

PBC Legislative Update



AUGUST 5, 2016

VOLUME 9 NUMBER 12

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Legislative Update — July 2016

Palm Beach County Welcomes New Legislative Affairs Director Rebecca DeLaRosa By: County Staff



Rebecca DeLaRosa brings with her 16 years of experience in the legislative and executive branches of government where she developed knowledge in education, finance & tax, affordable housing, local governments, transportation, procurement, retirement, insurance and health care. Prior to managing and lobbying for The Moya Group, Rebecca lobbied in the Tallahassee office of Greenberg Traurig. She also served as the Legislative Director for the Florida Housing Finance Corporation where she directed all affordable housing legislative activities state and federally. While at the Florida Department of Management Services, Rebecca served as the Buyer Stakeholder Manager for the State of Florida's eprocurement system managing 32 state agencies, the Policy Director for Governor Jeb Bush's faith-based and mentoring efforts, and as a Senior Benefits Analyst for the Florida Retirement System. Rebecca has also held analyst and aide roles with the Speaker of the Florida House of Representatives, Speaker Pro Tempore and the Majority Leader.

Rebecca has received awards and certificates from the George Washington University School of Business for Negotiation Strategies and Techniques, from Florida Department of Management Services, and from the Florida Leadership Succession Program of Leadership. The Florida Fund Foundation awarded Rebecca the distinction of Public Sector Lobbyist of the year award in 2007.

Rebecca has positively contributed to the community in her roles as a member of the Chaired Select Committee on Community Service and Leadership in Miami, as a former member of the Tallahassee Ronald McDonald Hispanic Scholarship Fund, and as the founder and former officer of MANA, a National Latino Organization. Rebecca is a Board member and past Chair of the State Public Affairs Committee Board for Florida Junior Leagues and served on the Board of the Junior League of Tallahassee. She now serves on the National Foundation for Women Legislators Leadership Board.

FEDERAL ISSUES

2017 Appropriations Update

By Alcalde & Fay

Congress began a seven week recess on July 15th leaving much to do when it returns after Labor Day. While the House Appropriations Committee passed out all 12 appropriations bills, the House passed four of twelve appropriations bills on the floor, including those funding the Department of Defense, Military Construction, Financial Services and Legislative branch. The Senate passed appropriations for Military Construction, Energy and Water, and Transportation and Housing and Urban Development. No bills have been sent to the President's desk for approval. When Congress returns from recess, it is scheduled to be in session for two weeks before taking another break for the November election.

Work on appropriations legislation came to a grinding halt in the House after Democrats held a sit-in on the House floor in an effort to force House leadership to allow votes on gun legislation. On the Senate side, partisan bickering over Zika funding has hindered early bipartisan progress on moving appropriations bills.

On July 14, House Republican leaders abruptly canceled a meeting to discuss their strategy on how to advance the bills. While some form of a continuing resolution (CR) will be required, the Republican caucus is torn over how long it should last and under what conditions. Speaker Paul Ryan (R-WI) must decide how long the spending battle should drag on and what the political price would be. One option would be to pass a short-term CR that would give Congress enough time to assemble an omnibus appropriations bill in the lame-duck session after the elections. However, some conservatives are pushing to postpone an omnibus until March, thereby avoiding a potential showdown with President Obama at the end of the year.

A decision on a course of action for a CR and omnibus appropriations package will be made in September when Congress returns from recess.

FAA Extension

By Alcalde & Fay

The House this month unanimously approved a bipartisan Federal Aviation Administration (FAA) extension that ensures the FAA is funded through September 30, 2017. The measure, [the "FAA Extension, Safety, and Security Act of 2016, H.R.818](#), introduced by Transportation and Infrastructure (T&I) Committee Chairman Bill Shuster (R-PA) and Ranking Member Peter DeFazio (D-OR), provides more than a year of stability for the U.S. aviation system and provides important aviation safety, security, and time-sensitive improvements for air travelers while Congress continues to develop a long-term reauthorization of the Federal Aviation Administration (FAA).

According to a [summary provided by the House T&I Committee](#), the bill provides a number of provisions to improve aviation safety and security, including:

- Extends the authorization of the FAA's programs and the taxes that will fund those programs through September 30, 2017 at current funding levels
- Streamlines processes for approval and interagency cooperation to deploy unmanned aircraft during emergencies, such as disaster responses and wildfires.
- Prohibits unmanned aircraft users from interfering with emergency response activities, including wildfire suppression, and raises civil penalties to not more than \$20,000 for those found in violation.
- Creates new processes to detect, identify, and mitigate unauthorized operation of unmanned aircraft around airports and critical infrastructure.
- Requires the marking of certain towers to improve their visibility to low-flying

aircraft and help prevent accidents.

