

PBC Legislative Update



MAY 27, 2016

VOLUME 9 NUMBER 10

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INTRODUCTION – CHRISTINE SHAW

We are excited to welcome Christine Shaw to our team as the new Executive Director of the Palm Beach County Legislative Delegation. Christine brings with her experience at the local, state, and federal government levels, as well as with the Palm Beach County Economic Council. Having previously worked in member's offices of the Florida Senate and the United State House of Representatives, Ms. Shaw most recently served as Chief of Staff to Mayor Jeri Muoio in the City of West Palm Beach. As part of her responsibilities with the City, she developed and advocated for both the state and federal legislative agendas. In her time with the Economic Council, she assisted the CEO in organizational restructuring, membership communication, and organization of meetings and events.



FEDERAL ISSUES

2017 Appropriations Update

By Alcalde & Fay

On May 19, the Senate approved a legislative package that combined the Fiscal Year (FY) 2017 Transportation-HUD and Military Construction-VA Appropriations bills, clearing the measure with an overwhelming vote of 89 to 8.

While most of the debate over the bill package centered on the inclusion of an emergency funding package to combat the Zika virus, progress on the measure was almost stalled when Senator Mike Lee (R-UT) offered an amendment to defund the implementation of a Department of Housing and Urban Development (HUD) rule aimed at improving racial discrimination in public housing across the country. HUD's Affirmatively Furthering Fair Housing rule, which became final in August of last year, requires local governments and public housing agencies to work with HUD to analyze and take steps to address impediments to fair housing, including addressing racial and economic disparities and segregation in public housing areas. Ultimately, Senator Lee's amendment was dropped when Senator Susan Collins (R-ME), serving as bill manager, agreed to a compromise amendment to simply prevent HUD from using the rule to directly influence local zoning laws; however, Senator Collins acknowledged that Senator Lee's assertion that the rule allows HUD to establish a "national zoning board" was incorrect.

This week the Senate Appropriations Committee also approved its FY 2017 Agriculture Appropriations bill by unanimous consent, which includes \$21.25 billion in discretionary funding, approximately \$250 million below the FY 2016 enacted level.

The House approved its first appropriations bill for FY 2017 on Thursday, voting 295 to 129 to clear its Military Construction-VA Appropriations bill. Usually one of the least controversial bills, floor debate on the MilCon-VA bill became contentious during a vote on an amendment from Congressman Sean Maloney (D-NY 18th) that would have effectively prohibited discrimination against federal contractors based on sexual orientation or gender identity. Although the amendment ultimately failed by a very narrow margin (212 to 213), Democrats accused Republican Leadership of pressuring several members of their party, who had originally voted in favor of the amendment, to switch their votes after time

expired when it became clear the measure would be adopted. An amendment by Congressman Jared Huffman (D-CA 2nd) to prohibit the large-scale display of confederate flags in Veterans Affairs cemeteries was adopted by a vote of 265 to 159. The amendment's adoption is notable because a similar debate over allowing the display of Confederate flag imagery on cemeteries on federal land derailed efforts last year to pass the Interior appropriations bill.

While the House has begun the process of considering Committee-approved appropriations bills, the chamber has still not officially adopted top-line discretionary spending limits for FY 2017. The Republican leadership this week again stalled in its efforts to advance a budget blueprint to set overall discretionary spending limits for FY 2017. A deal seemed to be in place last week that would allow spending limits to adhere to the higher spending levels for FY 2017 agreed-to as part of the Bipartisan Budget Act of 2015 enacted in October, 2015, which are \$30 billion more than previously permitted under a 2011 deficit-cutting law.

Those higher levels would be tied to \$30 billion in cuts to mandatory spending programs to offset the higher discretionary spending level in order to assuage fiscal conservatives who demanded reduced spending levels; however, the leadership was unable to attract enough support for the plan, and with appropriations bills moving to the floor any future vote on a budget resolution would be mostly symbolic.

