

# PBC Legislative Update



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## **Legislative Update—Start of 2016 Session**

### **STATE ISSUES**

#### **PALM BEACH COUNTY DAY**

*By County Staff*

Over 200 Palm Beach County local elected officials, business executives, and civic and community leaders convened at the Capitol for the start of the legislative session and Palm Beach County Day. Over 60 meetings were scheduled with members of the Florida Legislature, members of Florida's cabinet and Secretary's of executive agency during the course of the opening week. Highlights of the meetings included time with CFO Jeff Atwater, Commissioner of Agriculture Adam Putnam, Attorney General Pam Bondi, Speaker of the House Steve Crisafulli, House Democratic Mark Pafford, Senate President Andy Gardiner, and every member of the Palm Beach County Legislative Delegation.

Some of the legislative issues discussed during the meetings were related to specific water and transportation appropriation requests, funding for the PBSC and FAU, support for additional sober home reforms, expansion of gaming at our local pari-mutuel facility, criminal justice reforms, film and television incentives, Pre K-12 education governance, and economic development funding including Enterprise Florida's economic toolkit.

Thank you to everyone who attended and made it a success and all of the members and staff of the legislative delegation for their enthusiastic participation.

#### **OPENING WEEK HIGHLIGHTS**

*By Ericks Consultants*

This week was one of the busiest opening weeks in recent memory. In an effort to show good faith after a tumultuous past year, the House and Senate came together to pass three priority bills: a comprehensive water package to address water supply planning, as well as educational options and career options for persons with unique abilities to provide opportunities to the disabled. However, the Senate President warned that –despite a good week- things would begin to get more difficult as the Session progresses.

#### **WATER PACKAGE**

*By Anfield Consultants and Ericks Consultants*

The Legislature passed a comprehensive water package, HB 552, the Speaker's priority, as its first bill of the Legislative Session. The package tackles springs protection and restoration, updates statutes with information from Basin Management Action Plans for critical areas such as Lake Okeechobee and its estuaries, revises permit requirements, provides an assessment of water bodies and examines the feasibility of creating an interactive map of the water bodies online among other things. Business groups and the Nature Conservancy

supported the legislation. The Speaker pointed to the current crisis in California to highlight the importance of the bill. However, some environmentalist groups, such as the Sierra Club, believe the legislation does not appropriately address water supply issues due to a lack of timelines.

#### **TNC – UBER BILL**

*By Ericks Consultants*

House Economic Affairs voted 13-2 to bring statewide uniformity to local regulation of TNC services such as Uber and Lyft. HB 509 includes multi-state and multi-jurisdictional background checks, along with a 1 million dollar insurance requirement that the company is responsible for enforcing. Drivers will not be allowed to participate if they have had three tickets in the last three years. The Florida Chamber of Commerce and Associated Industries of Florida support the bill, while The Florida Association of Counties and Florida League of Cities oppose the bill. The taxi industry also testified in opposition, asking for a level playing field. The Speaker of the House called upon the House to allow Uber to operate statewide during the opening day of Session. The bill is now ready to go before the full House. It does not have a Senate companion.

#### **GOVERNMENTAL ACCOUNTABILITY**

*By Ericks Consultants and Corcoran & Johnston*

Senate Ethics & Elections voted to approve a sweeping anti-corruption bill. The bill would, among other things, require local governments to post their proposed and adopted budgets online, require lobbyist disclosure for local governments and require local governments address the findings of a recent Grand Jury report on local government auditing. The bill has three committees of reference in the Senate. The Senate bill has three more committees of reference left in the Senate. Its next stop is also the same committee that refused to pass private contractor language in SB 582 that is found in SB 686. Its more narrow House companion is scheduled to be heard in its first committee next week.

#### **FLOOD INSURANCE**

*By Ericks Consultants*

Senate Transportation and Economic Development Appropriations unanimously passed a bill, HB 584 that would have the State administer a \$50 million matching grant program for technical or financial assistance to local governments to enact flood risk reduction policies and projects. It is successor legislation from the flood insurance package passed last Session. The bill additionally would give the Florida Communities Trust authority to work on flood mitigation projects. The Florida Association of Counties, the Florida League of Cities and the Nature Conservancy support the bill. The bill has one more committee of reference in the Senate. Its House companion has not yet been heard in committee.

#### **MEDICAL EXAMINERS**

*By Corcoran & Johnston and Ericks Consultants*

House Local & Federal Affairs voted 12-6 to prohibit a county from charging a medical examiners fee for examinations prior to the cremation of a deceased. The Florida Association of Counties, Miami-Dade County and Broward County opposed HB 315, while AARP, the Florida Medical Association and the cemetery and funeral industry supported the bill. Members in opposition of the bill pointed out that the fee covered a mandated cost imposed upon the counties by the State and disallowing counties to charge the fee could mean that more taxes would be needed to pay for the mandate. Supporters of the bill equated the fee with a tax and questioned why larger counties would have to charge so much. The House bill has one more committee in the House. Its Senate companion has not yet been heard in its first of three committees in the Senate.

