

PBC Legislative Update



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Legislative Update—2016 Session Week Seven

STATE ISSUES

THE STATE BUDGET

By County Staff, Ericks Consultants and Corcoran and Johnston

The House and Senate came to an agreement on allocations, enabling the start of the budget conference process. The House and Senate announced budget conferees and began the budget conference committee process this weekend. Allocations are below. The Governor’s office has already expressed dissatisfaction at the lack of funding granted to his priorities, his economic development fund in particular.

General Revenue Fund	Recurring	NR	Total GR
Education	15,208.2	219.2	15,427.4
Health Care	9,359.5	92.9	9,452.4
Justice	4,012.5	67.0	4,079.5
Transportation & Economic Development	73.5	65.6	139.0
Ag and Nat Resources/General Government	147.8	204.5	352.3
Government Operations/General Government	240.3	62.9	303.2
Administered Funds - Statewide Issues	295.7	27.2	322.9
Total General Revenue Fund Allocations	29,337.4	739.3	30,076.7

The House voted 85-29 to approve its \$79.9 billion spending plan while the Senate voted unanimously to approve its \$81 billion budget. Both plans increase education funding and set aside money for reserves.

Detailed budget updates will be sent out at the conclusion of budget conference expected to end by mid-week.

HOUSE ECONOMIC DEVELOPMENT PACKAGE

By Ericks Consultants

The House voted 79-39 to pass its Chamber’s version of the Economic Development package HB 1325, a key request by Governor Scott, after the Speaker “fast-tracked” the bill this week. As requested by Governor Scott, the package would reform the State’s Quick Action Closing Fund (QAC) into the Florida Enterprise Fund to enable the Governor to attract businesses to the State with tax incentives. The Fund faced opposition by a unique coalition of certain Democrats and conservative Republicans, arguing that the incentives amounted to corporate welfare and dollars could be better spent on other priorities.

The package is considered one of the big priorities up for negotiations on the budget. The Governor requested \$250 million for the fund. While the House bill does not officially allocate a number, the Senate package grants the \$250 million contingent upon the State receiving settlement funds from the BP oil spill. The House and Senate plans differ further with return-on-investment metrics, residency requirements, and authority of the Governor to approve projects among other things.

Additionally, the House bill contains provisions to exempt small businesses with 12 or less employees from concurrency/impact fees for three years unless overturned in a majority vote by the local government board. It also grants more authority to the Florida Development Finance Corporation. These provisions are not in the Senate package. The House package does not address film and TV incentives, which is favored by the Senate. The bill will now be sent to the Senate for its consideration. The Senate package is in its final committee of reference.

DJJ COST SHARE

By Ericks Consultants

Senate Appropriations unanimously approved SB 1322 that would change the controversial DJJ cost share distribution between the counties and state. The bill would charge counties based upon actual utilization instead of pre-disposition. It would require counties to pay \$42.5 million for FY 2016-17, and then costs would be split 50/50 for subsequent years. The bill requires an additional \$11.8 million in the Senate budget, which is contingent upon counties ending litigation against the state regarding the issue. The bill has one more committee of reference in the Senate. Its House companion was never allowed a committee hearing.

RELOCATION OF UTILITIES

By Ericks Consultants

The Senate voted 109-4 and the House voted 34-4 to pass the relocation of utilities bill that would require local governments to bear the cost of relocating utility lines unreasonably interfering with a project only if the lines are located within a public easement granted by a recorded plat. SB 416 is intended to address a court ruling that ruled in favor of the City of Cape Coral against a utility company. Originally much wider in scope, local government advocates significantly narrowed the bill. Opponents still felt the bill went too far in favor of utility companies, asking instead for language that allowed for compromise and local negotiation. Proponents contended that the bill was about private property rights.

