

PBC Legislative Update



APRIL 7, 2013

VOLUME 6 NUMBER 10

IN THIS ISSUE:

Fifth Week of the 2013 State Legislative Session

STATE ISSUES

1. *PBC Receives Gov. Job Growth Award*
2. *Budget*
3. *Internet Cafes*
4. *National Mortgage Settlement*
5. *Election Reform*
6. *CJC*
7. *Sober Homes*
8. *Animal Shelters*
9. *Controlled Substance Prescriptions*
10. *Local Wage Ord.*
11. *Summer Camps*
12. *Driver Background Checks*
13. *Agritourism Preemption*
14. *PPP*
15. *Everglades*
16. *Impact Fee Moratorium*
17. *Transportation Concurrency*
18. *E911*

FEDERAL ISSUES

1. *Airport Tower Closure*
2. *Mental Health Bill*

State Issues

Fifth Week of the 2013 State Legislative Session

Palm Beach County Receives Governor Rick Scott's Job Growth Award

Palm Beach County was one of three Florida counties recognized by Governor Scott on April 3rd for having the highest job growth rates in the state in 2012. County Commissioner Paulette Burdick was on hand to accept the award at the Florida Association of Counties' Legislative Day meeting in Tallahassee.

Information reported by the Florida Department of Economic Opportunity and Workforce Alliance last month indicated that as of February 2013, Palm Beach County's unemployment rate was 7.4 percent – the lowest in more than four years, falling below the state rate of 7.5 percent and the national rate of 8.1 percent. During the previous year, the County gained nearly 10,000 jobs, experiencing growth in industries including professional and business services, education and health services, trade/transportation/utilities, leisure and hospitality, and financial activities.

The Board of County Commissioners has implemented policies to support economic development through programs offering job growth incentives, ad valorem tax exemptions, low-interest loans, and expedited permitting. Working cooperatively through the Department of Economic Sustainability (DES), the county collaborates with local municipalities and the Business Development Board to promote job creation and expansion.

Analyses performed by DES estimate that businesses assisted through the county's economic development programs in 2012 will have a five-year economic impact of more than \$1.3 billion.

After accepting the award, Commissioner responded about the job growth numbers saying, "Palm Beach County has created an environment to cultivate workforce talent through a top rated K-20 education system and to work closely with businesses to support job growth through creative government incentives. Palm Beach County has been and continues to be open for business."

Budget

By: County Staff and Pittman Law Group

This week, the House and Senate voted their respective budgets out of Appropriations committees. Below are some of the details of the respective budgets.

Senate Budget

The Senate is moving forward with a **\$74.3 Billion Budget** that includes **\$2.9 Billion in Reserves**.

Education

\$20.3 Billion in Total Funding

- \$1.6 Billion Increase from 2012
- \$1.2 Billion Increase in K-12 Funding (increase of \$372 per student)

- \$480 Million for Teacher Salary Increases (includes Charter School Teachers)
- \$78 Million in School Safety and Security Funding
- \$55 Million for Charter Schools
- There is no increase in taxes, fees or tuition for colleges, district workforce or universities.
- \$1.1 Billion for Florida College System
- \$2.2 Billion for State University Funding
- \$30 Million increase for Bright Futures

Health & Human Services

\$31 Billion in Total Funding

- Funding for HHS increased by 2.8%.
- Funding for Mental and Substance Abuse Treatment Centers increased by 3.5%.

Civil & Criminal Justice

\$4.7 Billion in Total Funding

- Recidivism Rate has reduced from 32% to 27%
- \$5.4 Million to Guardian ad Litem (3 year plan to serve 100% of children – currently at 70%)
- \$28 Million to address Dept. of Corrections deficit
- \$11 Million to address DOC estimated population growth
- \$5.8 Million to fill the hole of losing stimulus money to continue post adjudicatory drug courts

Transportation & Economic Development

\$11.1 Billion in Total Funding

- \$9.4 Billion (85%) of the TED Funding goes to Dept. of Transportation
- \$112 Million for Transportation Disadvantaged
- \$149 Million for County Transportation Programs
- \$21 Million for State Aid to Library Grants (maintains last year's level)
- \$241 Million for Seaport Development Grants
- \$5 Million for Cultural and Museum Grants
- \$1.4 Million for Historical Preservation Grants

