

# PBC Legislative Update

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### State Issues - Eighth Week of Session

#### FRS Pensions

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

The House and Senate agreed to FRS pension legislation late Friday night. The attached chart is a summary of the major components in the bill that will go to the floor of the House and Senate next week.

#### CS/CS/HB 1405 & SB 2100

##### EMPLOYEE CONTRIBUTION

Requires a 3 percent employee contribution for all FRS members. DROP participants are not required to pay employee contributions.

##### DROP

Maintains the Deferred Retirement Option Program to all participants. Changes the interest rate for DROP to 1.3% for members entering on or after 7/1/11.

##### RETIREMENT ELIGIBILITY – AGE/YEARS OF SERVICE (CS)

Increases the normal retirement date for all members initially enrolled on or after July 1, 2011:

For Special Risk: Increases the age from age 55 to 60 or from 25 to 30 years of service. For all other classes: Increases the age from 62 to 65 or from 30 to 33 years of service.

##### COMPENSATION and AVERAGE FINAL COMPENSATION

For members initially enrolled after 7/1/11, AFC means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, termination of death.

##### VESTING

Employees initially enrolled in the pension plan on or after 7/1/11, such members will vest 100% of employer contributions upon completion of 8 years of creditable service.

##### DEFINED BENEFIT PLAN

Maintains Defined Benefit plan for all employees.

##### COLA

Eliminates cost-of-living adjustments (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the expiration of COLA, the COLA formula will expire effective June 30, 2016, and the 3% cost of living adjustment will be reinstated.

**BUDGET***By: County Staff, Ericks Consultants, Corcoran and Johnston*

On Monday the Speaker and President announced an agreement on budget allocation allowing the conference process to begin. As of Sunday, all conference committees had completed their work having “bumped” to leadership all unresolved issues- the budget chairs continue to meet over the weekend to work through those issues. Key programs to Palm Beach County are funded as follows:

<b>Program</b>	<b>Budget Conference Report</b>
<b>EDUCATION</b>	
Palm Beach State College - Multipurp Clsrm/Admin Bldg, site - West Central	<b>Unresolved issue - \$7,300,000</b>
FAU Scripps Facility	<b>Unresolved issue – 0</b>
<b>HEALTH AND HUMAN SERVICES</b>	
Belle Glade Senior Center	\$1,400,000
<b>NATURAL RESOURCES</b>	
Florida Forever	<b>Unresolved issue</b> House – 0  Senate -308,600,000
Northern Everglades and Estuary Protec. (DACS)	3,000,000
Northern Everglades Special Projects (DACS)	4,000,000
Everglades Restoration (DEP)	19,955,500
Drinking Water Revolving Loans	91,043,594
Wastewater Treatment Construction Facility Construction	164,343,724
Small Co. Wastewater Treatment	16,600,000
Total Maximum Daily Loads (Grants)	6,385,000
Water Management District Trust Fund	15,863,535
Mosquito Control	
Beach Renourishment and Restoration	16,251,075
<b>GENERAL GOVERNMENT –DCA, Housing</b>	
Regional Planning Councils	2,000,000
Community Development Block Grants	34,000,000
Community Services Block Grants	17,876,599
Home Energy Assistance	111,164,000
Weatherization	13,000,000

HFC - Affordable Housing Programs	5,000,000
Housing Finance Corporation (HFC) - Affordable Housing Programs	32,500,000
Housing Finance Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program	5,000,000
Special Election Funding	1,600,000
Libraries	16,700,000
Library Cooperatives	1,000,000
Historic Preservation Grants	618,250
<b>TRANSPORTATION</b>	
Transportation Disadvantaged Program	39,904,800
Transportation Disadvantaged - Medicaid	65,486,126
<b>STATE COURTS</b>	
Traffic Hearing Officers	1,339,864
Drug Courts	12,483,000

#### **Beach Renourishment**

*By: County Staff*

Staff worked hard this week to ensure the beach renourishment project funding remained in the budget through the conference committee meetings. The House met the Senate's offer of \$16.2 million. Those funds will cover the first 12 projects on the State's renourishment project prioritization list, an improvement over the Governor's proposal to eliminate funding. Although Palm Beach County's budget requests are not included in the top 12, funding for the City of Delray Beach's request of \$2.28 million in State matching funds for its \$14.5 million Delray Beach renourishment project has been included on the State priority list.

