

# PBC Legislative Update

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### State Issues - Sixth Week of Session

#### Pensions

*By: Ericks Consultants, Moya Group, Pittman Law Group, Corcoran & Johnston, and County Staff*

**House Bill 1405** by Rep. Workman and **Senate Bill 2100** by Sen. Alexander relating to pension reform are the main pieces of legislation relating to FRS employee retirement changes. The attached chart is a side by side of the major components of how the bills compare to one another.

<b>CS/CS/HB 1405</b> (effective 7/1/11)	<b>SB 2100</b> (effective 6/30/11)
<b>EMPLOYEE CONTRIBUTION</b>	<b>EMPLOYEE CONTRIBUTION</b>
Requires a 3 percent employee contribution for members of all classes of the FRS pension plan and investment plan. Section 24.	Tiered system: Requires 2% contribution for the first \$25,000, 4% for the next \$25,000, and a 6% contribution for compensation above \$50,000 for all employees. Section 28, page 162.
	Provides that DROP employees are not required to contribute to retirement. Section 29, page 161.
	Requires members in the Elected Officers Class who are members of the Legislature and statewide elected officials to contribute a higher percentage: 3, 5, and 7% for the same \$25,000 tiers as above.
<b>DROP</b>	<b>DROP</b>
Closes the Deferred Retirement Option Program to new participants. Section 12.	Closes DROP to new participants 7/1/16. Changes the interest rate for DROP to 2% for members enrolled on or after 7/1/11. Section 13, page 65
<b>RETIREMENT ELIGIBILITY -- AGE/YEARS OF SERVICE (CS)</b>	<b>RETIREMENT ELIGIBILITY -- AGE/YEARS OF SERVICE</b>
Increases retirement eligibility for initial enrollees from age 62 to 65 or from 30 to 33 years of service. Section 4, page 13.	Maintains existing retirement age in statute. Section 6, page 19. <i>Drafting error on page 97 that changes Special Risk Retirement age to 62 or 30 years of service - will be corrected in conference.</i>

Special Risk - Increases retirement eligibility for initial enrollees from age 55 to 60 or from 25 to 30 years of service. Section 4., page 14	Prohibits SMS retirees that retired after 7/1/10 from re-enrolling in the OAP. Section 11, page 45.
	Prohibits SMS or Elected Officials class rehired after 7/1/11 from reenrolling a state administered retirement system. Section 18, page 76.
	<b>COMPENSATION - DEFINED BENEFIT PLAN</b>
	Beginning 7/1/11, AFC excludes: annual leave or sick leave buyouts, overtime salary more than 300 hours, and fringe benefits (e.g., housing allowance). Section 6, page 18. Compensation excludes: overtime payments exceeding 300 hours, and annual leave.
	<b>VESTING</b>
	Employees hired on or after 7/1/11 in the Defined Contribution Plan vest in their employee contributions, interest and earnings immediately, less administrative and investment fees. Section 22, page 113.
	Vesting in employer contributions is 20% after 1 year, 40% after 2 years, 60% after 3 years, 80% after 4 years, and 100% after 5 years. Section 22, page 114.
	Vesting for the Defined Benefit Plan is 10 years for all employees beginning after 7/1/11. Section 6, page 21
	<b>DEFINED BENEFIT PLAN</b>
	Regular, special risk and OAP/ORP eligible employees.
	<b>DEFINED CONTRIBUTION</b>
	<i>Requires participation by Elected Officers Class and Senior Management Class beginning 7/1/11 in the defined contribution plan, unless eligible for special risk or ORP. Section 7 and 22.</i>
<b>SPECIAL RISK CLASS</b>	<b>COLA</b>
New criteria to designate a position as special risk. Existing special risk members must meet the new criteria or move to regular class. Section 6.	Phases out COLA starting 7/1/11, for employees hired prior to that date. (Employee with 10 years 6/30/11 who works 15 more years will get a COLA for the first 10 years only.) Section 16, page 71.

The bills are now in posture that will most likely involve the appointment of a conference committee from both chambers to the resolve the differences in both bills.