General Government

\$519.2 Million in General Revenue and \$4.6 Million in Trust Funds

- \$221.5 Million for Beach Restoration (\$46.3 Million – State Share / \$175.2 Million – Local and Federal Funds)
- \$160.2 Million for Water Infrastructure Improvements
- \$48.3 Million for Water Projects
- \$70 Million for Everglades Restoration
- \$19.5 Million for Parks (Repair and Maintenance)

Florida House budget is set at **\$74.4 billion** for the 2013-14 Fiscal Year budget. This allocation amount includes \$26.6 billion in General Revenue (GR) Funds; \$21.3 billion in State Trust Funds; and \$26.5 billion in Federal Funds. This is a 4.4 billion (6.3%) increase compared to the 2012-13 Fiscal Year budget. More specifically, the House budget includes the following funding allocations:

Agriculture & Natural Resources - \$3 billion

The Agriculture & Natural Resources budget includes \$286 million in GR funds with \$2.7 billion coming from trust funds. There is a \$150.4 million decrease in spending compared to the prior year budget. Other provisions of this budget include \$100 million in land purchases through the Florida Forever and Family Lands Protection programs. \$203 million is appropriated for drinking water and wastewater revolving loan programs. An additional \$30.9 million in nonrecurring funds is allocated to local and state governments for beach and dune restoration.

Water projects have a cap of \$24 million in the Agriculture & Natural Resources budget. These nonrecurring funds will be used for various stormwater and wastewater treatment and economic development incentives for local governments.

Below are some of the **House and Senate local budget highlights.**

	<u>House</u>	<u>Senate</u>
Environmental and Natural Resources		
Florida Forever	\$ 75,000,000	\$ 60,000,000
Water Projects	\$ 24,000,000	\$ 48,264,168
JW Corbett Levee		\$ 1,000,000
Glades Utility Water Infrastructure		\$ 1,000,000
Lake Worth Lagoon Initiative(4)		\$ 950,000
Loxahatchee River Initiative		\$ 1,379,000
Riviera Beach Water and Projects(3)		\$ 912,500
Everglades Restoration	\$ 32,000,000	\$ 70,000,000
Beach Restoration	\$ 20,229,017	4 35,652,992
Total Maximum Daily Loads	\$ 9,385,000	\$ 9,385,000
Petroleum Tank Clean-up	\$125,000,000	\$135,000,000
Criminal Justice		
PB Sheriff Prevention Intervention Plan	\$ 100,000	\$ 50,000
Transportation and Eco Development		
Glades Street Funding	\$ 1,000,000	
Torrey Island Master Plan Development	\$ 75,000	
Education		
Palm Beach State College Lox Campus		\$ 5,000,000

Internet Cafés

By: Ericks Consultants and County Staff

On Thursday, the Senate passed the House companion bill to Sen. Thrasher’s SB 1030, the Internet café ban. House Bill 155 by Representatives Trujillo and Patronis was approved in a 36-4 vote. Attempts to amend the bill to clarify that legal machines used by arcades can continue to operate even though they may use dollar bills as opposed to coins failed. That calls into question weather some arcade games used at over the past decades will be able to continue to operate. In addition to internet cafes, adult arcades commonly found near some of the senior communities in Palm Beach County will be forced to close their doors. The legislation clarifies current laws concerning charitable drawings, game promotions, amusement machines and slot machines. The legislation now heads to the Governor’s desk for approval. He has indicated he will sign the bill.

National Mortgage Settlement

By: The Moya Group and Ericks Consultants

Senate Bill 1852 (formally SB 7146) by Senate Appropriations and HB 7111 by House Appropriations will run separately from the Budget. The House and Senate plans are still very different and expected to be worked out during budget negotiations. SB 1852 appropriates \$200,080,474 to several state entities for various housing and foreclosure-related programs and services, contingent upon such funds being deposited into the state treasury from the National Mortgage Settlement.

Funds are appropriated in the Senate bill, with specific restrictions and requirements, as follows:

- \$70 million for the State Housing Initiatives Partnership (SHIP) program;
- \$65 million for the State Apartment Incentive Loan Program (SAIL);
- \$10 million for housing for homeless persons;
- \$40 million for the State Courts System for the foreclosure cases backlog;
- \$10 million for legal aid services for low and moderate-income homeowners facing foreclosure;
- \$2 million for a consumer awareness promotional campaign; and
- \$3 million for administrative costs.