#### **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. Thanks to the efforts of **Sen. Joe Negron** and **Sen. Lizbeth Benacquisto**, an amendment to provide \$1.4 million for the Center's construction survived the Budget conferencing process and it will be a part of the overall proposed budget.

Staff will focus its efforts and work with the Governor's office to advocate for this much-needed project. The added bonus of constructing a new, large Senior Center would be converting the existing Senior Center into the County's second Homeless Resource Center, identified as a top priority of the County's Homeless Advisory Board and the Health Care District of Palm Beach County.

#### **Film Incentives**

*By: County Staff*

Overall film incentives were increased by \$12 million dollar; however, legislation that implements the appropriation will now restrict to 25% the amount of overall dollars that can be used for high impact television series. This will restrict the TV industries ability to fully utilize these funds to attract new television shows to the state.

#### **Article V Funding**

*By: County Staff*

Funding was included again in the implementing budget bill that will repeal the requirement that local governments increase Article V funding by at least 1.5 % a year.

#### **DJJ Proviso**

*By: County Staff*

Budget proviso language is still pending that would:

- 1) Create a working group of the Department of Juvenile Justice, Florida Legislature and the Florida Association of Counties to formulate recommendations for funding the juvenile justice system, and
- 2) Cap the funding liability of local governments responsible for funding pre adjudication detention. It is expected that some local governments may take on the responsibility of juvenile detention on their own. Other Counties do not want to be responsible for making up the difference in the overall funding pool.

#### **Growth Management**

*By: County Staff and Ericks Consultants*

In an unprecedented move, on Friday, House and Senate negotiators agreed to insert the House growth management bill (HB 7129 – an excerpt from last week's description of the bill is below), along with a few amendments to it, into the conforming bill for the state budget, which will force an up-or-down vote on the matter along with other budget issues.

Some of the more significant changes to the Growth Management bill include:

- Refocusing the state role in managing growth to protecting the functions of important state resources and facilities.
- Removing the twice-a-year limitation on local government adoption of plan amendments.
- Modifying and clarifying the provisions regarding "agricultural enclaves"
- Providing definitions for a number of terms, including "antiquated subdivision;" "capital improvement;" "compatibility;" "floodprone areas;" "intensity;" "level of service;" "new town;" and others
- Encouraging innovative planning tools including visioning, sector planning, and rural land stewardship areas.
- Encouraging intergovernmental cooperation and agreements.
- Modifying the required content of local comprehensive plans in s. 163.3177.
- Eliminating the current requirement that comprehensive plans be financially feasible; requiring instead that the 5-year schedule of capital improvements necessary to achieve any adopted level of service be identified as funded or unfunded and assigned priorities.
- Requiring that the future land use element accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research (BEBR) for at least a 10-year planning period, unless limited under s. 380.05, F.S.
- Setting forth in statute the basis for analysis for the future land use element.
- Setting forth in statute the requirements of the transportation element.
- Delineating which natural resources must be identified and analyzed as part of the conservation element.
- Requiring that water demands be analyzed for at least a 10-year period based

on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet those demands, considering existing levels of water conservation, use and protection and applicable policies of the water management district and regional water supply plan.

