

# PBC Legislative Update



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## IN THIS ISSUE:

### LEGISLATIVE UPDATE – 2016 Session Week Eight

#### STATE ISSUES

1. *The State Budget*
2. *Tax Package*
3. *DJJ Cost Share*
4. *Fracking*
5. *Res. Facility*
6. *Sober Homes*
7. *Inspector General*
8. *Medical Marijuana*
9. *Synthetic Drugs*
10. *Sexual Offenses*
11. *Building Codes*
12. *Housing Asst.*
13. *Tax Ex. Seniors*
14. *VAB*
15. *Gaming Compact*
16. *Mental Health*
17. *Greenbelt Fire*
18. *Transportation*
19. *Anchoring*
20. *Growth Mgt.*
21. *Boating Safety*
22. *Alcoholic Bev.*
23. *Everglades*
24. *Energy*
25. *Env. Control*
26. *Petroleum Restoration*
27. *Discount Parks*
28. *Body Cameras*
29. *Public Records*
30. *Alarm Systems*
31. *Gov. Account.*
32. *PPP*
33. *Port of PB*
34. *Reloc. of Utilities*
35. *Death Penalty*

#### FEDERAL ISSUES

1. *Elections, Senate, House*

#### LOCAL ISSUES

## Legislative Update—2016 Session Week Eight

### STATE ISSUES

#### THE STATE BUDGET

*By County Staff, Ericks Consultants and Corcoran and Johnston*

The House and Senate worked through the weekend on putting together the state budget. The House and Senate conference began the follow week and is expected to conclude by Tuesday, March 8<sup>th</sup>. The Governor’s office has continued to express dissatisfaction at the lack of funding granted to his economic development priorities.

Below is a list of some of the budget highlights for Palm Beach County as they currently stand in the state budget. The list included items by budget area, amount requested for funding and final amount funded in the budget. Items that remain pending are those where the House and Senate have not yet agreed to final amounts.

#### EDUCATION APPROPRIATIONS

	Amount Requested	Final Amt
Palm Beach State College	\$9,000,000	\$9,004,182
FAU STEM Life Sciences Initiative	\$7,038,000	pending
FAU Jupiter Research Building	\$14,650,000	\$3,031,247
PB Habilitation Center	\$482,600/\$166,511	pending
Max Planck	\$3,000,000	pending
Local Library On-Line Tutor Assistance	\$74,000	pending
Adults with Disabilities	\$10,000,000	pending
Glades West Tech HVAC Training	\$1,471,714	pending

#### HHS APPROPRIATIONS

	Amount Requested	Final Amt
Place of Hope	\$3,200,000	\$200,000
Mental Health Jerome Golden Center	\$575,000	\$575,000
Rape Crisis Center	\$2,500,000	\$2,500,000
		\$98,000 PBC
Homeless Housing	\$3,000,000	pending
Caridad - Optical Center	\$1,500,000	\$10,000,000
		Statewide
Alzheimer’s Community Care		\$400,000
Ruth & Norman Rales JFS		\$75,000
ChildNet - My Future My Choice	\$2,500,000	pending
Scripps Research Institute	\$3,000,000	\$2,000,000
Palm Beach PACE (Care for Elderly slots)	\$5,600,000	\$5,132,890

