

# PBC Legislative Update



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## Legislative Update — May 2017

### *FEDERAL ISSUES*

See future updates.

### *STATE ISSUES*

#### **Wireless Communication Use on Right-of-Ways Passes Last House Panel**

*By County Staff*

Both chambers are ready to hear legislation that would allow tech companies to install infrastructure to improve wireless communication in Florida, though the House bill offers a higher cap on annual fees local governments can charge for installing those devices.

#### **Florida Forever Bill Could Affect Everglades Reservoir Plan**

*By County Staff*

Rep. Matt Caldwell brought forth a bill to alter what projects are eligible for money under the Florida Forever program which could hinder Senate President Joe Negron's reservoir.

### *STATE ISSUES*

#### **Anfield Session Report Week of April 24<sup>th</sup>**

*By Anfield Consulting*

#### **Bills passed this week:**

CS/CS/SB 884 – Sharks Fins (relating to enhanced penalties for shark finning)

CS/CS/HB 7043 – Vessels (relating to anchoring and mooring)

CS/CS/CS/HB 185 – State Parks (relating to discounts for foster and adoptive families)

CS/CS/HB 599 – Public works (relating to restricting local governments' ability to impose additional conditions on contractors and other entities)

#### **Resource Recovery & Management (CS/HB 335 & CS/CS/SB 1104)**

The DEP is charged with implementing and enforcing the state's solid waste management program. This program oversees the direct disposal of many different forms of industrial, agricultural, and residential waste. However, under s. 403.7045(1), F.S., certain wastes and activities are exempt from solid waste regulation. These generally consist of recoverable materials and the processes by which they are recycled. This bill expands the current exemption from the DEP's solid waste management program to include non-combustion gasification and pyrolysis facilities.

On Tuesday, the (S) Appropriations Committee adopted a **PCS** for **CS/SB 1104**. The **strike-all** clarifies that post-use polymers intended for conversion is not solid waste and makes

#### **IN THIS ISSUE:**

##### **FEDERAL ISSUES**

1. See future updates

##### **STATE ISSUES**

1. Anfield Session Report Week of April 24<sup>th</sup>
2. Ericks Session Updates

##### **LOCAL ISSUES**

1. Award-winning Author to Visit Glades Central HS, Give Writing Workshop
2. Palm Beach County Appropriations

technical changes.

**CS/CS/SB 1104** should now head to the Senate floor. **CS/HB 335** has been received by the Senate and referred to committees. These bills are positioned for final passage.

### **Water Protection & Sustainability (HB 573 & CS/SB 928)**

This bill creates the “Heartland Headwaters Protection and Sustainability Act. On Monday, the (H) Government Accountability Committee passed **CS/CS/HB 573** without amendment. The (S) Appropriations Committee passed **CS/SB 928** without amendment on Tuesday. The House passed **CS/CS/HB 573** on Friday. It was substituted for **CS/SB 928** in the Senate is on the Third Reading Calendar for May 1<sup>st</sup> in preparation for final passage.

### **Construction (CS/CS/HB 1021 & CS/SB 1312) Solar Energy Certification**

This bill would remove the requirement that the FSEC certify all solar energy devices. It provides that a solar energy device may meet state certification requirements by meeting the standards of any “recognized certifying entity” that certifies such equipment pursuant to NREL standards. However, the NREL does not currently set such standards.

#### *Florida Building Code*

The bill provides that the FBC will eliminate duplicate commissioning reporting requirements for HVAC and electrical systems. The bill also authorizes electrical or mechanical engineers to provide commissioning reports in addition to a licensed design professional. Lastly, it prohibits any political subdivision of the state from adopting or enforcing any ordinance, building permit, or requirement that impairs or conflicts with advertising and signage. (House Ver. Only)

#### *Local Government Fees*

This bill prohibits local jurisdictions from requiring payment of any additional fees for obtaining permits, if proof of licensure pursuant to ch. 489, F.S., and insurance coverage required by ch. 440, F.S., has been previously provided and recorded. The bill also prohibits a local jurisdiction from requiring an owner of a residence to obtain a permit to paint his or her residence regardless of whether the owner is a limited liability company.

#### *Fire Prevention*

This bill prohibits local governments from requiring a separate water connection for a residential fire-sprinkler system for a dwelling if the dwelling’s original water connection is adequate and prohibits a local government from charging certain fees for larger water meters.

#### *Building Code Inspectors (House Ver. Only)*

The House bill provides intent language to this section of statute. It provides that it is the intent of the Legislature that owners and contractors not be required to pay extra costs related to building permitting requirements when hiring a private provider for plans and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency and reduce the permit fees accordingly. An engineer who fails to disclose to a potential customer prior to contracting whether or not he or she maintains professional liability insurance, or the limits of that insurance policy, is grounds for disciplinary actions by the Board of Professional Engineers.

**HB 1021** was approved on April 20 on third reading and is now in Senate Messages, and has been referred to committees.

### **Rural Economic Development Initiative (SB 600 & CS/HB 333)**

This bill makes several changes to the Rural Economic Development Initiative (REDI), first being the make-up of its representative membership. The bill also clarifies the legislative intent of REDI to include encouraging job creation, improved community infrastructure, the development and expansion of workforce, and improved access to healthcare. It also expands the definition of “rural area of opportunity” to include any rural community that faces competitive disadvantages. It also clarifies that REDI is to focus its efforts on the challenges of the state’s rural areas of opportunity and economically distressed rural communities. It explains that when undertaking outreach and capacity-building efforts, its purpose should be to improve rural communities’ ability to compete in a global economy, and requires that the report by REDI be submitted to the DEO, the President of the Senate, and the Speaker of the House of Representatives by September 1 of each year, as well as expands the information to be included in the report to include evaluation of organizational progress towards goals, REDI accomplishments, and issues affecting the performance of REDI programs and activities.

**SB600** has moved from Governmental Oversight and is now in the Rules committee, with session drawing to a close, it is unlikely this bill will get further movement this session. **HB333** is also in Transportation committee.