- Directs the FAA to establish a comprehensive and strategic framework to identify and address cybersecurity risks to the aviation system.
- Expands the TSA PreCheck program by directing TSA to partner with the private sector to develop enhanced enrollment and vetting methods.
- Optimizes checkpoints by redeploying certain TSA personnel and assessing TSA's staffing allocation model, in order to reduce passenger wait times while enhancing security effectiveness.
- Tightens the access controls and employee vetting standards for aviation workers with access to secure and sterile areas of airports, in order to mitigate the insider threat to aviation security.
- Authorizes "Checkpoint of the Future" innovation efforts underway at TSA, authorizes additional TSA Visible Intermodal Prevention and Response teams, and ensures these teams are trained to assist transportation hubs in preparing for and responding to active shooter scenarios.

Commercial Drones

By Alcalde & Fay

New drone rules released in June from the Federal Aviation Administration for commercial operators limit most small drone operations to daylight hours and require operators to get certified every two years. These rules apply to local first responders, including police, fire, and EMS.

Under the final rule, for which there remains a 60 day comment period, the person actually flying a drone must be at least 16 years old and have a remote pilot certificate with a small UAS rating, or be directly supervised by someone with such a certificate. To qualify for a remote pilot certificate, an individual must either pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center or have an existing non-student Part 61 pilot certificate. If qualifying under the latter provision, a pilot must have completed a flight review in the previous 24 months and must take a UAS online training course provided by the FAA. The TSA will conduct a security background check of all remote pilot applications prior to issuance of a certificate.

HUD Rules on Broadband Infrastructure and Consolidated Planning

By Alcalde & Fay

Recently, the Department of Housing and Urban Development issued two proposed rules proposing new and unfunded mandates on local governments related to the accessibility of broadband services in federally funded housing.

The first proposal mandates that local housing authorities install high speed broadband infrastructure in any new construction or substantial rehabilitation of multi-family rental housing funded by HUD. The second would impose an obligation on local governments to evaluate the availability of broadband access and the vulnerability of housing occupied by low- and moderate-income households to natural hazard risks. While no new funding is proposed for either mandate, the rule would make the costs for such actions recoverable under a large array of HUD funding programs.

Opioid Abuse Legislation

By Alcalde & Fay

Congress recently approved [S. 524](#), the "Comprehensive Addiction and Recovery Act," which focuses directly on the opioid epidemic. The bill would authorize \$103 million to the Justice Department each year through FY 2021 to award grants to state and local governments to provide services relating to opioid abuse, including first-responder training for opioid

overdose reversal drugs and treatment alternatives to incarceration programs. It would also create several new opioid treatment programs within the Health and Human Services Department, including state demonstration grants for comprehensive opioid abuse response and grants to recovery community organizations. The measure would also require the Veterans Administration to more closely track opioid use by veterans within the VA health care system and to expand its opioid safety initiative at VA medical facilities.

The Administration has already shown its support for this bill through a [press release](#) by the Director of the Office of National Drug Control Policy Michael Botticelli and Director of the Office of Management and Budget Shaun Donovan.

The funding effort to combat the opioid epidemic is also currently working its way through the appropriations process as well, though there has been a difference of opinion between the House and Senate on how to address the Presidential Budget's \$1.1 billion proposal to combat opioid abuse.

Zika Virus

By County Staff

Congress adjourned for summer recess without taking action on Zika funding. Democrats would not support a \$1.1 billion bill that provided significantly less funding than what President Obama had asked for and that also contained provisions that would have removed funding from Obamacare and Planned Parenthood, as well as overturned a House vote that bans the flying of Confederate flags in military ceremonies. Also, the FDA approved the release of genetically modified mosquitoes that are engineered to produce dead offspring as an anti-Zika measure.

Sober Homes

By Becker & Poliakoff & County Staff

Members of Florida's Congressional Delegation, led by Representatives Lois Frankel and Ted Deutch, sent a letter to Attorney General Loretta Lynch and Department of Housing and Urban Development Secretary Julian Castro encouraging them to release an updated Joint Statement on Group Homes, Local Land Use, and the Fair Housing Act as soon as possible.

Everglades Restoration

By Becker & Poliakoff

The Army Corps of Engineers released a notice announcing its intention to prepare an environmental impact assessment for the Western Everglades Restoration Project. The project involves improvements to the quality, quantity, timing and distribution of water to restore and reconnect the western Everglades ecosystem. The notice specifies that the project is the next phase of the Comprehensive Everglades Restoration Plan and that the main focus of the project will be basins along the western edge of the Everglades. The notice also specifies that project features under consideration include modification of levees and canals, water control structures, pumps and stormwater treatment areas. A meeting is scheduled for Aug. 16, 2016, in Clewiston, Fla. Comments are requested, but a due date is not specified.