<b>CRIMINAL JUSTICE APPROPS</b>	<b>Amount Requested</b>	<b>Final Amt</b>
South Bay Correctional PILT		\$275,560
Sago Palm PILT		\$142,900
South Bay Correctional Facility		\$2,893,625
Sago Palm Work Camp		\$857,125
Restore Reentry Grant	\$500,000	\$500,000
Insurance and Workers Comp Fraud – 4 prosecutor positions (15 <sup>th</sup> )	\$548,633	\$548,633
PBC Sheriff Unmanned Aircraft System		\$1,000,000
Insurance Fraud Protection – Palm Beach & 5 other counties (fund transfer)		\$1,561,202
Clerks and Comptrollers		
4 <sup>th</sup> DCA Courthouse Construction		\$7,509,276
Sober Home Task Force	\$200,000	pending
<b>WATER AND ENV APPROPS</b>	<b>Amount Requested</b>	<b>Final Amt</b>
<b>Water Projects</b>		
Lake Region Water Infrastructure	\$1,000,000	pending
Loxahatchee River Preservation Initiative	\$3,155,963	\$1,050,000
Lake Worth Lagoon	\$2,200,000	\$500,000
J. W. Corbett Levee	\$3,000,000	\$500,000
C-51 Project		\$2,000,000
<b>Municipal Local Water Request:</b>		
Lantana Lift Stations	\$200,000	\$150,000
WPB Currie Park Water Quality	\$200,000	\$175,000
Belle Glade NW 3rd St. Stormwater	\$800,000	\$350,000
<b>Beach &amp; Inlet Management</b>		\$32,069,924
<b>For Palm Beach County:</b>		
<b>Monitoring Funds</b>		
North Boca Raton Segment/PBC Shore Protection		\$52,500
Jupiter/Carlin Shore Protection		\$100,000
Delray Beach Nourishment		\$25,514
Central Boca Raton Beach Renourishment		\$12,560
Ocean Ridge Shore Protection		\$100,000
South Boca Raton Beach Nourishment		\$191,492
<b>Beach Renourishment</b>		
North Boca PBC Shore Protection		\$106,150
<b>Inlet Management</b>		
Lake Worth Inlet Maintenance Dredging		\$196,500
Petroleum Storage Tank Program	\$5,900,000	
PBC Recreational Shooting Park	\$3,090,000	\$3,090,000
Alternative Water Supply Funding		
FRDAP Funding (funds all small cap and 2 large)		\$10,000,000
Land Acquisition / Florida Forever		\$76,600,000
Everglades Restoration		\$100,000,000
		(CERP)
		\$74,000,000
		(Everglades)

<b>TED APPROPRIATIONS</b>	<b>Amount Requested</b>	<b>Final Amt</b>
Small County / Small City Funding	\$9,000,000	\$9,000,000
Lake Worth Park of Commerce	\$3,500,000	\$2,500,000
Broadway Corridor Revitalization	\$450,000	\$450,000
US 1 Complete Streets Village of Tequesta		\$300,000
Glades Roads	\$1,000,000	\$1,000,000
Lake Okeechobee Wave Attenuation Project	\$1,200,000	\$1,000,000
Chain of Lakes Blueway Access Project	\$286,900	\$286,900
Glades Region Inland Logistics Center	\$470,000	\$470,000
Marine Navigability Imps. Lox River	\$1,500,000	\$1,500,000
Scripps Research Institute	\$3,000,000	\$1,000,000
FAU Tech Runway	\$3,500,000	\$750,000
WPB Calloway Armory		\$3,000,000
Housing Finance Corp (SAIL)		\$64,600,000
		Aff Housing
		\$20,000,000
		SAIL
Sadowski Housing Trust Fund (SHIP)		\$135,500,000
State Library Funding State Aid	\$33,400,000	\$22,298,834
Library Cooperatives	\$2,000,000	\$2,000,000
Library Construction Grants		\$2,000,000
Spady Museum		\$20,000
YSPB's Choir in Glades	\$150,000	\$100,000
Norton Museum	\$1,000,000	\$1,000,000
Cultural and Museum Grants	\$30,933,457 (413 )	\$4,000,000
Cultural Facilities Program	\$11,906,424 (37)	\$9,656,424
Delray CRA Business Incubator		\$125,000
(JARC) JFS - Mental Health Funding	\$180,000	\$180,000

**TAX PACKAGE**

*By Ericks Consultants*

Senate Appropriations took up the \$1 billion House Tax Cut Package (HB 7099) and amended its own, significantly pared down tax package. The Senate plan would make a manufacturing machine sales tax exemption permanent, reduce the commercial rent sales tax by 1%, phase out the sales tax charged on asphalt for government projects, institute a 3 day back-to-school sales tax holiday, clarify that local governments can provide property tax exemptions for economic development within former enterprise zones. It also contains language that allows for local governments to provide ad valorem exemptions for data center equipment. The committee adopted an amendment that would authorize the use of 10% of Tourist Development Taxes for enhanced public safety, which only applies to coastal counties with populations below 225,000. The bill is now ready for the full Senate. The significant differences between the House and Senate tax cut packages play a role in budget negotiations between the two Chambers and the funding of the Governor's priorities.

