

PBC Legislative Update



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Legislative Session Update Week Eight

STATE ISSUES

Growth Management, Agriculture and Natural Resources

GROWTH MANAGEMENT AND CONSTRAINED AGRICULTURAL AREAS

By: Anfield Consulting, County Staff and Corcoran & Johnston

Overview: HB 933 and SB 1216 essentially represent this year's growth management package. Earlier in Session, it was amended to remove a provision Palm Beach County objected to that would allow certain developers who own parcels of land that fit a specific definition of "constrained agricultural parcels" to subvert the local government process.

On Wednesday, the Senate took up **E1/SB 1216** on Third reading. **Four amendments** were adopted. The next day, the House took up **CS2/HB 933** and substituted it with **E2/SB 1216**. Two notable changes from the House bill to the amended Senate bill is the removal of sinkhole mitigation and a requirement that local governments include a private property element in their comprehensive plans. Below is a description of the growth management bill, **E2/SB 1216** that passed 83-31 in the House after passing unanimously in the Senate. The bill now goes to the Governor.

DRI and RPCs

Proposed Changes: This portion of the bill deals with the removal of the regional planning councils and the DRI process from the regional planning process. It would exempt all new developments from the DRI review process. Only those developments currently classified as DRIs (development's of regional impact) and which are still undergoing DRI review would remain under the RPCs purview. Comprehensive plan amendments related to developments that qualify as DRIs would henceforth be reviewed under the State Coordinated Review Process.

While most of the regional planning councils would continue to operate in this limited fashion, one, the Withlacoochee RPC, would be dissolved, the counties under its jurisdiction to be redistributed among the three bordering RPCs.

The bill also:

- Temporarily removes the Governor's power to make the boundaries of the RPCs and gives that power to the Legislature until 2016. In the meantime, the Governor would still have the power to make recommendations to the Legislature regarding their boundaries.
- Designates 10 RPCs and their borders.
- Deletes several unnecessary or duplicative statutory duties of the RPCs.

Sector Plans

Proposed Changes: This portion of the bill would make the following changes to the sector planning process. It would:

- Clarify that the planning standards of the sector planning statutes supersede generally applicable planning standards elsewhere in Ch. 163.
- Allows conservation easements to be based on digital ortho-photography by a licensed surveyor and mapper without need for a traditional ground survey.
- Provide that an applicant may utilize recorded conservation easements as compensatory mitigation for permitting purposes.
- Allow grantors to amend conservation in order to shift protected boundaries to other parcels of equal size and ecologic value.
- Require an applicant for a DSAP to transmit copies of the application to the reviewing agencies for comment. Any comments from such agencies would need to be submitted in writing to the local government with jurisdiction and to the state land-planning agency within 30 days after the applicant's transmittal of the application.
- Provide that applicants with an approved master development order may request and be issued a CUP from a WMD for the duration of the development order under certain conditions.
- Require amendments to adopted sector plans to be subject to the state coordinated review process.

Water Facilities & Comprehensive Plans

Proposed Changes: This new portion of the bill (amended from **HB 933**) provides that a local government that does not own, operate, or maintain their own water supply facilities, but are instead served by a public water utility with a permitted allocation of more than 300 million gallons per day, would not be required to amend their comprehensive plan in response to an updated regional water supply plan or maintain a work plan if that government's water usage constitutes less than 1% of that utility's total permitted allocation. They would still be required to provide data to any utility provider that provides services within their jurisdiction and keep their own general sanitary sewer, solid waste, potable water, and groundwater aquifer recharge elements updated.

RESIDENTIAL MASTER BUILDING PERMITS

By: Ericks Consultants and County Staff

The House of Representatives approved HB 1151 on the floor, 116-0. The bill would allow builders to apply to local governments for a master permit when building several of the same type of unit. The local government would be required to develop the permit program only upon written request of the builder and within 6 months of the request. The governing board of the local government would be allowed to set the fees for the program. The bill is on Third reading in the Senate and will be heard next week.

PROPERTY RIGHTS

By: Ericks Consultants and Anfield Consulting

Background: Chapter 70, Florida Statutes, contains four provisions of law respecting private property rights; another of which (s. 70.001) is the Bert Harris, Jr. Private Property Rights Act; another of which (s. 70.51) is the Florida Land Use and Environmental Dispute Resolution Act.