## **Enterprise Zones - HB725 by Rep. Perman/SB2156 by Senate Budget Comm**

*By: Pittman Law Group and County Staff*

Section 42 of the Senate's enormous government reorganization package, SB2156, amends s. 290.0055, F.S., to provide authority to a governing body of a county jurisdiction which nominated an application for an enterprise zone that is no larger than 12 square miles and that includes a portion of the state designated as a RACEC (Rural Area of Critical Economic Concern) to apply to newly created Jobs Florida to expand the boundary of the enterprise zone by up to 3 square miles. Two of the four current enterprise zones that are potentially affected are those in Pahokee (EZ-5001) and South Bay (EZ-5002) in Palm Beach County. This language is also included in the House Jobs bill by Rep. Precourt.

This week, County Staff met with House Speaker Pro Tempore John Legg about including the Enterprise Zone language in HB 725 into the HB 7203, the House Economic Development package, to match with the Senate version. There was no additional movement this week on the bills.

## **Growth Management**

*By: Ericks Consultants*

SB 1904, by Senator Altman would amend current law to make changes to the optional sector planning process. This would allow more long term, large scale planning. The bill changes population estimates for need. It would enlarge the amount of acreage from 5,000 to 15,000 acres. The bill basically removes these plans from the DRI requirement. The Audubon Society of Florida supports this, but some other conservationist groups do not. The bill unanimously passed the Environmental Preservation and Conservation Committee.

SB 1512, by Bennett is a growth management bill that deals mainly with transportation concurrency requirements. This bill passed 6-0 in the Transportation Committee.

SB 1122, by Bennett is a sweeping change to growth management laws in the state. The bill moves most growth management issues to local governments and keep more sector planning in the control of the state. The bill makes concurrency optional for local governments, deletes the requirement that comp plans be financially feasible, deletes the twice a year limitation on comp plan amendments and makes other changes such as removing optional elements and allowing mass transit projects to extend outside a transportation deficiency area. The bill unanimously passed the Environmental Preservation and Conservation Committee.

## **Traffic Control Signals - HB 149 by Rep. Ahern/SB 1180 by Sen. Latvala**

*By: Corcoran & Johnston, The Moya Group and County Staff*

On Wednesday, the House Transportation and Economic Development Appropriations Subcommittee passed HB 149 by Rep. Larry Ahern by a vote of 12-2. It is now heading to its last committee of reference, House Economic Affairs. The Senate companion bill, SB 1180, was heard in the Senate Budget Committee on Friday and includes similar language included in HB 149 relating to the requirement that yellow lights maintain certain signal intervals. Both bills provide that traffic citations shall be dismissed if the traffic control signal is not correct. Senate Bill 1180 passed unanimously (19-0) out of the Senate Budget Committee and will be positioned to be heard on the Senate floor in either week 8 or 9 of Session.

On Thursday, the Senate Education PreK-12 Committee passed Senate Bill 2036 creating the "School Bus Safety Program," authorizing a Florida school district to deploy school bus infraction detectors on its school buses when a driver fails to stop upon approaching any school bus which displays a stop signal. It will allow for citations to be issued based on this technology.

As for the repeal of last year's Red Light Cameras legislation, Representatives Corcoran and Trujillo's House Bill 4087 and Senator Garcia's Senate Bill 672, remain waiting for their second respective committee hearings.

**Pill Mills/Prescription Drug Monitoring Program - HB 7095 by Rep. Schenck/SB 818 by Sen. Fasano**

*By: Foley & Lardner, Moya Group, Ericks Consultants, Corcoran & Johnston, and County Staff*

On Tuesday, a strike-all amendment was added to HB 7095. This new legislation put restrictions on doctors and small pharmacies when it comes to dispensing addictive drugs. But, more importantly, the House bill allows the PDMP to move ahead, and would reduce the length of time to report information to the PDMP from 15 days to 7 days.

