropriations Subcommittee on Health and Human Services and the Appropriations Committee. Reps. Rooney and Hagar are sponsoring the House version. County staff worked with House committee staff this week to address some concerns brought up about enforcement provisions of the bill.

RESIDENTIAL FACILITIES

By Ericks Consultants and Corcoran & Johnston

Senate Community Affairs and House Local & Federal Affairs unanimously passed HB 1174 that would require a radius of 1,200 ft. between a residential unit of 6 or fewer residents that meets the definition of a community residential home built after July 2016 and an existing community residential home. The Senate bill has two more committees of reference in the Senate. The House bill is ready to go before the full House.

FRACKING

By County Staff, Anfield Consulting and Ericks Consultants

HB 191 (Rodrigues) passed the House by a 73-45 vote. SB 318 (Richter) passed the Appropriations Subcommittee on General Government by a 4-2 vote. The bills were amended to include language stating that counties and municipalities would be allowed to "adopt and enforce" land use requirements as long as these rules would not prohibit the drilling. The final bill requires DEP to conduct a study on how to control and mitigate chemical impacts on the environment and develop rules for permitting process. Those rules must then be ratified by the Legislature prior to implementation. It would impose a moratorium on fracking until the rules are adopted. The bill also requires notification of an application for a permit be provided to local governments, who are then given an opportunity to weigh in on the application.

The Florida Association of Counties and the Florida League of Cities withdrew their opposition to the bills after adoption of the amendment. The bills would create a

permitting process through the Department of Environmental Protection and companies would have to disclose what chemicals they use to the state, but only after drilling has already begun. Local governments would not have the authority to regulate the practice. The bill would also fund a \$1 million study to be conducted by the DEP to study the effects of fracking. The Senate bill is in its final committee of reference. The Chairman has stated that he will wait to hear bills that have a large fiscal impact until the State's funding levels are more clear.

The changes in regard to oil exploration and well permitting in the bill are bulleted in more detail as follows:

- Preempt and void all local ordinances and regulations of any activity relating to oil and gas exploration, production, processing, storage, and transportation, investing those regulatory powers solely with the state. An existing requirement to receive municipal approval before granting a drill permit within a municipal jurisdiction would be removed, however, in the **Senate version** of the bill notice of application must still be given to the local government by the permit applicant before the permit can be granted;
- Authorize the DEP to issue a single permit for multiple mining activities;
- Require rules developed by the DEP for high-pressure well stimulation to be submitted to the Legislature for ratification;
- Require the DEP, before issuing a permit, to review any adjudicated, uncontested, or settled violations of oil and gas regulations by applicants, whether committed in the state or without;
- Require that wells, as a pre-requisite to obtaining a permit, be designed in a manner that ensures no groundwater contamination can occur through or near the drilling zone;
- Define "high-pressure well stimulation" as, "all stages of a well intervention performed by injecting fluids into a rock formation at high pressure that exceeds the fracture gradient of the rock formation in order to propagate fractures in such formation to increase production at an oil or gas well by improving the flow of hydrocarbons from the formation into the wellbore."
- Require the DEP to conduct a study into the potential effects of fracking and provide an appropriation for this study. Vendors, service providers, and well operators would be required to report information on the chemical composition of the well-stimulation fluid used in their wells to the DEP within 60 days of initiating a well-stimulation. The DEP would use this information to create a statewide chemical registry and post the registry to the national registry, FracFocus;
- Provide that the DEP may not adopt rules for high-pressure well stimulation until the results of its study have been submitted to the Legislature. Nonetheless, rules to implement the findings of the study must be adopted by March 1, 2018, if such rules are required to protect public health, safety, and the environment;
- Requires that rules must be ratified by the Legislature before any permits can be issued for fracking; and
- Increase the maximum civil penalty for violation of any of the Division's rules, regulations, or orders from \$10,000 to \$25,000.

FILM, TV AND ECONOMIC INCENTIVES

By Ericks Consultants

Senate Commerce & Tourism approved SB 1646 that would reform the State's Quick Action Closing Fund as requested by Governor Scott. The bill also reforms and/or reorganizes other economic development programs, including a focus on the entertainment industry. As part of Governor Scott's plan, it would replace the Quick Action Closing Fund with the new Florida Enterprise Fund to incentivize businesses. To qualify for the funds under the Senate proposal, a project must meet a 3-1 Return On Investment, include 20% local effort and a local governing board resolution, and create at least 10 new jobs. The bill also creates the Entertainment Action Fund to fund film and entertainment incentives. Supporters included County governments, film organizations and other businesses. The conservative group Americans for Prosperity opposed the bill. The bill has two more committees in the Senate and does not have a true House companion at this time.

