

PBC Legislative Update



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Legislative Update—Committee Week October 5-9

STATE ISSUES

Dangerous Dogs

By: County Staff

County staff worked with Representative Steube and House Committee Staff to craft an amendment to HB 91 related to dangerous dogs that helps clarify and expand local control of dangerous dog cases. HB 91, sponsored by Rep. Steube, passed the Civil Justice Subcommittee unanimously. The bill is intended to clear ambiguity in the existing law when a dog that has not been previously classified as dangerous causes serious injuries. Under current law, the dog would have to be euthanized, its owner unable to offer a defense and explain the circumstances; however, if a dog has already been classified as dangerous, an owner can offer a defense. Steube's bill would require that animal control authorities allow owners to offer affirmative defenses of dogs that have not been previously classified as dangerous during a euthanization hearing. Palm Beach County staff testified on the bill in Committee and is working to introduce additional language into the bill to protect home rule authority.

Developments of Regional Impact

By: County Staff

SB 7000 has been submitted as a Committee Bill by the Community Affairs Committee. The bill clarifies that certain proposed developments which are currently consistent with the local government comprehensive plan are not required to be reviewed pursuant to the State Coordinated Review Process for comprehensive plan amendments. The bill is a follow up to last year's legislation that is intended to further clarify the intent of last year's law. The passed out of Senate Community Affairs unanimously this week.

Florida Retirement System

By: County Staff

SB 7014 has been submitted as a Committee Bill by the

Governmental Oversight and Accountability Committee. The bill reestablishes renewed membership in the Florida Retirement System which clarifies that if a member of the FRS leaves employment and returns at a later date, they will be allowed to continue accumulating years of service and benefits under the FRS system. Current law does not allow a member of the FRS to leave employment and reenter the FRS upon reemployment at a participating government agency.

Open Carry Gun Bill

By: County Staff

HB 163, sponsored by Rep. Matt Gaetz, passed the Criminal Justice Subcommittee by an 8-4 vote. The bill would allow Florida gun owners who hold a concealed-carry permit to openly carry their guns in public. Rep. Dave Kerner was one of the most outspoken members of the committee in opposition to the bill. The Senate companion, SB 300, sponsored by Sen. Don Gaetz, has also been introduced and has been referred to three Senate committees.

LIP Funding

By: News Service of Florida and County Staff

Justin Senior, the state's Medicaid director, told a Senate committee that he hopes to have a final agreement with the federal government within the next few weeks over Low Income Pool funding. While there is an "agreement in principle," details are still being negotiated. Funding is expected to continue for the next two years; however, the amount will likely drop to \$608 million during the 2016-17 fiscal year, which may cause lawmakers to renew the debate over whether state money should be used to offset losses.

Taxes

By: County Staff

The House Finance and Tax Committee began discussions on various scenarios in which local government property taxes would be either completely eliminated or reduced by swapping property tax for sales tax. Committee Democrats laid out concerns that such a swap would disproportionately hurt those with lower incomes. If all property taxes were eliminated in the state, the sales tax would have to rise from 6 percent to 12.72 percent to cover existing expenses. Chairman Matt Gaetz said any potential scenarios would need to be finely tuned. Economists are expected to address the Committee before any ideas are moved forward in the 2016 legislative session.

Mandatory Minimums

By: County Staff

SB 84 (Rep. Joyner) and SB 228 (Sen. Bean) both passed the

Criminal Justice Committee unanimously. SB 84 would allow judges to give first-time drug offenders a one-time exception to the mandatory minimum of three years. SB 228 would revise Florida's 10-20-Life law by deleting aggravated assault from the list of crimes to which the law applies.

Reentry

By: County Staff

Senate Criminal Justice Appropriations Chaired by Sen. Joe Negron heard discussions regarding reentry programs in the Department of Corrections.

Palm Beach County lobbyists discussed with legislators and staff this week the possibility of revising statute to allow state inmates to gain access to the state college system education classes when enrolled in appropriate reentry programs.