Proposed Changes: The bill creates a new section of law, s. 70.45, creating a cause of action to recover monetary damages, including injunctive relief, for landowners where local and state governmental entities impose conditions that rise to the level of unconstitutional exactions. A property owner would need to inform the governmental agency of his/her intent to file suit within 180 days of

the exaction. The governmental agency would in turn need to respond in writing to this complaint explaining why it believes the exaction is lawful and necessary (the bill clarifies that this response may not be used against it in court, except in the assessment of attorney fees or other costs).

The bill also amends the Bert J. Harris, Jr., Private Property Act to provide that only those property owners whose real property is the subject of and directly impacted by the action of a governmental entity may bring suit under the Act and to provide that the Act's safe harbor provisions for settlement agreements between a property owner and governmental entity apply regardless of when the settlement agreement was entered. Impact fees and non-ad valorem assessments would be exempt from these new provisions. This bill would only affect exactions taken on or after October 1st, 2015.

Update: On Tuesday, the (S) Appropriations Committee adopted a **strike-all** to **CS/CS/SB 284**. The strike-all conforms the Senate bill to the House bill (described above). This was the last committee of reference for **CS3/SB 284**; it will now be placed on the Special Order Calendar. **CS3/HB 383** was taken up on Second Reading in the House on Thursday. **Two amendments** were adopted. The first amendment deletes language that would have required a governmental entity to prove in court that an exaction was proportional to the impact of a proposed land use. As it now stands, it must only prove a nexus to a legitimate public purpose. The second amendment makes technical changes. On Friday, the House passed the bill 113-1. It is now in Messages in the Senate.

GLEANING

By: County Staff, Corcoran & Johnston, and Anfield Consulting

SB 158, sponsored by Sen. Evers, unanimously passed the House and will now be sent to the Governor. It had previously passed the Senate on March 24th. The bill reduces civil liability for farmers who gratuitously allow people onto their property to harvest excess food. Thank you to Rep. Kevin Rader, the House sponsor of the bill, for his efforts to pass this legislation over the past two sessions.

FRACKING

By: County Staff

The Senate Appropriations committee approved a measure regulating hydraulic fracturing (**SB 1468**) on a 13-6 vote. The committee approved several amendments to bring it more in line with a similar proposal (**HB 1205**) that was heard on second reading by the full House on Friday.

Both bills increase penalties, create a chemical disclosure registry and require well operators to obtain permits before they begin high-pressure well stimulation. Both bills require a study to analyze fracking's potential risks and harms; however, under the Senate plan, DEP cannot issue permits until the study and rule making are complete. The House bill does not include a moratorium on the issuance of conventional oil drilling permits before the conclusion of the study. The bills also now match in language to prohibit local governments from creating their own permitting processes for fracking.

HB 1209 and SB 1582 also on second reading in the House and Senate create a new public records exemption for proprietary business information as defined in sections 377.24075(1)(a) through (e), Florida Statutes, and related to chemical disclosure registry or chemical disclosure information submitted to the Department of Environmental Protection (DEP) as part of a permit for high pressure well stimulation.

PREEMPTION OF LOCAL PREFERENCE IN CONSTRUCTION PROJECTS

By: Ericks Consultants and Anfield Consulting

HB 778 preempts local preference ordinances for construction projects that are funded 50% with state dollars. On Wednesday, the Senate read **E1/SB 778** a third time and after **adopting one amendment**, passed it. The amendment added a statutory definition for "competitive solicitation." **E2/SB 778** was then sent to the House, where it was adopted as a substitute for **CS3/HB 113** and then passed 95-22. The bill now heads to the Governor for consideration.

This bill would expand the breadth of this preference down to the county and municipal level. It also provides that in cases where the competitive solicitation for construction services is for a project in which 50 percent or more of the cost is being paid for by state funds (exclude all federal funds), a political subdivision would not be allowed to enforce any local ordinance or regulation that restricts a certified contractor from competing for the award based on the contractor's principal place of business, their hiring from within the local jurisdiction, or prior payment of local taxes, assessments, or duties.

