

PBC Legislative Update



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Legislative Session Update Week Six

STATE ISSUES

Growth Management, Agriculture and Natural Resources

CONSTRAINED AGRICULTURAL AREAS

By: County Staff, Ericks Consultants, Corcoran & Johnston, The Moya Group, and Ron L Book PA

Last week, the House Transportation and Economic Development Appropriations Subcommittee amended HB 933 to remove a provision that would allow certain developers who own parcels of land that fit a specific definition of "constrained agricultural parcels" to subvert the local government planning process. We appreciate House Bill sponsor Rep. LaRosa for spending considerable time with our team and agreeing to remove the language and pursue continued discussion about the affected properties in Palm Beach County. The bill is now in its final committee stop, House Economic Affairs, before heading to the House floor.

RESIDENTIAL MASTER BUILDING PERMITS

By: Ericks Consultants

Senate Community Affairs unanimously approved HB 1151 that would allow builders to apply to local governments for a master permit when building several of the same type of unit. The local government would be required to develop the permit program only upon written request of the builder and within a certain time period of the request. The governing board of the local government would be allowed to set the fees for the program. The bill has two more committees of reference in the Senate. Its House companion now ready to go before the full House.

PROPERTY RIGHTS

By: Ericks Consultants

House Judiciary voted 17-1 to approve HB 383 that provides a cause of action in situations when state and local government impose unconstitutional exactions on a private property owner, as there is with the Federal government. The bill would also allow for Bert Harris Safe Harbor provisions to apply whether or not a settlement agreement was reached within 150 days. An exaction would be considered unconstitutional if it lacks a nexus to a legitimate public purpose, and only property that is directly affected by the unconstitutional exaction could qualify for the cause of action. The committee adopted an amendment that requires written correspondence between the private property owner and the governmental entity providing notice of the intent to sue and a written response to the notice. The amendment also placed the burden of proof on the governmental entity. The bill is now ready to go before the full House. Its Senate companion has two more committees of reference.

GLEANING

By: The Moya Group

HB 137 by Rep. Rader reduces civil liability for farmers who gratuitously allow people onto their property to harvest excess food. The bill would still hold farmers liable for not warning about a known danger that would not be obvious to anyone entering the property. The bill is on the Judiciary Committee agenda next week in the House. Its Senate companion, SB 158, was unanimously passed by a full vote of the Senate and is now in Messages.

FRACKING

By: Ericks Consultants

Legislation to regulate the practice of fracking in the state passed its second House committee in a 9-4 vote this week. HB 1205 would require those wishing to utilize high pressure well stimulation (or fracking) to first obtain a permit from and pay a fine to DEP. DEP would have to consider groundwater contamination and public policy in issuing a permit and would have complete authority to inspect activities. The permit holder must provide surety to DEP that fracking will be conducted in a safe and environmentally compatible manner. The bill would increase the civil penalty for violations from \$15,000 to \$25,000 per day. The bill would also create a disclosure registry to provide the public with the names and locations of fracking sites and chemicals used. Supporters of the bill claim that fracking is already allowed in the state, and the Legislation is therefore needed regulation for safety Opponents counter that the only safe regulation of fracking is an outright ban and that the regulation would encourage the activity by providing a regulatory framework. The bill has one more committee of reference in the House. A House bill that would exempt proprietary business information from public disclosure in the registry and environmental purposes is also in its final committee of reference. The bills have two more committees of reference in the Senate.

PREEMPTION OF LOCAL PREFERENCE IN CONSTRUCTION PROJECTS

By: Ericks Consultants

House State Affairs voted 10-8 to preempt local preference ordinances for construction projects that are funded 50% with state dollars. HB 778 is a top priority for the Florida Associated Builders and Contractors. Supporters of the bill argued in favor of free markets and claimed that local preferences are discriminatory and force taxpayers to pay higher prices. The Florida League of Cities, Florida Association of Counties and labor interests assert that local preferences are vital economic development tools. Several committee members wrestled with the vote prior to making a decision after a lengthy debate. Many indicated they would not have been supportive of the bill had the 50% threshold not been established. The bill is now ready to go before the full House and full Senate.

