

PBC Legislative Update



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Legislative Update—2016 Session Week Four

STATE ISSUES

FAC LEGISLATIVE DAY

By County Staff



Palm Beach County Mayor Mary Lou Berger and Commissioner Melissa McKinlay spend time with Florida Chief Financial Officer Jeff Atwater during Palm Beach County Day this week. Commissioners from around the state convened in Tallahassee for a day of policy discussion and out reach at the Capitol with members of the Florida Legislature. Commissioners heard from Governor Rick Scott on his Enterprise Fund priority request, Agriculture Commissioner Adam Putnam on his water policy priorities, Senator Jack Latvala on his proposal to split DJJ costs between the state and local governments at 50/50, Senator Jeff Clemens on the states transportation budget, and Representative Kristen Jacobs on the South Florida Climate Compact.

THE STATE BUDGET

By County Staff and Corcoran and Johnston

The Senate Appropriations Committee unanimously approved its \$80.9 billion spending plan Wednesday. Among other things, it changes the way after-school and mentoring programs are funded, moving to a grant system instead of directly funding providers. The committee also approved an amendment to set aside money for the South Florida Water Management District to purchase additional land for the Caulkins Water Farming pilot project

The House appropriations committee voted 18-7 to approve its \$79.9 billion spending plan. Among other things, the House budget writers included language in the proposal that says no money slated for the Agency of Health Care Administration or Department of Health can be given to Planned Parenthood. The provision was met with opposition from House Democrats.

The chart below is a compilation of some of the local issues our Palm Beach County lobby team and local partners have been working on to secure in the 2016/17 state budget. The chart, organized by budget subcommittee, lists project names, initial amount requested, and allocations received so far in the respective House and Senate budgets. The budget in both the House and Senate will now go to the floor of both chambers.

EDUCATION APPROPRIATIONS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
Palm Beach State College PECO Funding	\$9,000,000		
FAU STEM Life Sciences Initiative (Phase 2)	\$7,038,000	Line 25 Chair Report \$4,131,815	
FAU Jupiter Research Building PECO Funding	\$14,650,000		
PB Habilitation Center	\$482,600 \$166,511	Lines 33; \$225,000 (Adults w/ Disabilities) & 261C \$649,111 (FCO)	Line 261B \$649,111 (FCO)
Max Planck	\$3,000,000	Line 25 Chair Report \$1,050,000	Line 7ab Chair Report Non Recurring GR \$500,000
Local Library Funding - PBC On-Line Tutor Assistance	\$74,000	Line 111 \$74,000	
Local Library Funding - Digital Media Labs	\$140,000		
Adults with Disabilities	\$10,000,000	Line 33 \$6,171,576	
Glades West Tech HVAC Training	\$1,471,714	Line 124B \$1,471,714	
HHS APPROPRIATIONS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
Place of Hope	\$3,200,000		Line 330 \$100,000

Mental Health Pilot @ Jerome Golden Center	\$575,000		Line 388 \$575,000
Rape Crisis Center	\$2,500,000	Line 466 \$2,500,000	Line 466 \$2,500,000
Homeless Housing		Line 363 \$3,000,000 Statewide for HC	Line 363 \$2,000,000 Statewide for HC
Caridad - Optical Center	\$1,500,000		
Alzheimer's Community Care		Line 410 \$250,000	Line 410 \$250,000
Ruth & Norman Rales Jewish Family Services			Line 413 \$50,000
Jewish Assoc. for Residential Care (JARC) JFS - Mental Health Funding	\$180,000		
ChildNet - My Future My Choice Service Costs	\$2,500,000	Line 326 \$5,000,000 for state shared risk	Line 342 \$14,813,386 for statewide equity allocation per \$409.991
Scripps Research Institute	\$3,000,000	TED Line 2234 \$1,000,000	HHS Line 472A \$2,000,000
Palm Beach PACE (Care for Elderly slots)	\$5,600,000	Line 419 \$4,491,270	
CRIMINAL JUSTICE APPROPS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
South Bay Correctional PILT		Lines 633K, 643, & 645K; \$275,560	Lines 633K, 643, & 645K; \$275,560
Sago Palm PILT		Line 633C \$142,900	Line 633C \$142,900
South Bay Correctional Facility		Line 702 \$2,893,625	Line 702 \$2,893,625
Sago Palm Work Camp		Line 702 \$857,125	Line 702 \$857,125
Restore Reentry Grant	\$500,000		Line 750 \$500,000
Insurance and Workers Comp Fraud – 4 prosecutor positions (15 th)	\$548,633	Line 882 \$548,633	
PBC Sheriff Unmanned Aircraft System		Line 1224 \$1,100,000	
Enhanced Lighting in High Crime Areas	\$200,000	Line 1224 \$200,000	
Insurance Fraud Protection - Palm Beach & 5 other counties (fund transfer for line 882)		Line 2411 \$1,561,202	Line 2411 \$1,561,202
Clerks and Comptrollers		Line 3023	Line 3023