### **Public Notification of Pollution (CS/SB 532 & HB 1065)**

This bill creates the Public Notice of Pollution Act. The Act requires the DEP to publish a list of substances at specified quantities that pose an immediate and substantial risk to the public health, safety, or welfare. Releases of these substances at the quantities specified are “reportable releases.” The owner or operator of any installation where a reportable release occurs and who has knowledge of it must provide a notice of the release to the DEP. The notice must be submitted to the DEP within 24 hours after discovery of the reportable release and must contain the detailed information described in the bill about the installation, the substance, and the circumstances surrounding the release. The DEP would be required to publish each notice on the Internet within 24 hours after it receives the notice. It must also create a system for electronic mailing that allows interested parties to subscribe to and receive direct announcements of notices received by the DEP. The bill provides that submitting a notice of a reportable release does not constitute an admission of liability or harm. Finally, the bill provides for \$10,000 per day in civil penalties for violations of these notice requirements and authorizes the DEP to adopt rules to administer said penalties.

**SB532** is now in messages to the House after passing on third reading.

### **Sharks (CS/CS/HB 823 & CS/CS/SB 884)**

This bill further tightens current restrictions on shark fishing in the state. It defines “landing” as the act of bringing the harvested organism, or any part thereof, ashore. It prohibits the possession of a fin separated from a shark on the waters of the state or landing said fin ashore, unless such possession is authorized by FWC rule or the fin is lawfully obtained on land for taxidermy purposes

The House version is similar to the Senate version, except that it provides slightly lighter penalties for possession of a shark fin.

On Tuesday, the House received **CS/CS/SB 884** in Messages and substituted it for its own bill, **CS/CS/H B 823**. SB 884 passed on Wednesday. It is enrolled and will be presented to the governor shortly.

### **Public Works Projects (CS/SB 534 & CS/CS/HB 599)**

This bill would prohibit the state and its political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, material suppliers, or material carriers, except as otherwise required by federal or state law.

This bill would also specifically prohibit the state or a political subdivision that contracts for a public works project from restricting a contractor, subcontractor, material supplier, or material carrier from submitting a bid on any public works project that it is licensed, qualified, or certified to do. This prohibition would not apply to contracts made under ch. 337, F.S., which generally covers state and county roads. It also does not apply to vendors who have been convicted of a public entity crime and placed on the DMS blacklist, or that have been found liable for discriminatory practices under s. 287.133, F.S.

On Tuesday, the Senate substituted **CS/CS/HB 599** for its Senate companion, **CS/CS/SB 534**, and passed it. **HB 599** is now ordered enrolled and will be presented to the governor shortly.

### **Building Code Administrators & Inspectors (CS/CS/HB 909 & CS/CS/SB 860)**

#### **Inspectors**

This bill would add a seventh qualification an applicant can meet in order to sit for the plans examiner or inspector exam. The bill provides that a person may sit for the plans examiner or inspector examine if he or she completes a four-year internship with a building official, while being employed full time by the city, county, or local jurisdiction; and he or she passes an exam administered by the ICC, passes a principles and practice exam, and passes an approved 40-hour training course.

#### **Florida Building Code (Senate Version)**

This bill would flip the process around. Instead of being required to automatically adopt the I-Code, the Commission would be authorized to work with the 6th Edition of the Florida Building Code and any later editions as its base, adopting whatever changes are made to the I-Code into the state code as it deems appropriate. The bill would require a two-thirds vote by the Commission to re-adopt the state code. The Senate Version of this bill also provides that pool or spa contractors are not required to subcontract certain types of basic electrical installation, replacement, disconnection, or reconnection of wiring on the load side of their equipment, but must do so when making these same modifications to a circuit breaker.

**HB909** has passed the House chamber on third reading, and is now in messages to the Senate. The Senate has referred it to committees

#### **Onsite Sewage Treatment & Disposal Systems (E1/HB 285 & CS/SB 1748)**

This bill requires the DOH to survey and identify every septic tank system in the state by Jan. 1, 2017, and to incorporate that information within the existing septic tank database system. The survey must, at minimum, include the total number of septic systems in the state, the total number of systems in each county, and a statewide map of these systems, including their location and condition. It also provides a disclosure at point-of-sale requirement for homes that have a septic system, and provides the form and wording of the disclosure to prospective buyers.

**HB285** has passed the House chamber on third reading, and is now in messages to the Senate. The Senate has referred it to committees

#### **Marine Turtle Protection (HB 1031 & SB 1228)**

This bill amends the Offense Severity Ranking Chart to correct the numbering for the solicitation or conspiracy to commit a violation of the MTPA. Furthermore, the bill adds possession of a sea

turtle species or hatchling, or parts thereof, or the nest of any sea turtle species, as a level three violation.

On Wednesday, the House passed **HB 1031**. It has been received by the Senate and referred to committees. **SB 1228** is currently in (S) Appropriations and is on the agenda for May 1st. These bills are well positioned for final passage.

#### **Fuel Storage (CS/HB 1353 & CS/SB 1278)**

This bill expands the use of the Inland Protection Trust Fund (IPTF) to authorize DEP to fund the repair and replacement of storage tanks, piping, or system components that may have been damaged by the storage of fuels blended with ethanol or biodiesel or to take preventive measures to reduce the potential for such damage.

Both versions of this bill remain in their chamber committees, neither having made it to a full chamber reading.

#### **Utilities (CS/HB 687 & CS/CS/CS/SB 596)**

This bill creates a new section of law called the Advanced Wireless Infrastructure Deployment Act. Put simply, it creates a preemptive, uniform process to be applied statewide for gaining access to and use of public rights-of-way in connection with the installation of small wireless communications infrastructure. The bill creates a process and time limits for review and approval of applications.

**SB 596** has been replaced with the House version. **HB 687** has been enrolled.

#### **Flood Insurance (CS/CS/SB 420 & CS/HB 813)**

This bill makes three changes to state law regulating flood insurance. In Florida, the flood insurance market is regulated through the Office of Insurance Regulation (OIR).

##### *Sale of Personal Lines, Residential Flood Insurance*

In 2014, the Legislature passed SB 542, granting certain regulatory exemptions to the sale of personal lines of residential flood insurance under s. 627.715, F.S. (Note: It does not apply to commercial residential lines, commercial non-residential lines, or excess flood insurance.) Under these exemptions, an insurer may establish flood rates through the standard OIR process provided in s. 627.062, F.S., or it may use the expedited process where the rate is filed with the OIR, but OIR is not required to review it before or shortly after implementation. The OIR may still review the rates at its own discretion. The exemptions sunset on October 1, 2019. This same law also allows surplus lines agents to export flood insurance to a surplus lines insurer without making a diligent effort to seek coverage from three or more authorized insurers until July 1, 2017.