LOCATION OF UTILITIES

By: County Staff and Anfield Consulting

HB 391, sponsored by Rep. Ingram, passed the House by a vote of 110-5. SB 896, sponsored by Sen. Brandes, was not considered in its scheduled Appropriations Committee meeting. The fate of the Senate bill is unclear, as no additional Appropriations Committee meetings have been scheduled to consider the bill and cities and counties have mounted considerable opposition to the legislation. The bills revise several provisions related to utilities by making certain statutory provisions applicable only to utility lines and facilities lawfully located within the right-of-way limits of a road, rather than those lines and facilities located upon, under, over, or along any public road or highway, or publicly owned rail corridor. Specifically, the bill:

- Narrows the authority of a county to grant licenses relating to utility transmission lines by referring only to those lines located within the right-of-way limits of any county road or highway, rather than upon, under, over, or along the county road or highway.
- Narrows the authority of FDOT and local governmental entities to prescribe and enforce reasonable rules or regulations in relation to utility lines or structures by limiting the statute to placement or maintenance of lines and structures within the right-of-way limits of any public road or publicly owned rail corridor, rather than those located upon, under, over, or along the county road or highway.
- Prohibits a municipality, county, or authority from requiring utilities to resubmit proprietary maps of facilities that have already been subject to a permit from the governing authority.
- Alters the requirement for a utility to pay, subject to certain exceptions, to remove or relocate utility lines or facilities that unreasonably interfere with the safe continuous use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor, by:
 - Restricting that requirement only to utilities located within the right-of-way limits of the road or rail corridor, rather than upon, under, over, or along the road or rail corridor. These "right-of-way" limits would include utility lines "on, under, over, or across" a public road, and so utilities would still have to cover the cost for their removal in such situations. **The Senate Version** also includes the drainage ditches running alongside the road, not just the road itself, as being in the right-of-way.
 - Requiring that if a governmental authority requires relocation for any purpose other than unreasonable interference, or as a condition or result of a project by a different entity, then the utility is not required to bear the relocation costs.
 - Adding a new exception to the requirement that utility owners pay for removal or relocation of the utilities.
- Provides a legislative finding that a legitimate state purpose is served by

clarifying a utility's responsibility for relocating its facilities within the right-of-way or within a utility easement granted by recorded plat.

- Provides that nothing in the amended statutes would affect permits or contract agreements entered into between an authority and utility before April 15, 2015. While the authority would still have to cover their end of the cost of the utility line's removal, they may deduct any increase in value of the new facilities, or profit from the salvaged old facilities, from this cost. (House Version Only)

Consumer Services

UBER

By: County Staff

SB 1298, sponsored by Sen. Simmons, passed the Senate 28-12. The bill would establish insurance requirements for Transportation Network Companies, such as Lyft and Uber, and Short Term Rentals, such as AirBnB. It would establish coverage requirements for when a customer is in a vehicle and during an "on call" period, considered a coverage "gap," between when a driver is notified about a customer to pick up and the time the passenger gets in the vehicle. An amendment to the bill, which also passed, would require the driver—if he or she has had an agreement within the previous 6 months—to possess liability coverage of at least \$100,000 for death and bodily injury per person and \$200,000 per incident, and at least \$50,000 for property damage.

HB 817, sponsored by Rep. Gaetz, was heard on second reading on the House floor. It is different from the Senate bill in that it goes deeper into regulatory requirements of transportation network companies by preempting local governments from regulating ride share companies. Two amendments were adopted to the bill over the objections of the bill sponsor that would require drivers of vehicles to get a level 2 background check and would allow airport facilities to collect certain permit fees for entering airport property. The bill would let ride services use a "surplus lines" insurance company. This type of insurance company, were it to fail, is not backed by a state guaranty fund to pay claims. The Senate version would force companies like Uber to use an insurer backed by the state fund, as taxis do. The House bill was temporarily postponed on third reading in the House.

Additionally, two amendments were adopted to the House economic development package (HB 7067) that will stop cities and counties from collecting transportation impact fees or concurrency fees on new development if they regulate ride-sharing companies like Uber and Lyft.

GAMING

By: Ericks Consultants and County Staff

HB 1233, sponsored by Rep. Young, passed its second committee of reference, Finance & Tax, 10-8. The bill would decouple greyhound racing at dog tracks, allowing the tracks to keep slots and poker rooms but end the racing, a possibility which has strong support from animal rights groups. The bill would allow slots in pari-mutuels in Palm Beach and Lee Counties whose voters have approved slot machines. It also allows Broward & Miami-Dade Counties to hold non-binding referendums to gauge support for a destination casino. It would eliminate tax credits for greyhound racing, but would lower the taxes on handles in order to make the bill revenue neutral. The bill now heads to the Appropriations Committee; however, since there are no more scheduled meetings, it is unlikely to be heard there.