**DJJ COST SHARE**

*By Ericks Consultants*

SB 1322, which would change the controversial DJJ cost share distribution between the counties and state, cleared its final Senate committee with support from a majority of Florida counties. 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 is close to final passage in the Senate. Its House companion has not had a committee hearing.

#### **FRACKING**

*By Ericks Consultants and County Staff*

SB 318 is dead after its sponsor, Sen. Richter, withdrew it from consideration, saying he did not have the votes to get it through the Appropriations Committee. He told members that environmental groups helped to defeat it. The House last month passed its version, HB 191.

The bill would have created a permitting system for high-pressured well stimulation or "fracking." The final bill required DEP to conduct a study on how to control and mitigate chemical impacts on the environment and develop rules for permitting process. Those rules would then have to be ratified by the Legislature prior to implementation. It would have imposed a moratorium on fracking until the rules were adopted.

#### **RESIDENTIAL FACILITIES**

*By Ericks Consultants*

The Senate and House voted unanimously to pass 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.

#### **SOBER HOMES**

*By County Staff*

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

#### **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), is on the House Special Order Calendar for Monday, March 7<sup>th</sup>.

#### **MEDICAL MARIJUANA**

*By County Staff*

HB 307 (Gaetz, Edwards, Brodeur) passed the House by a 99-16 vote. The bill would expand the Right to Try Act to include medical marijuana. Patients with one year left to live would be allowed to purchase the marijuana from dispensing organizations. The legislation also allows those organizations to grow and distribute to terminally ill patients medical marijuana products that are made from the whole plant. The Senate version, SB 460 (Bradley), has passed all of its committees and is ready to be heard by the full Senate.

**SYNTHETIC DRUGS**

*By County Staff*

HB 1347 (Ingram, Appropriations Committee, Criminal Justice Subcommittee) was unanimously passed by the Senate. It has now passed both chambers. 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.

**SEXUAL OFFENSE INVESTIGATIONS**

*By County Staff*

SB 636 (Benacquisto) passed the House unanimously and is now ready to be sent to the Governor. The bill requires that DNA collected for evidence during a sexual assault investigation must be submitted by a law enforcement officer to a state crime lab within 30 days. Additionally, the lab must test the DNA within 120 days of receiving it.

**BUILDING CODES**

*By Ericks Consultants and Corcoran and Johnston*

The House voted 116-0 to pass HB 535, 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 as well as preempt alarm system registrations. Meanwhile, Senate Fiscal Policy unanimously approved its Senate companion, which is now ready to go before the full Senate.

**HOUSING ASSISTANCE**

*By Ericks Consultants*

The Senate voted unanimously to pass 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 is before the full House.

**AD VALOREM EXEMPTION FOR LOW-INCOME SENIORS**

*By Ericks Consultants*

Senate Appropriations unanimously approved SB 488 that would place a constitutional amendment on the ballot to stipulate that a low-income senior qualify for homestead exemption if their property had a value equal to or less than \$250,000 at the time of the initial homestead application. The senior must have lived in their home for a period of time to qualify. The bill is intended to keep low-income seniors in their homes and protect them from owing a large tax bill due to rising property values. Counties and Municipalities may grant the exemption through ordinance. The Property Appraisers support the legislation. The bill is now ready for the full Senate vote. The House unanimously passed its companion bill earlier last month.

**VALUE ADJUSTMENT BOARDS**

*By Ericks Consultants*

The House unanimously passed HB 499 intended to address a backlog of VAB petitions in Miami-Dade and bring certainty to the budgets of local governments, special districts and school districts. Meanwhile, its Senate companion, SB 766 unanimously cleared its final Senate committee. The Florida League of Cities, Florida Association of Counties, Miami-Dade School Board and Miami-Dade County support the bill.