##### *NFIP*

This bill would require the Florida Commission on Hurricane Loss Projection Methodology to revise previously adopted actuarial methods, principles, standards, models, or output ranges at least every four years for flood loss projections. It extends the exemption period for personal lines residential flood insurance rates from OIR review a further six years, from the current sunset of Oct. 1, 2019, to Oct. 1, 2025. It also expands the exemption to include excess coverage. It changes the requirements for exemption for surplus line insurers from having to obtain three declinations; instead of requiring \$300 million or more in capital, those insurers would only be required to provide an exceptional rating from a private rating agency approved by the OIR (For the House bill, this rating must be “superior” or “excellent”, and it must come specifically from

A.M. Rating Service, not just any rating service approved by OIR). The current sunset for this exemption would be moved from July 2017 to July 2025 (or July 2022, in the Senate Ver.) Lastly, the bill would prohibit a policy from being removed from the NFIP if the policyholder does not sign an acknowledgment within 21 days of his or her current policy expiring. The acknowledgment must provide a warning of the potential rate increase should they choose to return to the NFIP at a later date. A policy must be returned to the NFIP if the assigned agent does not receive this signed acknowledgment from the policyholder. In the Senate version, this provision sunsets Jan 1, 2020.

On Second Reading on Tuesday, the House adopted **one amendment** to **CS/CS/HB 813**. The amendment provides that an agent must receive back a signed written notice from the insured that he or she acknowledges the differences between his or her current NFIP plan and the private one he or she is about to procure, but does not specifically require the agent to drop the private plan if the insured does not receive this notice.

#### **Nonnative Animals (CS/CS/SB 230 & CS/HB 587)**

This bill directs the Florida Fish and Wildlife Commission to establish a pilot program for mitigating the impact of tegu lizards, red lionfish, and common lionfish, all of which would be deemed “priority invasive species,” on public lands and waters of the state. The Commission must submit a report on its findings and recommendations regarding the progress of this program to the Legislature and Governor by January 1, 2020. The bill also requires pet dealers who sell or resell any of the priority invasive species listed in this bill to electronically tag each specimen they sell with a passive electronic transponder (PIT). The Commission, which is in charge of the tagging program, would also have rulemaking authority to “identify non-native animals that threaten the state’s wildlife habitats and therefore must be implanted with a PIT tag, and establish standards for the types of PIT tags used in the program and the manner in which they are implanted.” The bill requires the Legislature to appropriate \$300,000 per year over the next two fiscal years from the State Game Trust Fund for the purpose of implementing this pilot program. (Senate Ver. Only)

On Wednesday, the House passed **CS/HB 587**. It has been received by the Senate and referred to committees, it is not on the agenda for May 1.

#### **Renewable Energy Source Devices (CS/CS/CS/HB 1351 & CS/SB 90, HB 1411)**

There are actually three bills which deal with this subject matter, however, only two of them are currently identical: CS/SB 90 and HB 1411. Those two bills simply expand the current prohibition on taxation of renewable energy devices to all real property, not just those used for residential purposes, and does not limit it to devices installed after 2013. They expand the definition of “renewable energy device” to include auxiliary components “integral” to solar and geothermal devices (including wiring, structural supports, power conditioning & storage devices) and extend it to include all such devices regardless of installation date. It does not include “any equipment that is on the distribution or transmission side” where the renewable energy source device is interconnected with the electric utility’s distribution grid or transmission lines. The bills also create a new section of law that prohibits personal property taxes from being levied on renewable energy devices. With a few exceptions, all the changes to statute made by these bills would sunset on December 31, 2037.

**HB 1351**, which applies only to electric utilities and is modeled after a similar Arizona law, expands the tax exemptions in a manner similar to CS/SB 90 and HB 1411, albeit the exemption for devices installed on real property other than residential would be limited to devices installed after Jan. 1, 2018, while the current exemptions on residential property would remain limited to those installed after 2013. The exemption from personal property tax is also limited to devices installed after Jan. 2018. Devices installed as part of a “utility scale renewable energy project” planned for a location in a fiscally constrained county are not exempt under certain

circumstances.

On Thursday during Second Reading, the Senate adopted **one amendment** to **CS/SB 90**, which revised the property tax exemption provisions of the bill. The revised bill still expands the property tax exemption and tangible personal property tax exemption for renewable energy devices to include non-residential real property; however, for those non-residential properties, only 80% of the assessed value would be exempted. The bill specifically includes properties owned or leased by the US DOD in this 80% exemption category.

It also excludes devices installed to all other real property installed after Jan 1, 2018, when that device is installed as part of a project in a fiscally constrained county as applied for in a comprehensive plan or planned unit development zoning file on or before Dec. 31, 2017.

**E1/SB 90** passed the Senate on Friday and is in Messages to the House.

**CS/CS/CS/HB 1351** has been temporarily postponed on Second Reading in order to wait for the Senate bill to come over.

### **Community Redevelopment Agencies (CS/SB 1770 & E1/HB 13)**

This bill provides for the eventual phase-out of all the CRAs in existence as of July 1, 2017, either by the expiration date stated in the CRA's charter or by September 30, 2037, whichever comes sooner, with the exception of those CRAs that have any outstanding bond obligations.

However, a local governing board may choose to extend the life of its CRA beyond this phase out date by a super-majority vote of the board. After October 2017, the governing body of a county or municipality may not create any new CRAs except by special act of the legislature.

**CS/SB 1770** is pending reconsideration in the (S) Appropriations Subcommittee on Transportation, Tourism, and Economic Development after having been voted down last week. It is unlikely to move any further.

### **Environmental Regulation Commission (CS/HB 861 & CS/CS/CS/SB 198)**

This **CS** restricts the time period during which the Governor may fill a vacant position and revises the voting requirements for approval or disapproval of a proposed rule containing standards. It requires the Governor appoint a new member to the ERC within 90 days of a vacancy occurring. It also modifies the approval threshold for proposed rules containing new environmental standards submitted to the ERC for review. With only two exceptions, all rules would require only a simple majority vote of the board's 7 members to approve. Those two exceptions are rules that modify air and water quality & quantity standards, which must be approved by a supermajority of 5 votes.