The below chart shows the current status of congressional action on each of the FY 2017 appropriations bills:

FY 2017 Spending Bill	Subcommittee		Full Committee		Passage	
	House	Senate	House	Senate	House	Senate
Agriculture	√	√	√	√		
Commerce, Justice, Science	√	√		√		
Defense	√		√			
Energy & Water	√	√	√	√		√
Financial Services						
Homeland Security						
Interior						
Labor, Health and Human Services, Education						
Legislative Branch	√	√	√	√		
Military Construction, Veterans Affairs	√	√	√	√	√	√
State and Foreign Operations						
Transportation, Housing and Urban Development	√	√		√		√

Sexual Assault

By County Staff

On May 23, the Senate unanimously voted to pass the Adam Walsh Reauthorization Act, sponsored by Sen. Chuck Grassley. This bill would reauthorize the Sex Offender Management Assistance Program, a federal grant program to assist law enforcement agencies in improving sex offender registries, and reauthorize resources from the U.S. Marshals Service to assist state and local law enforcement to find and capture offenders who do not comply with registration requirements.

The Sexual Assault Survivors' Rights Act, sponsored by Sen. Jeanne Shaheen, also passed as an amendment to the bill. The legislation creates a right for victims of sexual assault to be informed of the test results of their rape kit as well as the right for such kit to be preserved without cost until the relevant state's statute of limitations has run out. Furthermore, the legislation establishes a working group to disseminate best practices on the treatment of sexual assault survivors.

There is separate legislation in the House that addresses the testing of rape kits. This would encourage states to pass their own legislation creating a sexual assault survivors' bill of rights, but it by itself does not establish those rights as the Senate bill does.

Zika Virus Funding

By Alcalde & Fay

Prior to the final vote on the combined FY 2017 Transportation-HUD and Military Construction-VA Appropriations bills, the Senate adopted an amendment to include the \$1.1 billion emergency funding package to combat the Zika virus negotiated by Senators Roy Blunt (R-MO) and Patty Murray (D-WA). The emergency aid package was adopted by a vote of 68 to 30, and included an additional amendment that would require the Administration to provide the Senate Appropriations Committee with periodic Zika spending plan updates until all available funds are expended. While the package remains well short of the \$1.9 billion requested by the Administration, it includes almost double the amount proposed in a similar bill passed by the House earlier this week.

The Zika Response Appropriations Act, 2016 (H.R. 5243), approved Wednesday on a mostly party-line vote of 241 to 184, would provide approximately \$622 million in fully offset supplemental appropriations funding for efforts to combat the Zika virus. The legislation relies on rescissions of funds previously appropriated to combat Ebola, as well as unrelated funds appropriated to the Department of Health and Human Services (HHS). The bill's smaller price tag and inclusion of funding offsets drew a veto threat from the Administration, which criticized the bill as "woefully inadequate." Between the vastly different funding levels and discrepancy over whether to include funding offsets, conference negotiations on a final deal will likely be very difficult, and it remains unclear just how soon any such negotiations will begin in earnest.

Overtime Rule

By Alcalde & Fay

On May 18th, the U.S. Department of Labor released its final rule on overtime pay as determined under the Fair Labor Standards Act (FLSA), which guarantees a minimum wage for all hours worked during the workweek and overtime premium pay of not less than one and one-half times the employee's regular rate of pay for hours worked over 40 in a workweek.

While these protections extend to most workers, the FLSA does provide a number of exemptions. In this Final Rule, the Department revises the current regulations implementing the exemption from minimum wage and overtime pay for executive, administrative, professional, outside sales, and computer employees (frequently referred to as the "EAP" or "white collar" exemptions). The new rule updates the standard salary level and total annual compensation requirements to more effectively distinguish between overtime-eligible white collar employees and those who may be exempt, thereby making the exemption easier for employers and employees to understand and ensuring that the FLSA's intended overtime protections are fully implemented.

Once effective, the rule will raise the salary level from its previous amount of \$455 per week (the equivalent of \$23,660 a year) to \$913 per week (the equivalent of \$47,476 per year) in 2016. The rule will also raise the compensation level for highly compensated employees from its previous amount of \$100,000 to \$134,004 annually. The final rule also establishes a mechanism for automatically updating the salary level every three years, with the first update to take place in 2020. These changes take effect on December 1, 2016.