		\$50,902,734	\$40,902,734
4 th DCA Courthouse Construction		Line 3144 \$7,275,757	
<u>WATER AND ENV APPROPS</u>	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
Lake Region Water Infrastructure	\$1,000,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
Beach & Inlet Mgmt 1. Coral Cove Park Dune Restoration - \$400,000 2. Jupiter/Carlin Shore Protection - \$100,000 3. Juno Beach Shore Protection - \$5,110,000 4. Central Palm Beach County Erosion Control Project - \$2,628,460 5. South Lake Worth Inlet Mgmt - \$90,000 6. Ocean Ridge Shore Protection - \$100,000 7. Delray Beach Nourishment - \$25,515 8. Boca Raton North Beach Shore Protection - \$158,600 9. Boca Raton Central Beach Shore Protection - \$4,793,600 10. Boca Raton South Beach Shore Protection - \$1,004,587 11. Boca Raton Inlet - \$392,325 12. Lake Worth Inlet Maintenance Dredging - \$196,500 13. Midtown Beach Restoration - \$7,856,800 14. Phipps Park Restoration - \$7,437,300	Total: \$30,293,687	\$28,140,270 Statewide	\$30,000,000 Statewide
Loxahatchee River Preservation Initiative 1. Hydrologic Restoration Phase II - \$125,000 2. Cypress Creek Weir: Phase 1 Design - \$85,000 3. Moonshine Creek Oxbow Restoration - \$375,000 4. Jones Creek Preserve Hydrologic Enhancement - \$88,000 5. Jupiter Farms Elementary Force Main - \$200,000 6. Pine Glades Natural Area Habitat Restoration - \$225,000 7. Jupiter Inlet Village Water Quality Improvements - \$624,731 8.	Total: \$3,155,963	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)

	Loxahatchee Slough Restoration & Educational Public Use Facility - \$310,000 9. Neighborhood Sewering Phase 6 - \$498,000 10. Seminole Avenue Stormwater Basin Improvements - \$475,232 11. Riverbend Park Picnic Island Sewer Line Extension - \$150,000			
	Lake Worth Lagoon 1. Bonefish Mangrove Islands & Seagrass - \$1,500,000 2. Lake Worth Lagoon Living Shorelines - \$500,000 3. Monitoring and Administration - \$200,000	Total: \$2,200,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
	J. W. Corbett Levee	\$3,000,000		
	Freshwater Lake Restoration 1. Lake Okeechobee Artificial Reef - \$150,000 2. Monitoring and Administration - \$15,000	\$165,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
	Municipal Local Water Requests: Boynton Beach Mangrove Park Water Quality Improvements Lantana ICW Water Main Replacement Project Lantana Lift Stations 1, 3, 4, & 9 Electrical Upgrades Delray Beach Reclaimed Water System Expansion Lake Worth Water Main Riviera Beach Singer Island Drainage Project Jupiter Inlet Colony Neighborhood Rehabilitation Project Tequesta Water System Improvement Project ITID Indian Trail M-1 Canal Improvement ITID M-1 Impoundment ITID MO Canal Improvements	\$950,000 \$350,000 \$200,000 \$1,500,000 \$500,000 \$2,500,000 \$730,460 \$750,000 \$875,700 \$400,000 \$2,952,191 \$300,000 \$1,200,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)

	Wellington Reuse Water System	\$500,000		
	Royal Palm Beach Canal System Rehabilitation Project	\$2,000,000		
		\$1,000,000		
	Wellington Water & Wastewater Master Plan	\$250,000		
	Riviera Beach Avenue T Drainage Improvements	\$200,000		
	Riviera Beach RC-1 Canal Widening Project	\$800,000		
	Wellington Drinking Water Recharge System	\$290,000		
	WPB Currie Park Water Quality Retrofits	\$725,000		
	Belle Glade NW 3rd Street Corridor Stormwater	\$435,000		
	Pahokee Citizen's Villa - Storm Water Improvement Project	\$750,000		
	Pahokee City-Wide Storm Water Project			
	Pahokee East Lake Village Canal - Storm Water Project			
	Palm Beach Gardens Stormwater Maintenance			
	FDACS Biological Control Research Lab			
	Petroleum Storage Tank Compliance Program	\$5,900,000	\$125,000,000	\$110,000,000
	PBC Recreational Shooting Park	\$3,090,000	Line 1783A \$3,090,000	Line 1783A \$3,090,000
	Alternative Water Supply Funding		\$0	\$30,000,000
	FRDAP Funding		Line 1698A \$10,000,000	Line 1698A \$4,400,000 Funding includes: Okeeheelee \$200,000 John Prince Park \$200,000 NPB Pool \$200,000
	Lakeshore Drainage Relief Project (Lake Park)	\$6,000,000	Line 1645A \$50,000,000 total statewide (proviso	Line 1645B \$50,000,000 total statewide (proviso pending)

