

# PBC Legislative Update

JANUARY 16, 2012

VOLUME 6 NUMBER 1

## IN THIS ISSUE:

### State Issues

#### Legislative Priorities

1. Palm Beach County Day
2. Gaming
3. Redistricting
4. SFRTA
5. Internet Sales Tax
6. Glades Economic Development
7. Prop Share/Growth Mgt
8. Insurance
9. Elections
10. Septic Tanks
11. Red Light Cameras
12. Loc Gov Energy Zones
13. Water and Wastewater Utility
14. Ag Comm Putnam Energy Proposals
15. Concealed Weapons
16. Pre Trial
17. 911 God Sam Act
18. Zero Tolerance for Crime
19. Special Taxing Districts
20. Medicaid
21. Coming Up Next Week

## State Legislative Session Begins!

## State Issues

### Palm Beach County Day

*by: County Staff, Ericks Consultants, and Pittman Law Group*



*Palm Beach County Day participants meet with Governor Rick Scott and Lt. Governor Jennifer Carroll to discuss SFRTA, Medicaid, glades Economic Development and Palm Beach State College funding on January 11<sup>th</sup>.*

The First week of session started out on a high note with another successful Palm Beach County Day and this year's became the perfect opportunity to lay the foundation for the County's legislative agenda. Over 75 business, government, and community leaders traveled to Tallahassee for the day. Legislative Delegation Chair Senator Ellyn Bogdanoff and Vice Chair Representative Mack Bernard opened the day with a session overview. Highlights of the day included a substantive meeting with Governor Rick Scott and Lt. Governor Jennifer Carroll. The meeting included discussions about SFRTA, Medicaid, Glades economic development, and Palm Beach State College funding.

Other highlights of the day were meetings with Senate President Mike Haridopolos, House Majority Leader Carlos Lopez Cantera, CFO Jeff Atwater and Attorney General Pam Bondi.

Four County Commissioners and top Administrative staff participated in the day's meetings. Commissioner Burdick and County Staff met with

Representative Berman on sales tax, proportionate fair-mitigation and her local bill that allows our county to increase penalties for violators of the county's child care laws. Commissioner Marcus met with Representative Rooney on assisting Representative Berman with her efforts on the proportionate fair-share mitigation language.

Commissioner Marcus also met with Representative Precourt, Chair of the House Finance and Tax Committee, with regard to internet sales tax, library funding and film/television cap.

County Commission Chair Shelley Vana, Senator Maria Sachs, and Lori Berman participated in a press conference seeking to ban concealed weapons from government buildings and day care centers.

Commission Vice Chair Steven Abrams met with Rep. Chris Dorworth on gaming and the internet sales tax.

### **Gaming**

*by: Corcoran, Johnston & Blair; Ericks Consultants, Foley & Lardner, Pittman Law Group*

One of the most contentious and heavily lobbied issues this year will be the establishment of a completely new regulatory authority to oversee gaming in the state. SB 710 by Senator Elyn Bogdanoff is known as the "destination resort casino/gaming" bill that would allow three new mega-facilities with unlimited gaming, unseen in the state currently. The bill would require the new resorts to invest \$2 billion in capital investments and require a slew of new regulations.

The bill was heavily amended during committee. The major overhaul of the legislation was passed in a strike-all amendment, which provides for existing pari-mutuels to expand their gambling operations to include banked card games and slots, provided that local voters pass separate county referendums allowing slots and expanded gaming. Additionally, the new version of the bill would regulate, rather than ban Internet sweepstakes cafes.

Proponents of the bill cited job creation and the enticing nature of Florida's geography and location to attract world travelers and conventions. Opponents, such as faith based groups, the Chamber of Commerce, the Retail Federation and restaurant and lodging groups, cite other states, such as New Jersey, inability to generate beneficial results from such casinos.

