

# PBC Legislative Update

JANUARY 27, 2012

VOLUME 6 NUMBER 3

## IN THIS ISSUE:

### State Issues

#### Legislative Priorities

1. Redistricting
2. South Florida RTA
3. Prop Share/Growth Mgt
4. Local Business Taxes
5. Wage Protection for Employees
6. Ocean Outfalls
7. Property Assessments
8. Good Samaritan Bill
9. Ad Valorem Taxation
10. Transportation
11. Online Travel
12. Water Issues
13. Animal Control
14. Homelessness
15. House Budget
16. Numeric Nutrient Criteria
17. Governor Scott Economic Development
18. Agriculture
19. DRI's
20. Community Planning Act
21. Local Bills
22. Texting and Driving
23. TBI
24. Beaches

## Week 3 - State Legislative Session

### State Issues

#### Redistricting

*by: County Staff, Ericks Consultants, Pittman Law Group*

HJR 6001, HB 6005, HJR 6011 all passed down party lines this week with a vote of 14-7 out of the House Redistricting Committee. Three amendments were adopted, one per bill, by respective votes of 14-7. These three bills will be taken up on second reading next Thursday with the following proposed amendments expected to be voted on – the House District Map contained in HJR 6011 is expected to be amended onto SJR 1176; a strike-all amendment is being proposed for the Congressional Map in SB 1174, which will be replaced with the Congressional Map contained in HB 6005. Discussion and debate on these amendments and corresponding bills is expected to take place next Thursday and a vote on Friday.

#### South Florida Regional Transit Authority

*by: County Staff and Ericks Consultants*

Work continued this week on removing the RTA language from the House and Senate Transportation packages regarding a change to how RTA Board members are appointed. The bill is expected to up next Tuesday in the House Transportation committee and an amendment to remove the language will be filed to the bill.

#### Proportionate Fair Share Mitigation/Growth Management

*by: Ericks Consultants*

County staff met with Rep. Jose Diaz this week to discuss possible amendments aimed at addressing Proportionate Fair Share in his DRI legislation. Rep. Diaz will review the language this week that clarifies a developer is responsible for paying their proportionate share of road mitigation even if the road is currently at a failing level.

#### Local Business Taxes

*by: The Moya Group, Pittman Law Group, Ericks Consultants and County Staff*

Monday morning Senate Bill 760 regarding Local Business Taxes by Senator Hays was heard in the Senate Committee on Community Affairs. If passed, this legislation would repeal the local business tax. In Senator Hays' presentation of the legislation, he indicated that sometimes businesses are taxed 3 times: by the state, county, and city. The sponsor feels that this has had a negative impact on Florida's businesses. The amended Senate legislation is intended to phase out local business taxes by decreasing the business tax over a period of 6 years. The bill provides that some counties are able to continue to levy the business tax if the County's local business tax made up at least 25% of the total revenue generated by taxes by the municipality. The bill

was TP'd in Senate Community Affairs and is scheduled to be heard again in next week's committee.

In the House Finance and Tax Committee, the companion bill by Rep. O'Toole took on a similar fate; however, testimony and discussion among members was more descriptive of the potential damage that could occur to economic development at the local level. Both private sector businesses and local government representatives testified to the effectiveness of the dollars generated in providing economic development and consumer protection at the local level. After much deliberation and indication that a majority of members of the committee were not inclined to support the bill, the House sponsor moved to postpone the bill. This legislation is not expected to come back up again in the House this session.

### **Wage Protection for Employees**

*by: The Moya Group and Ericks Consultants*

Senate bill 862 by Senator Simmons was heard Monday morning in the Senate Committee on Community Affairs. This legislation preempts local ordinances regarding wage theft. After some discussion and testimony, the bill was passed out of committee unanimously.

### **Ocean Outfalls**

*by: The Moya Group*

SB 724 by Senator Diaz de la Portilla regarding Ocean Outfalls was heard Monday morning in the Senate Committee on Community Affairs. This legislation delays the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements. This legislation passed out of committee with a unanimous vote.