		pending)	
Land Acquisition / Florida Forever		\$82,600,000	\$109,356,206
Everglades Restoration		Line 1590 \$82,000,000	Line 1590 \$100,000,000
TED APPROPRIATIONS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt.
Small County / Small City Funding	\$9,000,000	Line 1890 \$9,000,000	
Lake Worth Park of Commerce	\$3,500,000	Line 1906 \$2,500,000	Line 1906 \$1,000,000
Broadway Corridor Revitalization	\$450,000	Line 1906 \$450,000	
US 1 Complete Streets - Village of Tequesta		Line 1906 \$300,000	
Glades Roads	\$1,000,000	Line 1906; \$1,000,000	
Lake Okeechobee Wave Attenuation Project (formerly Pahokee Marina)	\$1,200,000	Line 2216 \$1,200,000	
Chain of Lakes Blueway Access Project	\$286,900	Line 2216 \$286,900	
Glades Region Inland Logistics Center (Inland Port)	\$470,000	Line 2234 \$470,000	
New Boys & Girls Club (Glades)	\$1,000,000 match		
Scripps Research Institute	\$3,000,000	TED Line 2234 \$1,000,000	HHS Line 472A \$2,000,000
FAU Tech Runway	\$3,500,000	Line 2234 \$1,000,000	Line 2234 \$250,000
WPB Calloway Armory		Line 2931 \$3,000,000	
Housing Finance Corp (SAIL)		Line 2223 \$131,200,000 (50% used for SAIL)	Line 2223 \$94,405,000
Sadowski Housing Trust Fund (SHIP)		Line 2224 \$185,800,000	Line 2224 \$47,000,000
State Library Funding State Aid	\$33,400,000	Line 3091, \$23,298,834	Line 3091; \$22,298,834
Library Cooperatives	\$2,000,000	Line 3090 \$2,000,000	Line 3090 \$2,000,000
Library Construction Grants		Line 3097A \$2,000,000 to fund list entirely	Line 3097A; \$2,000,000 to fund list entirely
Spady Museum		Line 3103 \$20,000	
YSPB's Choir in Glades	\$150,000	Line 3108A	

		\$100,000	
Norton Museum	\$1,000,000	Line 3108A \$1,000,000	Line 3108A \$300,000
Torry Island Master Plan	\$75,000		
Cultural and Museum Grants	\$30,933,457 (413 ranked projects)	Line 3103 \$19,695,000	Line 3101 \$15,757,118 (funds Dos list less \$850,000 for proviso projects)
			Line 3108A \$13,891,424 (\$11,906,424 to fund entire DoS ranked list)
			Benzaiten Center for Creative Arts \$129,000
			Center for Creative Education \$400,000
			Indian Trail Improvement District \$100,000
			Loggerhead Marine Center
			Norton Museum of Art \$500,000
			South Florida Science Center and Aquarium \$500,000
			The Zoological Society of the Palm Beaches \$500,000
Cultural Facilities Program	\$11,906,424 (37 ranked projects)	Line 3108A \$13,140,751 (\$6,493,424 to fund DoS ranked list)	Village of Wellington /New Venue for Arts \$500,000

TAX PACKAGE

By Ericks Consultants, Corcoran and Johnston, and County Staff

Gov. Rick Scott continued his push for \$1 billion in tax cuts, hosting a rally at the state Capitol in support of his proposal. The state House Finance and Tax committee approved its tax cut proposal on Wednesday. The House plan cuts about \$1 billion over two-years, with about \$418 million of those cuts considered permanent. The Senate proposed \$250 million in tax cuts.

The House plan, HB 7099, reduces the sales and use tax on commercial leases; extends the manufacturing equipment tax cut; institutes several sales tax holidays- including a 10 day back-to-school holiday; provides corporate tax credits for various activities- including Brownfield Cleanup; eliminates taxes on textbooks, admissions, datacenters and more; ad valorem exemptions for military service; makes other changes to the tax code, such as addressing piggybacks, alcohol and tobacco on cruise lines, aviation fuel taxes and more .The package also mandates that 5% of CRA funds support youth service organizations if certain percentage of served population is located within the area. The bill was supported by business and economy focused organizations and was opposed by social justice organizations that felt the tax cut dollars could be used for other services. While the Governor has called for a \$1 billion tax cut package, the House version does not mirror the Governor's proposal, especially concerning corporate income tax. The bill was "fast-tracked" and is now ready to go before the full House immediately after being filed.

The bill also contains two provisions that have been controversial among local governments and tourism industry officials. Those provisions are:

- Local option to commit 10% of tourist development taxes revenues to fund law enforcement and emergency medical services in coastal areas affected by increased tourism or tourism related event
- Requirement to spend 35% of tourist development tax revenues on promotion

LOCAL GOVERNMENT TAX REFERENDA

By Ericks Consultants

House Finance & Tax voted 13-2 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 bill does not go into effect until after the 2016 elections. The bill has one more committee stop in the House. Its Senate companion has not yet been heard in committee.

RESIDENTIAL FACILITIES

By Ericks Consultants and Corcoran & Johnston

Senate Children and Families unanimously passed HB 1174 that would require a radius of 1,200 ft. between a residential unit of 6 or fewer residents that meets the definition of a community residential home built after July, 2016 and an existing community residential home. The bill is scheduled for its final Senate committee next week. The House bill is ready to go before the full House.

STATE LANDS

By Anfield Consulting

The State of Florida owns lands for many purposes. State lands are held in trust for the use and benefit of the people of Florida by the Board of Trustees while the DEP, through its Division of State Lands (DSL), performs the day to day staff duties and functions related to the acquisition, administration, and disposition of state lands.