In the end, the bill passed the Regulated Industries Committee by a vote of 7-3. In the House, the Business and Consumer Affairs Subcommittee only took testimony from stakeholders on the pros and cons of the establishment of these casinos. The passage of this bill will most likely rest on the willingness of the House to pass the bill. This chamber has given considerable opposition to any expansion of gaming. However, the advent of internet cafes and new pari-mutuel permit holders who seem to be operating without legislative authority but through legal loopholes must also be regulated under any proposed bill. No vote was taken and the House will continue to study this issue.

Palm Beach County Commissioner Steven Abrams and others met with Representative Chris Dorworth to discuss parity for the pari-mutual facilities located in the county. Commissioner Karen Marcus discussed the parity issue with Senate President Mike Haridopolos this week.

### **Redistricting**

*by: Ericks Consultants, Pittman Law Group*

The Senate has moved swiftly to approve its maps detailing new districts that will rearrange the political landscape for the next ten years.

You can find all relevant maps if you open the following link:

<http://www.flsenate.gov/Session/Redistricting/?CFID=4095523&CFTOKEN=58817183>

Democratic Leader Nan Rich offered different maps, but the plans were withdrawn after some Democratic senators offered little support for the measure. The reason for the opposition was due to the view that these maps did not adequately protect minority districts. This is one caveat to the new Fair District amendments that must be followed.

The House Congressional Redistricting Subcommittee and the House Redistricting Subcommittee both passed out three sets of maps that will now go to the umbrella Redistricting Committee. Every map was voted across partisan lines. The House maps are likely going to be a final product that the Senate accepts. Previously, the Senate passed its maps and the House is likely to rubber stamp them. Leaders have publicly asked that they take each other's in deference to the other chamber.

The link to House documents can be found:

<http://myfloridahouse.gov/Sections/Redistricting/Redistricting2012.aspx>

### **South Florida Regional Transit Authority**

*by: Foley & Lardner, Ericks Consultants and County Staff*

The Foley team facilitated a meeting for county officials with Chairman Horner to discuss Tri Rail and the inland port. Horner advised the group to work with Representative Mayfield on the inland port issue; Rep. Brandes on Tri Rail.

ECI and Commissioner Marcus met with Senator Latvala regarding the South Florida Regional Transportation Authority. He is aware of the issue and will continue to work with us as his legislation moves forward.

Currently, language is included in both the House and Senate Transportation packages that would change the makeup of the SFRTA Board.

### **Internet Sales Tax**

*by: Foley & Lardner*

Palm Beach County Commissioner Abrams and others discussed the internet sales tax issue with Rep. Dorworth. In addition, the issue was discussed with Senate President Mike Haridopolos. The County is supporting the efforts of the Florida Chamber of Commerce to ask the state to enforce existing laws requiring the collection of tax on items purchased over the internet. It appears passage of this legislation will be an uphill battle this Session.

### **Glades Economic Development**

*by: County Staff*

County Commissioners and staff met with several legislators about economic development in the Glades. During the meeting with Governor Scott and Lt. Governor Carroll, three items were brought up where the State could provide assistance to the area.

Assistant County Administrator Shannon LaRocque urged the Governor to assist with the recapture of employment at the Glades Correction Facility that was recently closed by the State. She urged the Governor to reach out to the federal government and Army Corps of Engineers to ask for their assistance in permits for the lock system around the Lake and expedite work on the Hoover Dike. Finally, the development of inland port was discussed as an opportunity in the region to bring new jobs and economic opportunity.

## **Proportionate Fair Share Mitigation/Growth Management**

*by: Ericks Consultants*

In meetings with Senator Bennett, he indicated there most likely will not be any major Growth Management legislation passed this year. However, he has suggested that a glitch bill is needed to clean up flaws in the 2011 growth management measure.

SB 842 is the primary Growth Management Glitch bill and eliminates references in state law that relate to the Florida Department of Community Affairs. SB 440 looks to exempt local governments that had charter revisions prior to the 2011 growth law changes going into effect.