### **Property Assessments**

*by: The Moya Group and County Staff*

Senate Bill 928 by Senator Altman was heard Monday morning. This legislation declares that the present cash value of property would now include distressed sale prices as a factor. This legislation would have a large fiscal impact on local governments. Senator Altman stated that properties should not be appraised simply to generate revenue. This was said in response to concerns raised about the large fiscal impact accredited to the bill. The legislation passed out of committee and is headed to the Senate Budget Subcommittee on Finance and Tax.

The House Companion bill, HB 251 by Rep. Workman, was temporarily postponed in House Community Affairs on Thursday and is expected to come back at a later date with an amendment.

### **Good Samaritan Bill - Preventing Deaths from Drug-related Overdoses**

*by: The Moya Group and Pittman Law Group*

SB 278 Preventing Deaths from Drug-related Overdoses by Senator Sachs passed the Senate Health Regulation Committee Wednesday afternoon. In Sen. Sachs words, the intent of the bill is "to provide for an intervention strategy for overdose crises." Language in this bill further states that a person who experiences a drug-related overdose and is in need of medical assistance may not be charged, prosecuted, or penalized for possession of a controlled substance. This will only apply if the evidence for possession was obtained as a result of the overdose and the need for medical assistance.

The bill has the support of both the Sheriff and Public Defenders Association. There were no member questions or debate before the bill was unanimously passed. The House bill (HB 125) by Rep. Mack Bernard has been placed on the Calendar on 2nd Reading.

**Ad Valorem Taxation**

*by: The Moya Group, Foley & Lardner, Ericks Consultants and County Staff*

SB 314 by Senator Simmons was workshopped Wednesday morning in the Senate Budget Subcommittee on Finance and Tax. It was also discussed in Friday morning's Revenue Estimating Impact Conference. The conference put out a request to local Property Appraisers and received very few responses to the request. It did not appear from the questions of committee members on F&T that there seemed to be much interest in further discussing the legislation. If passed, the legislation would create a new constitutional amendment that would again revise how save our homes and homestead exemptions would be calculated. The estimated fiscal impact on this bill to local governments is in the multi-billion dollar range. There is currently no similar legislation filed in the House of Representatives.

**Transportation**

*by: The Moya Group and County Staff*

It is expected that Representative Brandes' Transportation package, HB 1399, will be heard in the House Transportation & Highway Safety Subcommittee on Tuesday afternoon. A strike-all amendment will be offered in this committee. Both Local Option Fuel Tax and the School Signage language are expected to be included in the strike-all amendment language.

**Online Travel**

*by: Foley & Lardner*

HB 1393 – Rep. Brodeur's online travel bill was temporarily postponed in the House Finance and Tax Committee this week. No action has been taken on the companion bill (SB 1888 by Gardiner) in the Senate. This bill would seek to redefine how transient rental properties are assessed for bed tax purposes.

**Water Issues**

*by: Foley & Lardner*

HB 1379 – Rep. Brodeur has advised that a strike-all amendment has been crafted and is expected to set up a workgroup so that next year's Legislature can revisit the issue. The bill is in the House Energy & Utilities Subcommittee (companion to SB 1244 – Hays). Neither bill has been heard yet.

**Animal Control**

*by: Pittman Law Group*

**SB 818 (Bennett)/ HB 597 (Abruzzo)**

Despite testimony from several animal shelter organizations opposing this legislation, SB 818 favorably passed the Senate Community Affairs Committee with no opposition. A strike-all amendment was adopted to the bill that will allow local governments to apply more strict criteria on rescue groups eligible to receive animals and ensured that notice periods for adoption of the animals ran concurrently with the local ordinance criteria for waiting periods. This bill is now waiting to be placed on the agenda for the Senate Agriculture Committee.

The House bill sponsored by Representative Abruzzo is currently referred to the House Agriculture & Natural Resources Subcommittee.

**Homelessness - SB 1130 (Storms)/ HB 531 (Reed)**

*by: Pittman Law Group*

SB 1130 by Senator Storms and HB 531 by Representative Reed authorizes the collection of \$1 voluntary contributions for motor vehicle registration and driver's license fees to aid the homeless. Neither of these bills was presented before committees this week as both measures are waiting to be placed on the committee agendas in the Senate Transportation Committee and the House Health & Human Services Committee.