Consumer Services**UBER**

By: Ericks Consultants and County Staff

Senate Appropriations voted 14-2 to approve HB 1298 that would establish insurance requirements for Transportation Network Companies, such as Lyft and Uber, and Short Term Rentals, such as AirBnB. It would establish coverage requirements for when a customer is in a vehicle and during an "on call" period, considered coverage "gap," between when a driver is notified about a customer to pick up and the time the passenger gets in the vehicle. An amendment to the bill, which also passed, would require the driver—if he or she has had an agreement within the previous 6 months—to possess liability coverage of at least \$100,000 for death and bodily injury per person and \$200,000 per

incident, and at least \$50,000 for property damage. The sponsor stated he tried to balance the taxi industry with companies such as Uber and that he was still working on the language for gap coverage. The bill is now ready to go before the full Senate.

HB 817, sponsored by Rep. Matt Gaetz, is also ready for the floor. It would let ride services use a "surplus lines" insurance company. This type of insurance company, were it to fail, is not backed by a state guaranty fund to pay claims. The Senate version would force companies like Uber to use an insurer backed by the state fund, as taxis do.

GAMING

By: Ericks Consultants and County Staff

Senate Regulated Industries voted 7-5 to file SB 7088 that would extend the Seminole Gaming Compact for another year after adopting amendments that would essentially decouple all live racing and jai alai pari-mutuels. The committee also adopted amendments that would allow slots in certain pari-mutuels in counties whose voters have approved slot machines. The amendments have effectively weighted down an originally simple bill, limiting its chances of passing and causing the Chair of the committee and technical sponsor of the bill to vote against it. The bill has not yet received its committee references.

Meanwhile, House Regulated Industries voted 14-4 to approve its comprehensive gaming package, which makes no mention of the Seminole Compact. The PCS differed from the originally filed language as it removed provisions for destination casinos but kept decoupling of greyhounds (though it does not decouple Jai alai frontons or horseracing.) HB 1233 would also place a moratorium on new pari-mutuel licenses and eliminate portability of licenses. The committee adopted amendments that would allow slots in pari-mutuels in Palm Beach and Lee County whose voters have approved slot machines. The committee also adopted an amendment that would allow Broward & Miami-Dade Counties to hold non-binding referendums to gauge support for a destination casino. The bill would also eliminate tax credits for greyhound racing, but would lower the taxes on handles in order to make the bill revenue neutral. The House Finance & Tax committee held a workshop on the tax credits in preparation for the bill being heard in the committee next week where the Chair asked the committee to consider whether or not to keep some of the revenue from eliminating the credits in order to fund animal welfare for greyhounds in a decoupled industry. The bill has two more committees of reference in the House.

REDUCED FEES FOR COUNTY & MUNICIPAL PARKS AND TRANSPORTATION AUTHORITIES

By: Ericks Consultants

Senate Fiscal Policy unanimously passed HB 1430 which would require regional transportation authorities to offer partial or full discount on fares to disabled veterans as well as discounted entrance fees to military members, veterans, & spouses & parents of certain deceased military members, law enforcement officers, & firefighters. The committee adopted an amendment, which added emergency medical technicians and paramedics, specified the discounted transit fares were for fixed route transportation and allowed the local government to determine information satisfactory to obtain the discount. The South Florida Regional Transportation Authority supports the bill. The Senate bill is now ready to go to the full Senate. Its House companion is ready to go before the full House.

Finance and Taxes

\$690 MILLION TAX CUT PACKAGE

By: Ericks Consultants

The House voted 112 to 3 to pass a \$690 million tax cut package. HB 7141 holds local government harmless for the most part and includes provisions from several different standalone Senate bills. The package includes reducing CST with a hold harmless provision for local governments, reducing the tax on commercial leases, exempting text books and agricultural equipment from sales tax, eliminating the school concessions tax and research & development tax, instituting Back to School and Small Business Saturday sales tax holidays and many others. The package also has a controversial provision that establishes a sales tax holiday on July 4th for hunting ammunition and firearms. Opponents to the bill worried with reducing revenue to the State and also expressed concern for the July 4th holiday provisions.

