

# PBC Legislative Update



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## Legislative Update—October 26 - November 6

### STATE ISSUES

#### Reapportionment

*By County Staff*

The special session on to redraw state Senate districts adjourned sine die without agreement on a new map. The Florida House of Representatives passed its version of the new Senate district map by a 73-47 vote. The plan followed House Redistricting Chair Jose Oliva's map. On Wednesday, the Senate rejected the map and instead agreed to enter into conference negotiations to resolve the differences between the respective maps passed by each chamber. A joint panel of the House and Senate agreed to have the Senate vote on the House plan, but Senators rejected the map 16-23. The decision on Senate boundaries is now the responsibility of the courts. Both the House and the Senate maps would have reduced the number of Senate seats in Palm Beach County from four to three.

#### Senate Presidency

*By County Staff*

The three-and-a-half year race for the Senate presidency between Senators Joe Negron and Jack Latvala has ended. Senator Negron will be installed as President-designate of the Senate for the 2017/18 sessions. Senator Latvala will serve as Appropriations Chair. Congratulations to Senator Negron!

#### Boater Safety

*By County Staff*

Two bills (SB 746 by Negron and HB 427 by Magar) have been filed which aim to increase boater safety by offering boaters who take certain safety precautions to receive a discount on their annual vessel-registration fees. The discount would apply to boaters who have or buy an emergency position indicating radio beacon (EPIRB) device. The legislation would save boaters an anticipated \$5 million by reducing the annual fee based on the size of their boats. For example, boats 12-16 feet in length would have fees reduced from \$16.25 to \$11 and boats between 26-40 feet would see a reduction from \$78.25 to \$57.50.

Another bill, SB 644 by Sen. Ring, would increase the minimum age for operating personal watercrafts from 14 to 16. This bill does not have a House companion yet.

#### Dangerous Dogs

*By County Staff*

HB 91, sponsored by Rep. Steube, passed the Local Government Affairs subcommittee unanimously. The bill is intended to clear ambiguity in the existing law when a dog that has not been previously classified as dangerous

causes serious injuries. Under current law, the dog would have to be euthanized, its owner unable to offer a defense and explain the circumstances; however, if a dog has already been classified as dangerous, an owner can offer a defense. Steube's bill would require that animal control authorities allow owners to offer affirmative defenses of dogs that have not been previously classified as dangerous during a euthanization hearing. The bill has been amended to protect the home rule authority of local governments. Thank you to Assistant County Attorney Shannon Fox for her efforts in drafting the amendment to preserve home rule.

### **Water Reform**

*By County Staff and Anfield Consulting*

The Senate Environmental Preservation and Conservation Committee voted unanimously to approve SB 552 (Dean). The bill directs the state DEP to establish minimum flow levels that springs must meet, define what "harmful" behavior is in regards to springs, and to draw up five-year recovery plans for springs suffering from heavy pollution. The legislation attempts to balance the agricultural industry's water needs with cleaning up the polluted springs. Last week, the House State Affairs Committee unanimously approved identical legislation, PCB SAC 16-01. The legislation is anticipated to be among the first bills passed during the upcoming Session.

### **Tax Cuts**

*By County Staff*

Governor Rick Scott announced his plans for a \$1 billion tax cut which would primarily be targeted at businesses and industry. Most of the cut would come from eliminating the corporate income tax for retailers and manufacturers. Additionally, the Governor called for two sales tax holidays and a repeal of college textbook sales taxes.

### **Ad Valorem Exemption for Low Income Seniors**

*By Ericks Consultants*

The House Finance & Tax Committee approved legislation that would place a constitutional amendment on the ballot to stipulate that a low-income senior qualify for homestead exemption if their property had a value equal to or less than \$200,000 at the time of the initial homestead application. The senior must have lived in their home for a period of time to qualify. The bill, HB 277, is intended to keep low-income seniors in their homes and protect them from owing a large tax bill due to rising property values. The legislation has two more committee stops in the House. Its Senate companion has not yet been heard in committee.