The strike-all amendment adopted by the House Appropriations Committee, once again, substantially revises the House position on addressing the fraudulent prescribing of controlled substances. As amended, H.B. 7095 by Rep. Rob Schenck contains a number of provisions:

- Physicians, podiatrists, and dentists must register their professional licensure board in order to prescribe controlled substances for pain management;
- Registered practitioners must adhere to minimal standards of practice, which include evaluating the patient's medical history; conducting a physical examination; developing an individualized treatment plan; and performing a periodic review of the patient's treatment plan.
- Registered practitioners must also maintain a log of all controlled substance prescriptions, which must be made available to law enforcement and to the Department of Health, upon request.
- Health care practitioners who have been found to over- or inappropriately prescribe controlled substances will have their license suspended for at least six months and pay a fine of at least \$10,000 per incident.
- The regulation of pain clinics is amended to expand the definition of such clinics, while an exception is created for clinics wholly owned and operate by board-certified anesthesiologists, psychiatrists, neurologists, or other specialists who have completed a fellowship, or are board certified, in pain medicine. Pain clinics must also comply with various facility, infection control, health and safety, and quality assurance requirements. However, these regulations will have a short lifespan, in that the bill would repeal pain clinic regulations on January 1, 2016.

The House bill was reported favorably by a unanimous vote of the committee and will now be placed on the Second Reading Calendar and available for consideration on the floor. Meanwhile, the Senate bill, S.B. 818 by Sen. Mike Fasano, was heard in its last committee of reference, Budget, on Thursday. The Senate bill differs substantially from the House bill—it would limit the advertising of the offering of controlled substances; tighten the regulations of pain clinics; and authorize the sharing of information in the controlled substance database with other states. The Senate bill was passed with little comment from committee members on a unanimous vote with support from, among other parties, the Florida Medical Association and the Florida Retail Federation. S.B. 818 will now be placed on the Second Reading Calendar.

Attorney General Pam Bondi spoke in favor of the newest version of the House bill.

**Pretrial Release**

*By: The Pittman Law Group, the Moya Group, Ericks Consultants and County Staff*

SB372 by Sen. Bogdanoff/HB1379 by Rep. Dorworth

Palm Beach County, along with other organizations and members of the Senate, expected SB 372 to die in committee this year because it had been temporarily postponed several times in Senate Criminal Justice. However, this week Senator Ellyn Bogdanoff added amendments to a Judiciary bill, SB 1398, which included the language from the Pretrial legislation. There was little notice that the amendment had been filed, but it passed on a 5-2 vote in the Senate Judiciary Committee. After the bill made it

through committee, Senator Bogdanoff filed another strike all that combines the two amendments (the strike all and the pretrial amendment).

The companion House bill, HB 1379 by Rep. Chris Dorworth, has not yet been heard in the House Judiciary Committee after passing its first committee of reference. However, the language was added to HB 7023 by Rep. Greg Steube relating to the Judiciary. The bill was heard on the House Floor this week, but Rep. Steube would not accept the amendment as friendly and voiced his opposition; subsequently, HB 7023 was temporarily postponed. It is likely that Rep. Dorworth will continue to push the issue.

There are several reasons why Palm Beach County joins the Florida Sheriffs Association and the Florida Association of Counties in opposition to this legislation:

- The amendment places significant restrictions on pretrial release programs in counties with populations of over 350,000.
- The amendment requires a written finding of indigence by a court before a person can be released pretrial (not just released to pretrial supervision). Under this language, defendants with funds can bond out immediately after arrest by posting a monetary bond while poor defendants will have to remain in jail until after their court appearance.
- The amendment prohibits pretrial release for defendants who have ever failed to appear for a court hearing. This would block pretrial release for a significant number of indigent defendants who have missed court out of legitimate confusion, students who have moved and mentally ill defendants.
- Governor Jeb Bush vetoed a similar piece of legislation (SB 748 in 1999) because of the increase in jail populations and the resulting unfunded mandate to Counties and Sheriffs. Governor Bush also stated that the risk to public safety would be too great to allow "every defendant who posts bond would walk the streets without supervision by local authorities". "In short, if I were to sign this bill, there would be more unsupervised defendants on the streets."

### **Online Travel Companies**

By: Ericks Consultants, The Moya Group

HB 493 would exempt online travel companies from paying a tax on the retail price that the customer pays to such companies and only require such companies to remit taxes on the wholesale rate it pays the hotels. Counties oppose this bill because the Tourist Development Tax is negatively affected by the OTCs refusing to submit such taxes on the full price of the rooms. The bill was amended to require the OTCs to state the amount that is charged as taxes on the room. The bill passed the House Economic Affairs Committee by a vote of 12-6.