On Monday, the (S) Rules Committee passed **CS/CS/SB 198** with **one amendment**. The amendment changes the vote requirement to modify air and water quality standards (reference to water "quantity" is removed) from a majority of 5 to 4.

**CS/CS/CS/SB 198** was passed in the Senate on Friday and is Messages to the House. **CS/HB 861** remains in the (H) Oversight, Transparency & Administration Subcommittee. To be considered this Session, the House bill must be withdrawn from its last two committees.

### **Ericks Consultants Update Week of April 24<sup>th</sup>**

*By Ericks Consultants*

### **INTERGOVERNMENTAL RELATIONS**

#### **HOUSE PASSES, SENATE ADVANCES PREEMPTION ON LOCAL ORDINANCES FOR PUBLIC WORKS CONSTRUCTION**

The House voted 77-40 to pass a bill that would preempt all local ordinances for public works construction if 50% of the project is funded with state dollars and the project is over \$300,000. The bill is opposed by local governments and unions. Meanwhile, Senate Appropriations voted 11-7 to advance the proposal through its final Senate committee. Notable Senators that opposed

the bill in the past stated they were changing their vote on account of the 50% threshold. Opponents argue the bill would impact important ordinances and programs that help local economic development and protect workers. Proponents, such as The Associated Builders and Contractors, claim that local ordinances increase cost and impede small businesses ability to grow and compete.

This bill was approved 20-17 by the full Senate and has been enrolled.

#### **HOUSE PASSES DRONES BILL**

The House unanimously voted to preempt local governments in regulations of drones, with the exception of illegal acts arising from the use of drones. Meanwhile, Senate Communications, Energy and Public Utilities unanimously approved the Senate Bill. The Florida Association of Counties and Florida League of Cities oppose the bill but stated that local authority over unmanned is a gray area in Federal law. Proponents contended that the bill is necessary for public safety and consistency.

The Senate bill has been substituted for the house bill and is placed on special orders for 3<sup>rd</sup> reading.

#### **SELECTION AND DUTIES OF COUNTY OFFICERS**

House Government Accountability voted 19-4 to approve a bill to place a constitutional amendment on the ballot to require that the county sheriff be an elected position. The bill is directly targeted to Miami-Dade County, which is the only county in the state without an elected sheriff or property appraiser. However, the bill would have the entire state vote on the issue. The bill could still potentially affect charter counties with elected sheriffs as some duties have been transferred to other offices or as non-partisan election ordinances have been passed. The bill is now ready to go to the full House. The Senate bill is in jeopardy due to the Senate sponsor resigning his position.

The bill continues to be postponed in the House on third reading.

#### **VACATION RENTALS**

Senate Community Affairs voted 5-3 to approve a substantially amended vacation rental bill. The original bill would have re-preempted local governments from regulating vacation rentals. The new language allows cities with grandfathered ordinances to make their ordinance less restrictive or to exempt veterans without losing their grandfather status. The Florida League of Cities is now neutral on the Senate language.

The bill has passed the house and is in messages to the Senate, on calendar for second reading.

#### **MARKETABLE RECORD TITLE**

Senate Judiciary unanimously passed a bill that would make several changes to homeowner association and restrictive covenants and titles. Among other things, the bill would authorize counties and municipalities to retroactively amend, release, or terminate a restriction or covenant that they imposed or accepted during the approval of a development permit.

The bill has been received in messages at the Senate and referred to Rules.

#### **FINANCE & TAX**

##### **HOUSE PASSES WORKERS COMPENSATION**

The House voted 82-37 to address the workers compensation system, a critical bill since the Supreme Court decision on attorney's fee caps led to a 14.5 rate increase. The bill focuses on allowing judges to award hourly rather than percentage based attorneys fees in certain circumstances. The House bill has a \$150/hr cap, if an hourly cap is triggered by the fee falling out of a certain percentage range of hourly rates charged by defense attorneys in the same

location. The bill also changes from charged-based reimbursement for hospitals to 200% of Medicaid rate for unscheduled surgery and 160% of Medicaid rate for scheduled surgery and requires authorization or denial of medical procedures. Meanwhile, Senate Rules unanimously passed the Senate bill through its final committee stop. The Senate bill hourly rate is capped at \$250/hr, subject to annual adjustment based upon average wages, and injured workers would be on the hook for the remainder. Retainer agreements between injured workers and attorneys must be filed with the judge. It would also extend benefits. The Senate has made clear it is not comfortable with House language on hospital reimbursement rates. The Senate also includes language classifying multiple myeloma and non-Hodgkin's lymphoma as occupational diseases for firefighters. The House did not adopt this language prior to passing the bill. The House did adopt language that would create a study on workers compensation for mental or nervous injuries, which is also the subject of a bill that Senate Banking and Insurance unanimously passed this week. The bill is opposed by both business organizations for its lack of lowering rates and workers organizations for its focus on attorneys fees rather than injured workers. The Chambers are now in position to negotiate a final package.

There has been no further movement on this bill, it is not yet ready to go to the governor.

#### **LOCAL TAX REFERENDA**

House Government Accountability voted unanimously and Senate Community Affairs voted 6-1 to require local option surtaxes be adopted by voters during a primary or general election as opposed to special elections. The bill establishes a 50% threshold for passage if it is on a general election ballot and a 60% threshold for passage if it is on a primary election ballot. The bill is a compromise with local governments and conservative Legislators. The Florida League of Cities and Florida Association of Counties both support the compromise. Both committees adopted amendments that would allow for revenue neutral changes to surtax ordinances to be placed on special election ballots, however the League of Cities noted that the term "revenue neutral" was confusing and it is unclear what the language really does.

The House bill has been passed and is now in messages to the Senate; which has been referred.