**GAMING COMPACT**

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

The House and Senate Gaming bills stalled this week. Early in the week, the House Finance & Tax overhauled the House gaming package this week in cooperation with the bill sponsor. The committee voted 12-5 to approve the bill and send it to the full House. However, the House postponed the bill on Friday, and it cannot be brought back up at this point in the Session according to House rules. Meanwhile, the Senate has declared its gaming package "dead." The bill was postponed in Senate Appropriations, which is not expected to hear any more bills.

The Senate legislation 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.

**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 took up the Senate bill and amended it on the floor and sent it back to the Senate for consideration. Differences still remain between the two chambers bills.

**FIRE ASSESSMENTS ON GREENBELT PROPERTY**

*By Ericks Consultants*

The Legislature voted unanimously to approve HB 773 that would prohibit local governments from imposing fire assessments on agricultural lands with greenbelt certification. An amendment was adopted at the request of Counties that would allow for a dollar limitation threshold on the exemption specifically on properties that have structures valued at over \$25,000. 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.

**TRANSPORTATION OMNIBUS BILL**

*By Ericks Consultants*

Senate Appropriations approved a transportation package (SB 1392) after significantly expanding the language. The bill would, among other things, create a seaport security advisory council and grant program under the direction of FSTED. It would make several changes to autonomous vehicle statutes. It would expand the authority of chartered municipality parking enforcement to enforce laws within the county. It would require counties to consider the cost of land use decisions as it relates to material extraction for construction projects. It would authorize FDOT to accept applications for loans from the state infrastructure bank to improve or construct natural gas facilities. The bill is ready for the full Senate. The House has passed multiple bills that contain some but not all of the expanded provisions.

**ANCHORING**

*By Ericks Consultants*

The House voted 105-12 to pass HB 1051 that attempts 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. Senate Fiscal Policy voted unanimously to approve its Senate companion. An amendment to include Lake Boca Raton in Palm Beach County was withdrawn. The bill is now before the full Senate. The bill includes 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 also includes exemptions for commercial vessels and safe harboring.

#### **GROWTH MANAGEMENT**

*By Ericks Consultants*

The House voted 116-1 to pass a significantly amended growth management package (SB 1190) that makes several changes to local government land planning. The bill would 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. It would allow adjacent counties and municipalities to hold public meetings on mutual concerns so long as the meeting is publicly noticed and no votes are taken. It would bring more flexibility to the DRI process by allowing certain changes to approved DRIs and allowing land use substitutions. The Senate package cleared its final Senate committee in a unanimous vote and is now before the full Senate.

#### **BOATING SAFETY**

*By Ericks Consultants and County Staff*

The Senate Appropriations Committee unanimously passed SB 746 (Negron). The House version, HB 427 (Magar) has already passed the House and is in Messages. The legislation 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. Palm Beach County approved a resolution in support of this legislation.

#### **ALCOHOLIC BEVERAGES**

*By Ericks Consultants*

The House voted to amend and send back to the Senate, 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. 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. The House adopted language that stipulates that all revenue from the local government alcoholic permits must go to charity within a certain timeframe.

#### **EVERGLADES RESTORATION**

*By Ericks Consultants*

The House voted 117-1 to pass HB 989 to create a dedicated funding source for Everglades Restoration projects as its Senate companion cleared its final Senate committee. The House 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 Senate bill, SB 1168, however, requires the lesser of 25% or \$145 million be given to CERP and directs funding to springs restoration.

**ENERGY DEVICES**

*By Ericks Consultants*

Senate Appropriations approved SB 172 that would exempt renewable energy devices from property value assessments for ad valorem taxing purposes in order to encourage the sale and installation of renewable energy devices. The legislation requires a constitutional amendment to be passed by the voters in order to be implemented. The committee adopted an amendment that delayed implementation by a year to January 1, 2018, and delayed repeal until December 31, 2037. The committee also adopted an amendment that would place the constitutional amendment on the 2016 primary ballot rather than the general election. The bill is now before the full Senate. The full House adopted the same language and could vote on the bills next week.