GROWTH MANAGEMENT/DRI

By Ericks Consultants and Anfield Consulting

House Economic Development & Tourism and Senate Community Affairs unanimously approved growth management packages. HB 1361 would add more flexibility to the DRI process. It would also reduce the acreage to qualify for sector plans from 15,000 acres to 5,000 acres and increase the size of enclaves that can be locally annexed from 10 to 110 acres. The House bill contains provisions that would require a rebuttable presumption be provided before a change must undergo the DRI process. The Senate, SB 1190 bill contains provisions that allow for counties to employ tax increment financing for economic development packages. The House bill will be heard next week in its second of three committees of reference. The Senate bill has two committees of reference left. Another similar Senate bill, SB 7000 is ready to go before the full Senate.

EVERGLADES

By Anfield Consulting and Ericks Consultants

House Agriculture and Natural Resources Appropriations approved HB 989 to create a dedicated funding source for Everglades Restoration projects. The bill would require the lesser of 25% or \$200 million be allocated from Amendment 1 dollars towards the Comprehensive Everglades Restoration Plan (CERP) as well as Lake Okeechobee projects and water quality projects. The funding will be matched from the Federal Government. The bill has one more committee of reference in the House. Its Senate companion has not yet been heard in its first committee.

PUBLIC WORKS CONSTRUCTION CONTRACTS PREEMPTION

By Ericks Consultants and County Staff

Senate Governmental Oversight and Accountability voted 3-2, against SB 598 a preemption on local regulations imposed on construction contracts for public works projects. The bill would remove local government ability to place any wage, training, affiliation or other employee stipulations on the contracts. The preemption would be triggered by even 1% state funding for the project. The bill was a top priority for the Associated Builders and Contractors. The Florida Association of Counties, the Florida League of Cities, Miami-Dade County, the AFL-CIO and other union organizations and members all opposed the bill. The House bill is now before the full House. It is officially dead in the Senate. Palm Beach County thanks Senators Latvala, Ring and Bullard for recognizing that local governments should be able to decide what is best for their local communities and voting no on the bill.

INSPECTOR GENERAL*By County Staff*

HB 587 (Powell) passed its first of two committees, General Operations Subcommittee, by a 12-1 vote. The bill exempts from public inspection and disclosure certain personal identifying information of an agency employee whose duties include conducting internal audits. This would apply to both current and former employees, as well as their spouses and children. Proponents argue that, since such employees have been subject to threats, this legislation is necessary for their safety. A two-thirds vote of both the House and Senate would be required to pass the bill since it creates a public record exemption. SB 752 (Abruzzo) passed its first of two committees last week by a 4-0 vote.

GAMING COMPACT*By County Staff, Corcoran & Johnston and Ericks Consultants*

Senate Regulatory Affairs heard from the State's top economist on the revenue impact of the Seminole Compact, who explained the complicated fiscal analysis of gaming due to the "cannibalization" of businesses when the ability to expand facilities is provided. She noted that "Palm Beach County was definitely the strongest" in bringing in new potential people to the industry without cannibalizing other slot gaming operations or other businesses. The committee also heard from pari-mutuels, who asked for fairness both in having voter approved slots and a lower tax rate should the Seminoles be allowed to expand their offerings. Anti-expansion and racehorse advocates also spoke.

The Indian Gaming Compact and the recently signed \$3 billion agreement between the Tribe and the Governor, provides a framework for the Legislative package that would ratify the agreement.

The agreement expands slots to Palm Beach County Kennel Club, which is only one of several communities outside Miami-Dade and Broward who have passed referendums in favor of slot machines. The Governor's Office stated the intent of the agreement was to get as high of a guaranteed payment from the Tribe as possible while still providing as much flexibility to the Legislature as possible. The Tribe stated it wasn't concerned with outside competition but would only guarantee payment to the state if it maintained a level of exclusivity that would make good business sense. The Tribe also stated that, should the Supreme Court rule that slot machines must be expanded to all communities which passed local referendums, the guaranteed payments to the State would decrease accordingly or may no longer be required under Federal law. The Tribe is seeking to add craps and roulette and willing to grant pari-mutuels a tax decrease and a limited version of blackjack.