Currently, SB 842 is waiting to be placed on the agenda in Senate Community Affairs while SB 440 is in the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations.

ECI, Commissioner Marcus, George Webb and Eric Poole (Association of Counties) met with Senator Bennett on the current interpretation of the legislation regarding proportionate fair-share mitigation. Senator Bennett was unaware of this interpretation and committed to work with us and look at language we are proposing for the legislative fix.

ECI, Commissioner Marcus and County staff met with Representative Workman on proportionate fair-share mitigation. He was also unaware of the current DOT interpretation. He has committed to work with us if he sees that a fix is needed.

## **Insurance**

*by: Ericks Consultants*

Personal Injury Protection (PIP) Reform, HB 119 by Representative Jim Boyd, passed out of the House Insurance & Banking Subcommittee on Wednesday, January 11<sup>th</sup>, by a vote of 10-5. This proposed bill would completely rewrite the existing PIP structure. Currently, PIP offers \$10,000 in immediate medical benefits to accident victims. Insurance companies assert that fraud is rampant in the system and leads to losses upwards of \$900 million. Consumer advocates argue that insurance companies purposefully deny reimbursement which ultimately leads to litigation and other costs.

This bill would require any accident victim to go directly to an emergency room within 72 hours of the accident. This is widely opposed by most consumer groups, attorneys and other health care providers.

In the Senate, Senator Joe Negron has filed a bill, SB 1860, that is more targeted to reduce fraud stemming from health care clinics. This bill will address fraud on the health care clinic level. It would require doctors or chiropractors to run clinics and would not allow reimbursements for massage therapists.

## **Elections**

*by: Ericks Consultants*

On Wednesday, January 11<sup>th</sup>, the Senate Rules Subcommittee on Ethics and Elections discussed moving the August primary date from August 14 to August 21. This will be examined further next week.

## **Septic Tank Inspections**

*by: Pittman Law Group*

Senator Charlie Dean has sponsored SB 820 relating to Onsite Sewage Treatment and Disposal Systems. This bill is similar to legislation filed in previous years looking to repeal a statewide septic tank inspection requirement. The 2012 version of this bill requires that 19 counties with first-magnitude springs create an inspection program. Additionally, language in this bill requires a 24-inch separation between groundwater and septic tank drain fields that were installed or repaired after 1983.

On Monday, January 9<sup>th</sup>, the Senate Environmental Preservation and Conservation Committee passed SB 820 by a unanimous vote of 7-0. Senator Charlie Dean sponsored a strike-all amendment which closely aligned the language with its House companion, HB 999 sponsored by Representative Chris Dorworth. This amendment will allow counties to adopt inspection requirements with certain restrictions established by the Legislature.

The Sierra Club raised several concerns regarding the amended language, stating that it does not include information about the distance between drain fields and groundwater that is needed for proper treatment of sewage. Additionally, it does not include a provision that will prevent counties from excluding areas from inspections that are in first-magnitude springs.

These bills are currently supported by the Florida Home Builders Association, Florida Realtors, Florida Onsite Wastewater Association and the Coalition for Property Rights.

## **Red Light Cameras**

*by: Corcoran, Johnston & Blair*

On Wednesday, The House Transportation & Highway Safety Subcommittee passed HB 343, relating to Noncriminal Traffic Infractions, by Representative Nehr, by a vote of 10-3.

The bill relates to the disposition of red-light camera citations and revises the procedure that applies to a person identified on an affidavit as having care, custody, and control of a motor vehicle captured by a traffic infraction detector for an alleged violation of the red-light camera statute. The committee substitute for this bill makes these changes by:

- Providing that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before a uniform traffic citation (UTC) is issued
- Providing that the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified as the driver on the affidavit.

## **Local Government Energy Zones**

*by: Corcoran, Johnston & Blair*

On Thursday, the Senate Community Affairs Committee unanimously passed Senate Bill 640, relating to Local Government Energy Zones, by Senator Bennett. The bill creates local government energy zones and amends the definition of a public utility to allow certain renewable energy facilities to make retail sales to end-use customers. As a result, these renewable energy facilities could sell renewable energy as defined in s. 366.91(2), F.S., to retail customers.