FAA Reauthorization

By Alcalde & Fay

On April 19 the Senate approved by a vote of 95 to 3 a two-year Federal Aviation Administration (FAA) reauthorization bill (H.R. 636). The current FAA authorization expires on July 15. The bill would authorize approximately \$33 billion through the end of FY 2017 for FAA operations and programs. In addition to language enhancing airport security, improving the transition to NextGen technology, and increasing the funding authorization for the Airport Improvement Program (AIP), the bill also includes several provisions aimed at integrating commercial and recreational unmanned aerial systems (UAS), or drones, into the national airspace while also addressing safety and privacy concerns. The House has yet to consider the reauthorization since a House bill (H.R. 4441) passed the House Transportation & Infrastructure Committee in February amidst heavy criticism from both Republicans and Democrats in both chambers of Congress for privatizing air traffic control away from the FAA.

STATE ISSUES

2018 Session Start Date

By County Staff

The Governor signed SB 7076 on April 8, which moves the start date of the 2018 legislative session to January of that year.

Lake Okeechobee Discharges

By County Staff

Incoming Senate President Joe Negron has announced that he is preparing a plan to reduce Lake Okeechobee discharges that he will introduce to the legislature next year. He said that he is discussing potential ideas with various parties and will decide on the best path forward by early fall. The money for the plan would be found in the newly created Everglades restoration fund (HB 989) that Governor Scott signed into law in April.

4th District Court of Appeal

By County Staff

The groundbreaking for the new 4th District Court of Appeal took place on Thursday, May 26. This day, years in the making, was the product of tireless work of many people, including Judge Jonathan Gerber, Senate President-Elect Joe Negron, and the Palm Beach County Legislative Delegation. The building is scheduled to open in 2018.

LOCAL ISSUES

At the May 17, 2016, Board of County Commissioners meeting, the board took the following action:

Infrastructure Surtax – adopted an ordinance imposing a one-cent countywide infrastructure surtax and ballot language for a November 2016 referendum. If approved by voters, the surtax would begin January 1, 2017, and end on or before December 31, 2026. The estimated \$2.7 billion generated over a period of 10 years would be distributed as follows: School Board, 50%; Palm Beach County, 30%; municipalities, 20%. Oversight committees will be created to audit spending for compliance with approved projects. A sunset provision calls for ending the surtax earlier than 10 years, if the \$2.7 billion has been reached before September 1 of any year prior to December 31, 2026.

Fire Rescue – directed legal staff to send a letter to the Florida Attorney General seeking an opinion on a revenue-neutral emergency fire-rescue services and facilities surtax.

CRA – directed staff to draft an interlocal agreement with Lake Clarke Shores town officials for a resolution creating a new community redevelopment agency (CRA) within the town of Lake Clarke Shores.

Quiet Zones – adopted a resolution authorizing the county administrator or a designee to respond with a letter of no objection to municipalities wishing to establish municipal quiet zones at county-maintained railroad crossings. Several municipalities along the FEC rail line have expressed a desire to create quiet zones due to the anticipated increase in train traffic from the All Aboard Florida/Brightline project.



**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
Priscilla A. Taylor

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Planning, Zoning & Building – ratified the appointment of Patrick Rutter as director of the Planning, Zoning & Building Department. He replaces Rebecca Caldwell who is retiring. Mr. Rutter had been deputy director of the Planning Division.

Retirement – acknowledged Liz Bloeser who is retiring as director of Financial Management & Budget and thanked her for many years of service to Palm Beach County.

ELECTION UPDATE

Election 2016
By County Staff

Donald Trump is the presumptive Republican nominee for president, having secured the required number of delegates. Talk has now turned to his potential running mate who Trump has suggested he will name at the Republican Convention in July. Hillary Clinton has a significant lead on Senator Bernie Sanders in the race for the Democratic nomination; however, Sanders has promised to continue fighting until the Democratic Convention in July.