### **Recapture Rule**

*By Ericks Consultants*

House Finance & Tax voted 12-5 to file a bill that would place on the ballot a constitutional amendment to eliminate the Save Our Homes recapture provision for local governments. The bill would prevent local governments from collecting the same level of property taxes despite property values decreasing for both homestead and non-homestead properties. The Florida League of Cities testified in opposition to the bill, warning that the effect would result in identical homeowners paying drastically different tax rates and have a negative impact on businesses. The Florida Association of Counties (FAC) testified that, while it supports ad valorem proposals for low-income seniors and deployed service members, it opposes the bill due to the negative fiscal impact that would result in local governments having to pick winners and losers and shift the tax burden. The Chairman responded that local governments should shrink its government rather than shift tax burdens. FAC asked that the committee wait until the next

Constitutional Revision Commission review. The Florida Chamber of Commerce and Florida Realtors supported the bill. Members expressed concern over the potential fiscal impact to local governments. The bill has not received any committees of reference and does not yet have a Senate companion.

### **Fracking**

*By County Staff and Ericks Consultants*

The House Agriculture & Natural Resources Subcommittee approved HB 191 (Rodrigues), a bill that would create a regulatory framework for fracking in Florida. The vote was 9-4, with all Democrats opposing. A permitting process would be established through the Department of Environmental Protection and companies would have to disclose what chemicals they use to the state, but only after drilling has already begun. The bill funds a \$1 million study to be conducted by the DEP to study the effects of fracking, but there would be no moratorium on the practice while the study is ongoing.

The bill also preempts local government ordinances relating to oil and gas exploration, however the sponsor stated he was working with local governments on a compromise solution that would ensure current local authority remain intact over items such as transportation. The bill sponsor stated his intent is to clarify the State's authority, which he contended already preempts the local ordinances. Proponents of the bill contend that fracking is currently unregulated and allowed and that the bill would regulate the practice by requiring a permit through the Department, requiring the disclosure of chemicals used in the practice and increasing fines for violations. Opponents contend the practice is not allowed and should be banned to protect against potential disasters. The bill has two more committees of reference in the House. Its Senate companion has not yet been heard in its first of three committees.

### **Public Private Partnership**

*By Ericks Consultants*

House Bills 95 and 97 continued to move through their House committees this week as both were unanimously approved in House Local Government Affairs Subcommittee. The bill 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. HB 97 would exempt unsolicited proposals from public record for a period of time. The same language passed the full House last year as part of a different package, which did not pass the full Senate. The main bill has two more committees of reference in the House, while the public records bill has only one committee of reference left. Its Senate companion has not yet been heard in committee.

### **Public Works Construction Contracts Preemption**

*By Ericks Consultants and Anfield Consulting*

The House Local Government Affairs Subcommittee voted 7-3 to approve a preemption on local regulations imposed on construction contracts for public works projects. HB 181 would remove local government ability to place any wage, training, affiliation or other employee stipulations on the contracts. The committee adopted a strike-all to exempt Department of Transportation projects. Broward County, the Florida Association of Counties, the Florida League of Cities, Miami-Dade County, the AFL-CIO and other union organizations and members all opposed the bill. Miami-Dade testified that its local ordinances have not reduced the number or competitiveness of bidders that bid on its projects. The AFL-CIO and Florida Association of Counties raised concern that the preemption would kick in as a result of any state funding- even a project funded 99% with local funds. Associated Builders and Contractors supported the bill as

its top priority, stating that onerous local government preconditions for bidding on projects is forcing businesses to not bid. Some members expressed concerns over the low threshold for triggering the preemption and asked that the bill be worked on. One member who voted in the affirmative stated he would not support the legislation at a later date if the preemption on benefits and wages was not removed. The Chairwoman stated she favors some local ordinances that are meant to benefit local economies and small businesses and was confident the sponsor would continue to work on the language. The bill has one more committee of reference in the House. Its Senate companion has not yet been heard in committee.