### **Juvenile Civil Citations - HB997 by Rep. Pilon/SB1300 by Sen. Storms**

*By: County Staff*

Juvenile Civil Citation legislation passed the House by a vote of 118-0 this week. This legislation has been hailed by child advocates across the state as a way of steering children towards preventative services upon their first brush with the juvenile justice system rather than punitive sanctions. It is the desire of the Department of Juvenile Justice to keep children from entering a cycle of crime by offering them services to correct the problem before sentencing them to time in secured facilities.

The Senate companion bill, SB 1300 by Sen. Rhonda Storms, was scheduled for a hearing late Friday afternoon but was not considered in committee.

Civil Citation Programs (CCP) and other diversion programs provide law enforcement with an alternative to taking youth into custody. Under a diversion program, a law enforcement officer, upon making contact with a juvenile who admits having committed a misdemeanor, may issue a civil citation assessing not more than 50 community service hours, and requiring participation in intervention services appropriate to identified needs of the juvenile. If the child fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, the law enforcement officer must issue a report

alleging the child has committed a delinquent act and a juvenile probation officer must commence the intake process pursuant to s. 985.145, F.S.

Language assuring that counties with programs similar to the Civil Citations program would be able to maintain those programs if so desired was amended to the bill earlier this Session. If a County chose to implement a civil citation program, then DJJ would be available to assist in the implementation of such.

Palm Beach County operates a program similar to a Civil Citation program; however, it is one of six judicial circuits in Florida that does not operate a true CCP.

**State Budget**

*By: Corcoran & Johnston, Ericks Consultants, County Staff*

This week, both the Senate and House made remarks regarding the current status of the budget and when Budget Conference will commence, which is likely directly after the upcoming holiday week. The Chambers' respective budgets remain extremely different, with three main issues driving the conversations: Medicaid, education, and pension reform. Speaker Cannon released a memo to the House, indicating that he remains optimistic that they can reach agreement during conference but also warning Members to be prepared for an extension of Session. Below is a table summary by Agency of some of Palm Beach County's issues to monitor during the budget process. (SBs 2000 & 2002 in the Senate; HBs 5001 & 5003 in the House)

<u>Agency</u>	<u>Line Item</u>	<u>Program</u>	<u>House</u>	<u>Senate</u>
<b>Department of Education (DOE)</b>				
	#15C	Palm Beach State College - Multipurp Clsm/Admin Bldg, site - West Central	-	19,750,000
		FAU Scripps Facility	-	-

<u>Department of Agriculture, Consumer Services, &amp; Commerce (FDACS)</u>	<u>Line Item</u>	<u>Program</u>	<u>House</u>	<u>Senate</u>
	#1358	State Forest Receipts	595,000	595,000
	#1395A	Deepwater Horizon	3,842,667	3,842,667
	#1456	Mosquito Control	1,293,368	2,007,860
	#1580B	Everglades Restoration	26,000,000	2,100,000

<u>Department of Community Affairs (DCA)</u>	<u>Line Item</u>	<u>Program</u>	<u>House</u>	<u>Senate</u>
		Century Commission	-	-
	#1563	Regional Planning Councils	2,500,000	2,000,000
	#1625	Community Development Block Grants	34,000,000	34,000,000

	#1641	Community Services Block Grants	17,876,599	17,876,599
	#1642	Home Energy Assistance	111,164,000	111,164,000
	#1646	Weatherization	13,000,000	13,000,000
	#1647	HFC - Affordable Housing Programs	-	5,000,000
	#2535BA	Housing Finance Corporation (HFC) - Affordable Housing Programs	-	32,500,000
	#2535BB	Housing Finance Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program	-	5,000,000

<b>Department of Environmental Protection (DEP)</b>	<b><u>Line Item</u></b>	<b><u>Program</u></b>	<b><u>House</u></b>	<b><u>Senate</u></b>
	#1686B (Senate)	Florida Forever	-	-
	#1693 (Senate)	Everglades Restoration	26,000,000	2,100,000
	#1763	Total Maximum Daily Loads	4,885,000	4,000,000
	#1769A (Senate)	Beach Renourishment and Restoration	-	16,251,075
	#1789	Drinking Water Facility Revolving Loan Program	81,683,538	91,053,594
	#1790	Wastewater Treatment Facility Revolving Loan Program	165,593,724	164,346,724
	#1814	Inland Protection Trust Fund	130,000,000	125,000,000
	#1852 (Senate)	Florida Recreation Development Assistance	-	-
		Alternative Water Supply	-	-