## **Water & Wastewater Utilities (SB 1244/HB 1379)**

*by: County Staff*

On January 9, 2012, Representative Brodeur (R-District 33) introduced a similar companion bill to that filed by Senator Hays (R-District 20) on December 13, 2011. These bills appear to be aimed at certain large, private

water utilities in an attempt to address problems associated with water quality and conservation billing practices. However, section 5 of the bill does not limit by statutory reference the scope of the legislation to private utilities. It also brings in public utilities. Should this legislation become enacted, PBCWUD would be required to eliminate its tiered rates, because **"...any rate structure of a water or wastewater utility which provides for an increase in the rate based upon an increase in consumption by the customer is void and of no effect."** Palm Beach County Water Utilities customers would be greatly affected as rates would need to be rebalanced to collect the same amount of revenue. Water and Wastewater customers using about 7,000 gallons per month would see an 8% rate increase or about \$4.24 per month. Customers using 4,000 gallons per month would see a 24% increase or about \$8.44 per month.

### **Commissioner Putnam Outlines Energy Policy Proposals**

*by: Pittman Law Group*

On Thursday, January 12<sup>th</sup>, Agriculture Commissioner Adam Putnam spoke before the House Energy and Utilities Subcommittee proposing the elimination of a renewable energy requirement in state law and allowing utility organizations to charge more for renewable energy projects.

Commissioner Putnam praised the Legislature's policies to provide a state energy system that is reliable and offers price stability. However, he stated that more diversity is needed in the state's energy portfolio. The Commissioner offered 11 new policy proposals and urged each member of the committee and Legislature to modestly review his proposal and try to have major energy legislation passed this year.

During his presentation, Commissioner Putnam explained to the committee that if no immediate changes are met, then the state will rely on at least 70 percent of its electrical supply from the burning of natural gas.

Although relatively unclear why the Commissioner would like to eliminate a renewable energy requirement from state law, Putnam has proposed directing the PSC to consider more energy diversified plans when approving new energy projects.

Representative Scott Plakon assured the Commissioner that he would review more of his recommendations and workshop them in the coming weeks for a possible Committee bill.

### **Concealed Weapons or Firearms HB 1087 by Rep. Berman/SB 1340 by Sen. Sachs**

*by: The Moya Group, County Staff*

These companion bills received their Committee assignments this week with each receiving three assignments. This legislation would bar licensees from carrying a concealed weapon or firearm into a state, county, municipal, school board, constitutional officer, or special district office or building that primarily consists of offices for one of these entities or any combination of them or into a child care facility. The Senate Criminal Justice Committee is the first stop for SB 1340, which is chaired by Sen. Evers, a longtime supporter of the NRA, who indicted the bill would not be placed on the agenda in his Committee. HB 1087 stops first at the House Criminal Justice Subcommittee. No word yet if it will be placed on an agenda in the near future.

### **Pretrial Intervention Programs - HB 875 by Rep. Trujillo/SB 1730 by Sen. Garcia**

*by: The Moya Group, County Staff*

Senator Garcia filed a similar bill to HB 875 by Rep. Trujillo this week relating to Pretrial Intervention Programs. While the two bills are not identical, they are similar in regards to eligibility for admission to pretrial programs and specify

requirements for findings of indigence and amenability to treatment. The bill would also require certain defendants to provide liens to secure costs of supervision. Commission Chair Vana and staff met with Sen. Evers' staff this week to discuss the issue and were reminded that the Senator, who is the Chairman of the Senate Committee on Criminal Justice, has a long history of being opposed to such legislation. The Moya Group will follow up with the Senator next week to continue discussions on the legislation.