According to the DEP, the Board of Trustees owns approximately 13 million acres. Approximately 3.4 million of these acres are conservation lands, 113,000 acres are non-conservation lands, and 9 million acres are sovereign submerged lands.

This bill makes the following changes to how state lands are acquired, managed, and disposed of:

Requires conservation lands to be managed for conservation and recreation

purposes, rather than for the purpose for which they were acquired;

Authorizes the Board of Trustees to require that managing entities release their interest in state-owned lands or surplus such lands when the managing entity is not meeting its short-term management goals;

Directs land managers, as part of their every 10-year management plan update, to identify conservation lands that could be disposed of in fee simple or with the state retaining a permanent conservation easement;

Requires the DSL, at least every 10 years, to review conservation lands to determine if any are no longer needed for conservation purposes and can be disposed of in fee simple or with the state retaining a permanent conservation easement;

Requires the DSL, at least every 10 years, to review non-conservation lands and recommend to the Board of Trustees whether the lands should be retained or disposed of;

Provides an exchange process that allows a person who owns land contiguous to Board of Trustees-titled land to submit a request to the DSL to exchange all or a portion of the state-owned land, with the state retaining a permanent conservation easement, for a permanent conservation easement over all or a portion of the contiguous privately owned land;

Amends the definition of "water resource development project" to include construction of treatment, transmission, or distribution facilities;

Authorizes minimal secondary non-water dependent uses that are related to a water-dependent use over sovereign submerged lands;

Requires the Acquisition and Restoration Council to give priority to proposed projects under the Florida Forever Program that can be acquired in less-than-fee and projects that contribute to improving springs or groundwater;

Requires the DEP to add federally owned conservation lands, lands on which the federal government holds a conservation easement, and all lands on which the state holds a conservation easement to the SOLARIS state lands data base by July 1, 2018;

Requires each county and city to submit to the DEP, by July 1, 2018, a list of all conservation lands owned by the local government and lands on which the local government holds a permanent conservation easement. Financially disadvantaged small communities have until July 1, 2019, to submit the same information; and

Directs the DEP to complete a study by January 1, 2018, regarding the technical and economic feasibility of including privately owned conservation lands in a public lands inventory.

On Monday, the (H) Agriculture & Natural Resources Subcommittee passed **HB 1075** with **one amendment**. The amendment authorizes four full-time positions as well as \$396,040 in recurring and \$1,370,528 in non-recurring funds to the DEP for the purpose of implementing specified sections of the bill. **CS/HB 1075** will next be considered in the (H) Agriculture & Natural Resources Appropriations Subcommittee. **SB 1290** is currently in the (S) Environmental Preservation and Conservation Committee.

NATURAL GAS REBATE PROGRAM

By Ericks Consultants

Senate Appropriations unanimously approved HB 285 that would allow the Department of Agriculture and Consumer Services to award excess funds in the State's natural gas fuel fleet rebate program to applicants who have already

received the \$250,000 in fiscal year maximum funding. The bill gives priority to government owned fleets. Associated Industries of Florida, Florida Natural Gas and other energy industry representatives support the bill. The bill is now ready to go before the full Senate. Its House companion has two more committees of reference.

GROWTH MANAGEMENT/DRI

By County Staff, Ericks Consultants and Anfield Consulting

The House Local Government Affairs Subcommittee unanimously approved HB 1361, which would add more flexibility to the DRI process. It would also reduce the acreage to qualify for sector plans from 15,000 acres to 5,000 acres and increase the size of enclaves that can be locally annexed from 10 to 110 acres. The House bill contains provisions that would require a rebuttable presumption be provided before a change must undergo the DRI process. The Senate bill, SB 1190, contains provisions that allow for counties to employ tax increment financing for economic development packages and must still clear three committees of reference. Another similar Senate bill, SB 7000 is ready to go before the full Senate.

BUILDING CODES

By Ericks Consultants

Senate Community Affairs unanimously approved a building code reform package, SB 704 that includes provisions ranging from water heaters, swimming pools, and fire prevention code and building code administrative issues. The committee adopted a strike all amendment. The bill has two more committees of reference in the Senate. Its House bill has one more committee of reference in the House.

INSPECTOR GENERAL

By County Staff

HB 587 (Powell) unanimously passed its last committee and is now ready to go before the full House. The bill exempts from public inspection and disclosure certain personal identifying information of an agency employee who duties include conducting internal audits. This would apply to both current and former employees, as well as their spouses and children. Proponents argue that, since such employees have been subject to threats, this legislation is necessary for their safety. A two-thirds vote of both the House and Senate would be required to pass the bill since it creates a public record exemption. The Senate version, SB 752 (Abruzzo), has one more committee stop.

GAMING COMPACT

By Corcoran & Johnston and Ericks Consultants

Gov. Rick Scott made his first big push to sell the Seminole Compact, holding a meeting with representatives of the Seminole Tribe of Florida. The new compact would net the state \$3 billion over seven years in revenue sharing, while allowing the tribe to offer games like craps and roulette. House Speaker Steve Crisafulli said the proposed compact would need to be tweaked to be approved by the Legislature, while Senate President Andy Gardiner called the Compact a heavy lift.