<b>Department of Transportation (DOT)</b>	<b><u>Line Item</u></b>	<b><u>Program</u></b>	<b><u>House</u></b>	<b><u>Senate</u></b>
	#1918B	Aviation Development Grants	134,752,273	187,442,157
	#1918C	Public Transit Development Grants	155,584,581	223,970,480
	#1918E	Seaport - Economic Development	15,000,000	15,000,000
	#2069	Transportation Disadvantaged Program	38,404,800	44,904,800
	#2070	Transportation Disadvantaged - Medicaid	65,486,126	65,486,126
	#2112	County Transportation	35,183,087	800,007,52

		Programs		9
	#2128	Local Government Reimbursement Program	33,499,781	-

<b>Agency for Workforce Innovation (AWI)</b>	<b><u>Line Item</u></b>	<b><u>Program</u></b>	<b><u>House</u></b>	<b><u>Senate</u></b>
	#2214	Regional Workforce Boards	249,042,919	249,042,919
	#2234	School Readiness Services	588,279,070	-

<b>Department of State (DOS)</b>	<b><u>Line Item</u></b>	<b><u>Program</u></b>	<b><u>House</u></b>	<b><u>Senate</u></b>
	#3153	Special Election Reimbursement	800,000	1,600,000
	#3157	Voting System Assistance	525,000	525,000
	#3158	Statewide Voter Registration System - HAVA	2,794,815	2,794,815
	#3164	Federal Election Activities - HAVA	2,000,000	2,000,000
	#3172	Historic Preservation Grants	618,250	618,250
	#3187A (House)	Library Cooperatives	1,000,000	-
	#3188	Aid to Libraries	20,546,017	2,792,039
	#3193H / 3197	Arts Grants	297,200	-
	#3193I / 3200	Cultural and Museum Grants	1,000,000	2,000,000

<b>State Court System</b>	<b><u>Line Item</u></b>	<b><u>Program</u></b>	<b><u>House</u></b>	<b><u>Senate</u></b>
	#3242	Traffic Hearing Officers	-	1,339,864
	#3251, 3252, 3253	Drug Courts	-	12,483,000

<b>Reverter Issues</b>	<b><u>Line Item</u></b>	<b><u>Program</u></b>	<b><u>House</u></b>	<b><u>Senate</u></b>
	SECTION 30	Loxahatchee Slough Pump Station Facilities	-	500,000
	SECTION 31	Loxahatchee Slough Restoration (M-Canal Widening)	-	1,000,000

**Belle Glade Senior Center**

*By: The Pittman Law Group and County Staff*

One of Palm Beach County's top funding priorities this year is to secure funding for a new Senior Center in the Belle Glade community. \$1.4 million for the Center's construction is in the Senate's proposed budget.

## **Non- Homestead Exemption Cap/ Recapture Rule**

*By: Foley and Lardner*

On Tuesday, the Senate Judiciary committee approved Senate Joint Resolution 658 by Sen. Mike Fasano. The resolution would amend the Florida Constitution to prohibit an increase in the assessed value of homesteaded property if the just value decreases (addressing the "recapture rule" that requires assessment increases even if just value decreases), and reduces the annual assessments for non-homesteaded property from 10% to 5%. The amendment also allows a new homeowner to choose between the existing "Save Our Homes" assessment cap and a new 50% homestead exemption, which exemption is phased out over 5 years. As amended, the Joint Resolution next goes its last committee of reference, Budget. The companion in the House, House Joint Resolution 381 by Rep. Chris Dorworth, was voted out Friday morning in the Appropriations Committee, and now goes its last committee of reference, Economic Affairs. The most substantial difference between the proposals is that the Senate imposes a 5% cap on non-homestead properties, while the House imposes a 3% cap. Opponents of the proposals alleged that the constitutional amendments will result in a tax increase in other areas of local government, arguing instead for what they consider to be a more equitable cap of 7%, while proponents argued that the proposals will create certainty in the tax structure that will ultimately incentivize home sales.