### **House Budget**

*by: Pittman Law Group and County Staff*

Several House Appropriations committees released their initial budgets for the 2012-13 Fiscal Year. Our team is continuing to review the nearly 400 page budget and will have a comprehensive review next week.

### **Numeric Nutrient Criteria**

*by: Pittman Law Group and Ericks Consultants*

### **HB 7051 (T. Williams)/ SB 2060 (Dean) Rules Establishing Numeric Nutrient Criteria**

This week the House Agriculture & Natural Resources committee submitted its committee bill relating to the Numeric Nutrient Criteria. This legislation addresses the nutrient pollution in Florida's water bodies and the criteria set by the federal Clean Water Act.

HB 7051 passed the House State Affairs Committee this week with no opposition from any members. The Senate version of this bill will be presented before the Senate Environmental Preservation and Conservation committee on Monday, January 30<sup>th</sup>.

### **Governor Scott Economic Development**

*by: Pittman Law Group*

This week the Senate Budget Subcommittee on Finance and Tax listened to Governor Rick Scott's plans to cut business taxes. Christian Weiss, from Governor Scott's administration, highlighted several priorities from the Executive office and asked Senate leaders to increase the current tax exemption to \$50,000.

In addition, Governor Scott's proposal highlighted his commitment to creating new jobs in Florida by giving a tax exemption on tangible personal property tax for the first \$50,000. This measure would exempt over 156,000 entities that currently pay this tax. This measure would require a constitutional amendment, which Senator Nancy Detert has agreed to file with SB 1064.

### **Agriculture**

*By: Corcoran, Johnston & Blair*

On Wednesday, the House Community and Military Affairs Subcommittee heard HB 1197, relating to Agriculture, by Rep. Horner. This bill provides DACS with regulatory authority over beekeeping. It would preempt local governments from regulating beekeeping within municipalities and counties. Regulations banning the keeping of European Honeybees contribute to the spread of Africanized Bees ("killer bees"). Africanized Bees have already reached the I-4 Corridor in Florida, and pushing bees out of urban and suburban areas leaves an ecological void that is filled by Africanized Bees. Rep. Horner noted that he was working with representatives from the Florida League of Cities and Association of Counties to work out a few of their concerns with the bill. It passed unanimously.

### **Developments of Regional Impact**

*by: Corcoran, Johnston & Blair*

HB 979, relating to Developments of Regional Impact, by Rep. Diaz was heard in committee. This bill changes the way that the State treats DRIs in the areas where they are still allowed, mostly in rural areas. This bill affects the trigger that determines when a DRI has undergone a "substantial change." It also expands the list of developments that are exempt from regulation as DRIs. Under the current system, some developments must obtain multiple permits and cut through a lot of red tape. Rep. Diaz stated that he believed that DRIs

were helpful to developers and municipalities involved in large-scale developments, and should be preserved, especially as development continues in rural areas across the state. The committee heard from a representative of the Association of Florida Community Developers, who asserted that the bill had no effect on home rule, noting that a Senate study recently found that DRIs were helpful to local governments who lack the necessary staff to oversee large developments in their constituencies. A representative of 1000 Friends of Florida questioned the efficacy of DRI programs, especially considering that the DRI program is modified nearly session and that very few DRI projects have moved forward in recent years. The Florida League of Cities opposed the bill before it was amended, but now supports it. This bill passed, with Reps. Berman and Pafford voting in opposition.

### **Community Planning Act**

*by: Corcoran, Johnston & Blair*

PCB CMAS 12-02, by Chairman Workman, makes a number of non-substantive clarifications and changes to the Community Planning Act. The PCB also makes changes that have limited policy implications, grandfathering local referendums, adjusting criteria related to exemptions for municipalities from being part of the school interlocal agreement, adjusting time requirements for issuance of final orders and notice of intent pursuant to compliance agreements, and deleting an obsolete DEO report relating to the Sector Plan program. This bill aims to fix some of the glitches in last year's growth management bill. The Chairman believes this is a narrowly scoped PCB that only fixes glitches that everyone agrees on. A representative of Associated Industries of Florida waived in support of the bill, and a representative of 1000 Friends of Florida congratulated Chairman Workman for crafting a bill that only fixes glitches. The bill was recorded favorably, with Reps. Berman, Pafford, and Randolph opposed.