PROPERTY TAX EXEMPTIONS

By: Ericks Consultants

The House unanimously passed HB173 to update property tax exemptions for widows, widowers, blind persons and persons permanently disabled for the first time since the early 1900s. The bill would increase the exemption from \$500 to \$5,000. State economists estimated a \$41 million impact to local governments statewide. The exemption would not be implemented until 2016. The language is also part of the House Tax Cut Package. It does not have a Senate companion.

VALUE ADJUSTMENT BOARDS

By: Ericks Consultants

House Appropriations approved along party lines HB 695 to reform the VAB proceedings based on OPPAGA recommendations in order to shorten the process and provide school districts, special districts and local governments predictability in their budget planning. The committee adopted several amendments. Members of the committee expressed concerns over having the local legislative delegation appointing VAB members. Some felt that delegation members were not qualified to vet VAB members and wanted to see the provisions reverted back to current statute, which leaves appointment authority to the Governor. The Florida Association of Property Appraisers supports the bill overall. Miami Dade Public Schools also expressed support of the overall bill, as did the Florida Association of Realtors. Members who opposed the bill felt that the legislation would benefit Miami-Dade at the expense of harming other counties. The bill is now ready to go before the full House. Its Senate companion SB 972, has one committee of reference left.

FILM & TV INCENTIVES

By: Ericks Consultants

House Economic Affairs voted 12-5 to approve the House Film & TV Incentive package that seeks to address accountability and transparency issues in the program. HB 451 has strong support from the entertainment industry, business community and local governments. Supporters of the bill argued the proposal would put Florida ahead in a competition with other states to bring jobs and tax dollars to Florida. Opponents of the bill included the committee Chairman and argued incentive dollars were better spent elsewhere, that competition with other states was a "race to the bottom," and that the bill would increase government. Supporters countered that the framework was conservative and more responsible and therefore more sustainable than other states' incentive programs. The House and Senate versions differ. The bill is now ready to go before the full House. Its Senate companion is in its final committee of reference in the Senate.

Public Safety

DJJ DETENTION COSTS

By: Ericks Consultants and County Staff

Senate Civil & Criminal Justice Appropriations approved HB 1414 to set the State and County Juvenile Justice cost share amount at counties that are not fiscally constrained paying 57% and the state paying 43%. The bill originally called for a 60%/40% split. The Florida Association of Counties testified that the agency has been submitting bad bills to the counties. Not only have counties been improperly billed for years, the state eliminated a program which rebated counties for overpayments made to the state. There was criticism during the meeting about counties that did not make any payments into the system as a result of ongoing litigation earlier this year. Palm Beach County was originally one of those counties but has since resumed making monthly payments in an amount equal to what the County paid last year until pending litigation is resolved. The bill has one more committee of reference in the Senate. Its House companion that also specifies the 57/43 split is currently before the full House.

KRATOM

By: County Staff

HB 287 that would require FDLE, the Attorney General and DCF to collaborate on a recommend to the Legislature whether Kratom should be regulated as a controlled substance was temporarily postponed at the sponsor's request. The bill sponsor stated that FDLE was still working to gather necessary data and that she intends to file the bill again for the next Legislative Session with greater evidence. The bill originally would have added the substance to the controlled substance list.

SEIZURE OF CONTRABAND

By: Ericks Consultants

Senate Criminal & Civil Justice Appropriations voted 5-1 to approve HB 1534 that would limit the ability for local law enforcement to sell contraband and use profits toward trust funds, charities and expenses. The sponsor stated current law was a perverse incentive for law enforcement to take from citizens and cited examples of abuse. Other committee members passionately agreed. The bill would require 50% of profit from contraband go towards school resource officers, crime prevention, safe neighborhood, or drug abuse education and prevention programs and the other 50% go towards the Crimes Compensation Trust Fund. Law enforcement strongly opposed the bill, stating that abuse was the exception rather than the rule and that current law had sufficient protections in place to protect property rights. The bill has one more committee in the Senate. Its House companion has not yet been heard in its first of three committees of reference.

EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX

By: Ericks Consultants

The Senate Fiscal Policy unanimously approved SB 668 that would revise the Emergency Fire Rescue Services and Facilities Surtax to distribute the revenue to all providers in a county that adopts the surtax, rather than only providers that enter into an interlocal agreement with the county. The bill would provide local government providers with revenue from the surtax proportionate to their annual expenditures for fire control and emergency fire rescue services from the preceding five years. The Palm Beach County Firefighters support the bill. The House and Senate bills have now passed through all committees of reference and are ready to go before the full House and Senate.

LAW ENFORCEMENT ASSESSMENT

By: Ericks Consultants

The Senate Committee on Finance & Tax voted 5-1 to approve HB780 that would allow municipalities to fund police services through a special assessment in place of ad valorem taxes. The bill would require a local government to adopt an ordinance authorizing the levy and lower the millage rate by the amount equal to the assessment in order to keep the levy revenue neutral. The bill is supported by the Florida League of Cities, the Florida Fraternal Order of Police and the Florida Police Benevolent Association. The bill has one more committee of reference in the Senate. Its House companion also has one more committee in the House.

SENTENCING OF PUBLIC OFFICIALS

By: Ericks Consultants

House Judiciary unanimously approved HB 732 that would require public officials found guilty of bribery or corruption to pay restitution to local governments that were wronged by their crimes. The bill could have a fiscal impact on local governments should their be an increase in demand for community service supervision as a result of the requirements, however the bill could also result in a positive fiscal impact to local governments should they receive repayment from the criminals. The bill is now ready to go before the full House. Its Senate companion has two more committees of reference in the Senate.

ANIMAL CONTROL

By: Corcoran & Johnston

On Thursday, the Senate Appropriations Committee heard SB 420, a bill by Sen. Denise Grimsley relating to animal control. This bill provides a procedure for adopting or humanely disposing of impounded stray livestock, except cattle, as an alternative to sale or auction; requires the sheriff or animal control center to establish fees and be responsible for damages caused while impounding livestock; grants municipalities with certified animal control officers the same powers to counties and societies or associations for investigating animal cruelty cases; and provides additional, supplemental, and alternative laws for enforcing county or municipal codes or ordinances, but clarifies that it does not prohibit a county or municipality from enforcing its own codes or ordinances by any other means. The Florida Animal Control waived their time in support. Without question or debate the bill passed.

SB 420 is scheduled to be heard by the full Senate on Tuesday, April 14th. Its House companion, HB 627 by Rep. Jennifer Sullivan, has passed through all of its committees and is ready for the House floor.

GRANDPARENTS RIGHTS

By: Ericks Consultants

The House unanimously passed HB 149 that would give grandparents and great grandparents of deceased, vegetative state, and felon parents the right to petition the courts for visitation rights moved through its second of four Senate committees this week. The bill is supported by the Florida Retired Americans Association, Florida Coalition of Children, AARP, Grandparents as Parents of Florida and Palm Beach County. Meanwhile, its Senate companion has cleared two of four committees in the Senate.

Health Care

MENTAL HEALTH AND SUBSTANCE ABUSE

By: Ericks Consultants and Corcoran and Johnston

House and Senate bills that make up a bipartisan Mental Health & Substance Abuse initiative continue to advance in the House and Senate. House Health & Human Services voted unanimously to move a comprehensive House package, HB 7119, that includes crisis stabilization database, drug court reform, Baker Act, Marchman Act and the creation of regional coordinated care systems involving managing entities competing for performance based contracts. The bill is now ready to go before the full House. Senate Appropriations voted unanimously to pass a Senate bill with companion language on crisis stabilization utilization data. That bill is now ready for the full Senate.

Meanwhile, bills that would authorize the creation of treatment-based mental health court programs among other items moved through House and Senate committees unanimously this week. Senate Judiciary adopted an amendment which added Broward County as a participant in a pilot program modeled after Miami-Dade Forensic Alternative Center. The Senate bill has one more committee of reference in the Senate. Its House companion is now ready to go before the full House.

SOBER HOMES

By: Ericks Consultants, The Moya Group

Senator Clemens' SB 326 passed unanimously in the Senate Appropriation Committee on Thursday. It now heads to the Senate floor. Also on Thursday, HB 21 by Representative Hagar was read a third time and passed through the House with 113 yeas and 2 nays. HB 21 is now in messages in the Senate.