SB 7088 would extend the Seminole Gaming Compact for another year. It would essentially decouple all live racing and jai alai pari-mutuel and would allow slots in certain pari-mutuels in counties whose voters have approved slot machines. It is still in the Senate Appropriations committee.

REDUCED FEES FOR COUNTY & MUNICIPAL PARKS AND TRANSPORTATION AUTHORITIES

By: County Staff

HB 1095, sponsored by Rep. Rooney, passed the House by unanimous vote and is now in Messages to the Senate. Its Senate companion, SB 1430, sponsored by Sen. Abruzzo, has passed all of its committees and has been placed on the calendar for second reading. The bills would require counties and municipalities to provide discounts on public park entrance fees to military members, veterans, spouses, and parents of certain deceased military members, law enforcement officers, firefighters, and emergency workers.

Finance, Taxes and Economic Development

BUDGET

By: Ron L. Book, PA and County Staff

The House and Senate remain at a budget standstill. Senate and House leaders have not yet begun the process of the budget conference, which is the process that is undertaken to resolve differences between the proposed House and Senate budgets.

The House and Senate most significantly differ on their budget proposals in the area of Health Care. The Senate proposal includes funding to expand the Medicaid program while the House budget does not. Meanwhile, Florida's Low Income Pool (LIP), which is a state and federal program that funds uncompensated care in hospitals has not yet been renewed by the federal government. Florida's LIP program is set to expire on June 30, and, although the Agency for Health Care Administration recently submitted a request to approve a revised LIP program, it is not clear if, and when, the federal government will approve this program. If the LIP program is not renewed, that loss of funding could have a significant impact on Florida's budget. The Governor, along with House and Senate leaders, are currently trying to resolve all of these issues. They must put a budget in place prior to June 30.

Some movement occurred Thursday and Friday when the House made two offers to the Senate on budget allocations (the total amount of spending), and the Senate responded with two counter offers of their own. However, the Senate also left open the possibility of an extension of the Session to June 30, and suggested that they could, between now and then, have some information back from the Centers for Medicare and Medicaid Services (CMS) on the possibility of the renewal of LIP funding.

Until the Legislature resolves these overall issues, they most likely will not begin discussion on any specific project requests. It is not clear yet how the Legislature will move forward. They could simply extend the session, leaving their proposed budgets available for discussion, and take them up when they have resolved these large issues or they could adjourn and reconvene during a special session in the next two months.

ENTERPRISE ZONES

By: County Staff and Corcoran & Johnston

HB 7067, sponsored by Rep. LaRosa, passed the House 82-34 and will now be sent to the Senate. The bill would create a "local enterprise zone" to replace the current program due to sunset this year. The local enterprise zone would consist of a local government waiving local business taxes, impact fees, regulatory fees, building permit fees, sign ordinances, landscaping ordinances, all special assessments and civil code violations that do not affect public safety for new or expanding businesses for a minimum of 24 consecutive months.

The Senate included an Enterprise Zone proposal in SB 1214 that would extend certain state tax benefits to businesses that entered into a contract with DEO under Ch. 288 and were located in existing enterprise zones. Those benefits would be extended for up to three years.

ECONOMIC DEVELOPMENT

By: Florida Association of Counties, Anfield Consulting and Corcoran & Johnston

On Tuesday the Senate economic development bill (**SB 1214**) passed out of its last committee of reference - Appropriations and is now on the Senate floor. The film and tax credit program has been amended onto the Senate bill and was discussed Friday morning at the Revenue Estimating Conference. Additionally, the bill includes provisions related to Enterprise Zones. It includes language from the Senate bill on Homelessness.

The House passed its economic development bill (**HB 7067**) off of the House floor and sent it to the Senate for consideration. The House and Senate bills differ substantially. The House bill contains language that would preempt local authority in its proposed local enterprise zone section; banning counties from assessing any fees on businesses within the local enterprise zone. The bill also contains language that would allow the FDFC to place special assessments on property tax bills that are a part of a PACE project without an interlocal agreement with the county. Finally the bill was amended on the House floor on Thursday, prohibiting any county or municipality from collecting transportation impact fees if they also regulate transportation network carriers such as Uber & Lyft.