FRACKING

By Ericks Consultants

Fracking legislation temporarily stalled in the Senate this week. Senate Appropriations voted against HB 318 that would create a permitting system for high-pressured well stimulation or "fracking." 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. An amendment that would have allowed local governments to impose a moratorium on fracking upon the rules taking effect (and expiration of the State moratorium) was withdrawn with assurances from the sponsor that work would continue to be done to address local government preemption. There was also significant discussion as to whether or not current law implies a preemption and therefore allowing local zoning regulations would be giving local governments more rather than less control. 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 committee also heard from DEP, who testified on fracking for the first time this Session. The committee members expressed dissatisfaction with DEP's answers regarding disclosure of chemicals. The motion was made to reconsider the bill after it failed and it is scheduled to be heard again next week in the same committee. The House has already passed its fracking regulation bill.

RESIDENTIAL FACILITIES

By Ericks Consultants

The Senate unanimously passed SB 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 bill is supported by the City of Miami. The House bill is before the full House.

INSPECTOR GENERAL

By County Staff

SB 752 (Abruzzo) passed the Senate by a 36-1 vote and is now in Messages. 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. The House version, HB 587 (Powell), remains on the calendar for 2nd reading.

SOBER HOMES

By County Staff

SB 1138 (Clemens) unanimously passed its second committee, the Appropriations Subcommittee on Health and Human Services. 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 one more stop.

SYNTHETIC DRUGS

By County Staff

HB 1347 (Appropriations Committee, Criminal Justice Subcommittee, Ingram) was unanimously passed by the House. The bill would add 12 new substances and six general substance classes to the list of substances that are classified under Schedule 1. Flakka, a synthetic drug that has attracted significant attention, will be prohibited under the new law. SB 1528 (Simpson) is in its final committee.

BUILDING CODES

By Ericks Consultants and Corcoran and Johnston

House Regulatory Affairs unanimously approved a building code reform package that includes provisions ranging from water heaters, swimming pools, and fire prevention code and building code administrative issues. Among the bill's many provisions, it would prohibit local government enforcement fees or charges for recording contracting licenses or workers compensation documents. HB 535 is now before the full House. Its Senate companion is scheduled for its final committee of reference next week.

HOUSING ASSISTANCE

By Ericks Consultants

Senate Appropriations approved SB 1534 that would address homelessness including challenge grants, Rapid Rehousing models, local continuums of care, SHIP, local housing distribution funding and data collection and information systems. The bill is now ready to go before the full Senate. Its House companion was recently fast-tracked to now be ready to go before the full House.

LOCAL GOVERNMENT TAX REFERENDA

By Ericks Consultants

The House voted 94-19 to pass HB 791 that would require that a referendum for a discretionary sales surtax may only be held at a general election, a presidential preference primary election, or a primary election. The bill would require a 60% threshold for passage only if the election is during a Presidential primary election and allow for a majority vote threshold if the election is during a general election.

An amendment adopted on the floor eliminated language that specified a majority vote for surtaxes for charter counties and as well as SFRTA member counties. The bill does not go into effect until after the 2016 elections. Its Senate companion, SB 1100 is in its second of three committees of reference, with the current committee not scheduled to meet again.

FRS REFORM

By Ericks Consultants

The House voted 72-38, mostly along party lines, to pass an FRS reform bill, HB 7107 that is a priority of the Speaker. The bill would make the 401k investments plan the default plan for new employees rather than the defined benefits plan. The bill also includes two provisions to appeal to the Senate: a provision that would increase death benefits to families of Special Risk Class members that die in the line of duty and a provision to correct a double-dipping glitch that discourages retired employees from seeking positions which would return them to the FRS system. Several employee unions opposed the bill and expressed concerns over the cost to reform a system that is currently well funded and stable. The bill has a \$5.1 million appropriation from general revenue and trust funds and an estimated \$3.6 million fiscal impact on counties and municipalities for FY 2016-17. The bill will now go to the Senate for its consideration. The Senate unanimously passed a bill containing the death benefit language earlier this month, with all Senators co-sponsoring. A Senate bill containing the double-dipping glitch language is in its final committee of reference. However, there is no Senate companion for the 401k investment language at this time.