The legislation instructs DCF to approve a credentialing entity to develop and administer a voluntary certification program, including background checks for recovery residence operators. The bill would require DCF to publish a list of certified residences on its website. The bill threads the needle between oversight and ADA/FHA protection laws. The legislation is based upon a California model that has made it through a court challenge. It would also regulate advertisement of sober home facilities.

Housing

HOUSING FOR LOW INCOME INDIVIDUALS

By: Ericks Consultants

Senate Community Affairs unanimously approved HB 1520 that would allow local SHIP funds to be allocated to rental assistance in the form of first and last months rent. The bill would also establish a process by which housing authorities can consolidate. The bill has two more committees in the Senate. Its House companion, which is strictly related to consolidated housing authorities, is ready to go before the full House.

Local Bills

CITY OF WEST PALM BEACH FIREFIGHTER PENSION

By: County Staff

On Thursday, HB 1167 by Rep. Dave Kerner, a local bill that would amend the West Palm Beach Firefighter Pension Special Act, passed out of the House Local and Federal Affairs Committee by a unanimous vote. The changes made by this bill are the result of a collective bargaining agreement between the City of West Palm Beach and International Association of Firefighters Local 727. The bill defines "Fire Chief" as the executive officer for the City of West Palm Beach Fire Department. This legislation also provides that a portion of the chapter 175 premium taxes must be used to reduce the employee contributions and the remainder must be allocated to the member share accounts. An amendment passed that removed the provision that would authorize in-service distributions when the Fire Chief is retained after reaching normal retirement. This change was made to be consistent with the removal of in-service distributions across all proposed local bills.

HB 1167 has passed through all of its committees. Its next stop is the House floor. Local bills do not require Senate companions. When passed through all of their committees of reference, they are placed on the Special Order calendar towards the end of Session to be heard in a group and voted on collectively in both the full House and Senate.

SCHOOL DISTRICT OF PALM BEACH COUNTY BUSINESS PARTNERSHIP PROGRAM

By: County Staff

On Thursday, HB 1253 by Rep. Pat Rooney, a local bill that would establish the School District of Palm Beach County Business Partnership Program, passed out of the House Local and Federal Affairs Committee by a unanimous vote. This bill removes the need for periodic renewal of the pilot program that was established by the Legislature in 2008. It would continue to allow schools in the unincorporated areas of Palm Beach County to recognize its business partners by displaying the names of the partners on school property. In return for having their names publicly displayed, the partners fund programs such as Project Graduation and extracurricular activities.

HB 1263 has passed through all of its committees. Its next stop is the House floor.

WEST PALM BEACH WATER CATCHMENT AREA LOCAL BILL

By: County Staff and Ericks Consultants

On Thursday, HB 1213 by Rep. Lori Berman, a local bill that would reduce a boundary of the West Palm Beach Water Catchment area, passed out of the House Local and Federal Affairs Committee by a unanimous vote. This bill will help move forward plans for a new two-team spring training facility on land that was a former landfill in the City of West Palm Beach.

HB 1213 has passed through all of its committees. Its next stop is the House floor.

FEDERAL ISSUES

Federal Update

By Becker & Poliakoff

The following are some significant upcoming issues and dates on the congressional calendar:

MARCH 31: Doc Fix

The most recent, and possibly the final "doc fix" law, Public Law 113-93, expired at midnight on Tuesday, March 31. Medicare technically is bound to reduce the amount it pays physicians for services provided to Medicare beneficiaries by about 21 percent. If Congress acts quickly after the recess break, the rate-cut can be avoided since Medicare claims are paid fourteen days or later after doctors submit bills. The House passed their "doc fix", H.R. 2, and Senate leaders announced that they would be discussing amendments that could be scheduled for quick action upon the Senate's return, which is set for Tuesday.

APRIL 14: Iran Markup

The Senate Foreign Relations Committee is scheduled to mark up a bipartisan bill that would require congressional review of any nuclear deal that U.S. reaches with Iran. Under the legislation, S. 625, sanctions against Iran would have to remain in place for 60 days after the president submits any deal to Congress. Whether the markup proceeds could hinge on the outcome of the talks.