**ENVIRONMENTAL CONTROL**

*By Ericks Consultants*

The House passed an environmental control package (HB 589) that includes a provision that local governments must own and actively use a resource recovery center in order to set minimum flow controls and that necessity of the controls must be proven first. The bill also exempts landfill gas-to-energy from the resource recovery center definition. The bill also expands the water quality credit program to include voluntary land set-asides and allows for variances in discharge into state waters so long as nothing violates EPA standards. The bill also sets up an account in order to fund closing and long-term care of waste management facilities. An amendment to the bill was adopted at the request of Palm Beach County to adjust Consumptive Use Permit disputes by repealing one section of law and realigning it with existing statute. The Senate bill is before the full Senate.

**PETROLEUM RESTORATION PROGRAM**

*By Ericks Consultants*

The House unanimously passed SB 100 to reform the Abandoned Tank Restoration Program and the advanced cleanup process. It would increase funding for cleanup programs and increase the amount that the Department is authorized to contract. The House adopted an amendment and sent the bill back to the Senate.

**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 on House Special Order Calendar Monday, March 7<sup>th</sup>.

**BODY CAMERAS**

*By Ericks Consultants*

The House voted unanimously to pass HB 93 that requires law enforcement agencies that choose to use body cameras to adopt policies and procedures regarding their use, maintenance and storage. The bill would also allow for officers to record individuals without having to inform them they are being recorded. The PBA supports the bill. Meanwhile, budget negotiations agreed on a \$1 million appropriation to assist local Sheriff offices with body camera purchases.



**PUBLIC RECORDS VIOLATIONS**

*By Ericks Consultants*

The Senate voted unanimously to pass SB 1220 that would give judges discretion in awarding attorneys fees in public records violations. 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 committee adopted an amendment that corrected the five-day language to avoid unintended consequences. The bill is meant to protect taxpayer dollars from a cottage industry of attorneys who profit from lawsuits over public records violations. The bill is supported by local governments. Several public advocacy and press organizations oppose the bill, claiming it weakens public records laws. The bill is now ready to go before the full Senate. Its House companion was stalled in its final committee of reference.

**ALARM SYSTEM REGISTRATION**

*By Ericks Consultants*

The Senate voted unanimously to pass HB 779 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. The House bill is before the full House.

**GOVERNMENTAL ACCOUNTABILITY**

*By Ericks Consultants*

A sweeping anti-corruption bill stalled in the Senate, but is still going forward in the House. SB 686 would, among other things, require more detailed financial disclosures for municipal officials; require local governments and special districts to post their proposed and adopted budgets online for 45 days and two years, respectively; require lobbyist disclosure for local governments; and require local governments address the findings of a recent Grand Jury report on local government auditing. An amendment was filed to the Senate bill that would have addressed local government concern, however the bill was not heard in its final committee due to time constraints. The House bill, meanwhile, is ready for a full House vote and was amended this week, but not with the preferred Senate amendment language.

**PUBLIC PRIVATE PARTNERSHIPS**

*By Ericks Consultants*

The Senate unanimously voted to pass SB 124 and SB 126 that would implement recommendations by a P3 Guidelines Task Force created by the Legislature two years ago, including clarifying that local government authority is not preempted by the P3 process and can deviate from the statutory timeframes, clarifying that the state university system can participate in P3s and requiring unsolicited proposals be submitted with an application fee set forth by the local government. A second bill would exempt unsolicited proposals from public record for a period of time. The House bill is before the full House.

**PORT OF PALM BEACH**

*By County Staff*

HB 1437 by Rep. Bill Hager, a local bill that amends ch. 74-570, Laws of Florida, relating to the Port of Palm Beach, passed the House Local and Federal Affairs Committee by a unanimous vote of 17-0. Of Florida's 14 deep-water ports, only three ports are formed as a special independent taxing district: Fernandina, Canaveral and Palm Beach. These three ports are governed by elected officials and whose charters are authorized by the legislature.