- Setting forth in statute the requirements for the housing element.
- Eliminating required concurrency for parks and recreation, schools, and transportation.
- Allowing local government to adopt concurrency with regard to public facilities where it is no longer a state requirement, subject to principles, guidelines, standards and strategies, including adopted levels of service, to guide its application. Local government comprehensive plans must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met.
- If concurrency is applied to transportation facilities, the bill provides standards by which the concurrency must be implemented, and establishes certain requirements for consultation with the Department of Transportation regarding facilities on the strategic intermodal system; must exempt public transit facilities from concurrency; and establishes criteria by which a local government must allow an applicant for a DRI development order, rezoning, or other land use development permit to satisfy the requirements, including regarding how proportionate share requirements can be computed and met.
- Setting forth requirements if school concurrency is to be adopted at the local level.
- Changing the existing law regarding transportation concurrency backlog areas to rename such areas transportation deficiency areas, and modifying the provisions regarding those areas.
- Modifying the process for adoption of comprehensive plans in s. 163.3184 to specify the roles of state agencies in review of local comprehensive plan amendments, and requiring almost all plan amendments to follow the expedited state review process. Small-scale amendments may follow the small-scale process in s. 163.3187, and amendments in an area of critical state concern, amendments proposing a rural land stewardship area, amendments proposing a sector plan, evaluation and appraisal review amendments, and plans for newly incorporated municipalities would follow the state coordinated review process. The processes for both the expedited state review and coordinated review are set forth in the bill.
- Providing for procedures and timelines for challenges to plans and plan amendments by affected persons or by the state land-planning agency, including the standards of review.
- Revising the process for adoption of small-scale amendments.
- Modifying the evaluation and appraisal (EAR) process to require the local government to review its plan at least once every seven years, and if it determines amendments are necessary to reflect changes in state requirements, the local government must prepare and transmit amendments within 1 year for review under s. 163.3184.
- Allowing development agreements to extend up to 30 years, compared with the current limit of 20, and allowing that to be extended under certain circumstances.
- Changing the requirements for periodic review of development agreements.
- Modifying the requirements and procedures for sector plans to encourage their use for appropriately large-scale (at least 15,000 acres) projects
- Modifying the requirements and procedures for rural land stewardship areas to encourage their use for appropriate projects.
- Modifying or deleting certain thresholds that under current law constitute substantial deviations with regard to a previously approved development of regional impact.
- Extending commencement, phase, build out, and expiration dates for projects that are current developments of regional impact, in recognition of the 2011 real estate conditions, for a period of 4 years regardless of any prior extension.
- Extending permits or other authorizations that were extended beyond January 1, 2012 under section 14 of 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, and was ineligible for the permit extension granted by section 46 of chapter 2010-147, Laws of Florida, solely because of its extended expiration date, for a period of 2 years after its previously scheduled expiration date. The extension granted is in addition to

the 2-year permit extension provided under section 14 of 2009-96, Laws of Florida. The bill also extends the commencement and completion dates for any required mitigation associated with a phased construction project such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

**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*

House Bill 7095 passed the House on April 21st by a vote of 116-1 and is now in Messages in the Senate. Senate Bill 818 has been amended to toughen criminal and administrative penalties for physicians and prohibits state money to be used for the PDMP. The Senate version was accidentally amended to include a \$1.75 million appropriation to run the database. Senate President Mike Haridopolos called it a mistake and the sponsor, Sen. Mike Fasano, has stated that he will remove the provision. Without the use of state funds to subsidize the costs associated with the PDMP, federal grants, donations from private citizens and cash that local law enforcers seize from drug busts will be used to finance the program instead.

There are some significant differences between SB 818 and HB 7095. These two bills intend to make extensive changes to the way that pill mills or pain clinics are regulated and targeted. House Bill 7095 would prohibit doctors from dispensing controlled substances in their offices and would require prescriptions for Schedule II and III controlled substances to be filled strictly at pharmacies, while limiting the number of doses (5,000 units) of these prescriptions that pharmacies can dispense per month. It also strengthens penalties for regulating and permitting the operation of pain clinics. In addition, the House version requires the use of the PDMP.

On Thursday, the Senate debated amendments relating to the issue of privacy rights and the PDMP. Sen. Ellyn Bogdanoff, the sponsor of those amendments, has expressed those privacy concerns. These amendments were aimed at requiring search warrants or subpoenas when investigators want to acquire patient information from the PDMP or clinic records. Senate Bill 818 will be heard and discussed in the Senate sometime this week. However, due to the considerable differences between the two bills, the two chambers will need to come to some type of an agreement on a final version before the legislative session ends on Friday, May 6th.

**Red Light Cameras**

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

**HB 4087 by Reps. Corcoran and Trujillo/SB 672 by Sen. Garcia**

The House of Representatives passed HB 4087 on Monday, May 2<sup>nd</sup> by a slim margin of 59-57. This legislation would repeal the bill that passed last year that enacted the express authority for local governments to use red light cameras at traffic light intersections. This bill would prohibit the use of red light cameras across the state. Rep. Corcoran spoke in committee stating that red light cameras do not save lives, rather they cause more rear end crashes due to the cameras.

The Senate companion, SB 672 by Sen. Garcia, still has two more committee stops. It is currently in the Senate Community Affairs Committee.

**Environmental Permitting**

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

### **HB 991 by Rep. Patronis/SB 1404 by Sen. Evers**

On Friday, the House amended and passed, with very little discussion, **CS/CS/CS/HB 991**. The most recent version of the bill is similar to the prior version, but it adds new exemptions of activity that do not need to qualify for a permit. The strike-all contains language that is supported by Palm Beach County and only allows a state agency to require as a condition of approval for a permit or as an item to complete a pending permit application, a permit or approval from any other local, state or federal agency if it has explicit statutory authority, and it requires expedited review of biomass plants if a local comprehensive plan does not include such. The bill requires many environmental permits to be issued within 60 days as opposed to 90 days.