GAMING COMPACT

By County Staff, Ericks Consultants and Corcoran & Johnston

There are still many variables that are being considered in regards to gaming and the Seminole Compact. This week was a flurry of lobbying for special interests to energize life into both the Senate and House versions of the legislation. The House Finance and Tax Chair has a proposed committee substitute that he has filed for HB 7109 that has yet to be placed on the agenda. The Senate Appropriations committee is set to hear their Chamber's bills, SB 7074 and SB 7072 on Tuesday. It is still unclear where both Chambers will go. Right now, the issues of additional slots, decoupling, fantasy sports and the overall ratification of a new Compact are all in play.

The Senate legislation that passed out of committee last week allows pari-mutuels to add slot machines in six counties (Brevard, Hamilton, Gadsden, Lee, Palm Beach and Washington), as well as now having the ability to decouple from live races (purse pools are provided for Thoroughbreds).

The House gambling bills would ratify the gaming compact negotiated by Gov. Scott and the Seminole Tribe, They would decouple greyhound tracks, allowing them to remove dog racing while adding poker and slots and further would allow slots in Palm Beach County and at a new facility in Miami-Dade.

PUBLIC RECORDS EXEMPTION – MARCHMAN ACT

By Ericks Consultants

The Senate unanimously passed HB 762 that would exempt from public records related to the involuntary and stabilization of a person impaired due to substance abuse under the Marchman Act. The bill would ensure that families will not have to fear that sensitive personal information would be made public should they choose to Marchman Act a loved one. It would also align public records law regarding the Marchman Act with that of the Baker Act. Palm Beach County supported the bill. Its House companion stalled in its second committee of reference.

MENTAL HEALTH AND SUBSTANCE ABUSE

By Ericks Consultants

The Senate unanimously passed its Mental Health & Substance Abuse omnibus package, SB 12 and sent the bill over to the House for its consideration. The House package, HB 7097 is also before the full House, but significant differences still remain.

MILLAGE RATES

By County Staff, Anfield Consulting, and Ericks Consultants

After compromising with local governments, House Local & Federal Affairs approved HB 1015 that would require greater reporting requirements for local government millage rates. The original bill would have changed how local governments are allowed to calculate millage rates. The original bill would have required local governments to adopt millage rates based upon actual millage levied the prior fiscal year as adjusted for change in income unless the income change is negative. We worked alongside both the Association of Counties and the Florida League of Cities to strike a compromise with the Sponsor to bring more transparency to the process, while maintaining current law. The bill now would require the taxing authority must post the vote record of the final millage levy on their website within 15 days. Absent a website, the authority must submit the information to their county within a reasonable timeframe that is established for the county to post on the appropriate website. Both the Association and League thanked Chair Nunez for her patience and willingness to work with the committee members. The bill is now ready to go to the full House. Its Senate companion, which does not yet match the House language, has one more committee of reference in the Senate.

FIRE ASSESSMENTS ON GREENBELT PROPERTY

By Ericks Consultants

Senate Fiscal Policy and House State Affairs approved HB 773 that would prohibit local governments from imposing fire assessments on agricultural lands with greenbelt certification. The bill is in response to Haines City imposing assessments on citrus farmland. The Farm Bureau and Fruit and Vegetable Association supported the bill. The Florida League of Cities and Florida Association of Counties opposed the bill, stating that assessments must be apportioned according to benefit. The bills are now before their full Chambers.

ANCHORING

By Ericks Consultants

Senate Transportation and Economic Development Appropriations voted 8-1 on SB 1260 and House State Affairs 15-1 on HB 1051 to approve bills that attempt to target areas experiencing problems due to the local government preemption on anchoring and mooring. The bill would make it a non-criminal infraction to anchor an hour before sunset to an hour before sunrise in designated areas throughout Broward and Miami-Dade, no areas in Palm Beach County are included. The House committee added a provision that would allow the law to be revisited upon conclusion of the FWC pilot study on anchoring, based upon the agency's recommendations. The bill includes exemptions for commercial vessels and safe harboring. Boating representatives spoke in opposition, arguing that the bill was diminishing their rights to public waterways in favor of private property owners who are uncomfortable when boaters anchor near their homes for prolonged periods of time. The Senate bill is scheduled for its final committee of reference next week. The House bill is ready to go before the full House.