The agreement expands slots to Palm Beach County Kennel Club, which is only one of several communities outside Miami-Dade and Broward who have passed referendums in favor of slot machines.

Senate Regulatory Affairs and House Regulatory Affairs will each discuss Legislative Ratification of the Seminole Compact next week. Each committee filed vehicles this week that do not speak to any details as of yet.

ATTORNEYS FEES FOR PUBLIC RECORDS VIOLATIONS

By County Staff and Ericks Consultants

House Government Operations voted 11-1 to approve HB 1021 that would give judges discretion in awarding attorneys fees in public records violations. Unfortunately, some individuals and groups seeking to exploit the public records law to try to induce technical violations of the law for personal gain have targeted governmental entities around the state. The bill would also allow for a five-day period for the public records custodian to comply with the request and avoid legal action. The bill is meant to protect taxpayer dollars from a cottage industry of attorneys who profit from lawsuits over public records violations. Local governments in Palm Beach County support the bill. Several public advocacy and press organizations oppose the bill, claiming it weakens public records laws. It has one more committee of reference in the House. Its Senate companion, SB 1220 has two more committees of reference.

PUBLIC RECORDS EXEMPTION – MARCHMAN ACT

By Ericks Consultants

Senate Governmental Oversight and Accountability unanimously approved SB 762 that would exempt from public record, records related to the involuntary assessment and stabilization of a person impaired due to substance abuse under the Marchman Act. The bill would ensure that families will not have to fear that sensitive personal information would be made public should they choose to Marchman Act a loved one. It would also align public records law regarding the Marchman Act with that of the Baker Act. Palm Beach County supported the bill. The bill has one more committee of reference in the Senate. Its House companion has two more committees of reference.

DISCOUNTS TO PARK ENTRANCES AND TRANSIT

By Ericks Consultants and County Staff

House Local Government Affairs Subcommittee unanimously approved HB 1321 that would require counties and municipalities to provide a partial or a full discount on park entrance fees to military members, veterans, and the spouse and parents of deceased military members and first responders. It would also require regional transportation authorities to provide a partial or a full discount on fares for certain disabled veterans. The South Florida Regional Transportation Authority supports the bill. The bill has one more committee of reference in the House. The Senate version, SB 1202 (Abruzzo), passed its final stop, the Fiscal Policy committee by a 9-0 vote.

MILLAGE RATES

By County Staff and Anfield Consulting

HB 1015 (Nunez) passed the House Local Government Subcommittee by an 8-4 vote. Its companion, SB 1222 (Flores), passed the Community Affairs Committee unanimously as a committee substitute. The bills change the formula for calculating the simple majority vote maximum millage rate. Instead of using a rolled back rate assuming the previous year's maximum rate was levied, the revised formula uses a rolled back rate using the prior year's *actual* levy. The formula change would reduce the simple majority maximum tax rate for most counties, cities, and special districts. The Florida League of Cities and Florida Association of Counties recently testified that while neither organization supports the current language, they are working with the sponsor to address their issues. The Florida Association of Counties warned against a ratcheting down effect if locals were forced to adopt based upon the prior year as it would incentivize a government to levy more than absolutely necessary out of fear of limiting itself too much moving forward. Palm Beach County staff worked with the Association of Counties this week to offer potential recommendations that would minimize the impact to local governments who have adhered to the Legislatures guidelines.

STATE OF ISRAEL*By County Staff*

HB 527 (Workman, Moskowitz, Rader) unanimously passed its final committee, State Affairs. The bill would prohibit the state from contracting with companies that boycott Israel. If enacted, the bill would direct the State Board of Administration to create a list of companies that boycott Israel and prohibit the state's pension plan from investing in those companies. Its companion, SB 86 (Negron), has already passed the Senate and is now in Messages.

MALT BEVERAGES*By Ericks Consultants*

Senate Fiscal Policy unanimously approved HB 698 that would allow counties and municipalities to have up to three temporary permits per year to sell alcohol at events, which DBPR has been issuing for decades without the realization it was not authorized in statute. The committee adopted an amendment to allow for more than three permits in a calendar year so long as the governing body votes in favor of the notion at a noticed public meeting. The bill also allows for alcohol to be sold at railway transit stations. The bill is now before the full Senate. It has two more committees of reference in the House.

SANCTUARY CITIES*By County Staff*

HB 675 (Metz) passed the House by an 80-38 vote. The bill would prohibit sanctuary city policies by local governments, instead requiring them to detain individuals suspected of being undocumented immigrants. Furthermore, the bill would allow the governor, in certain cases, to remove local officials from their office if they do not report violations of this law. The Senate bill, HB 872 (Bean), has yet to be heard in first of three committees.

OPEN CARRY/GUNS IN SCHOOLS*By County Staff and Ericks Consultants*

HB 163 (Gaetz) passed the House by an 80-38 vote after three hours of debate. The bill would allow conceal-weapons permit holders to carry handguns openly wherever they are allowed to carry concealed weapons. Private businesses could choose to disallow open carry, but no public place could. The bill was amended to allow lawmakers to carry concealed weapons during legislative sessions and meetings. The Senate companion, SB 300 (Gaetz) awaits a hearing in its second of three committee stops, the Judiciary Committee.