VALUE ADJUSTMENT BOARDS

By: Ericks Consultants

SB 972 and HB 695 reform the VAB proceedings based on OPPAGA recommendations in order to shorten the process and provide school districts, special districts and local governments predictability in their budget planning. The committee adopted amendments that moved back the deadline under some circumstances of high number of petitions being filed. The Florida Association of Property Appraisers, Miami Dade Public Schools and the Florida Association of Realtors generally support the bill with some concerns. The House and Senate bills are now both ready to go before their full Chambers.

FILM & TV INCENTIVES

By: County Staff and Ericks Consultants

On the floor this week, House leadership temporarily postponed HB 451, sponsored by Rep. Miller, to assess how the Senate will act on its bill, SB 1046 by Sen. Detert. The main difference between the two is that the Senate plan calls for a quick-action closing fund, which would allow for funds to be quickly allocated to tax credits if Florida would need to move swiftly to secure a production. The House is more hesitant to incorporate the fund, but it is not being ruled out.

The Senate included the contents of SB 1046 into SB 1214, the Economic Development package during an Appropriations Committee meeting. That language was adopted over objections of some members of the Senate Appropriations Committee including its powerful chair, Sen. Tom Lee. That language will most likely be negotiated with the House during the last week of session.

Public Safety

SOBER HOMES

By: County Staff

HB 21, sponsored by Reps. Hager and Harrell, passed the Senate unanimously and will now be sent to the Governor. The legislation instructs DCF to approve a credentialing entity to develop and administer a voluntary certification program, including background checks for recovery residence operators. The bill would

require DCF to publish a list of certified residences on its website. The bill threads the needle between oversight and ADA/FHA protection laws. The legislation is based upon a California model that has made it through a court challenge. It would also regulate advertisement of sober home facilities.

"Sober homes provide assistance for recovering alcohol and drug addicts. This legislation puts in place a standard of care which will benefit the residents of these homes and their neighbors while the patients continue on the road to recovery," Hager said. "This bill puts in place new regulations across the state for the benefit of Floridians."

"This is the first step in an ongoing process to improve the lives of those going through treatment as well as those they live near," Senate Bill sponsor Sen. Jeff Clemens said. "We're providing a safer, cleaner, more neighborly environment for everyone."

The bill will now be sent to the Governor.

PAIN MANAGEMENT CLINICS

By: County Staff

The House gave final approval to SB 450, a bill that would extend regulations on pain-management clinics, sending the issue to Gov. Rick Scott. House members voted 117-1 to approve the bill. The Senate unanimously passed the bill April 1. Lawmakers in 2011 approved a wide-ranging law to try to crack down on "pill mills," which had helped lead to Florida becoming a magnet for prescription-drug abuse and trafficking. But the 2011 law included a Jan. 1, 2016 expiration date on clinic regulations. This year's bill eliminates the expiration date, keeping the regulations in place. Attorney General Pam Bondi, who helped spearhead the 2011 law, issued a statement Wednesday praising the bill. "Florida has made great strides to stop prescription drug abuse and save lives," Bondi said. "Still, prescription drug abuse remains a major problem, not only for Florida, but for the entire country, and we must remain diligent in our efforts to make sure we do not return to the days when Florida was known as the pill mill capital of the country."

DJJ DETENTION COSTS

By: Ericks Consultants and County Staff

An administrative law judge, W. David Watkins, ruled that parts of a proposed Department of Juvenile Justice rule dealing with how juvenile detention costs should be split between states and counties "constitute an invalid exercise of legislatively delegated authority." The Florida Association of Counties argue that this ruling once again shows the DJJ's inability to correctly perform its rulemaking and underscores the need for new legislation to create a 50-50 cost split with repayment of past overpayments. However, the two bills before the legislature are looking increasingly unlikely to pass. HB 5201 passed its lone committee in March and is currently TP'd on Second Reading in the full House. SB 1414 passed its first of three committees of reference on April 8th but has not been heard in its other two.

SB 1414 sets the State and County Juvenile Justice cost share amount at counties (that are not fiscally constrained) paying 57% and the state paying 43%. The bill originally called for a 60%/40% split. Its House companion, HB 5201 also specifies the 57/43 split.

EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX

By: Ericks Consultants and County Staff

The Senate vote 40-0 and the House voted 115-0 to pass HB 209 that would revise the Emergency Fire Rescue Services and Facilities Surtax to distribute the revenue to all providers in a county that adopts the surtax, rather than only

providers that enter into an interlocal agreement with the county. The bill would provide local government providers with revenue from the surtax proportionate to their annual expenditures for fire control and emergency fire rescue services from the preceding five years. The Palm Beach County Firefighters support the bill. The bill now goes to the Governor for approval.

SENTENCING OF PUBLIC OFFICIALS

By: Ericks Consultants and County Staff

The House and Senate unanimously approved HB 115 that would require public officials found guilty of bribery or corruption to pay restitution to local governments that were wronged by their crimes. The bill, sponsored in the Senate by Senator Joseph Abruzzo will go to the Governor for final approval.

GRANDPARENTS RIGHTS

By: Ericks Consultants and County Staff

SB 368, sponsored by Sen. Abruzzo, was laid on the table and substituted for HB 149, sponsored by Rep. Rouson. Rouson's bill has already passed the House by unanimous vote and has been placed on the calendar for 3rd Reading next week. The bill would give grandparents and great-grandparents of deceased, vegetative state, and felon parents the right to petition the courts for visitation rights.

DOMESTIC VIOLENCE/SEXTING

By: County Staff

HB 133, sponsored by Rep. Plasencia, passed the Senate unanimously. The bill, known as the "43 Days Initiative Act," extends the statute of limitations for sexual battery offenses from four years to ten. The bill was amended to include a provision that makes it a third degree felony to violate an injunction against domestic violence more than twice. Additionally, the amendment corrects an error the legislature made in 2011 that made sexting a crime under which no court has jurisdiction. The new language clarifies that circuit courts will have jurisdiction. Those amendments were contents from two other bills sponsored by Senator Abruzzo. The bill is now in returning messages to the House.

RED LIGHT CAMERAS

By: County Staff, Corcoran & Johnston

HB 7071 is currently on second reading in the House. The bill adds restrictions on local government red light camera programs. It would require notice of violations to be sent via certified mail and would require collection of crash data at intersections and require summaries of vendor contracts in annual reports submitted do DHSMV. It would allow DOT to inspect cameras for compliance and would require all local government revenue to only go towards public safety. The committee adopted an amendment, which removed a provision that banned the issuance of violations for right-on-red turns in an effort to not harm pedestrian safety.

An effort by Sen. Brandes to amend an omnibus transportation bill to mirror the House proposal previously failed. Other amendments to do the same have been withdrawn from the Senate Transportation bill currently pending in Senate Appropriations.

LOW VOLTAGE ALARM SYSTEMS

By: County Staff

SB 466, sponsored by Sen. Flores, passed the House unanimously and will now be sent to the Governor. The bill would reduce the maximum amount a local

government may charge for permit fees for low-voltage alarm systems from \$55 to \$40. It would also prohibit local governments from charging any additional fees for the installation of a new system or replacement of an old one. The bill also clarifies that a wireless alarm system does not require a permit.

HAZARDOUS WALKING

By: County Staff

HB 41, or "Gabby's Law for Student Safety," sponsored by Rep. Metz, unanimously passed the House on 4/16. It was amended by Rep. Slosberg to allow school boards to implement a safe driver toll-free telephone hotline for citizens to report improper driving or operation by a school bus driver to the school board for further investigation or disciplinary action. The bill would revise the way hazardous walking conditions for school children are identified and addressed by enhancing cooperation between the school district and local government. It would allow local governments to use an alternative interlocal agreement process so long as the process does not go below the safety standards set forth in the bill. The Senate companion, SB 154, is on Special Order Calendar for next Tuesday.

Health Care

MENTAL HEALTH AND SUBSTANCE ABUSE

By: County Staff, Ericks Consultants and Corcoran and Johnston

SB 7068, a measure that merges the Marchman and Baker Acts, was unanimously passed by the Florida Senate April 24, 2015. It now heads to the House for further consideration.

SB 7070, that includes Baker Act and Marchman Act reform, creates the Jennifer Act to allow for individuals to get help prior to negative situations occurring, creates the Nonviolent Offender Reentry Program, and creates a Forensic Hospital Diversion pilot program in five counties was retained on the Special Order Calendar in the Senate.