## **PUBLIC WORKS CONSTRUCTION CONTRACTS PREEMPTION**

*By Ericks Consultants*

House State Affairs voted 11-6 to approve a preemption on local regulations imposed on construction contracts for public works projects. HB 181 would remove local government ability to place any wage, training, affiliation or other employee stipulations on the contracts. The preemption would be triggered by even 1% state funding for the project. The committee adopted an amendment to exempt Chapter 337 projects. Broward County, the Florida Association of Counties, the Florida League of Cities, Miami-Dade County, the AFL-CIO and other union organizations and members all oppose the bill. The bill is a top priority for the Associated Builders and Contractors, who claim onerous local government preconditions for bidding on projects is forcing businesses to not bid. The bill is now ready to go before the full House. Its Senate companion is scheduled to be heard in its first committee next week.

## **FRS REFORM**

*By Ericks Consultants*

Senate Governmental Oversight and Accountability approved a bill, HB 7042 that would increase employer contributions to the FRS system from .04% to .06% for administrative and educational purposes. The committee was the bill's only committee of reference in the Senate. It does not have a House companion. Meanwhile, the Speaker of the House announced in his opening speech that he plans on pursuing FRS reforms this Session after postponing the effort last session while awaiting the results of a study.

## **PROPERTY PREPARED FOR TAX-EXEMPT USE**

*By Ericks Consultants*

Senate Community Affairs and House Finance & Tax both approved legislation that would allow tax-exempt organizations to remove property being prepared for educational, literary, scientific, religious, or charitable purposes from the tax rolls prior to the implementation of those purposes. Property owners have 30 days to repay the owed taxes plus interest if the property is not in use for the exempt purpose within 5 years or if it is transferred to a non-exempt purpose. It has an estimated \$1 million recurring negative impact to local tax revenues. The House bill, HB 842, has two more committees of reference, as does the filed bill in the Senate.

## **TOURIST DEVELOPMENT TAXES**

*By Ericks Consultants*

House Finance & Tax and House Economic Development & Tourism each discussed proposed language relating to TDT funds. The language originated from the Finance & Tax Committee Workplan and would allow up to 10% of TDT funds to fund enhanced local law enforcement and EMS services related to high tourism populations. The draft concepts also would allow a member of the public to submit a written proposal to the County Commission for expenditures. Each expenditure would be required to have a Return On Investment analysis conducted by an Economics PhD; however, the Chairman of Finance & Tax stated he would work to change the qualification requirement. The concepts would allow interested parties with a nexus to tourism within the County to file injunctive relief against the County should it feel TDT dollars were misspent. The concepts would also mandate that 40% of funds be spent on promotion.

## **LOCAL GOVERNMENT TAX REFERENDA**

*By Ericks Consultants*

House Local Government Affairs voted 6-3 to approve HB 791 that would require local tax referenda to be held during general elections and require a 60%

threshold to pass rather than a straight majority. The general election would also include March municipal elections- so long as the election is not during a special election. The committee amended the bill to push back the effective date to 2017 in a compromise with the cities and counties. The sponsor agreed to continue to work with the Florida League of Cities and Florida Association of Counties on the language. Opponents of the bill were concerned with the 60% threshold- a standard that is almost exclusively applied to the Constitution. They argued that local governing boards must vote to place the question on the ballot, creating an initial threshold that renders the higher mark unnecessary. Proponents argued that local governments have the ability to place tax referenda on any ballot- including primary ballots- that draw very little voter participation. The bill has two more committee stops in the House. Its Senate companion has not yet been heard in committee.

#### **AD VALOREM EXEMPTION FOR LOW-INCOME SENIORS**

*By Ericks Consultants*

House Local & Federal Affairs approved legislation, HB 275 and HB 277, that would place a constitutional amendment on the ballot to stipulate that a low-income senior qualify for homestead exemption if their property had a value equal to or less than \$250,000 at the time of the initial homestead application. The senior must have lived in their home for a period of time to qualify. The bill is intended to keep low-income seniors in their homes and protect them from owing a large tax bill due to rising property values. Counties and Municipalities may grant the exemption through ordinance. The Property Appraisers support the legislation. The bill is now ready to go before the full House. Its Senate companion has two more committees of reference in the Senate.

#### **SEAPORTS AND AIRPORTS**

*By Ericks Consultants*

House Transportation and Ports voted to file a bill that would, among other things, create a seaport security advisory council and grant program under the direction of FSTED. The bill would also create the Aviation Transportation and Economic Development fund to be used for aviation development projects and create a council comprised of representatives from airports around the state to administer the funds. It would require a minimum funding level of \$15 million from State Transportation Trust Fund dollars. The bill also requires the state economists to analyze the return on the state's investment into public transit, rail, aviation, seaport and road projects that are contained in the FDOT Work Program.