**911 Good Sam Bill - HB 125 by Rep. Bernard/SB 278 by Sen. Sachs**  
*by The Moya Group*

SB 278 by Sen. Sachs passed favorably out of the Senate Committee on Criminal Justice this week with a vote of 6-0. Supported by the Florida Sheriff's Association, this bill seeks to incentivize people who are aware of a drug-overdose to seek medical assistance for the individual suffering from the overdose. It provides immunity from prosecution for any individual if that person acted in good faith in seeking medical assistance for an individual experiencing a drug-related overdose. Chairman Evers asked if there was anything in the bill that would prevent law enforcement from doing their job. Sen. Sachs responded that nothing in the bill would interfere with law enforcement doing their job. Sen. Hayes voiced concern about situations where a 9-1-1 call was made from a given location and whether or not all individuals at such location would be given immunity. Sen. Sachs responded that law enforcement is fully able to prosecute any individual engaging in criminal behavior at such location and that immunity would only be provided for "a person acting in good faith who seeks medical assistance for an individual experiencing a drug related overdose...for possession of a controlled substance if the evidence for possession of a controlled substance was obtained as a result of the persons seeking medical assistance." The bill's next, and last stop, is the Senate Health Regulation Committee.

**Zero Tolerance for Crime and Victimization in Schools - HB 1445 by Rep. Davis/SB 1886 by Sen. Wise**  
*by: County Staff*

This week Rep. Davis and Sen. Wise filed companion bills in their respective chambers relating to zero tolerance policies in schools. In an effort to reduce the number of referrals to the Florida Department of Juvenile Justice, this legislation would require district school boards to adopt a policy for reporting to law enforcement agency acts that pose a serious threat to school safety as well as for handling within a school's disciplinary system acts that do not pose a serious threat. The legislation would also require agreements with law enforcement agencies to include roles for school resource officers and it would require a school principal to certify when a student is arrested for an incident that is a serious threat to school safety. County staff will continue to monitor this legislation as it moves through its respective committees.

**Special Taxing Districts**  
*by: Ericks Consultants, County Staff*

This week the Governor signed Executive Order Number 12-10, a Review of Special Districts that would examine special taxing districts across the state. The Governor specifically wants recommendations to "increase efficiency, fiscal accountability, and the transparency of operations to the public." The Office of Policy and Budget will examine the following criteria: method of creation, governance, functions and activities, annual budgets, ability to levy taxes, and oversight. Palm Beach County has among the most special districts in the state - 94. *It should be noted that Water Management Districts and Hospital Districts were exempt from review under this order because they've already undergone the review process.*

## **Medicaid**

*By: Akerman Senterfitt*

While Florida is still negotiating with the Federal Government on how to implement 2011's massive overhaul of the State's Medicaid system, Governor Scott has proposed a new funding system that significantly lowers payments to hospitals. Scott unveiled his budget in December and he wants to increase School funding by \$1 billion and lower hospital payments by \$2 billion. To achieve these savings, similar hospitals will be paid similar prices under the Scott plan.

This comes less than a year after cutting \$500 million. Scott said the current reimbursement formulas are "unfair" and "illogical" and he wants to categorize hospitals based on the services they provide and the mix of patients they see. This would also force Florida to lose out on \$1.2 billion in Federal matching funds. The

South Florida would take the brunt of these cuts and if legislators followed through, Palm Beach County stands to lose \$67,742,740. Bethesda Hospital would lose nearly \$20 million, and West Boca and St. Mary's would each lose over \$9 million. Statewide, the Florida Hospital Association estimates 46,000 jobs would be lost during a time of increased need for services. This is on top of the estimated 11,400 positions that will be lost from last year's cuts.

We met with Representative Grimsley, the House Appropriations chair, during Palm Beach County Day with several members of the delegation and she communicated to us that the House would not propose these large Medicaid cuts.

Similarly, the chair of the Health Care Appropriations Subcommittee, Matt Hudson expressed his opposition to these cuts in his committee on Wednesday. Other members of the committee agreed, expressing bi-partisan opposition.