Meanwhile, the House and Senate unanimously passed HB 79 that requires the establishment of protocols for collecting and storing utilization data for crisis stabilization services. That bill now goes to the Governor. The House also passed HB 7113 with one dissenting vote that would authorize the creation of treatment-based mental health court programs among other items and includes companion language for the Forensic Hospital Diversion program. That bill is now in Messages in the Senate.

Housing and Transportation

HOMELESSNESS

By: County Staff and Ericks Consultants

A homelessness package that would make Challenge Grant funding recurring was adopted to a strike all amendment to SB 1214 in the Appropriations Committee this week. The contents of the amendment derived from SB 1500 that would allow counties and eligible municipalities to use SHIP funds for rental assistance in cases of homelessness and disability and remove the requirement to dedicate 65% of funds to home ownership. The bill would encourage the involvement of Lead Agencies in the SHIP process and provide Lead Agencies with 4% of revenue from the Local Government Housing Trust Fund with performance goal requirements. It would require, instead of allow, the Office of Homelessness to administer Challenge Grants. It would have Challenge Grant award levels take into account degrees of homelessness rather than just population. The House companion has not been heard in a committee and is unlikely to be. The Senate and House budgets each contain \$3.8 million in non-recurring funds for Challenge Grants.

TRANSPORTATION PACKAGES

By: Ericks Consultants

The Senate Transportation package that includes increasing the statutory minimum funding for FSTED from \$15 million to \$25 million dollars remains in the Appropriations Committee this week, as it was twice not considered in two separate committee meetings. SB 1554 deals largely with "airport protection zones" and bicycle/pedestrian safety. The bill would also require the Office of Economic & Demographic Research to conduct a study on the economic benefits of the state's investment in the DOT work program, including return on investment of public transit, rail, aviation, seaports, roads and highways. The Florida Ports Council supports the bill. The bill would allow the Port of Palm Beach to apply for a Foreign Trade Zone with surrounding local governments. Meanwhile, the House passed two omnibus transportation packages, by Rep. Rooney on 4/16 voting 113-0 to pass HB 7075 and 104-8 to pass HB 7039.

ALL ABOARD FLORIDA

By: County Staff

On Monday a public meeting of the Florida Development Finance Corporation heard testimony from a number of officials and citizens about whether All Aboard Florida should receive \$1.75 billion in tax-exempt bonds to finance the building of passenger rail between Miami and Orlando.

The public hearing took place in Tallahassee. The Florida Chamber of Commerce announced support for All Aboard Florida's efforts to attain \$1.75 billion in tax-exempt bonds, which would fund construction and rail improvements in Miami-Dade, Broward, Palm Beach, Brevard, and Orange counties, all of which are in favor of the service. Legislators from northern Palm Beach County, Martin, St. Lucie, and Indian River counties—the region most opposed to the rail project—expressed concerns, however, such as whether the state would ultimately have to subsidize the service, and if the service failed how it could affect the state's credit rating.

Local Bills

CITY OF WEST PALM BEACH FIREFIGHTER PENSION

By: County Staff

HB 1167 by Rep. Dave Kerner is a local bill that would amend the West Palm Beach Firefighter Pension Special Act. The changes made by this bill are the result of a collective bargaining agreement between the City of West Palm Beach and International Association of Firefighters Local 727. The bill defines "Fire Chief" as the executive officer for the City of West Palm Beach Fire Department. This legislation also provides that a portion of the chapter 175 premium taxes must be used to reduce the employee contributions and the remainder must be allocated to the member share accounts.

HB 1167 has passed 116-1 in the House and is now in Messages in the Senate.

SCHOOL DISTRICT OF PALM BEACH COUNTY BUSINESS PARTNERSHIP PROGRAM

By: County Staff

HB 1253 by Rep. Pat Rooney is a local bill that would establish the School District of Palm Beach County Business Partnership Program. This bill removes the need for periodic renewal of the pilot program that was established by the Legislature in 2008. It would continue to allow schools in the unincorporated areas of Palm Beach County to recognize its business partners by displaying the names of the partners on school property. In return for having their names publicly displayed, the partners fund programs such as Project Graduation and extracurricular activities.

HB 1263 has passed 116-1 in the House and is now in Messages in the Senate.

WEST PALM BEACH WATER CATCHMENT AREA LOCAL BILL

By: County Staff

HB 1213 by Rep. Lori Berman is a local bill that would reduce a boundary of the West Palm Beach Water Catchment area. This bill will help move forward plans for a new two-team spring training facility on land that was a former landfill in the City of West Palm Beach.