#### **FLORIDA RETIREMENT SYSTEM (FRS) REFORM**

Senate Government Oversight has proposed a Senate FRS reform package to change the default plan to the investment plan starting on January 1, 2018; require the investment plan for new Elected Officers Class enrollees, reduce accrual rates for Elected Officers Class from 3.3 to 3.0; establishes a new line-of-duty death benefit; and authorizes renewed enrollment in the investment plan. A similar House bill passed as part of the House budget package is estimated to have a negative fiscal impact of \$17.3 million (which includes \$8.4 million for counties and \$0.9 million for other local governments) for this fiscal year, rising to a projected \$21.4 million fiscal impact in FY 19-20. The Senate committee will vote next week on whether to file the package.

#### **AD VALOREM EXEMPTION FOR FIRST RESPONDERS**

House Appropriations unanimously voted to pass the implementation legislation for Amendment 3, passed by the voters in November 2016. It would provide a homestead ad valorem taxation exemption for first responders totally or permanently disabled in the line of duty and to surviving spouses. In order to qualify, first responders must supply certificates of disability from two different physicians and a certificate from the employer verifying the disability occurred in the line of duty. The bill defines "disability" and "line of duty." It would also allow for a cardiac event to qualify if it is within 24 hours of a nonroutine strenuous physical activity.

The bill has passed the full House. Its Senate companion committee substitute has been filed but not yet placed on the calendar.

#### **TRANSPORTATION**

#### **SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA) INDEMNIFICATION**

**BILL**

House Government Accountability unanimously voted to approve language to address SFRTA liability and insurance concerns for All Aboard Florida and the Florida East Coast Railway. The initiative is supported by all three counties and other local governments served by Tri-Rail. The bill includes language that reflects a compromise with the Governor's office and the Department of Transportation on state funding mechanics for SFRTA operations in general. It is now ready to go to the House floor.

The bill has been ordered enrolled as of May 1, and is ready to head to the Governor.

**TURNPIKE REVENUE**

House and Senate bills relating to Expressway Authorities and toll revenues were amended to include an extension of an agreement between FDOT and the Tri-Counties that directs toll revenue to the counties. The agreement is set to expire this year. The House bill extends the agreement for 20 years, to 2037. The Senate bill extends for 10 years, to 2027. Both bills have one more committee each.

**ENVIRONMENT****CONTAMINATED SITE CLEANUP**

House Government Accountability voted unanimously to pass a bill that would increase funding to DEP for petroleum rehabilitation advance cleanup, remove the 25% cost share required for advanced cleanup and allow for priority cleanup of sites proposed for redevelopment. The committee adopted an amendment that also requires DEP to post notifications of pollution on its website within 24 hours of receiving them.

The bill is currently on the Senate calendar for May 1 on final reading, and is on the House calendar for second reading.

**AMENDMENT 4 IMPLEMENTATION**

Senate Appropriations and House Commerce unanimously passed a bill to implement Amendment 4 to provide exemptions on ad valorem assessments for renewable energy devices. The House amended its bill to address concerns from the solar industry and from the environmental community. The bills are now both ready to go before their full Chambers.

**COMMUNITY CONCERNS****HOUSE UNANIMOUSLY PASSES TRAFFICKING IN FETANYL**

The full House and Senate Judiciary both unanimously voted to pass a bill that would establish mandatory minimums for trafficking in fentanyl and other synthetic drugs in an effort to combat the current opioid crisis. The Senate bill provides judicial discretion to depart from the minimums after weighing all of the facts of the case. The House bill does not. The proponents of judicial discretion claimed that there was no evidence that mandatory minimums work to deter behavior and that mandatory minimums takes power from judges and gives it to prosecutors. Opponents of judicial discretion claim that trafficking is different from addiction and that the current crisis is too compelling to not make it as tough as possible. The bills also provide that selling fentanyl to individual who dies as a result of consuming it would be considered murder, similar to how cocaine is currently treated, and enhances penalties for possession.

This bill is in messages.

**SOBER HOMES**

Senate Rules unanimously approved a bill to implement recommendations from the Sober Homes Task Force regarding deceptive marketing practices and patient brokering for recovery residences (sober homes.) The legislation would expand prohibitions on patient referrals and

false advertising, increase penalties, allow the Office of Statewide Prosecutor to investigate patient brokering practices, allow patient brokering to be charged as a RICO offense, and require substance abuse service personnel providing direct clinical treatment to patients be certified by DCF. Both the House and Senate bills are now ready to go to the floor in each chamber.

### **GROUP HOMES**

House Health and Human services unanimously voted to approve a bill that would require DCF to collaborate with CBCs, service providers, and other community stakeholders, to develop a statewide quality rating system for providers of residential group care and then establish minimum standards providers must meet to contract with CBCs. Lead agencies must also implement an accountability system. DCF must submit a report to the Governor, Senate President, and Speaker yearly with the number of homes that meet minimum standards, percentage of children in high quality rated ones and actions taken against poor quality rated homes. It also must develop an oversight plan to implement by 2019. The House did not remove the rating system or accountability language as the Senate has. The bill is now ready to go before the full House. The Senate bill has one more committee of reference.

### **DRUG OVERDOSES**

Senate Criminal Justice voted unanimously to approve a bill that would require EMTs and paramedics who treat individuals in response to emergency call for suspected or actual overdoses to report the incident to the Department of Health. The report includes information on the location, date and time, gender, age, treatment used and suspected substances involved. DOH must make the report available to law enforcement, public health, EMS and fire rescue within 120 days. DOH would also report the information quarterly to DCF to compile data to help maximize resources. A reporting individual would be exempt from civil and criminal liability if making a report in good faith. The bill has already been scheduled for its next and final committee stop next week. The House bill is ready to go before the full House.

This bill has passed on third reading in both chambers and has been ordered enrolled.

### **HEALTH CARE**

#### **HOUSE PASSES CERTIFICATE OF NEED**

The House voted 75-42 to approve a Speaker priority of eliminating the state's Certificate of Need (CON) program after removing nursing homes and hospice care from the bill. Under the bill, anyone who wants to build or replace or add beds or services to a hospital would no longer be required to go through AHCA licensure review. The sponsor argues that CON is an expensive process that no longer serves its purpose. She dismisses the concerns of public hospitals, stating they are incentivized through LIP funding, tax exemptions and special district tax revenues to provide charity care. She says the committee members should be more worried about the expansion of non-profit hospitals, and the lack of competition it causes, than a proliferation of hospitals with no CON process as hospitals are expensive to build. Hospitals argue that repealing CON will lead to a two-tiered health system in Florida: one for patients with good insurance and means to pay and one for low-income patients on government insurance. Proponents argue the CON process is a protectionist, outdated policy that harms competition.