BOATING SAFETY

By Ericks Consultants

The House voted unanimously to pass HB 427 By Rep. Magar that would make boat owners who install certain personal location devices registered with NOAA to reduce their vehicle registration fees owed to the Department of Highway Safety and Motor Vehicles. The bill contains a \$5 million appropriation to offset the reduction in fees and is a key priority of Senate President Designate Joe Negron. The bill is now ready to go before the full House. The Senate bill is scheduled to be heard in its final committee of reference next week. Palm Beach County approved a resolution in support of this legislation.

GROWTH MANAGEMENT

By Ericks Consultants and Corcoran & Johnston

Senate Fiscal Policy unanimously approved a growth management package, SB 1190, which 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. It also contains a provision that requires local governments to consult with DOT before approving changes relating to strategic intermodal facility projects. The Senate bill contains provisions that allow for counties to employ tax increment financing for economic development packages. The House bill, HB 1361, is before the full House. The Senate bill is scheduled for its final committee of reference next week.

ALCOHOLIC BEVERAGES

By Ericks Consultants

The Senate unanimously approved HB 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. Under the bill, more than three permits may be issued if voted on by a majority of the governing board at a noticed meeting. The bill also allows for alcohol to be sold at railway transit stations. A House bill containing the provisions stalled in its second committee.

DISCOUNTS TO PARK ENTRANCES AND TRANSIT

By Ericks Consultants

The Senate unanimously approved SB 1202 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 House bill is before the full House.



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AIRPORT ZONING

By Ericks Consultants

Senate Appropriations approved SB 1508 that would affect local government zoning control of airport structures. The House bill is now ready for the full House. The Senate bill has one more committee of reference. HB 1379 is now ready for the full House.

FEDERAL ISSUES

COMMISSIONERS AND STAFF TRAVEL TO DC FOR NACO

By County Staff

Members of the Palm Beach County Board of County Commissioners and staff traveled to Washington DC this week to for the National Association of Counties Legislative Conference.

We met with members of the Administration and Congress on key issues like criminal justice and mental health reform, sober homes, Everglades and Hoover Dike restoration, and surface transportation.

In meetings with lawmakers and Administration officials, our county delegation outlined several key priorities including:

- Protecting municipal bonds
- Supporting marketplace fairness
- Promoting county priorities in surface transportation implementation
- Achieving mental health and criminal justice reform, and
- Preserving county interests in the "Waters of the U.S." rule and other federal regulations that impact counties.

Attendees of the conference heard from congressional and Administration leaders including U.S. Senate Majority Leader Mitch McConnell, U.S. Senator John McCain, U.S. Secretary of Transportation Anthony Foxx, Acting U.S. Secretary of Education John B. King, Jr., U.S. Secretary of Agriculture Tom Vilsack, U.S. Secretary of Housing and Urban Development Julián Castro, Director of the White House Office of Intergovernmental Affairs Jerry Abramson, Director of the White House Office of National Drug Control Policy Michael Botticelli and Director of the National Science Foundation Dr. France Córdova.

Highlights from the conference include a Governor's Roundtable to address how states and counties collaborate to tackle chronic rural poverty, featuring Govs. Bill Haslam (Tenn.), Gary R. Herbert (Utah), Terry McAuliffe (Va.) and Tom Wolf (Pa.), and a White House Rural Council Poverty Summit featuring speakers from the federal, state, academic and private sectors.

Thank you to Senator Bill Nelson, Congresswoman Lois Frankel, Congressman Ted Deutch, and the Staff to Senator Marco Rubio, and Congressman Tom Rooney, Alcee Hastings, and Patrick Murphy for spending time with us in Washington DC to discuss the Palm Beach County Federal Legislative Agenda.