## **Public Records**

*By: The Pittman Law Group, the Moya Group and County Staff*

**SB828 by Sen. Bogdanoff/HB667 by Rep. Clemens** create an exemption from the public records requirements for information received as part of active investigations of the Inspector General on behalf of a unit of local government.

Senate Bill 828 by Sen. Ellyn Bogdanoff passed the Judiciary Committee this week with a vote of 7-0. It is now in the Senate Governmental Oversight and Accountability Committee. Its companion, HB 667 by Rep. Jeff Clemens, is currently on the House Second Reading Calendar.

## **Wage Theft - HB 241 by Rep. Goodson/SB 982 by Sen. Norman**

*By: County Staff*

On Thursday, the House Judiciary Committee heard and passed HB 241 by Rep. Tom Goodson by a vote of 10-6 and is currently on the Second Reading Calendar. This legislation prohibits a county, municipality, or political subdivision of the state from adopting a wage theft ordinance or regulation that exceeds certain state and federal laws. There was no movement this week with the "Florida Wage Protection Act" in the Senate, SB 982, and it still has two more committee stops, Judiciary and Governmental Oversight & Accountability.

## **Property Rights (SB 998 & HB CS/HB701)**

*By: Akerman Senterfit and County Staff*

These bills provide additional legislative intent to the issues surrounding passage of the Bert Harris Act. Specifically, they would:

- Restructure the definition of existing use to make it clear that the term "existing use" has two separate definitions:
  - (1) An actual, present use or activity on the real property, including periods of inactivity which are normally associated with, or are incidental to, the nature of the activity, or
  - (2) Such reasonably foreseeable, non-speculative land uses which are suitable for the subject real property and compatible with adjacent land uses and which have created an existing fair market value in the property greater than the fair market value of the actual, present use or activity on the real property.

- Clarify that both “inordinate burden” and “inordinately burdened” mean the same thing.
- Specify that a moratorium on a development that is in effect for longer than 1 year is not a temporary impact to real property and **may** constitute an “inordinate burden”.
- Change the requirement that property owners who seek compensation under the Bert Harris Act present the claim in writing to the head of the governmental entity from 180 days prior to filing an action to 150 days prior to an action (90 days for agricultural properties).
- Specify that payment of compensation can be part of a settlement offer from the local government.
- Delete the term “ripeness” but would leave the language requiring the local government to provide a written decision identifying the allowable uses to which the subject property may be put. The bills would also clarify that the failure of the local government to issue the decision within the notice period constitutes the local government’s final decision identifying the uses for the subject property. For the purposes of fulfilling the prerequisites to judicial review on the merits, the issuance or failure to issue the written decision operates as a final decision that has been rejected by the property owner.
- Clarify that enacting a law or adopting a regulation does not constitute applying the law or regulation to a property. This provision should allow property owners to sue when the restrictions are applied to their property without being excluded by the statute of limitations even if the law or regulation was enacted more than a year before it is applied to the property.
- Delete the section of the Bert Harris Act that provides for the sovereign immunity of government and replaces it with language that waives sovereign immunity for causes of action under s. 70.001, F.S. This is consistent with how the section of law was interpreted by the courts in *Royal World Metropolitan, Inc. v. City of Miami Beach*.
- Provide that the enactment of this bill would be applied prospectively and would not affect pending litigation.

**CS/SB 998** was passed by the Senate Budget Committee on Wednesday and will next be available for floor action. **HB 701** was passed by the House by a 97-15 vote and will next be sent to the Senate.

### **Numeric Nutrient Criteria**

*By: The Moya Group and County Staff*

On Thursday, the Senate Committee on State Affairs passed a PCS for **CS/CS/SB 239**, which makes changes to the way surface waters in the state are classified and what protection criteria shall be applied to these waters.

#### Adoption of Numeric Nutrient Criteria by DEP

The bill **as amended** prevents DEP and the water management districts from implementing or giving any effect to EPA’s numeric nutrient water quality criteria as proposed by EPA in December 2010. The bill allows DEP to adopt numeric nutrient water quality criteria for a particular surface water or group of surface waters pursuant to s. 403.061, which may be expressed in terms of concentration, mass loading, waste load allocation, and surrogate standards, such as chlorophyll-a, and may be supplemented by narrative statements. TMDLs developed by the DEP and approved by the EPA would constitute site-specific numeric interpretations of such narrative statements.