The bill raises the yearly compensation rate of the Port of Palm Beach Board of Commissioners from \$9,500 to \$16,000, reflecting an approximate 3% yearly increase from the rate of compensation set in 1999. Thereafter, the salary may be

adjusted annually by up to 3 percent by a majority vote of the Board. An amendment was added in the House Economic Affairs committee that clarifies that the Port Commission salaries will be funded from Port of Palm Beach tenant and user fees and not from ad valorem tax revenues.

The bill also authorizes the Port to apply for Foreign Trade Zone (FTZ) site locations outside of Palm Beach County, within 60 miles of the port of entry pursuant to the new Alternative Site Framework (ASF) regulations implemented in 2008. The bill removes language requiring approval from local governments before establishing FTZ site locations outside of the district but notes all such FTZs remain subject to local codes, ordinances, and laws.

The local bill is now ready for the House Floor; however, the bill did not make the House Local Bill calendar which is a signal the bill may be dead for this session. There was a good deal of controversy surrounding the salary increases of Port Commissioners that resulted in a number of questions and opposition to the bill during the House committee process.

## **Bills That Have Passed and are Headed to the Governor**

### **RELOCATION OF UTILITIES**

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.

### **DEATH PENALTY**

HB 7101 (Criminal Justice Subcommittee, Trujillo, Spano) has passed both the House and Senate and is on its way to the Governor's desk. The bill is a response to the U.S. Supreme Court ruling that the method the state uses to sentence individuals to death is unconstitutional because a judge is allowed to reach a different decision than juries. Under the new legislation, at least 10 of 12 jurors must recommend execution in order for that sentence to be carried out. Before, only a majority was needed. In the House, the bill passed 93-20 and in the Senate it passed 35-5.

### **FEDERAL ISSUES**

#### **FEDERAL ISSUES**

*By Becker & Poliakoff and County Staff*

**ELECTIONS 2016:** On Super Tuesday, Donald Trump won 7 states, Ted Cruz won 3, and Marco Rubio won one. In addition, Senate Banking Committee Chairman Richard Shelby (R-AL) won his primary.

**THE SENATE:** Majority Leader Mitch McConnell (R-KY) held a procedural vote on S. 524, authorizing \$77.9 million a year from FY2016-2020 for grants awarded by the Health and Human Services and the Justice departments. Senator Jeanne Shaheen (R-NH) offered a floor amendment that would add \$600 million in emergency funding to bolster treatment for the growing epidemic of opioid abuse in the U.S. that has led to tens of thousands of deaths a year, which was rejected 48-47.

The Senate Energy and Natural Resources Committee Chairwoman Lisa Murkowski (R-AL) and Maria Cantwell (D-WA) completed an agreement for the passage of S. 2012, revising programs related to energy cyber security, efficiency, infrastructure, and supply management. The deal will also allow separate floor action on the \$250 million proposal to allow Flint and other communities plagued with severe drinking-

water pollution to borrow money to fix pipes and reservoirs. The drinking-water provision will be added to House-passed Flint legislation, H.R. 4470.

The Senate Judiciary Committee held a hearing on the targeted employment areas of the EB-5 immigrant investor program.

Peter Neffenger, Transportation Security Administrator, testified before the Senate Homeland Security Subcommittee

**THE HOUSE:** Debated and passed the following bills under suspension of the rules:

- The modified version of H.R. 3716 requiring states to share information when terminating the participation of health-care providers in Medicaid and the Children’s Health Insurance Program. The bill also includes text from H.R. 3821, requiring state Medicaid agencies to establish databases with information about fee-for-service and other providers.
- H.R. 1471, The FEMA Disaster Assistance Reform Act of 2015, addressing the rising costs of disasters in the United States, reducing the toll of future losses, and improving the efficiency and effectiveness of the Federal Emergency Management Agency’s (FEMA) disaster assistance capabilities and programs. It reauthorizes \$947 million annually for the management and administration activities at the Federal Emergency Management Agency for three years; and also reauthorizes \$150 million for the National Urban Search and Rescue Response System, establishing rates to reimburse state and local governments for administrative costs incurred to implement disaster recovery projects, and requiring a study of disaster costs and losses. The bill also includes an amendment drafted in coordination with Palm Beach County that would set time limitations on FEMA audits and funding deobligations related to previous natural disasters.