On the floor, the legislation was amended to remove local government pre-empt to regulate all mines for construction aggregate materials. The pre-emption would have applied to the regulation, permitting, enforcement of all matters relating to stormwater, drainage, wetlands, surface or ground water management, reclamation, consumptive use of water and imperiled, endangered or threatened species. The bill was also amended to remove a section that Audubon and Sierra Club objected which would have changed the burden of proof provisions related to 3<sup>rd</sup> party challenges.

The Senate companion, SB 1404 by Sen. Evers, is still yet to be heard.

### **Fuel Tax Fix - HB 1363 by Rep. Brandes/SB 1180 by Sen. Latvala**

*By: The Moya Group*

On Thursday, the House heard and passed HB 1363 by Rep. Brandes by a vote of 116-0. The Senate companion, SB 1180 is on the Special Order Calendar in the Senate for Tuesday, May 3rd. House Bill 1363 is currently in Messages in the Senate. These bills, among other items, will allow local governments to use Local Option Fuel Tax dollars on the installation, operation, maintenance, and repair of street lights, traffic signs, traffic engineering and signalization.

### **Airport Public Records - HB 913 by Rep. Horner/SB 994 by Sen. Latvala**

*By: County Staff*

On Thursday, April 28th, the House heard and passed HB 913 by a vote of 92-24. It is now in Messages in the Senate. Senate Bill 994, is on the Senate Special Order Calendar for Monday, May 2nd.

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.

### **Non-Homestead Property Assessments HB 381**

*By: Akerman Senterfit, Corcoran and Johnston, Ericks Consultants, and Foley and Lardner*

HB 381 passed on the House floor and was amended last week to reduce the annual growth in assessment limitation on certain non-homestead property from ten percent to five percent upon voter approval of the amendment. It's counterpart, SB 658 has been withdrawn from its last committee of reference and will be heard on the floor during the last week of session.

### **Local Bill Update**

*By: County Staff*

All of the following local bills were on the Local Bill Special Order Calendar to be heard in the Senate on Monday, May 2<sup>nd</sup> and all passed and are on their way to the Governor:

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

This legislation expands the 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. House Bill 741 passed the full House on Wednesday, April 27th with a unanimous vote of 117-0.

**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. House Bill 1045 passed the full House on Wednesday, April 27th with a unanimous vote of 117-0.

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

House Bill 4191 was heard and passed the full House on Wednesday, April 20th by a unanimous vote of 115-0. This local bill was requested by the Palm Beach County Board of County Commissioners and repeals the South Lake Worth Inlet Advisory Committee. It was determined that the advisory committee 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.

**HB 1489 by Rep. Albritton – Sebring Airport Authority**

House Bill 1489 by Rep. Albritton creates the powers to establish, operate, and maintain foreign-trade zone (FTZ) status under the alternative site framework (ASF) in DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the Cities of Belle Glade, Pahokee, and South Bay. All of the impacted counties and the Cities of Belle Glade and Pahokee have issued letters of support for their inclusion in Sebring Airport Authority's FTZ under the ASF, with the stipulation that the zone will be made available on a uniform basis to companies within the region, in a manner consistent with the legal requirement that each FTZ be operated as a public utility. The purpose of the zones is to attract and promote international trade and commerce.

**Inspector General Bill**

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

**SB828 by Sen. Bogdanoff/HB 667 by Rep. Clemens** creates 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.

**HB667** passed the House this week 111-1. It was received by the Senate, where it has been assigned to the Senate committees on Community Affairs; Judiciary; and Governmental Oversight & Accountability.

**SB828** was withdrawn from its last committee of reference, Governmental Oversight & Accountability, and passed unanimously on the floor of the Senate on May 2<sup>nd</sup>. The bill now moves to the Governor's office.

**Juvenile Civil Citations**

*By: County Staff*

**SB1300 by Sen. Storms/HB997 by Rep. Pilon** allows Counties to develop a civil citation program. 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.

The Juvenile Civil Citation legislation, **HB997**, passed the House last week and the Senate received the legislation this week. It has been referred to the Senate Criminal Justice; Judiciary; and Budget committees.