Elections Reform

By: Ericks Consultants, Pittman Law Group and The Moya Group

On Tuesday, SB 600 by Sen. Latvala passed the Senate Committee on Community Affairs in a party line vote of 5-3 and has been placed on the Senate Rules agenda to be heard this Tuesday. The bill would expand eligible early voting sites, give local supervisors of elections discretion in early voting days up to 14 days, and place a 75 word limit on ballot descriptions. Democratic members of the committee once again offered amendments to make it easier for voters to register/change addresses, tying the number of voting sites to population size, coordinate dates for absentee and provisional ballots, and allowing voters to cross county lines in the event that their local supervisor of elections makes decisions that could jeopardize their ability to vote (as in not allowing the Sunday before election day as an early voting day). All Democrat sponsored amendments failed. HB 7013 is waiting in Senate messages for SB 600 to make it to the floor. Unlike SB 600, HB 7013 was supported by both parties in the House.

Criminal Justice Commission

By: The Moya Group

On Tuesday, SB 1042 by Sen. Abruzzo passed the Senate Governmental Oversight and Accountability Committee by a unanimous vote. This legislation provides an exemption from public meeting requirements for that portion of a meeting of a duly constituted Criminal Justice Commission at which specified members of the commission discuss active criminal intelligence information or active criminal investigative information currently being considered by, or which may foreseeably come before, the commission. This legislation has been placed on the agenda to be heard in the Senate Rules Committee this Tuesday.

The bills companion legislation, HB 361 by Representative Kerner, has successfully passed through all of its committees of reference and is waiting to be heard on the House Floor.

Sober Homes

By: The Moya Group, Ericks Consultants and County Staff

On Monday, SB 738 by Sen. Clemens unanimously passed the Senate Committee on Children, Families, and Elder Affairs. This legislation defines what is a sober house transitional living home. It requires the Department of Children and Families (DCF) to license all sober home facilities and authorizes DCF to create rules to penalize those sober homes that do not obtain a license. The bill provides for distancing requirements between sober home facilities of at least 1,000 feet but would grandfather in or exempt those sober home facilities from this requirement if they are established before July 1, 2013. Also, any off-site treatment facility currently licensed with DCF would be exempt from obtaining an additional license. There are still ongoing discussions of amending the bill further. SB 738 is now waiting to be heard in the Senate Community Affairs Committee.

The House Companion, HB 1089 by Rep. Grant, has not yet been heard in its first committee.

Animal Shelters and Control Agencies

By: The Moya Group

SB 674, by Senator Montford, relating to Animal Shelters and Animal Control Agencies, was heard by the Senate Committee on Community Affairs on Tuesday afternoon. The Senate Committee showed unanimous support of the measure. This bill requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. SB 674 has been placed on the Special Order Calendar to be heard on the Senate Floor on Wednesday, April 10th.

The House Companion, HB 997 by Rep. Cummings, has been placed on the agenda of its last committee of reference, the House State Affairs Committee, to be heard on Tuesday, April 9th.

Controlled Substance Prescription

By: County Staff and Corcoran & Johnston

On Thursday, the House Health and Human Services Committee heard HB 831 by Rep. Fasano. Representative Renuart successfully added an unfriendly amendment that would limit doctors checking prescription database history to only those who use for "non-malignant pain", prompting Senator Fasano to temporarily postpone the bill in the Committee because of the amendment.

It has been placed on next Tuesday's agenda to once again come before the Committee. This legislation requires all physicians, osteopathic physicians, naturopathic physicians, podiatrists, and dentists to consult the prescription drug monitoring program (PDMP) database, as established under s. 893.055, F.S., prior to prescribing a controlled substance to any patient. The bill makes the failure to consult the PDMP database grounds for disciplinary action under the practice act for each specified prescriber. HB 831 reduces the time period within which a dispensing of a controlled substance must be reported to the PDMP database, from seven days to two days.

Senator Grimsley's controlled substances preemption bill ([SB 1192](#)) is up next week in Senate Community Affairs.

Local Wage Ordinances

By: Ericks Consultants and Corcoran & Johnston

The House passed HB 655 in a 75-43 vote this week. The bill would preempt local county wage ordinances for non-government employees contracted to work with the county in order to create consistency throughout the state. Its Senate counterpart, SB 726, is scheduled to be heard in its final Senate committee on Monday of next week. SB 726 is still very different from HB 655 in that it only applies to Family Medical Leave ordinances and sets up a task force to study the issue more in-depth. There has been no indication as to whether either chamber will concede to the other and work out the differences.