Rep. Curt Clawson introduced bipartisan legislation to expedite repairs to the Herbert Hoover Dike by December 31, 2020. Key Democratic and Republican members of the Florida delegation back the bill: Reps. Patrick Murphy, Vern Buchanan, and Alcee Hastings. In conjunction with Governor Rick Scott’s State of Emergency declaration on Friday, Clawson’s legislation addresses the ecological and economic disaster at the federal level. Clawson’s bill is part of an Everglades legislative package he is putting forth in Congress in the coming days following coordinated meetings with state, local, and federal officials on the necessary actions that can be taken to reduce the discharges from Lake Okeechobee and restore the Everglades. The legislation would set aside \$800 million and require the Army Corps of Engineers to complete the urgent repairs needed to the Herbert Hoover Dike by December 31, 2020, a four to six year overall improvement by current estimates. Once these repairs are completed, during future high rain events, more water could be held in Lake Okeechobee and prevent massive discharges of water to the Caloosahatchee and St. Lucie Rivers.

The House Energy and Commerce Health Subcommittee held hearing on the financing and delivery of long-term care.

R. Gil Kerlikowske, commissioner of the U.S. Customs and Border Protection; Peter Neffenger, Transportation Security Administrator; and Admiral Paul F. Zukunft, commandant of the Coast Guard, testified before the House Appropriations Homeland Security Subcommittee.

Health and Human Services Secretary Sylvia Mathews Burwell and Energy Secretary Ernest Moniz testified about their agencies’ budget requests.

Interior Secretary Jewell testified before the House Natural Resources Committee and the House and Senate Appropriations Interior-Environment Subcommittees.



**Palm Beach County  
Board of County  
Commissioners**

Mary Lou Berger, Mayor  
Hal R. Valeche, Vice Mayor  
Paulette Burdick  
Shelley Vana  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**

Verdenia Baker

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**LOCAL ISSUES**

At the March 1, 2016, Board of County Commissioners meeting, the board took the following action:

**Criminal Justice Commission** – adopted amendments to the Criminal Justice Commission (CJC) ordinance relating to the operation and makeup of the CJC, and terminated the letter of agreement with the former CJC chairman which delineated responsibilities of the CJC that are now incorporated in the CJC ordinance.

**Home caregivers** – adopted a resolution establishing fees and fines for the Home Caregiver Ordinance and approved an agreement with the Florida Department of Law Enforcement authorizing Palm Beach County Consumer Affairs to process fingerprint-based criminal background checks on home caregivers through FDLE's Volunteer and Employee Criminal History System databases.

**Vehicles for Hire** – approved an amendment to the temporary operating agreement with Rasier, LLC, a subsidiary of Uber Technologies, Inc. allowing Uber to continue operating as a transportation network company (TNC) in Palm Beach County through April 30, 2016. The board also approved a temporary operating agreement with Lyft, Inc. to operate as a TNC in the county through April 30, 2016.

**Infrastructure surtax** – discussed possibly placing a discretionary 1-cent surtax for backloged infrastructure projects on the November ballot. The proposed distribution of revenue would be: School Board 48 percent; Palm Beach County 28.5 percent; municipalities 18.5 percent; and cultural facilities 5 percent.

**FAC** – approved a letter in support of Mayor Mary Lou Berger in her candidacy as second vice president of the Florida Association of Counties (FAC).

**Public Safety** – ratified the appointment of Stephanie Sejnoha as director of the Public Safety Department. She has served as the deputy director of Public Safety since June 2015 and as its director of Finance and Administrative Services since January 2010.

**Meeting procedures** – agreed to not schedule nighttime regular BCC meetings, unless necessary. Public hearings for preliminary and final adoption of the annual budget will continue to be held in the evening in September.

**Conservation** -- directed staff to draft a letter to state lawmakers encouraging them to place additional budget dollars in the Florida Forever Fund for the purchase of conservation lands.