The Senate version of the bill, **SB1300**, was scheduled on the Special Order Calendar for April 29<sup>th</sup>; however, it was temporarily postponed and rescheduled for May 2<sup>nd</sup>.

### **Supervised Re-Entry Program for Inmates**

*By: County Staff*

**SB1334 by Sen. Bogdanoff/HB917 by Rep. Porth and SB1390 by Sen. Dockery** both contain language relating to the re-entry initiatives for offenders. The legislation provides legislative intent to encourage the Department of Corrections, to the extent possible, to place inmates in the community to perform paid employment for community work. It provides that an inmate may leave the confinement of prison to participate in a supervised reentry program in which the inmate is housed in the community while working at paid employment or participating in other programs that are approved by the department. It does require the inmate to live at a department-approved residence while participating in the supervised reentry program.

Both pieces of legislation had their final committees of reference removed this week and have been placed on the Second Reading Calendar.

**SB1334** by Sen. Bogdanoff also contains language the would:

- Remove the minimum mandatory sentences for drug trafficking in Florida Statutes. It also changes the method for calculating the weight of a controlled substance when it is a component in a prescription drug. This increases the amount of pills or tablets of a prescription drug that are required to trigger a minimum mandatory sentence.
- Creates a new section of statute authorizing the department to develop and administer a nonviolent offender reentry program separate from the supervised reentry program. This program is intended to divert nonviolent offenders from long periods of incarceration when a reduced period of incarceration followed by intensive substance abuse treatment may have the same effect, to rehabilitate the offender, and to reduce recidivism.
- Changes the minimum time that must be served on an adjudged sentence after application of any gain time. The minimum time is increased for violent offenders, maintained at the same level for non-violent offenders with a prior felony conviction, and reduced for non-violent offenders without a prior felony conviction.

**HB917 by Rep. Ari Porth** contains similar language to **SB1334** and **SB1398**. The House bill had four committees of reference. It passed its first two committees and is now in the Justice Appropriations Committee.

Palm Beach County supports efforts to ensure a successful reentry for ex-offenders as they exit the prison system in order to prevent them from returning to prison. This position has also been the focus of policies relating to criminal justice and corrections reform advocated by the Governor's office.

### **Drug Courts**

*By: County Staff*

**SB400 by Sen. Wise/HB81 by Rep. Rouson** related to drug courts passed this week. **HB81** was laid on the table in lieu of the Senate bill, **SB400**. Both chambers passed the legislation and the bill has been presented to the Governor. Governor Scott has until May 6<sup>th</sup> to act on this legislation.

Post-adjudicatory drug courts are designed to divert drug-addicted offenders from the prison system by providing supervised community treatment services in lieu of incarceration. This bill expands post adjudicatory treatment-based drug court programs as a sentencing option by increasing the total number of sentencing points an offender may have accumulated and still qualify for the program, and by providing that an offender who violates his or her probation or community control for any reason may be admitted to the program.

This bill could have a positive fiscal impact on the Department of Corrections resulting from fewer new commitments to state prison.

### **Wage Theft**

*By: County Staff*

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

These bills, also known as the "Florida Wage Protection Act," prohibit a county, municipality, or political subdivision of the state from adopting a wage theft ordinance or regulation that exceeds certain state and federal laws.

Senate Bill 982 was on the agenda for the Judiciary Committee this week; however, it was not taken up. The House companion bill, HB 241, passed the House this week 83-25. The bill was amended prior to passage by exempting any local ordinance enacted prior to January 1, 2011 from the provisions of this legislation. The bill is now in Senate Messages.

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

*By: County Staff*

The 911 Good Samaritan legislation is 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 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.

The House bill, HB91, passed the House this week 119-0 and is now in Senate Messages. The Senate bill, SB1146, was withdrawn from the Judiciary Committee and is now in Budget.

### **Household Moving Services**

*By: County Staff*

HB901 by Rep. Horner/SB296 by Sen., Wise that reduces regulatory requirements for intrastate moving services by requiring biennial, rather than annual, licensing registration as well as removes the local licensing registration requirements that some local governments may have. It does, however, grandfather in existing local ordinances that were in place prior to January 1, 2011. It should also be noted here that in the Legislature's larger government reorganization package a move was made to deregulate moving services. Moving services were removed from that proposed list of

industries to deregulate.