#### **BOATING SAFETY**

*By County Staff and Ericks Consultants*

Senate Transportation and Economic Development Appropriations and House Highway & Waterway Safety unanimously approved SB 746 by Negron that would make boat owners who install certain personal location devices registered with NOAA to reduce their vehicle registration fees owed to the Department of Highway Safety and Motor Vehicles. For example, boats 12-16 feet in length would have fees reduced from \$16.25 to \$11 and boats between 26-40 feet would see a reduction from \$78.25 to \$57.50. The bill contains a \$5 million appropriation to offset the reduction in fees and is a key priority of the Senate President Designate. It has one more committee in the Senate. The House bill, HB 427 by Magar, has two committees of reference left in the House.

#### **DEVELOPMENTS OF REGIONAL IMPACT**

*By Ericks Consultants*

Senate Transportation and Economic Development Appropriations unanimously approved SB 7000 that would remove the requirement for the State Coordinated

Review process for DRIs that are consistent with local government comprehensive plans, reducing costs for the private and public sectors. The committee adopted an amendment that stated the bill would not apply to current comprehensive plan amendments. The bill has one more committee of reference in the Senate. Its House companion is part of a larger growth management package and has not yet been heard in committee.

### **FRACKING**

*By Ericks Consultants*

Senate Environmental Preservation and Conservation approved SB 318 that would create a permitting system for high-pressured well stimulation or “fracking” after adopting amendments to strengthen environmental control. The bill requires DEP to conduct a study on how to control and mitigate chemical impacts on the environment and prevents DEP from implementing regulations until the study is completed. The amendment would require the legislature to ratify the process once approved. The amendments would also require groundwater undergo inspections prior to and after fracking activity takes place. Proponents of the bill contend that fracking is currently unregulated and allowed and that the bill would regulate the practice by requiring a permit through the Department, requiring the disclosure of chemicals used in the practice and increasing fines for violations. Opponents- that grew from local governments and environmentalists to now include the medical community- contend the practice is not allowed and should be banned to protect against potential disasters. The bill has a \$1 million fiscal impact to the State.

The Florida Association of Counties and Florida League of Cities have been working with the sponsors on language that will clarify the bill’s preemption to still allow for local regulation. An amendment with clarifying language is anticipated to be filed by the next House committee stop. The Senate bill has two more committees of reference in the Senate. The House bill has one more committee of reference in the House.

### **LICENSURE OF LIFE SUPPORT SERVICES**

*By Corcoran & Johnston and Ericks Consultants*

Senate Community Affairs approved SB 742 that would require counties to craft ordinances for COPCNs for air ambulance and emergency transport. The legislation would also require the county to establish an independent appeals process and would also allow for fire control districts to provide services. The committee adopted a compromise amendment for the Florida Association of Counties. The amended language allows existing county ordinances that meet certain standards remain as is. The bill is in response to a dispute between Collier County and its fire control district and is supported by the fire control districts. The Senate bill has two more committees of reference in the Senate. Its House companion also has two more committees of reference.

### **Dangerous Dogs**

*By County Staff*

HB 91, sponsored by Rep. Steube, unanimously passed the House Judiciary committee this week. 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. The bill also protects the home rule authority of local governments. The House bill now goes to the floor of the House for consideration.

## **FEDERAL ISSUES**

### **Federal Issues**

*By Becker & Poliakoff, Alcalde & Fay, and County Staff*

#### **CONGRESS:**

House and Senate Republicans convened a joint legislative retreat to plan the legislative agenda for 2016. Members asked for more votes on legislation to replace the Affordable Care Act and a comprehensive overhaul of the tax code.

President Obama's final State of the Union speech focused on domestic policies. Specifically, the President urged approval of the Pacific Rim trade agreement and an overhaul of the criminal justice system.

#### **THE HOUSE:**

Considered three legislative items:

- H.R. 1644 blocks the Interior Department's Office of Surface Mining Reclamation and Enforcement from taking final action on its proposed update to the stream-buffer zone rule until one year after completing a study on effectiveness of the current rule.
- Under the Congressional Review Act, S. J. Res. 22 will require the Environmental Protection Agency and the U.S. Army Corps of Engineers to rewrite waterways regulations by Dec. 31, 2016.
- S.1115 requires federal agencies to disclose expired grants and identify challenges to closing out accounts. The requirement would apply to grants expired for at least two years.

The House Oversight and Government Reform Committee marked up H.R. 1671, directing federal agencies to ensure that bid specifications and other documents for federally funded construction projects do not require or prohibit the entry into or adherence to labor agreements.

The House Financial Services Housing and Insurance Subcommittee held a hearing on the National Flood Insurance Program. Congress quadrupled funding for the Federal Emergency Management Agency's pre-disaster mitigation program, that falls under the National Flood Insurance Program, in December's omnibus appropriations bill. The subcommittee also held a hearing on the private marketplaces for flood insurance.

#### **THE SENATE:**

Considered S.2232, requiring the Governmental Accountability Office to conduct an unrestricted audit of the Federal Reserve. The bill allows auditors to examine the Fed's interest-rate setting deliberations and lending activities.

The Senate Armed Services Committee held a hearing on overhauling the Defense Department's health care system. Bernadette Loftus, the associate executive director and executive-in-charge for the mid-Atlantic Permanente Medical Group, and David McIntyre, president and CEO of the TriWest Healthcare Alliance, are among those who testified.



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