After hours of debate, the House voted 80-37 to allow concealed weapons on college and university campuses. HB 4001 (Steube, Rehwinkel Vasilinda) would allow concealed-carry permit holders aged 21 and older to carry concealed guns on college and university campuses. Proponents argue that students have a right to self-protection and the presence of a trained, armed student capable of defending the public in instances of danger would increase public safety. Opponents worry HB 4001 could lead to death or injury by accidental or rash handling of firearms by young adults in an atmosphere characterized by binge drinking, etc. Meanwhile, the chairman of the Senate bill's next committee of reference intimated the bill was dead in the Senate. The Senate companion, SB 68 (Evers) remains in the Judiciary Committee, its third of four stops. Senate President Andy Gardiner stated that both of these bills are "in trouble" in his chamber.

BACKYARD GUN RANGES*By Ericks Consultants*

The House and Senate passed HB 130 that would prohibit the discharge of firearms in an area zoned as residential, except in circumstances where the discharge does not pose a reasonably foreseeable risk of harm or when acting in lawful defense. The bill addresses urban concerns regarding backyard gun ranges as well as the South Florida practice of firing guns to celebrate holidays.

KRATOM

By Ericks Consultants

House Criminal Justice voted unanimously to add kratom to the list of controlled substances. HB 73 has two more committees in the House. Its Senate companion is scheduled to be heard next week in its first committee.

DANGEROUS DOGS

By County Staff

SB 334 was on the floor for consideration on the Special Order Calendar on Tuesday and moved to 3rd reading with little discussion. It's companion, HB 91 unanimously passed the House 118-0 last 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. The 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.

RED LIGHT CAMERAS

By County Staff and Ericks Consultants

SB 168 (Brandes) narrowly passed its first of three committees, Transportation, by a 4-3 vote. The sponsor alleged that profit, rather than public safety, was the motivation behind red light cameras. The bill would preempt to the state the ability to regulate the use of red light cameras, thus prohibiting local governments from implementing their own red light camera programs. The bill has two more committees of reference. Its House companion has one more committee in the House.

HOMEOWNERS ASSOCIATIONS

By County Staff

HB 1357 (La Rosa, Cortes) passed its second of three committees, the Business & Professions Subcommittee, by unanimous vote. The bill would amend current law relating to associations in numerous ways. Some of these include: requiring associations with 7,500 or more units or parcels to provide a secure website for members to view official records and meeting notices; requiring conflict of interest disclosures; prohibiting associations from enforcing traffic and criminal laws; providing that any amendments to an association's documents regarding the ability for owners to rent their homes only apply to owners who consent to the association's amendment or who purchase their home after the rule is enacted; and requiring that if an association does not file a claim for a lien or foreclosure action on any assessment that is outstanding after 24 months past due, then it may not proceed against the member for such assessment. The Senate companion, SB 1716 (Hutson), has yet to be heard in its three committees of reference.

PUBLIC PRIVATE PARTNERSHIPS

By Ericks Consultants

Senate Governmental Oversight and Accountability and House State Affairs unanimously approved a bill, SB 124/ HB 95 that would implement recommendations by a P3 Guidelines Task Force created by the Legislature two years ago, including clarifying that local government authority is not preempted by the P3 process and can deviate from the statutory timeframes, clarifying that the state university system can participate in P3s and requiring unsolicited proposals be submitted with an application fee set forth by the local government. The Senate committee adopted a strike all that would require certain professionals be retained

through the completion of a project should a public entity evaluate an unsolicited proposal or request proposals from a private entity. The House bill was amended later in the week on the House floor in order to match the Senate language. The Senate and House bills are now before their full Chambers. SB 126/ HB 97 would exempt unsolicited proposals from public record for a period of time. The League of Cities and Associated Builders and Contractors support the legislation. The Senate bill has one more committee of reference in the Senate. The House bill is before the full House.

MUNICIPAL ELECTIONS

By Ericks Consultants

The House voted 70-47 to pass a fast-tracked bill that would preempt the schedule of municipal elections to the state, forcing local governments to either hold their elections in November on odd number years unless all municipalities in one county can agree to the same alternative date. HB 7059 would not take effect until after the 2016 elections. The intent of the bill is to increase voter participation in municipal elections. Opposition to the bill includes concerns regarding the bill's impact on charter home rule authority, voter ballot fatigue, partisan influence into non-partisan elections, canvassing boards, staggered terms and campaign costs. The bill does not have a Senate companion.

FIRE ASSESSMENT ON GREENBELT PROPERTY

By Ericks Consultants

House Ag & Natural Resources approved HB 773 that would prohibit local governments from imposing fire assessments on agricultural lands with greenbelt certification. The bill is in response to Haines City imposing assessments on citrus farmland. The Farm Bureau and Fruit and Vegetable Association supported the bill. The Florida League of Cities and Florida Association of Counties opposed the bill, stating that assessments must be apportioned according to benefit. The bill has two more committees in the House and the Senate.