The bill has passed the full house, and is now in messages to the Senate, it has been referred to committees.

#### **HOUSE PASSES PERSONAL INJURY PROTECTION**

The House voted 89-29 to repeal personal injury protection and replace it with bodily injury insurance and insurance against deaths caused by accidents. The House bill would require motorists to have \$20,000 in bodily injury insurance (BI) per person and \$50,000 per incident, \$10,000 in property insurance. The Senate bill begins with \$20,000 for BI or death of one person in any one crash or \$40,000 for two or more BI or death. It phases in an increase of \$30,000 for one and \$60,000 for two or more by 2022. The Senate bill also includes \$5,000 in Medical

payments and provides for reimbursement of 100% of medical losses. The Senate sponsor stated that he could not accept any change in the PIP laws that does not provide security and stability for medical providers. Members in opposition of the proposals expressed concern with rates going up for motorists.

There has been no further movement on this bill.

## **LAW ENFORCEMENT**

### **BREACH OF THE PEACE FIREARM CONFISCATION**

House Judiciary voted 11-6 and Senate Criminal Justice voted 6-1 to approve a bill that would prevent law enforcement from confiscating firearms after observing a breach of the peace that does not result in criminal charges or arrest and would repeal a requirement to have a court order to return the firearm after confiscation. The bills in each chamber were only referenced to two committees (lower than the usual three) indicating the bills rank higher on priorities. The House bill is now ready for the House floor. The Senate bill has one more committee of reference.

There has been no further action on this bill.

### **SENATE PASSES HUMAN TRAFFICKING BILL**

The Senate unanimously voted to address a gap in services for human trafficking victims. The bill would change the statutes to refer to “victims of commercial sexual exploitation” rather than “sexually exploited child” in order to encompass adult victims and victims that do not qualify for Federal assistance. It would require DCF or a sheriff’s office to conduct a multidisciplinary staffing on child victims of commercial sexual exploitation to determine the child’s service and placement needs and develop a plan to serve them. The bill is scheduled to come before the full House on 4/25. Meanwhile, Senate Criminal Justice voted unanimously to create a civil cause of action with no statute of limitations for human trafficking victims against persons who knowingly participate in a human trafficking ring (SB 972).

This bill has been enrolled as of 04/26/2017

## ***LOCAL ISSUES***

### **Award-winning Author to Visit Glades Central HS, Give Writing Workshop**

*By County Staff*

BELLE GLADE- Jason Reynolds, winner of the Kirkus Prize for Young Readers for “Be as Brave As You”, will be spending Thursday at Glades Central High School to discuss the importance of reading, and also to encourage students to develop a love of writing.

WHEN: Thursday, April 27

9:15 a.m. assembly in the auditorium

11 a.m. writing workshop in the media center

11:45 a.m. luncheon with students in the media center

12:15 book signing and photo party in the media center

WHERE: Glades Central HS Auditorium

1001 S.W. Avenue M

Belle Glade

The assembly will be open to all students at the school. Attendees for the workshop, luncheon and book signing have been selected by teachers.

Reynolds recognizes that many young people, particularly boys, are not fans of reading. He says it’s not because they don’t like to read, but that they don’t like to read boring books. He hopes to inspire them by writing “Not boring books.”

## **Palm Beach County Appropriations**

By County Staff

Into the final days of conference meetings, the House and Senate are coming together to reach some final budget numbers, as of Tuesday, May 2 2017, this is where current funding stands:

<u>2017 Appropriations</u>	<u>Amount Requested</u>	<u>Proposed Senate Funding</u>	<u>Senate Line Item</u>	<u>Proposed House Funding</u>	<u>House Line Item</u>	-	<u>Budget Conference Allocations</u>
<b>Economic Development</b>							
<b>Top 3 Priorities</b>							
SCOP Funding	\$9,000,000	\$64,277,893	1907	\$64,277,893	1907		
Affordable Housing in the Glades	Support Funding Initiative				-		
Pahokee Marina	\$1,200,000	\$1,200,000	2224M		-		
<b>Additional Priority Requests</b>							
Belle Glade: Avenue J Reconstruction	\$1,028,653	\$1,028,653	1923				
Belle Glade: Drainage Improvements (NW/SW 3rd SW Ave. B)	\$450,000						
Glades Communities Street Resurfacing and Reconstruction	\$1,000,000						
Pahokee: Storm Water Improvement	\$635,000	\$635,000	1606A				\$635,000
Pahokee: East Lake Village	\$750,000	\$750,000	1606A				\$750,000
Pahokee: Commissioners Park	\$550,000	\$550,000	1700A				\$0
South Bay Multi-Purpose Emergency Shelter and Care Center	\$1,070,000	\$100,000	2590				
South Bay Flood Control and Waterway Management	\$1,353,000	\$1,353,000	1606A				\$550,000
Scripps: Drug Discovery & Translational Research	\$2,972,896	\$2,972,896	141				\$2,031,780
Scripps: Postdoctoral Research	\$1,400,000	\$1,400,000	141				\$0
Max Planck	\$2,000,000			\$1,050,000	141		
<u>2017 Appropriations</u>	<u>Amount Requested</u>	<u>Proposed Senate Funding</u>	<u>Senate Line Item</u>	<u>Proposed House Funding</u>	<u>House Line Item</u>	-	<u>Budget Conference Allocations</u>