APRIL 15: Budget deadline

Under the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, Congress is supposed to adopt a budget resolution by April 15 to present the unified priorities for both the House and the Senate. There are no negative consequences for missing the deadline, whether by adopting a late budget or not adopting one at all. When the House and Senate cannot reach an agreement, each chamber can deem its resolution as binding on the spending and revenue bills that later do pass.

MAY 31: Surface Transportation

Highway, transit and road safety programs are authorized through May 31 by Public Law 113-159. That law extended the previous surface transportation law, enacted as Public Law 112-141 and known as MAP-21, for eight months. The authorization must be in place to expend funds from the Highway Trust Fund. Any lack of action could cause programs financed through the trust fund to shut down, partially or completely. House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) wants to identify a funding mechanism as soon as possible after the April recess. Senate Finance Committee Chairman Orrin Hatch (R-UT) has given the committee until May 31 to identify a long-term funding mechanism, which suggests that he is also preparing for another short-term highway bill.



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UP NEXT WEEK IN TALLAHSSEE:

Homelessness

<http://flsenate.gov/Session/Bill/2015/1500/BillText/c1/PDF>

Anchoring

<http://flsenate.gov/Session/Bill/2015/1548/BillText/c1/PDF>

<http://flsenate.gov/Session/Bill/2015/7123/BillText/Filed/PDF>

Sentencing of Public Officials

<http://flsenate.gov/Session/Bill/2015/0732/BillText/Filed/PDF>

Civil Citations

<http://flsenate.gov/Session/Bill/2015/0099/BillText/c2/PDF>

Gleaning

<http://flsenate.gov/Session/Bill/2015/0137/BillText/Filed/PDF>

Grandparent Rights

<http://flsenate.gov/Session/Bill/2015/0368/BillText/Filed/PDF>

Location of Utilities

<http://flsenate.gov/Session/Bill/2015/0391/BillText/c2/PDF>

Economic Development

<http://flsenate.gov/Session/Bill/2015/7067/BillText/Filed/PDF>

Transportation Packages:

<http://flsenate.gov/Session/Bill/2015/1186/BillText/c1/PDF>

<http://flsenate.gov/Session/Bill/2015/1554/BillText/c1/PDF>

<http://flsenate.gov/Session/Bill/2015/1184/BillText/c1/PDF>

Ad Valorem Taxation Constitutional Amendment

<http://flsenate.gov/Session/Bill/2015/1142/BillText/Filed/PDF>

Waste Management

<http://flsenate.gov/Session/Bill/2015/0653/BillText/c2/PDF>

Red Light Cameras

<http://flsenate.gov/Session/Bill/2015/7071/BillText/c1/PDF>

Fracking

<http://flsenate.gov/Session/Bill/2015/1205/BillText/c2/PDF>

Growth Management

<http://flsenate.gov/Session/Bill/2015/0933/BillText/c2/PDF>

Low Voltage Alarm Systems

<http://flsenate.gov/Session/Bill/2015/0466/BillText/c1/PDF>

Uber Insurance

<http://flsenate.gov/Session/Bill/2015/1298/BillText/c1/PDF>

Local Preference in Construction

<http://www.flsenate.gov/Session/Bill/2015/0778/BillText/c2/PDF>

Flood Insurance

<http://flsenate.gov/Session/Bill/2015/1094/BillText/c3/PDF>

Mental Health & Substance Abuse

<http://flsenate.gov/Session/Bill/2015/7068/BillText/c1/PDF>

<http://flsenate.gov/Session/Bill/2015/0340/BillText/c1/PDF>

Emergency Fire Services & Facilities Surtax

<http://flsenate.gov/Session/Bill/2015/0668/BillText/c1/PDF>

Property Appraisers

<http://flsenate.gov/Session/Bill/2015/0266/BillText/Filed/PDF>

Natural Gas Rebate

<http://flsenate.gov/Session/Bill/2015/1141/BillText/c2/PDF>

Building Code

<http://flsenate.gov/Session/Bill/2015/0915/BillText/c2/PDF>

Private Property Rights

<http://flsenate.gov/Session/Bill/2015/0284/BillText/c1/PDF>