HB901 passed the House 114-0. It was then sent to the Senate in Messages. The Senate took up the measure and assigned it to three committees. It was immediately removed from the committees and taken up on the Senate floor, where it passed 39-0. Its next stop will be the Governor's desk.

### **School Nutrition**

*By: County Staff*

HB7219 by Rep. McKeel & State Affairs Committee/SB1312 by Sen. Siplin would transfer responsibility for the School Nutrition Program from the Department of Education to the Department of Agriculture & Consumer Services. The House bill is currently on Third Reading. The Senate bill passed the Senate 37-0.

### **Background Screening**

*By: County Staff*

HB7233 by the Health & Human Services Committee/SB1992 by the Children, Families & Elder Affairs Committee modifies the background screening requirements for individuals who work with seniors. SB1992 removes mental health providers working in a licensed facility less than 15 hours per week on an intermittent basis from fingerprinting and screening requirements; law enforcement officers of good moral character from refingerprinting and rescreening requirements; and certain certified nursing assistants from the background screening requirements.

SB1992 passed the Senate 39-0. It is now in House Messages. The House Bill is currently on Second Reading.

### **Property Rights (CS/SB 998 & CS/HB 701)**

*By: 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.

On Wednesday, the Senate substituted HB 701 for SB 998 and voted for final passage of this legislation on Thursday. It will next be presented to the Governor's Office for his signature.

**Energy - SB 2078 by Sen. Benacquisto/HB 7217 by Rep. Ford**

*By: County Staff*

On Tuesday, the Senate Budget Committee temporarily postponed this year's renewable energy legislation. Senate Bill 2078 would have allowed investor-owned utilities to charge customers for renewable energy projects totaling \$375 million over five years. Amendments, offered by Senate Budget Chair Sen. J.D. Alexander, were adopted which removed the cost cap for new renewable projects but restricted utilities to purchasing renewable energy at the average retail electricity rate already charged to customers. Even with his amendments, Sen. Alexander spoke in opposition to the bill.

The Senate Budget Committee is no longer holding committee meetings; and therefore, SB 2078 will not reach the Senate floor for a vote. The House companion bill, HB 7217, was not heard in the House Economic Affairs Committee and is not expected to be taken up in the House for a vote.

**Open Carry Gun Law - HB 517 by Rep. Dorworth/SB 234 by Sen. Evers**

*By: Ericks Consultants and County Staff*

On Thursday, SB 234 by Rep. Greg Evers was amended and passed the Senate 26-11. Sen. Ellyn Bogdanoff sponsored an amendment that now allows for accidental exposure of a gun to be legal as long as it is not in a threatening or intimidating manner. This legislation would no longer make it a third degree misdemeanor for those who have unintentionally exposed a concealed weapon in public. Senate Bill 234 has been drastically changed from its original version that would have made it legal to openly carry weapons.

Law enforcement and the Florida Retail Federation (FRF) have opposed the open carry law due to concerns relating to public safety and as a possible tourism deterrent.

This new, revised legislation makes it more palatable to those who were originally in opposition to the bill. The House companion, HB 517 by Rep. Dorworth, passed the House Judiciary Committee by a vote of 14-4 but has not yet been scheduled for a House vote. Senate Bill 234 is now in Messages in the House.

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*By: County Staff*

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

House Bill 17 has remained in its last committee of reference, the House Judiciary Committee. There have been no additional House Judiciary Committee meetings scheduled, and therefore, it is highly unlikely this bill will be heard on the House floor. This legislation would require a judge to hold a “veteran’s status hearing” before sentencing a defendant found to have committed the offense as a result of post-traumatic stress disorder (PTSD), a traumatic brain injury (TBI), substance abuse 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.

The Senate companion bill, SB 138 by Sen. Mike Bennett, passed unanimously out of the Senate and maintains its status in Messages in the House.

**Enterprise Zones**

*By: County Staff and Pittman Law Group*

This legislation will provide authority to a governing body of a jurisdiction that nominated an application for an enterprise zone that includes a portion of the state designated as a RACEC to apply to OTTED to expand the boundary of the enterprise zone by up to 3 square miles. The intent of the bill is for the expansion to be applied to the enterprise zone in Belle Glade.

This language was included in the overall government reorganization bill during conference last week. It will be up for an up or down vote during the last week of session.

**Online Travel Companies**

*By: Ericks Consultants*

**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 on the House Special Order calendar on Thursday and passed out of the House chamber on Monday.