ALARM SYSTEM REGISTRATION AND MONITORING*By County Staff*

Senate Bill 768 passed Senate Regulated Industries 10-0 this week that would preempt local alarm system registration in order to establish a statewide uniform system. The bill caps fees for registration to a one-time payment of \$25. An amendment was adopted to the bill that provides:

"A residential or commercial intrusion/burglary alarm customer may give written authorization to the central monitoring alarm system company to contact a law enforcement agency immediately upon receiving an alarm signal. The customer giving the authorization is responsible for any penalties resulting from any false alarm signals."

This language is included as one of Palm Beach County's Legislative priorities. It's companion bill, HB 779 has two more committees of reference in the House.

ATTORNEYS FEES FOR PUBLIC RECORDS VIOLATIONS

By County Staff and Ericks Consultants

Senate Governmental Oversight and Accountability unanimously approved SB 1220 that would give judges discretion in awarding attorneys fees in public records violations. Unfortunately, some individuals and groups seeking to exploit the public records law to try to induce technical violations of the law for personal gain have targeted governmental entities around the state. Current law requires judges to award attorney fees for violating the law, even when the violation is inadvertent. In an effort to curb these abuses, this legislation would change the word 'shall' to 'may' leaving the award of costs up to the discretion of the judge based on the particular facts of the case. The bill would also allow for a five-day period for the public records custodian to comply with the request and avoid legal action. The bill is meant to protect taxpayer dollars from a cottage industry of attorneys who profit from lawsuits over public records violations. Local governments in Palm Beach County support the bill. Several public advocacy organizations opposed the bill, claiming it weakens public records laws. It has two more committees of reference in the Senate and in the House.

DISCOUNTS TO PARK ENTRANCES AND TRANSIT

By Ericks Consultants

House Veteran & Military Affairs and Senate Community Affairs unanimously approved HB 1321 that would require counties and municipalities to provide a partial or a full discount on park entrance fees to military members, veterans, and the spouse and parents of deceased military members and first responders. It would also require regional transportation authorities to provide a partial or a full discount on fares for certain disabled veterans. The South Florida Regional Transportation Authority supports the bill. The bill has two more committees of reference in the House and one more in the Senate.

RECAPTURE RULE

By Ericks Consultants

Senate Finance & Tax voted unanimously to approve SB 1074 that would place on the ballot a constitutional amendment to eliminate the recapture provision for local governments in Save Our Homes. The bill would prevent local governments from collecting the same level of property taxes despite property values decreasing for both homestead and non-homestead properties. The sponsor emphasized that the legislation was permissive rather than mandated. Opponents argued the effect of the legislation would result in identical homeowners paying drastically different tax rates and have a negative impact on businesses. Local government representatives also reminded the Legislature that a Constitutional Revision will be taking place in the future and that time would be a better forum to review the whole picture of ad valorem taxes in Florida as opposed to a legislative piecemeal. Proponents stated that, while they understand the local government opposition and difficulty in defending inequity in the tax burden, they felt strongly about passing the legislation. Additionally, opponents argued a similar Constitutional amendment failed to pass recently, to which proponents countered that the public had too many amendments to focus on at that time and were not properly educated on the subject. The Florida Chamber of Commerce and Florida Realtors support the bill. The bill has two more committees of reference in the Senate. Its House companion is now ready to go before the full House, having received only one committee of reference after being filed as a Finance & Tax committee bill.

PROPERTY PREPARED FOR TAX-EXEMPT USE

By Ericks Consultants

House Local & Federal Affairs approved HB 842 that would allow tax-exempt organizations to remove property being prepared for educational, literary, scientific, religious, or charitable purposes from the tax rolls prior to the implementation of those purposes. Property owners have 30 days to repay the

owed taxes plus interest if the property is not in use for the exempt purpose within 5 years or if it is transferred to a non-exempt purpose. Property Appraisers have the ability to grant extensions if affirmative steps are still being taken. It has an estimated \$1 million recurring negative impact to local tax revenues. The Senate bill does not include affordable housing as a tax-exempt purpose as the House bill does. The bill has one more committee of reference in the House and Senate.