<b><u>PUBLIC SAFETY</u></b>							
<b>Top 3 Priorities</b>							
RESTORE Ex-Offender Re-entry Program	\$500,000	\$500,000	751	\$500,000	751		\$500,000
Mental Health/Substance Abuse Funding		\$9,000,000	362	\$9,000,000	362		
<b><u>HEALTH &amp; HUMAN SERVICES</u></b>							
<b>Top 3 Priorities</b>							
Sober Homes Task Force	\$300,000						\$300,000
Opioid Abuse Pilot Program - PBC		\$500,000	369				\$500,000
Homelessness	Full Funding for Challenge Grants	\$5,000,000	2226	\$3,800,000	2226		
Affordable Housing Programs	SHIP funding of approx. \$6,600,000 for Palm Beach County	\$124,900,00	2226	\$34,000,000	2226		\$113,000,000
State Housing initiatives Partnership (SHIP)							\$95,425,000
Affordable Housing Catalyst Program							\$500,000
Florida Supportive Housing Coalition							\$75,000
<b>Additional Priority Requests</b>							
Transportation Disadvantaged Funding	Approx. \$2,151,000 for Palm Beach County	\$55,856,668	1868	\$50,783,704	1868		
Area Agency on Aging: ADRC Client Services	\$1,500,000 from GR & \$1,500,000 Federal Medicaid Matching						

Area Agency on Aging: Elderly & Alzheimer's Respite Care Waiting List	\$10,011,455 (GR)	\$3,000,000	391	\$3,000,000	391		
Jerome Golden Integrated Treatment Program	\$575,000						
<b><u>2017 Appropriations</u></b>	<b><u>Amount Requested</u></b>	<b><u>Proposed Senate Funding</u></b>	<b><u>Senate Line Item</u></b>	<b><u>Proposed House Funding</u></b>	<b><u>House Line Item</u></b>	-	<b><u>Budget Conference Allocations</u></b>
<b>EDUCATION</b>							
<b>Top 3 Priorities</b>							
State Library Funding	\$33,400,000			\$24,449,440			
Library Creation Station	\$250,000	\$250,000	2224M				
<b>Additional Priority Requests</b>							
FAU: Jupiter Research Building	\$11,850,000 (PECO - Board of Gov. Priority)						
FAU: Honors College Expansion and Enrollment Growth	\$6,940,000						\$1,000,000
FAU: Tech Runway	\$3,000,000	\$3,000,000	2226K				\$0
FAU: Kissimmee River Restoration Project	\$3,783,637						\$0
FAU: Henderson School	\$7,875,000 (PECO - Gov. Budget)						\$0
Palm Beach State College Dental Facility		\$10,828,692	20				\$0
<b><u>2017 Appropriations</u></b>	<b><u>Amount Requested</u></b>	<b><u>Proposed Senate Funding</u></b>	<b><u>Senate Line Item</u></b>	<b><u>Proposed House Funding</u></b>	<b><u>House Line Item</u></b>	-	<b><u>Budget Conference Allocations</u></b>
<b>Water &amp; Environmental Appropriations</b>							
<b>Top 3 Priorities</b>							
Lake Region Water Infrastructure	\$1,000,000	\$1,000,000	1606A				\$1,000,000
Lake Worth Lagoon Initiative	\$3,410,750	\$1,000,000	1606A				\$1,000,000
Beach & Inlet Management	Total: \$28,532,615	\$50,000,000	1609	\$30,060,495	1609		
<b>Additional Priority Requests</b>							

	Loxahatchee River Preservation Initiative Loxahatchee River Cypress Creek Weir	\$300,000						
	Loxahatchee River Preservation Initiative Loxahatchee River Neighborhood Sewering	\$498,000						
	Loxahatchee River Preservation Initiative Loxahatchee River Whispering Trails Septic to Sewer Conversion	\$543,000						
	Loxahatchee River Preservation Initiative Loxahatchee River Jupiter Inlet Village Water Quality Improvements	\$624,731						
	Loxahatchee River Preservation Initiative Loxahatchee River Moonshine Creek Oxbow Restoration Project	\$375,000						
	Loxahatchee River Preservation Initiative Palm Beach County Loxahatchee Slough/Hungryl and Slough Study	\$158,645						
	Loxahatchee River Preservation Initiative Palm Beach County Pine Glades Natural Area	\$225,000						

Habitat Restoration Project							
Loxahatchee River Preservation Initiative	—	\$1,048,426	1606A				\$635,000
Lake Okeechobee Restoration	\$2,000,000						
Corbett Levee	\$3,500,000						
C-51 Structural Improvements		\$1,000,000	1595				
Mosquito Borne Disease Funding		\$2,735,000	1417	\$2,660,000	1417		
Riviera Beach Water Treatment Plant Disinfection							\$500,000
West Palm Beach - Historical Pineapple Park Storm Water							\$500,000
<b><u>2017 Appropriations</u></b>	<b><u>Ranking</u></b>	<b><u>Amount Requested</u></b>	<b><u>Proposed Senate Funding</u></b>	<b><u>Senate Line Item</u></b>	<b><u>Proposed House Funding</u></b>	<b><u>House Line Item</u></b>	<b><u>Budget Conference Allocations</u></b>
<b>Beach Restoration and Nourishment Projects</b>		\$49,675,384	5000000	\$1,609	30060495	1609	
Jupiter/Carlin Segment - Palm Beach County Shore Protection Project	6				160000	1609	
Central Boca Raton Beach Nourishment	8				3202180	1609	
South Boca Raton Beach Nourishment	11				824915	1609	
Juno Beach Nourishment	13				150000	1609	
Jupiter Island Beach Nourishment	14				39192	1609	
Singer Island Shore Protection	25				599175	1609	
<b><u>2017 Appropriations</u></b>	<b><u>Ranking</u></b>	<b><u>Amount Requested</u></b>	<b><u>Proposed Senate</u></b>	<b><u>Senate Line Item</u></b>	<b><u>Proposed House</u></b>	<b><u>House Line</u></b>	<b><u>Budget Conference Allocations</u></b>

			<b>Fundin g</b>		<b>Fundin g</b>	<b>Item</b>	
<b>Cultural and Museum Grants</b>		\$35,519,3 47	200400 46	\$3,139	113911 24	3139	
African American History Museum at Historic Roosevelt High School		\$350,000	350000	\$3,139		3139	\$350,000
Adolph & Rose Levis Jewish Community Center, Inc.	307	\$25,000					
Aequalis, Inc.	321	\$28,614					
Artists Showcase of the Palm Beaches, Inc.	399	\$9,230					
Ballet Palm Beach, Inc.	228	\$36,460					
Blue Planet International Explorers' Bazaar & Writers' Room, Inc.	266	\$4,800					
Boca Ballet Theatre Company	286	\$113,306					
Boca Raton Historical Society, Inc.	242	\$89,000					
Boca Raton Museum of Art, Inc.	166	\$150,000					
Boca Raton Philharmonic Symphonia, Inc.	163	\$49,000					
Boynton Cultural Centre, Inc.	457	\$20,750					
Center for Creative Education, Inc.	308	\$141,682					
Cultural Council of Palm Beach County, Inc.	318	\$150,000					
Delray Beach Creative City Collaborative, Inc./ arts garage	331	\$143,479					
Expanding and Preserving Our Cultural Heritage, Inc.	198	\$22,851					
Florida Atlantic University / University	104	\$36,550					