HISTORIC AND ARCHEOLOGICAL ARTIFACTS

By County Staff and Ericks Consultants

After a lengthy debate, Senate Governmental Oversight and Accountability postponed SB 1054 that would create procedures to discover historical and archeological artifacts and would allow for normal citizens to retrieve artifacts without committing a felony. The program had been repealed by the Legislature years ago due to abuse of persons seeking to profit off of artifacts. However, the State recently cracked down on individuals who had artifacts, spurring lawmakers to consider the program again. Opponents of the bill came from multiple angles, with some opponents worried about abuse or untrained individuals damaging artifacts. Other opponents worried that the program was too onerous a process for ordinary people and worried that it would criminalize people uneducated about the procedures. The Senate bill has three committees of reference. The bill, HB 803, has two more committees of reference in the House.

Local Bills:

REPEAL OF THE CITY OF DELRAY BEACH CIVIL SERVICE CODE

By County Staff

On Thursday, HB 911 by Rep. Bill Hager, a local bill that would repeal the City of Delray Beach Civil Service Code, passed its last committee of reference, the House Local & Federal Affairs Committee, by a unanimous vote.

The civil service code for the City of Delray Beach was created by a special act of the Legislature in 1949. The code currently applies to all regular employees of the city, except assistant city managers, department heads, and police majors. It also does not apply to employees covered by a collective bargaining agreement or by an expired collective bargaining agreement subject to renegotiation, unless the

collective bargaining agreement specifies the code shall apply.

The bill repeals ch. 49-25784, Laws of Florida, which created the civil service code for the City of Delray Beach. The current civil service code is included in the city's code of ordinances and repealing the act provides flexibility for the city to make changes pursuant to its home-rule authority. The Delray Beach City Commission desires to have the ability to amend its civil service code by home rule ordinance in order to update provisions of the code that are outdated and do not reflect the needs of the City.

If the Florida Legislature passes the bill, the repeal will not take effect until it is approved by a majority vote of those qualified electors of the City in a referendum to be held in conjunction with a general election. The bill is now ready to come to the Floor of the House for a vote.

PORT OF PALM BEACH

By County Staff

On Monday, HB 1437 by Rep. Bill Hager, a local bill that amends ch. 74-570, Laws of Florida, relating to the Port of Palm Beach, passed the House Local Government Affairs Subcommittee by a vote of 11-1. The Port of Palm Beach (Port) is an independent special taxing district in Palm Beach County that was created by special act in 1915.

The bill raises the yearly compensation rate of the Port of Palm Beach Board of Commissioners from \$9,500 to \$16,000, reflecting an approximate 3% yearly increase from the rate of compensation set in 1999. Thereafter, the salary may be adjusted annually by up to 3 percent by a majority vote of the Board.

The bill also authorizes the Port to apply for Foreign Trade Zone (FTZ) site locations outside of Palm Beach County, within 60 miles of the port of entry pursuant to the new Alternative Site Framework (ASF) regulations implemented in 2008. The bill removes language requiring approval from local governments before establishing FTZ site locations outside of the district but notes all such FTZs remain subject to local codes, ordinances, and laws.

The next step for this bill is the House Economic Affairs Committee.

UP NEXT WEEK

TNC – UBER BILL

By County Staff, Anfield Consulting and Ericks Consultants

The House voted 108 to 10 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 insurance requirement that the company is responsible for enforcing. The bill allows for surplus lines insurance. Drivers will not be allowed to participate if they have had three tickets in the last three years. They are not allowed to accept ride hails that do not come through the app and not allowed to accept cash payments. The drivers must also abide with non-discrimination laws and ADA accessibility. Its Senate companion does not contain a local government preemption and has two more committees of reference. An amendment that would have required level 2 background checks was not adopted on the bill. SB 1118 would require TNC drivers to carry approximately the same level of insurance as taxi drivers, whereas the House version proposes a sliding scale. The Senate bill will be up in the Senate Judiciary Committee on 2/9/16.

SOBER HOMES

By County Staff

SB 1138 (Clemens) passed its first committee, Children, Families, and Elder Affairs, unanimously during week two of session. The bill would prohibit unethical marketing practices by substance abuse treatment providers and operators of

recovery residences, such as soliciting or receiving kickbacks or bribes to secure residents, promising free rent and other perks to potential residents, and using predatory marketing. The bill has two more Committee stops: the Appropriations Subcommittee on Health and Human Services and the Appropriations Committee. Reps. Rooney and Hagar are sponsoring the House version. County staff worked with House committee staff this week to address some concerns brought up about enforcement provisions of the bill. HB 823, the House companion will be up in the House Health & Human Services Committee on 02/09/16.

EVERGLADES

By Anfield Consulting and Ericks Consultants

House Agriculture and Natural Resources Appropriations approved HB 989 to create a dedicated funding source for Everglades Restoration projects. The bill would require the lesser of 25% or \$200 million be allocated from Amendment 1 dollars towards the Comprehensive Everglades Restoration Plan (CERP) as well as Lake Okeechobee projects and water quality projects. The funding will be matched from the Federal Government. The bill has one more committee of reference in the House. Its Senate companion has not yet been heard in its first committee. The Senate bill, SB 1168 will be up in the Senate Environmental Preservation and Conservation, 02/09/16 the House bill will be up in Appropriations Committee on the same day.