Summer Camps

By: County Staff

An amendment was filed by Rep. Mark Pafford on the floor of the House to continue finding methods to regulate Summer Camp employees and expand background checks. The amendment was withdrawn after concerns were raised about germanity issues related to the underlying bill.

Federal Background Checks for Chauffeurs

By: Pittman Law Group

This week HB 585 was amended on third reading to include language that will allow local governments to conduct national criminal background checks on for-hire chauffeurs. Our team was able to work with the House bill sponsor, Representative Hood, along with Representative Williams and the Florida Department of Law Enforcement to approve the amendment and accept it on third reading. HB 585 passed with a 119-0 vote in the Florida House.

Agritourism (SB 1106 & HB 927)

By: Anfield Consulting

On Monday, the Senate Rules Committee adopted two amendments to **CS/SB 1106** and passed the bill as a **CS**. The **CS** contains new language regarding what constitutes agritourism activities. Under the new bill, equine operations (i.e. horse ranches, stables) would be included, which in practice would limit liability for agricultural operators who run horse-riding trails. The new bill also clearly states that agritourism activities would not include the construction of new or additional structures or facilities to house, shelter, transport, or accommodate the general public. This new language is the result of a compromise between the bill sponsor and local government advocates who were concerned the bill's provisions might be used as a loophole by agricultural operators to erect carnivals or concert stages without first getting the necessary approval and permits from the county or municipal government. These same changes were made to **CS/HB 927** on Wednesday in the House State Affairs Committee.

Since Senate Rules was **CS/CS/SB 1106's** last committee reference, the Senate bill will now be placed on the Senate Calendar on 2nd Reading. **CS/CS/HB 927** will also be placed on 2nd Reading.

Public Private Partnerships

By: Anfield Consulting

These two bills would generally expand the role of Public-Private Partnerships in the construction and improvement of the state's public infrastructure.

On Tuesday, the Senate Transportation Committee adopted **two amendments** to **CS/CS/SB 84**. The first amendment amends a current statute that would authorize the state, local governments, and public-private partnerships to enter into special contracts for public service work with non-profit organizations (currently, this statute limits such special contracts to non-profits which cater solely to at risk youth). Non-profits must be incorporated under chapter 617, F.S. and hold exempt status under s. 501(a) & s. 501(c)(3) of the Internal Revenue Code to qualify. For special contracts that involve the restoration and maintenance of park land, the property must be at least 20 acres with contiguous public facilities capable of seating at 5,000 people in a permanent structure. For work on public education buildings, the building must be at least 90,000 sq. ft. For non-profits that are youth organizations, the labor must be performed exclusively by at-risk youth. A drug free workplace program would need to be instituted in order to enter into such a contract.

The second amendment makes changes to Subsection 4, Section 1 of the bill, requiring public entities to issue public notice of an unsolicited bid *only* if it intends to enter into a comprehensive agreement for the project described in the unsolicited proposal.

CS/CS/CS/SB 84 will next be heard in Senate Appropriations, its last committee of reference. **CS/HB 85** is currently in the House Appropriations Committee.

Everglades

By: Anfield Consulting

This committee proposed bill, SB 768, would make a number of changes to the Everglades Forever Act, all of which pertain to the South Florida Water Management District and the growers operating within the Everglades Agricultural Area. The bill(s) would:

- Provide a legislative finding that implementation of BMPs, funded by the owners and users of land in the EAA, effectively reduces nutrients in waters flowing into the Everglades Protection Area.
- Update the definition of the "Long Term Plan" to include the South Florida Water Management District's (SFWMD's) "Restoration Strategies Regional Water Quality Plan" dated April 27, 2012, in addition to the SFWMD's "Everglades Protection Area Tributary Basin Conceptual Plan for Achieving Long-Term Water Quality Goals Final Report" dated March 2003.
- Require the District, after completion of all projects and improvements in the Long-Term Plan, to complete a use attainability analysis to determine if those projects and improvements will achieve the water quality based effluent limits established in permits and orders authorizing the operation of those facilities.
- Extend the annual Everglades agricultural privilege tax and provides the varying amounts of the tax through 2035; and the amount from 2036 and thereafter; and provides that proceeds from the tax shall be used for design, construction, and implementation of the Long-Term Plan, including operation and maintenance, and research for the projects and strategies in the Long-Term Plan, including the enhancements and operation and maintenance of the Everglades Construction Project.
- Provide that the Legislature intends that payment of the Everglades agricultural privilege tax, in addition to payment of the cost of continuing implementation of best management practices, fulfills the obligations of owners and users of land under s. 7(b), Article II of the Florida Constitution.
- Provide that from fiscal year 2013-2014 through to the FY 2023-2024, the sum of \$12 million dollars in recurring general revenue and \$20 million recurring funds from the Water Management Lands Trust Fund is to be appropriated by the DEP towards the Restoration Strategies Regional Water Quality Plan.