Galleries (UG)								
Friends of Mounts Botanical Garden, Inc.	471	\$25,000						
Historical Society of Palm Beach County	281	\$77,502						
Lighthouse ArtCenter, Inc.	319	\$119,685						
Loxahatchee River Historical Society, Inc. / Jupiter Lighthouse	162	\$114,000						
Lynn University, Inc. / Conservatory of Music	306	\$135,500						
Maltz Jupiter Theatre, Inc.	188	\$150,000						
Norton Museum of Art, Inc.	93	\$150,000						
Old School Square Center for the Arts, Inc.	220	\$150,000						
Palm Beach Dramaworks, Inc.	124	\$150,000						
Palm Beach Opera, Inc.	213	\$150,000						
Palm Beach State College Theatres / Presenting Performing Arts Series	257	\$150,000						
Raymond F. Kravis Center for the Performing Arts, Inc.	180	\$150,000						
School of the Arts Foundation, Inc.	288	\$150,000						
Sol Children Theatre, Inc.	453	\$20,000						
South Florida Science Center and Aquarium, Inc.	189	\$87,500						
SunFest of Palm Beach County, Inc.	333	\$150,000						
The Armory Art Center, Inc.	386	\$150,000						
The Henry Morrison Flagler Museum	46	\$150,000						

The Lake Worth Playhouse, Inc.	355	\$90,000					
The Morikami, Inc.	152	\$150,000					
The Palm Beach Symphony Society, Inc.	338	\$25,000					
The Zoological Society of the Palm Beaches, Inc.	347	\$150,000					
Young Singers of the Palm Beaches, Inc.	61	\$94,075					
<b>Cultural and Museum Grants Total</b>		<b>\$4,108,984</b>					
<b><u>2017 Appropriations</u></b>	<b><u>Ranking</u></b>	<b><u>Amount Requested</u></b>	<b><u>Proposed Senate Funding</u></b>	<b><u>Senate Line Item</u></b>	<b><u>Proposed House Funding</u></b>	<b><u>House Line Item</u></b>	<b><u>Budget Conference Allocations</u></b>
<b>Culture Builds Florida</b>		\$2,320,109	2320109	3138A	2320109	3138A	\$2,320,109
Inspirit, Inc.	47	\$5,000					
Lake Worth Cultural Renaissance Foundation, Inc.	110	\$14,550					
Palm Beach Poetry Festival, Inc.	78	\$25,000					
St. Andrew's Episcopal Church	76	\$9,500					
Street Beat, Inc.	92	\$25,000					
<b>Culture Builds Florida Total</b>		<b>\$79,050</b>					
<b><u>2017 Appropriations</u></b>	<b><u>Ranking</u></b>	<b><u>Amount Requested</u></b>	<b><u>Proposed Senate Funding</u></b>	<b><u>Senate Line Item</u></b>	<b><u>Proposed House Funding</u></b>	<b><u>House Line Item</u></b>	<b><u>Budget Conference Allocations</u></b>
<b>Cultural Facilities Grant</b>		\$11,591,554	7211940	3144A	12341554	3144A	
Maltz Jupiter Theatre, Inc.	26	\$500,000					
Norton Museum of Art, Inc.	7	\$500,000					
South Florida Science Center and Aquarium, Inc.	15	\$400,000					
The Zoological Society of the Palm Beaches, Inc.	6	\$500,000					
<b>Cultural Facilities Grant Total</b>		<b>\$1,900,000</b>					

<u>2017 Appropriations</u>	<u>Ranking</u>	<u>Amount Requested</u>	<u>Proposed Senate Funding</u>	<u>Senate Line Item</u>	<u>Proposed House Funding</u>	<u>House Line Item</u>	<u>Budget Conference Allocations</u>
<b>Fine Arts Cultural Endowment Program</b>		\$2,880,000					
Norton Museum of Art, Inc.	11	\$240,000					
<b>Cultural Endowment Program Total</b>		<b>\$240,000</b>					
<u>2017 Appropriations</u>	<u>Ranking</u>	<u>Amount Requested</u>	<u>Proposed Senate Funding</u>	<u>Senate Line Item</u>	<u>Proposed House Funding</u>	<u>House Line Item</u>	<u>Budget Conference Allocations</u>
<b>FRDAP Grant Applications</b>		\$15,663,412	5350000	1699A	3052500	1699A	
<b>Large Development Projects</b>		\$10,413,412	350000	1699A	2002500	1699A	
John Prince Memorial Park - Mound Circle	1	\$200,000					
Hornstein Equestrian Park Phase I	3	\$200,000					
Village Center Complex	4	\$200,000					
Anchorage Park, Phase IV	11	\$200,000					
Cunningham Park Phase I	13	\$200,000					
Okeeheelee Park South Lakefront Development	15	\$200,000					
Jones Creek Reserve	20	\$128,350					
Oaks Park Improvements	49	\$200,000					
<b>Small Development Projects</b>		\$5,000,000	5000000	1699A	1050000	1699A	
Phipps Ocean Park	9	\$50,000					
Country Club Pool	19	\$50,000					
Cunningham Park Phase II	27	\$50,000					
Scott's Place Park Phase II	42	\$50,000					
Sabal Palm Park Renovations	45	\$50,000					
Hornstein Equestrian Park Phase II	60	\$50,000					
Beach Park Phase II	64	\$50,000					

Beach Access	72	\$50,000					
Scott's Place Park Phase III	79	\$50,000					
Beach Park Phase III	89	\$50,000					
<b>FRDAP Grant Applications Total</b>		<b>\$16,941,7 62</b>					

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