Congressional Redistricting

By: News Service of Florida and County Staff

Leon County Circuit Judge Terry Lewis recommended Friday that the Florida Supreme Court adopt a set of congressional districts proposed by voting-rights organizations referred to as map CP-1. The ruling dismissed the state House and Senate maps, which argued that maps drawn by lawmakers and aides would better comply with Florida's anti-gerrymandering "Fair Districts" standards. The case will ultimately be decided by the Florida Supreme Court, which ruled in July that maps drawn by the Legislature in 2012 were unconstitutional.

In Palm Beach County, the map does not change District 20 now held by U.S. Rep. Alcee Hastings, or District 18 currently held by U.S. Rep. Patrick Murphy. It stacks the two other congressional seats in the county, but differs from the Legislature's maps by not splitting six cities in Districts 20 and 21, held by U.S. Reps. Ted Deutch and Lois Frankel.

FEDERAL ISSUES

Federal Update

By Becker & Poliakoff and Alcalde & Fay

Congress: The House and Senate passed a short-term Continuing Resolution to fund the federal government until December 11th, preventing a government shutdown. The Senate voted 78-20 and the House 271-151. Only 91 Republicans voted in favor of the CR, indicating that the shutdown threat will revive in December.

Another difficult debate awaits Congress regarding raising the

debt ceiling. U.S. Treasury Secretary Jacob Lew has estimated that the limit will be reached in early November. Leaders from both parties and chambers met with White House staff last week to begin budget talks. Pressure is on Speaker Boehner to try to deliver a compromise acceptable to both parties before he retires on October 30th.

With the current short-term surface transportation authorization bill expiring on October 29th, Congress must decide whether to pass a long-term bill or pass yet another short-term extension. Rep. Paul Ryan and Sen. Charles Schumer have been discussing a possible international tax and highway funding package, but they are in opposition on where to set the appropriate level of highway spending. It is looking unlikely that a deal will be reached in time.

Both the House and Senate passed, and the President signed into law, H.R. 1624, the "Protecting Affordable Coverage for Employees Act." Under the law, employers with 51 to 100 full-time employees would be classified as large employers for the purpose of participating in the health insurance market. On Jan. 1, 2016, employers with 51 to 100 employees will be subject to the mandate and reclassified as small, increasing their health costs.

The House: House Republicans were scheduled to vote Thursday by secret ballot to nominate the next House Speaker, with the final vote taking place on the House floor later this month. Rep. Kevin McCarthy (R-CA), Daniel Webster (R-FL), and Jason Chaffetz (R-UT) had all been seeking the nomination. The race for Majority Leader candidacy was to be between Rep. Steve Scalise (R-LA and the current Majority Whip) and the Budget Chair, Rep. Tom Price (R-GA). However, in a shocking move shortly before the vote was to be held, the leading candidate and current Majority Leader, Rep. McCarthy, withdrew from the race, sending the House into chaos. McCarthy announced that he would remain Majority Leader. Speculation began that a temporary Speaker would be chosen, perhaps a representative who would be retiring next year.

The House passed H.R. 3192, prohibiting the Consumer Financial Protection Bureau from enforcing a Dodd-Frank mortgage disclosure rule. The bill also protects lenders from liability for any violations of the rule if they have made a good faith effort to comply. The White House has threatened to veto it.

The House passed H.R. 3495, the Women's Health and Safety Act, by a 236-193 vote. The bill would authorize more discretion to states to withhold Medicaid funds or not reimburse a medical claim from clinics or doctors who perform abortions.



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The Senate: The Senate passed, by a 70-27 vote, H.R. 1735, the conference report on the FY-2016 defense authorization, which has drawn a veto threat from the White House. The \$611.8 billion conference report would authorize national defense programs of the Defense Department and Energy Department. The agreement reflects a House-Senate compromise on defense policy and actual funding for defense programs must be provided in a separate appropriations bill.