STATE OF ISRAEL

By County Staff

SB 86 (Negron) unanimously passed the Senate. The bill would prohibit the state from contracting with companies that boycott Israel. If enacted, the bill would direct the State Board of Administration to create a list of companies that boycott Israel and prohibit the state's pension plan from investing in those companies. Its companion, HB 527, still has two committees to pass.

FLOOD INSURANCE

By Ericks Consultants and Anfield Consulting

House Insurance & Banking unanimously passed HB 929 that would have the State administer a \$50 million matching grant program for technical or financial assistance to local governments to enact flood risk reduction policies and projects. It is successor legislation from the flood insurance package passed last Session. The bill additionally would give the Florida Communities Trust authority to work on flood mitigation projects. The Florida Association of Counties, the Florida League of Cities and the Nature Conservancy support the bill. The bill has two more committees of reference in the House. Its Senate companion is in its final committee of reference in the Senate.

MALT BEVERAGES

By Ericks Consultants

Senate Appropriations on General Government unanimously approved SB 698 that would allow counties and municipalities to have up to three temporary permits per year to sell alcohol at events, which DBPR has been issuing for decades without the realization it was not authorized in statute. The bill also allows for alcohol to be sold at railway transit stations. It has one more committee of reference in the Senate. House Business & Professions subcommittee unanimously approved its House companion, but stripped the local government provisions against the will of the sponsor due to concerns of local governments "competing" with non-profits and businesses. The bill has two more committees of reference in the House.

MEDICAL FACULTY CERTIFICATION

By Ericks Consultants

The House unanimously passed HB 691 that would allow FAU faculty members to receive medical faculty certificates. Meanwhile, Senate Health Policy unanimously passed its Senate companion. The Senate bill has two more committees of reference.

OPEN CARRY

By County Staff

HB 163 (Gaetz) passed the House Judiciary Committee by a 12-4 vote. It is now ready to go before the full House. The bill would allow conceal-weapons permit holders to carry handguns openly wherever they are allowed to carry concealed weapons. Private businesses could choose to disallow open carry, but no public place could. The Senate companion, SB 300 (Gaetz) awaits a hearing in its second of three committee stops, the Judiciary Committee.



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DANGEROUS DOGS

By County Staff

HB 91 unanimously passed the House 118-0 this week. The bill is intended to clear ambiguity in the existing law when a dog that has not been previously classified as dangerous causes serious injuries. Under current law, the dog would have to be euthanized, its owner unable to offer a defense and explain the circumstances; however, if a dog has already been classified as dangerous, an owner can offer a defense. The bill would require that animal control authorities allow owners to offer affirmative defenses of dogs that have not been previously classified as dangerous during a euthanization hearing. The bill also protects the home rule authority of local governments. The Senate bill, SB 334 goes to the floor for consideration on the Special Order Calendar on Tuesday, February 2nd.

UP NEXT WEEK

HISTORIC AND ARCHEOLOGICAL ARTIFACTS

By County Staff

Senate Bill 1054 that would create a program to discover historical and archeological artifacts and would allow for normal citizens to retrieve artifacts without violating the law will be heard on Monday, February 1st in Senate Government Oversight. Opponents were concerned that untrained individuals could unintentionally damage artifacts. House Economic Development & Tourism approved HB 803 during week two of session. The House bill has two more committees of reference in the House.

MILLAGE RATES

By County Staff

HB 1015 and SB 1222 that would change how local governments are allowed to calculate millage rates will both be heard on Monday, February 1st in the respective House Local Government and Senate Community Affairs Committees. Rather than a 10-mill cap, the bill would require local governments to adopt rates based upon actual millage levied the prior fiscal year. The Florida League of Cities and Florida Association of Counties recently testified that while neither organization supports the current language, they are working with the sponsor to address their issues. The Florida Association of Counties warned against a ratcheting down effect if locals were forced to adopt based upon the prior year as it would incentivize a government to levy more than absolutely necessary out of fear of limiting itself too much moving forward.

FEDERAL ISSUES

Federal Issues

By Becker & Poliakoff, Alcalde & Fay, and County Staff

THE HOUSE: The House was not in session this week due to the snowstorm that hit the D.C. region.

THE SENATE: The Senate began debate on a major energy bill. The bill, which is the first such energy bill in eight years, includes policies aimed at protecting the electric power grid against cyber attacks and speeding exports of liquefied natural gas. Numerous amendments are expected to be heard and voted on as debate continues.