### **Relocation of Utilities**

*By Ericks Consultants and Anfield Consulting*

Senate Committee on Transportation voted 5-1 to approve SB 416, which was significantly narrowed in its previous committee to only apply to utilities located in public easements. The Florida Association of Counties is now neutral on the bill. The bill was supported by the telecommunications and utilities industry. The Florida League of Cities remains opposed to the bill and called for a "middle ground" cost share arrangement between the utilities and local government. Members of the committee also stated that they would like to see a more middle ground approach to relocation costs. The bill has one more committee stop in the Senate. Its House companion has not yet been heard in committee.

### **Natural Gas Rebate Program**

*By Ericks Consultants and Anfield Consulting*

Senate Committee on Communications, Energy & Public Utilities unanimously approved SB 90 that would allow the Department of Agriculture and Consumer Services to receive additional applications for the natural gas fuel fleet rebate program. It would also change the formula to allow the Department to award excess funds to additional applicants and give priority to government owned fleets. The sponsor stated for any additional funds available, the public sector would be given "another bite at the apple" and the private sector would be "given the last bite." The bill was supported by Associated Industries of Florida, Florida Natural Gas and other energy industry representatives. The Senate and House bill have now both passed their first committees of reference and each have two more left.

### **Mental Health and Substance Abuse**

*By Ericks Consultants*

The House Children, Families & Seniors Subcommittee continued presentations on the State's mental health and substance abuse system as it prepares to file a committee bill expected the first week of Session. This week's presentations focused on service providers, managing entities and DCF's mental health and substance abuse programs. DCF testified that it had implemented some ideas contained in a mental health package that passed the House but was not able to pass the Senate last Session. Identified solutions to a DCF system overhaul included more funding, fixing staffing shortfalls and establishing minimum standards at facilities.

### **Inspector General Privacy**

*By County Staff*

SB 752 (Abruzzo) and HB 587 (Powell) have been filed. The legislation would protect the identities of employees of state agencies' inspector general offices and their immediate family members. The legislation would apply even if those employees were no longer working in an IG office.

## **Marchman Act Privacy**

*By County Staff*

Senator Joseph Abruzzo has filed SB 762, which would protect the filing documents of individuals who are involuntarily committed for treatment of substance abuse. This is one of Palm Beach County's legislative priorities for the 2016 session.

## **FEDERAL ISSUES**

### **Federal Issues**

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

### **CONGRESS:**

On October 28<sup>th</sup>, the House voted 266 to 167 to pass the Bipartisan Budget Act of 2015 (HR 1314). Two days later, the Senate passed the bill 64-35. President Obama signed it into law. The bill will temporarily suspend the debt ceiling limit, as well as provide relief on the spending caps placed by the sequester by increasing discretionary spending in FY 2016-17.

### **THE HOUSE:**

Paul Ryan has been chosen as the 62nd Speaker of the House. Representative Kevin Brady has been chosen to replace him as the chair of the Ways and Means Committee.

The House voted 363-64 to pass a new highway-spending bill. The bill would allocate nearly \$325 billion to transportation projects and would reauthorize the Export-Import Bank's charter until 2019. Funding is authorized for six years but only if Congress can determine a way to pay for the last three years. The House and Senate must now reconcile the differences in the bills each chamber passed.

The House passed H.R. 1735, a defense authorization bill, authorizing \$612 billion for military spending. The provision barring the closure of the U.S. military prison at Guantanamo Bay, Cuba will remain in the bill. President Obama has previously vetoed the defense authorization measure.

### **THE SENATE:**

The Senate voted 53-44, over the President's objections, for a "resolution of disapproval" regarding the EPA's new Waters of the US rules. It is likely the House will also pass the resolution. However, the President has said he would veto the bill should it reach his desk.

## **SOBER HOMES MEETINGS ON CAPITOL HILL AND THE WHITE HOUSE**

*BY COUNTY STAFF*

County Staff traveled to Washington DC October 28-29 for a series of meetings on federal sober homes legislation. The County has been working with Congresswoman Frankel and her staff on a draft bill that would focus on three changes to federal law:

- 1) Amends the Fair Housing Act to allow cities and states to enforce zoning ordinances and regulations that limit the number of sober homes in a neighborhood and to require sober homes and their operators to register, obtain a license, and meet a set of standards to protect residents.