On Tuesday, the Senate Community Affairs Committee passed **CS/SB 768** without amendment. The bill will next be heard in Senate Appropriations, its last committee of reference.

Impact Fee Moratorium

By: Ericks Consultants

SB 1716 and HB 321 would impose a three-year moratorium on charging impact fees for developments under a certain size. The legislation is intended to protect small businesses from being hit by huge impact fees and therefore encourage development and growth for small businesses. SB 1716 was passed by the Senate Community Affairs Committee after being amended to allow local governments to overrule the moratorium for specific developments if voted on by an affirmative majority of the governing board. The Florida Association of Counties and Florida League of Cities still opposed the legislation on the home rule principle. They testified that impact fees are down 75% since 2007 and that both local governments and developers had spent a long time working out all of their issues in past legislation that this bill would now undo. They also testified that the bill was unnecessary because local governments already have discretion in relation to impact fees and that local governments typically like to encourage development. Both Senator Bradley and Senator Thrasher expressed concerns with the bill and the need for more work, but ultimately voted in favor of it. The sponsors argued that the 2011 legislation was more "one size fits all" and this legislation is more friendly to home rule authority. The sponsors also claimed that the bill protects local governments who have vouchers from lawsuits. Both bills are now ready for their final committees of reference. SB 1716 will go to Senate Education next, and HB 321 will head to House Economic Affairs.



Palm Beach County

Board of County

Commissioners

Steven L. Abrams, Mayor

Priscilla A. Taylor, Vice Mayor

Hal R. Valeche

Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

**Palm Beach County
Legislative Affairs**
301 North Olive Avenue
Suite 1101.4
West Palm Beach, FL
33405

Todd J. Bonlarron
Director
Phone
Office (561) 355-3451
Mobile (561) 310-7832

Fax
(561) 355-3982

E-mail
tbonlarr@pbcgov.com

We're on the Web!
www.pbcgov.com

Transportation Concurrency

By: Ericks Consultants

SB 972 would change several provisions relating to transportation concurrency with the intent to encourage local governments who repeal transportation concurrency to develop alternative mobility funding systems. Sen. Hukill, the bill sponsor, insisted in the Senate Transportation Committee that the bill does provide flexibility to local governments. Transportation passed the bill unanimously, sending the bill to its final committee in Senate Rules. Thank you to Senator Jeff Clemens who raised several questions about the bill in committee to clarify some of the ambiguous language in the bill. The bill is the Senate companion to HB 319, which is not identical and is now ready for the House floor.

E911

By: Ericks Consultants

SB 1070 addresses a moratorium in place on collecting taxes on pre-paid wireless services for funding of the E911 system. The bill extends the date of the moratorium. It was passed unanimously out of its first of three committees with widespread industry support. Meanwhile, HB 807, which would conversely require the collection of pre-paid wireless taxes and instruct on the distribution of the funds, unanimously passed its final committee this week.

Federal Issues

Bill to Be Introduced to Prevent Control Tower Closures

By: NACO Staff

In response to the Federal Aviation Administration's (FAA) decision to close 149 air traffic control towers four U.S. Senators are planning to introduce legislation next week to prohibit any closures of towers. The closures of these towers are a result of sequestration and the FAA's need to reduce its spending by \$637 million. The Federal Aviation Administration (FAA) announced Friday afternoon that it will delay until June 15, the closure of 149 air traffic control towers staffed by contract employees including the tower at the Boca Raton Airport.

NACo Endorses Sen. Stabenow Mental Health Bill

By: NACo Staff

On April 9, NACo sent a letter to Sen. Debbie Stabenow (D-Mich.) endorsing her Excellence in Mental Health Act (S. 264). The bipartisan bill would permit county behavioral health authorities and other community providers to voluntarily seek certification as Federally Qualified Community Behavioral Health Centers (FQCBHs).