HB 1213 has passed 116-1 in the House and is now in Messages in the Senate.

FEDERAL ISSUES

Federal Update

By Becker & Poliakoff and Alcalde & Fay

CONGRESS: House and Senate conferees on the FY-2016 budget resolution, S.Con.Res 11, are scheduled to begin their meetings. House Budget Committee Chairman Tom Price (R-GA) wants to complete the negotiations in the next two weeks. Among the differences between the chambers' blueprints are longer-term spending for defense, changes to Medicare, and the scope of the budget reconciliation instructions. Republicans want a conference report adopted so reconciliation bills can move through the Senate without risk of a filibuster by minority.

THE HOUSE: The House Appropriations Committee released its spending ceilings for all twelve appropriations bills before marking up the Military Construction-VA and Energy and Water Development bills. The 302(b) allocations will apportion the \$1.017 trillion discretionary top-line spending level among the bills, revealing which departments and agencies will be cut to stay within the caps under the Budget Control Act.

THE SENATE: Loretta Lynch was confirmed as the next Attorney General by a 56-43 vote after a compromise was reached over abortion language in a human trafficking bill, S. 178. The stalemate over the trafficking bill had long delayed a vote on Lynch's confirmation. After reaching the compromise, the human trafficking bill was passed 99-0.

After S. 178, Senate Majority Leader Mitch McConnell said he intends to bring to the floor legislation that would require congressional review of any nuclear deal with Iran before lifting sanctions.

The Senate has reached a unanimous-consent agreement to vote on a motion to proceed to H.R. 1191, a revenue bill requiring congressional review of the Iran nuclear agreement before sanctions are lifted. Foreign Relations Committee Chairman Bob Corker (R-TN) will offer the substitute amendment that would be the text of the committee approved Iran bill, S. 615, under the agreement.

Surface Transportation Reauthorization Bill

Last week, Department of Transportation (DOT) Secretary Anthony Fox said the federal government would run out of money for transportation infrastructure projects in July. The current extension of surface transportation authorizing legislation (i.e. MAP-21) expires at the end of May.

Congress continues its recurring struggles with how to replenish the DOT's Highway Trust Fund, which is used to pay for construction projects across the nation. The federal gas tax, currently at 18.4-cents-per-gallon, that was established in the 1930s is the traditional sources of funding. It has not been increased since 1993, and accumulates \$34 billion annually. Unfortunately, the federal government needs about \$50 billion annually, and Congress has closed the \$16 billion gap by tapping into other sources.

The Administration has indicated it would accept another short-term transportation bill, but only if it is used to bridge to a full reauthorization



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bill. The critical unsolved issue is how to pay for it, since Republicans in Congress have expressed an unwillingness to increase the federal gas tax.

Seventh Round of TIGER Funding Announced

U.S. Department of Transportation Secretary Anthony Foxx announced that \$500 million will be made available for transportation projects across the country under a seventh round of the Transportation Investment Generating Economic Recovery (TIGER) competitive grant program.

TIGER 2015 discretionary grants will fund capital investments in surface transportation infrastructure and will be awarded on a competitive basis to projects that will have a significant impact on the nation, a region, or metropolitan area. The grant program will focus on capital projects that generate economic development and improve access to reliable, safe and affordable transportation for disconnected both urban and rural, while emphasizing improved connection to employment, education, services and other opportunities, workforce development, or community revitalization. The Pre-Application deadline is 11:59 E.D.T. on May 4, 2015.

Marketplace Fairness

On March 10th, the Marketplace Fairness Act (MFA) of 2015 (S. 698) was introduced in the Senate by Senators Mike Enzi (R-WY), Dick Durbin (D-IL), Lamar Alexander (R-TN) and Heidi Heitkamp (D-ND). The bill is similar to the legislation that passed the Senate in 2013, which would allow states and local governments to enforce existing sales tax laws.

If enacted, states and local governments would need to simplify sales and use tax administration through one of two options: adoption of the Streamlined Sales and Use Tax Agreement, whereby participating states have already implemented simplification measures, or adoption of measures to meet minimum simplification requirements detailed in the bill.

Sellers with less than \$1 million in annual nationwide remote sales would be exempt from collecting. Additionally, under the bill, the authority to enforce could not be exercised until one year after enactment or during the first holiday shopping season after enactment.