These sentiments were echoed in the Senate by Senator Latvala who said "we cut hospitals 12.5 percent last year and we're not going to cut them another 18 percent this year. That's a lot of jobs." The Senator said he would not vote for the same cuts that he did a year ago. Senator Garcia, Chairman of the Senate Health Regulation Committee, said "I just can't sit up here and be quiet and not make a mention that most of these programs are coming straight from South Florida."

Currently, the State has permission from the Federal Government to continue the five county pilot program based primarily in Broward County, that has formed the basis of last year's Medicaid overhaul but is still negotiating its ability to expand this program state wide and still receive Federal dollars.

**Palm Beach County**

**Board of County**

**Commissioners**

Shelley Vana, Chair

Steven Abrams, Vice Chair

Karen T. Marcus

Paulette Burdick

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

**County Administrator**

Robert Weisman

**Palm Beach County  
Legislative Affairs**

301 North Olive Avenue  
Suite 1101.4  
West Palm Beach, FL  
33405

**Todd J. Bonlarron  
Director  
Phone**

Office (561) 355-3451  
Mobile (561) 310-7832

**Fax**  
(561) 355-3982

**E-mail**  
tbonlarr@pbcgov.com

**We're on the Web!**  
www.pbcgov.com

**Coming Up Next Week**

*by: Pittman Law Group*

Although the entire calendar for next week is not out we have highlighted a few bills that might be of interest to you next week.

**HB 227 (STARGEL)/ SB 402 (NEGRON) RELATING TO PRESCRIPTION DRUG ABUSE**

This bill will create the Florida Statewide Task Force on Prescription Drug Abuse and Newborns. The purpose of this act is to create a task force to examine and analyze the emerging problem of Neonatal Withdrawal Syndrome, as it pertains to prescription drugs.

This task force is created for the express purpose of researching the impact of prescription drug use and Neonatal Withdrawal Syndrome. They will be responsible for evaluating effective strategies for treatment and prevention, and providing policy recommendations to the Legislature.

HB 227 is on the agenda for the House Health & Human Services Quality Subcommittee on Tuesday at 8:00am.

**HB 107 (CALDWELL)/ SB 192 (BENNETT) RELATING TO SPECIAL DISTRICTS**

This bill will allow special districts to merge without an act of the Legislature while also creating a process for districts to declare themselves inactive by a unanimous resolution of their governing boards.

Both bill sponsors have stated that by allowing these special districts to merge voluntarily they will be making the governance of these districts more efficient.

HB 107 will be presented before the House Finance & Tax Committee on Tuesday at 10:45am.

**HB 639 (YOUNG)/ SB 1086 (GARCIA) RELATING TO RECLAIMED WATER**

Representative Young's bill dealing with Reclaimed Water looks to exempt some uses of treated wastewater from state permitting. This bill will prohibit water management districts from requiring a permit for the use of reclaimed water when other withdrawals are not involved. Language in the bill also clarifies that "reclaimed water" is not considered "water of the state."

Currently the Sierra Club of Florida, Audubon of Florida and the Clean Water Action organizations are opposed to the bill.

Florida Association of Counties, Florida League of Cities, Florida Chamber of Commerce, Florida Water Environment Association-Utility Council, Palm Beach County Water Utilities and American Water Works Association support this measure.

HB 639 will be presented before the House Agriculture & Natural Resources Subcommittee on Tuesday at 12:30pm

**HB 3 (PLAKON)/SB 428 (OELRICH) RELATING TO PROHIBITION OF SIMULATED GAMBLING DEVICES**

Next Tuesday at 12:30pm HB 3 relating to Internet Cafés will be presented before the House Business & Consumer Affairs Subcommittee. This legislation looks to outlaw and regulate the 1,000 Internet sweepstakes cafes in Florida. This bill may conflict with the Gaming/Destination Resort legislation that was debated during the first week of Session in the Senate.