The bill requires that any criteria established by DEP be based on objective and credible data, scientific studies, and analysis, and may only require nutrient reduction where necessary to protect the biological community and the designated use.

This was the bill’s last committee of reference; it will next be available for floor action.

### **Onsite Sewage Inspection**

*By: Ericks Consultants*

HB 13 would completely repeal the requirement of 2010 legislation for mandatory septic inspections. In the Senate, SB 1698 allows local governmental control for inspection so long as state law is followed.

The House bill passed the full House while the Senate companion is now in the Senate Budget Committee. The bills will need to be reconciled by the sponsors in order for this bill to become law.

### **Wastewater Ocean Outfalls**

*By: Ericks Consultants*

Two bills moving through the legislature, HB 613 and SB 796, would change the dates that discharge would be allowed to occur. The House version was amended to keep the 2025 deadline. The bills keep the upgrade requirement of treatment plants from 2018 to 2023. The bill passed the House by a count of 93-16. The Senate bill moved through Community Affairs. The Senate bill has one stop left in the form of the Budget Committee.

### **Public Records for Public Airports**

*By: County Staff*

On Tuesday, the House State Affairs Committee passed HB 913 by a vote of 16-1. On Thursday, the Senate Governmental Oversight & Accountability heard and passed the identical Senate companion, SB 994, by a unanimous vote of 13-0. Both bills are on the Second Reading Calendar and are poised for a hearing in each respective Chamber.

This legislation provides for an exemption from public records requirements for proprietary and confidential business information submitted and held by a public airport and for any proposal or counterproposal exchange between the governing body of a public airport and a nongovernmental entity relating to the sale, use, development, or lease of airport land or airport facilities. Additionally, the bills provide for exceptions, future review and repeal and include statements of public necessity.

### **Medical Expenses for Inmates**

*By: The Moya Group*

On April 13, 2011, **SB 490** by Senator Jones relating to Medical Expenses for Inmates was heard in the Criminal and Civil Justice Appropriations Committee. This bill limits county or municipal medical costs of an in-custody pretrial detainee or sentenced inmate to 110 percent of the Medicare allowable rate and requires that before a hospital or surgical center collects the money from a county or municipal general fund it makes a good faith effort to retrieve the money from the prisoner or detainee. The bill passed out of committee by a vote of 7-0. The House companion, **HB 257** by Representative Hooper is in the House Health and Human Services Committee.

### **911 Good Samaritan - HB 91 by Rep. Bernard/SB1146 by Sen. Sachs**

*By: County Staff*

The 9-1-1 Good Samaritan legislation, SB 1146 by Sen. Maria Sachs relating to drug overdoses, cleared the Senate Health Regulation Committee this week by a vote of 11-0. It now awaits hearing in the Senate Judiciary Committee. The House bill, HB 91 by Rep. Mack Bernard, remains in the House Judiciary Committee.

This issue continues to be a top priority of Palm Beach County, especially the Sheriff's Department. The bill provides that a person who in good faith seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the person's seeking medical assistance. The bill

also provides that a person who experiences a drug-related overdose and is in need of medical assistance may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the overdose and the need for medical assistance. Furthermore, the bill adds an addition to the list of mitigating circumstances a judge may consider when departing from the lowest permissible sentence: *the defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.*

It is suspected that a majority of drug overdoses are witnessed by bystanders who stall or fail to seek medical attention due to fears of being arrested. Florida is currently in the midst of a drug overdose crisis. Law enforcement and medical personnel believe that passing this legislation would save lives by allowing witnesses to call 911 without fear of punishment.

### **Traumatic Brain Injury**

*By: County Staff*

### **HB 17 by Reps. Nelson and Abruzzo/SB 138 by Sen. Bennett - Military Veterans Convicted of Criminal Offenses**

On Wednesday, the House Justice Appropriations Subcommittee adopted an amendment to HB 17 that changes the effective date from July 1, 2011 to January 1, 2012. This was added to language that would require a judge to hold a "veteran's status hearing" before sentencing a defendant found to have committed a crime if the defendant alleges he or she committed the offense as a result of post-traumatic stress disorder (PTSD), a traumatic brain injury (TBI), substance use disorder, or psychological problems caused by his or her military service in a combat zone. The bill authorizes the judge to place eligible veterans into a treatment program rather than proceed with criminal prosecution.