### **Local Bills**

The House Community and Military Affairs Subcommittee heard the following local bills this week.

**HB 4175, relating to Palm Beach County, by Rep. Rooney**, was also unanimously passed by the Committee. This is a repealer bill that affects a special act on animal care and control in Palm Beach County.

**HB 1481, relating to Loxahatchee Groves Water Control District, by Rep. Abruzzo**, enacts the results of a local referendum that transitions on seat elections by landowners within the Loxahatchee Groves Water Control District. The bill was amended twice without objection, and passed unanimously. A representative of the Loxahatchee Groves Water Control District waived in support of the bill. The bill passed unanimously.

**HB 1325, relating to the City of West Palm Beach, by Rep. Abruzzo**, helps the City of West Palm Beach implement the pension reform scheme that it came up with in cooperation with the Firefighters' association. This bill reduces the benefit multiplier to 0.3% and places a 92% cap on benefits. Representatives of the West Palm Beach Firefighters, and the Florida Professional Firefighters waived in support of the bill. The bill passed unanimously.

**HB 1301, relating to the City of West Palm Beach by Abruzzo**, would allow the City of West Palm Beach to use collective bargaining to implement pension reform for its police force. A representative of the West Palm Beach P.B.A. waived in support of the bill. The bill passed unanimously.

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**Texting and Driving**

*by: Pittman Law Group*

**SB 416 (Detert)/ HB 299 (Pilon) Wireless Communication Devices While Driving**

SB 416 by Senator Detert was presented before the Senate Budget Committee on Transportation, Tourism and Economic Development this week. This legislation primarily addresses safety concerns with drivers and outlaws texting on cell phones while operating a motor vehicle.

This bill passed with a 14-1 vote with Senator Bogdanoff being the only legislator voting against this legislation.

SB 416 is now waiting to be placed on the agenda in the Senate Budget Committee while the House version of this bill is still waiting to be heard in its first committee of reference, House Transportation & Highway Safety Subcommittee.

**Traumatic Brain Injury**

*by: County Staff*

**HB 117 by Reps. Nelson & Abruzzo/SB 922 by Sen. Bennett**

On Tuesday, HB 117, also known as the *T. Patt Maney Military Veterans and Servicemembers Court Act*, was amended and passed unanimously out of the House Criminal Justice Subcommittee by a vote of 10-0. Its next stop is the House Justice Appropriations Subcommittee and it has been placed on the agenda for Monday.

On Tuesday, SB 922 passed out of the Senate by a unanimous vote. This legislation allows counties to establish programs to divert a veteran who is charged with a criminal offense into an appropriate treatment program if they suffer from posttraumatic stress disorder (PTSD), traumatic brain injury (TBI), substance use disorder, or psychological problems stemming from military service. Both bills now expand the eligibility of military veterans and service member's court to all military veterans who suffer from a mental illness, such as PTSD, or a TBI, as a result of their military service. This language originally pertained to those military veterans who suffer from PTSD, TBI, etc. as a result of military service in a combat theater.

**Beaches**

*by: Florida Shore and Beach Preservation Association*

The Jones/Frishe Beach Bill (CS for SB 758, CS/HB 691) made it through their second committees earlier in the week, without amendments or a dissenting vote. Legislative bill summaries conclude there are no negative fiscal impacts, but recognize potential cost savings to local and state government from permit streamlining.

The appropriations process in the House is now on a fast track. The House just released its Proposed Committee Appropriations Bill (APC-12-01). It includes almost \$12 million for statewide beach projects for FY 12-13, all from reappropriated Ecosystem Management & Restoration Trust Dollars. There is no non-recurring General Revenue in the House budget at this time.