STATE ISSUES

Zika Virus

By County Staff

The first locally spread cases of Zika have been found in the Wynwood neighborhood of Miami. Governor Scott has announced that pregnant women could go to their county health

departments to get a free test to determine if they have Zika. He also called on President Obama and Congress to work together to pass funding to combat the virus.

Algae Bloom

By County Staff

The Obama administration has denied Governor Scott's request for federal aid to combat the algae crisis, saying that Florida has enough money to handle the crisis and that the Governor did not prove that the state could not do so on its own. Gov. Scott has announced his intention to repeal the decision.

New Water Rules

By County Staff

The state Environmental Regulation Commission voted 3-2 in favor of controversial new water quality standards for over 100 toxic chemicals. The U.S. Environmental Protection Agency will now review the standards for approval. The Florida Department of Environmental Protection says that the rules set "stringent and protective criteria for 39 chemicals that currently have no limits" and "includes updates for 43 chemicals whose standards are more than 20 years old." Opponents argue that the rules will weaken water quality by increasing how much toxic chemicals can be put into Florida's water bodies.

LOCAL ISSUES

At the July 12, 2016, Board of County Commissioners meeting, the board took the following action:

Millage – authorized proposed millage rates for the FY2017 budget to be submitted to the Property Appraiser's Office for public TRIM notification and confirmed public hearing dates of Sept. 6 and Sept. 19, at 6 p.m., for budget discussion and adoption. Proposed millage rates for countywide, library, and fire rescue MSTU are at the current millage rates and above rollback. The millage rate for the Jupiter fire MSTU is above the current millage rate and above rollback.

Action Plan – adopted a resolution approving the Palm Beach County Action Plan for Fiscal Year 2016-2017. The plan is required by the U.S. Department of Housing and Urban Development for the county to receive federal funding totaling \$7.928 million in Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships program funds.

PACE – directed staff to draft an ordinance establishing a Property Assessed Clean Energy (PACE) program in Palm Beach County. PACE programs allow a qualified residential or commercial property owner to voluntarily finance energy efficiency improvements and repay through a non-ad valorem assessment which is repaid through their annual tax bill. Hired contractors will be required to be certified with the county's Contractors Certification Division.



Palm Beach County

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Project CHOP – conceptually approved an economic development grant of up to \$25,000 over five years for Project CHOP as the required local match for a state qualified target industry tax refund. Project CHOP is considering expanding its existing West Palm Beach facility to relocate its regional headquarters. The company plans to invest \$600,000 to renovate the existing building and create 50 new jobs over a two-year period at an average wage of \$50,675 and retain 66 existing jobs for five years.

Project Pisces – approved an economic development incentive for Sancilio & Company, Inc. totaling \$500,000 for Project Pisces. The company located in Riviera Beach is required to make a minimum \$6.5 million capital investment, create 275 new full-time jobs over a 50-month period at an average annual wage of \$57,500, and retain 149 existing jobs. The new and existing jobs must be maintained for five years following the job creation period. The project is expected to have a five-year economic impact of \$339 million.

Caron of Florida – approved a public hearing for adoption of a resolution authorizing the issuance of up to \$7.5 million in Series 2016 revenue bonds for Caron of Florida, Inc. to finance the cost of refunding the county's amended and restated tax-exempt adjustable mode revenue bonds, Series 2008. The Caron Foundation is a nonprofit inpatient and outpatient behavioral therapy provider focusing on addiction, trauma, post-traumatic stress disorder and other related disorders. No county funds, nor its taxing power, faith or credit are involved.

Roads – approved on preliminary reading and to advertise for public hearing on August 16 mid-year modifications to the county's five-year road program. A resolution was adopted confirming a special assessment for 16 property owners on Penny Lane and Melaleuca Lane for paving and drainage improvements. The board also adopted a resolution to abandon a portion of the right of way tract in the north half of the unimproved right of way of Intracoastal Road, east of Karen Drive, located in Trade Winds Estates in Delray Beach.

Infrastructure surtax – received and filed the interlocal agreement between Palm Beach County, the School Board and the signatory municipalities representing a majority of the county's incorporated population pertaining to the shared distribution and use of a one-cent local government infrastructure surtax. To date, 21 municipalities representing 64 percent of the incorporated population in the county have signed on.

Highridge Family Center – approved a contract with ANDRUS Sanctuary Institute in the amount of \$174,610 to create an organizational transformation to a trauma-informed standard of care at the Highridge Family Center.

Security – approved an emergency contract in the amount of \$1.976 million with Norred & Associates to continue providing unformed security guard services at various county-owned buildings, facilities and properties.

Zika virus – authorized a budget amendment of \$89,000 and a Department of Health purchase order for Palm Beach County Mosquito Control to provide domestic mosquito control services in response to the public health emergency posed by the Zika virus. Allowable expenses include personnel, equipment and pesticides to control larval and adult mosquitoes.