2) Protects sober home residents from abuse by requiring sober homes to maintain a sober living environment, follow state standards, and refrain from hiring individuals convicted of drug and sex crimes and from abusing residents.

3) Provides a federal definition for 'sober homes' and better clarifies for the purposes of code enforcement the term 'current, illegal use of a controlled substance.'

In addition to meeting with all four House congressional offices, County staff met with the White House Office of National Drug Control Policy, where a case was laid out to manage the growing proliferation of sober homes in Palm Beach County and how the federal government could assist in making sure that sober homes were not being improperly operated. Prominent in the discussions were recent articles in *The Palm Beach Post* that documented sober homes in Palm Beach County where owners were being forced out of their homes because of the actions imposed by a condo association controlled by a sober home operator. In addition, the articles shed light on Cigna insurance pulling out of the state Affordable Care Act Marketplace because of a pattern of insurance fraud committed by sober home and recovery residences in South Florida.

### **Ahead This Week**

#### **County Commission/Legislative Delegation Meeting Monday**

*By County Staff*

The Palm Beach County Board of County Commissioners and The Palm Beach County Legislative Delegation will conduct a joint workshop on legislative issues on Monday, November 9 from 2pm to 4pm at the Palm Beach County Convention Center. Among the issues to be discussed are water and environmental priorities such as the Lake Worth Lagoon and Loxahatchee River Initiative, economic development in the Glades, affordable housing and homelessness, mental health and substance abuse, and library funding.

#### **Cabinet Meeting in Jupiter**

*By County Staff*

Gov. Rick Scott and the Florida Cabinet --- Chief Financial Officer Jeff Atwater, Agriculture Commissioner Adam Putnam and Attorney General Pam Bondi ---will meet on Tuesday at Florida Atlantic University's John D. MacArthur Campus in Jupiter. Tuesday's meeting is scheduled to open with Atwater, who is from North Palm Beach, offering recognition to FAU President John Kelly and students. Topics for the discussion may include the site-selection process for veterans' nursing homes and a proposed land acquisition for the University of Central Florida.



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**LOCAL ISSUES**

**Local Issues**

**BCC Briefs for October 20<sup>th</sup>**

*By County Staff*

At the November 3, 2015, Board of County Commissioners meeting, the board took the following action:

**Business Development Board** – amended an agreement with the Business Development Board of Palm Beach County allocating an additional \$500,000 to enable the BDB to continue staffing for the Glades Economic Development Program and provide for enhanced marketing and advertising activities.

**Immigration Reform** – tabled indefinitely a resolution supporting President Obama's executive action on immigration reform expanding the Deferred Action for Childhood Arrivals and deferred Action for Parents of Americans and Lawful Permanent Residents programs and requesting that Florida Attorney General Pam Bondi withdraw the state of Florida from the lawsuit *Texas v. United States*.

**Criminal Justice Commission** – discussed the mission, structure, duties and responsibilities of the Criminal Justice Commission and its executive director. Directed staff to meet with others and make recommendations to the board.

**Brownfield** – adopted a resolution authorizing the Department of Economic Sustainability to utilize the state's Brownfield Redevelopment Bonus Refund Incentive Program to support the growth and expansion of businesses in designated Brownfield areas in Palm Beach County. Under the program, eligible businesses may receive a tax refund equal to 20 percent of the average annual wage of the new jobs created in a designated Brownfield area up to a maximum of \$2,500.

**Chain of Lakes** – directed staff to draft a resolution adopting the Chain of Lakes Blueways Trails project as a priority project and supporting a state-funding request of \$350,000 for engineering, planning and permitting to help promote the initiative.

**Strategic Plan** – authorized the county administrator to seek participation by the Economic Council, business leaders and other community partners in a joint visioning session with the BCC to begin development of a strategic plan.