FEDERAL ISSUES

FEDERAL ISSUES

By Becker & Poliakoff, Alcalde & Fay and County Staff

ELECTIONS 2016: Sen. Ted Cruz won the Iowa Republican Caucus, followed in order by Donald Trump and Sen. Marco Rubio. On the Democratic side, Sen. Bernie Sanders and former Secretary of State Hillary Clinton had an incredibly close finish, with Clinton just edging out a victory.

CONGRESS: Speaker Paul Ryan (R- WI) and Senate Majority Leader Mitch McConnell (R-KY) met with President Obama at the White House. The President outlined his priorities for his final year in office. Some topics of discussion were Puerto Rico's debt crisis, the Trans-Pacific Partnership (TPP) trade agreement, the country's heroin and opioid abuse epidemic, and criminal justice reform.

U.S. Trade Representative Michael Froman signed the Trans-Pacific Partnership trade agreement, allowing President Barack Obama to submit a TPP implementing bill to Congress for approval within thirty days.

THE HOUSE: Rep. Bill Shuster (R-PA), Chairman of the House Transportation and Infrastructure Committee, released his draft proposal for the next FAA reauthorization bill: The Aviation, Innovation, Reform, and Reauthorization Act (AIRR Act). The chairman announced his intention to hold a committee hearing on privatizing air traffic control (ATC) functions next Wednesday, February 10, and a markup of his legislation next Thursday, February 11.

Highlights of the AIRR Act include:

- Creating a federally-chartered, fully independent, not-for-profit corporation to operate air traffic services
- Incorporating numerous safety provisions, such as additional training programs for pilots
- Establishing additional consumer protections, such as requiring airlines to refund baggage fees to passengers if their bags are lost or delayed for over 24 hours on domestic flights
- Providing significant funding for the FAA's Airport Improvement Program to modernize infrastructure

The proposal has already drawn criticism from Democratic lawmakers in the House, including Delegate Eleanor Holmes Norton (D-DC) and Rep. Elijah Cummings (D-MD). At a recent press conference, Del. Holmes Norton and Representative



Palm Beach County

Board of County

Commissioners

Mary Lou Berger, Mayor
Hal R. Valeche, Vice Mayor
Paulette Burdick
Shelley Vana
Steven L. Abrams
Melissa McKinlay
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Cummings announced the formation of a group called the Americans Against Air Traffic Privatization (AAATP) - unveiling an online petition with more than 115,000 signatures to "help stop this disastrous proposal" and oppose attempts to break off air traffic control operations from the FAA.

Opposition is growing in the Senate as well, with Senate Appropriations Committee Chairman Thad Cochran (R-MS), Ranking Member Barbara Mikulski (D-MD) and Senators Susan Collins (R-ME) and Jack Reed (D-RI) sending a letter to the Senate Commerce Committee voicing their unequivocal opposition to break off air traffic operations from the FAA. The group wrote that they have been dismayed by suggestions that the FAA's Air Traffic Organization be divorced from its parent agency and operated as an independent government agency, a nonprofit, or a private for-profit firm - noting such proposal diminishes the ability of Congress to oversee the aviation system.

The House debated the following bills under suspension of rules:

The budget reconciliation legislation, H.R. 3762, limiting federal funds for Planned Parenthood and removing key provisions of the Affordable Care Act
H.R. 3700, changing the Section 8 and other housing assistance programs including revising income calculations and inspection processes, altering rules for mortgage insurance for condominiums, and revamping programs for homeless veterans

The Coast Guard reauthorization, H.R. 4188, granting \$9.1 billion for the Coast Guard for FY-2016 and 2017 and \$24.7 million for the Federal Maritime Commission

The House Oversight and Government Reform Committee held a hearing on the drastic increase in drug prices. Martin Shkreli, a former biotech company executive charged with securities fraud, was subpoenaed for the hearing but refused to answer questions by invoking his Fifth Amendment rights.

The House Energy and Commerce Health subcommittee held a hearing to examine the implementation of a law that previously allowed the FDA to approve the sale of biosimilars, which are lower-cost copies of biologic drugs.

The House Energy and Commerce Subcommittee on Energy and Power held a hearing on eight infrastructure bills, including five focusing on hydroelectric power from dams and one that would amend the Natural Gas Act to accept data from aerial surveys for gas pipeline reviews.

The House Financial Services Oversight and Investigations Subcommittee held a hearing on the debt limit. Members of Congress voiced their budgetary policy request to the House of Budget Committee.

The Congressional Budget Office (COB) communicated to The House Budget Committee their \$544 billion deficit projection this year.

THE SENATE: Voted on S. 2012, strengthening building codes, increasing cybersecurity protections for the electricity grid, and expediting the licensing process for hydropower projects. The 46-50 vote fell short of the necessary 60 votes to advance the bill. Democrats blocked it over a disagreement on how to aid Flint, Michigan with its lead poisoned water system. The bill may be brought up next week for another vote if differences can be resolved.

The Senate Judiciary Committee held a hearing on the EB-5 Regional Center Program. The issues for the EB-5 legislation include whether investments should be targeted for rural areas, whether visas should be allocated among different types of projects and how to define the term "targeted employment area."

The Senate Budget Committee convened to hear from Congressional Budget Office (CBO) Director Keith Hall on unauthorized and expired programs.