House Bill 17 passed unanimously out of the House Justice Appropriations Subcommittee and is now at its last stop, the House Judiciary Committee. The Senate companion bill, SB 138, passed unanimously out of the Senate and maintains its status in Messages in the House.

### **Fuel Tax Fix**

*By: The Moya Group*

On April 13, **SB 1180**, the Transportation Package by Senator Latvala was heard in the Senate Transportation and Economic Development Committee. A Palm Beach supported amendment was adopted that will allow local governments to use its Local Option Fuel Tax dollars on the installation, operation, maintenance, and repair of street lights, Traffic signs, traffic engineering and signalization. This week the bill along with the Palm Beach County amendment passed out of the Senate Transportation and Economic Development Committee and the Senate Budget Committee. The House companion, **HB 1363** by Representative Brandes was TP'ed in the House Economic Affairs Committee on April 15.

### **Streamlined Permitting**

*By: The Moya Group*

On April 14, both **CS/CS HB 991** by Representative Patronis and **SB 1404** by Senator Evers were on agendas to be heard. Language supported by Palm Beach County is included in HB 991, that does not allow a state agency to require as a condition of approval for a permit, a permit or approval from any other local, state or federal agency. The language is also in the PCS for SB 1404. Both bills are expected to be back on the agenda when the committees meet next.

**Palm Beach County**

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**Open Carry Gun Bill**

*By: Ericks Consultants*

A measure backed by the NRA and gun advocates passed its last Senate committee, Budget. SB 234 would allow for open carry of a firearm so long as the person has a concealed weapons permit. The bill does prohibit open carry in certain places where a person knowingly or willfully exposes such a gun.

The measure passed much to the opposition of law enforcement agencies. HB 517 is moving through the House and is in its final committee.

**Local Bill Update**

*By: County Staff*

**HB 741 by Rep. Berman – Lake Worth Drainage District**

This legislation expands powers of the Lake Worth Drainage District by granting it the authority to enter into interlocal agreements with local governments and public and private utility providers to develop and operate water supply facilities in Southeast Florida. County Staff met with the Governor's Office regarding this legislation and is working with them to secure favorable consideration once it passes the House. House Bill 741 passed unanimously out of the House Economic Affairs Committee and is now available to be brought up for consideration on the House Floor.

**HB 4191 by Rep. Hager – Palm Beach County**

The Palm Beach County Board of County Commissioners requested this local bill. During a 2010 workshop, existing boards and commissions reporting to the county were reviewed to evaluate their effectiveness and need for continuation. It was determined that the advisory committee for the South Lake Worth Inlet was no longer needed as the dredging of the inlet and subsequent changes to adjacent property that included the development of a county park had been completed. House Bill 4191 has been placed on the House Special Order Calendar for Wednesday, April 20th.

**HB 1045 by Rep. Clemens – Loxahatchee Groves Water Control District**

This local bill creates section 8 of the Loxahatchee Groves Water Control District's (District) charter providing for the dedication of width of four roads located within the District. The District has the power to construct, maintain, improve, and repair roadways and roads necessary to exercise the powers and duties of the District or the 5-member board of supervisors (Board). The improvements of the four public roads were approved by the affected landowners participating in four separate referendum elections held between January 1, 2009, and December 31, 2010. As a part of the referendum question, the affected landowners agreed to pay the costs for the road stabilization improvements for each of the respective roads through a special assessment. There has been no movement with HB 1045 since its placement on the House Second Reading Calendar a couple weeks ago. It awaits action on the House Floor, which could happen during the 8th week of Session.

**Next Week in Tallahassee**

Priority Bills coming to the House Floor on Wednesday, April 20th:

CS/CS/CS/HB 239 by Rep. T. Williams - Water Quality

HB 767 by Rep. Rooney - Local Government

CS/CS/HB 1231 by Rep. Horner - Telecommunications

HB 4191 by Rep. Hager - Palm Beach County/ SLW Inlet

CS/CS/HB 7095 by Rep. Schenck - Controlled Substances/Pill Mills

CS/HB 7129 by Rep. Workman - Growth Management