

# PBC Legislative Update

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## **IN THIS ISSUE:**

### **State Issues**

#### *Legislative Priorities*

1. *Glades Correctional Institution*
2. *Reapportionment*
3. *Laws Going Into Effect July 1*

### **State Issues - End of June Update**

#### **Glades Correctional Institution**

*By: County Staff*

On Monday, June 20th, State Senator Lizbeth Benacquisto, State Representative Mack Bernard and PBC Legislative Affairs Director Todd Bonlarron met with Department of Corrections Secretary Ed Buss, DOC Deputy Secretary Dan Ronay, and DOC Legislative Director Allen Mortham to discuss issues related to the Glades Correctional institute. It was made clear from the discussion that no immediate decision regarding the facility would take place before September 1st of this year. The Department is currently engaged in a process of exploring options for potential uses of the prison. While the closure of the facility is one of the options on the table, it was clear from the tone of our discussions that the Department would like to find ways to keep the facility open. Those alternative options included everything from keeping the facility open as a state run institute, privatization of the facility, a public/private partnership, and other options that included innovative agreements to keep the facility open.

We discussed some of the financial obstacles the Department faced regarding the operation of the facility. Those are related to reductions in their overall operating budget of DOC. However, it appears there is a desire within the Department to utilize this facility hence the analysis of the options mentioned above.

While the closure of the facility is still an option that will be explored, it was noted that if closure were to occur, it would not be an immediate process. It would be one that would be phased in over time and that options for job relocation of staff would be provided to GCI employees.

The Secretary has been down to the Glades to visit the Correctional Institute already and at the meeting, they agreed they would be back down to visit the facility and meet with local officials before any decisions are made regarding the GCI. We will coordinate with them to schedule a mutually agreeable date.

Additionally, the Palm Beach County Board of County Commissioners, the Palm Beach County League of Cities, and the Tri-Cities in the Glades have passed resolutions to support the continued operation of the GCI. We have encouraged all of the Cities in the County to pass similar resolutions to support these efforts.

#### **Reapportionment**

*By: County Staff*

Redistricting for State House, State Senate and Congressional Legislative Districts is already underway. Below is a brief timetable of the redistricting process.

#### **FLORIDA'S STATE LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PROCESS TIMELINE**

Redistricting Committee and Subcommittee meetings were held during the 2011 Legislative Session in March and April to prepare legislators for the Redistricting

process.

#### **JUNE 20TH—SEPTEMBER 1, 2011**

The Florida Legislature is hosting statewide public meetings for citizen input on redistricting. There is one to be held in Palm Beach County on Tuesday, August 16th from 10am—1pm at Florida Atlantic University's Boca Raton campus (777 Glades Road, Boca Raton, FL 33431).

#### **SEPTEMBER 19TH—DECEMBER 2011**

Interim Committee Meetings will be held and the Redistricting Committee and Subcommittees will begin reviewing public input.

#### **JANUARY 10TH—MARCH 9, 2012**

The 2012 Legislative Session will convene and the Florida Legislature will officially approve new district plans.

It is expected the districts will be drawn and passed through the Court review and Department of Justice process in time for qualifying between June 4 to June 8<sup>th</sup>.

#### **Laws Going Into Effect July 1**

*By: County Staff*

All laws passed by the legislature during the 2011 session have been acted upon the Governor as of July 1. Below is a list of some of the new laws that go effect on or before that date unless noted otherwise.

#### **HB 0003 Relating to Assault or Battery of Law Enforcement Officer**

Requires FDLE to issue blue alert if law enforcement officer has been killed, suffered serious bodily injury, or been assaulted & suspect has fled scene, or if law enforcement officer is missing while in line of duty.

#### **HB 0019 Relating to Compensation of County Officials**

Authorizes each county commissioner, circuit court clerk, county comptroller, sheriff, supervisor of elections, property appraiser, & tax collector to reduce his or her salary on voluntary basis.

#### **HB 0045 Relating to Regulation of Firearms and Ammunition**

Clarifies & reorganizes provisions that preempt to state entire field of regulation of firearms; prohibits knowing & willful violation of Legislature's occupation of whole field of regulation of firearms & ammunition by enactment or causation of enforcement of any local ordinance or administrative rule or regulation; eliminates provisions authorizing counties to adopt ordinance requiring waiting period between purchase & delivery of handgun.

#### **HB 0075 Relating to Offense of Sexting by Rep.Abruzzo**

Provides that minor commits offense of sexting if he or she knowingly uses computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity & is harmful to minors.

#### **HB 0143 Relating to Economic Development**

Authorizes OTTED to administer corporate income tax credits for spaceflight projects; increases annual tax credit cap relating to contaminated site rehabilitation; provides tax credit for certain research & development expenses; repeals emergency excise tax & related provisions; revises criteria for awarding tax credits & increases amount of credits to be awarded under entertainment industry financial incentive program; authorizes Martin County and Palm Beach County to apply to OTTED for designation of enterprise zone.

**SB 0146 Relating to Criminal Justice by Sen. Smith (C)**

Cites this act as the "Jim King Keep Florida Working Act." Requires state agencies to prepare reports that identify and evaluate restrictions on licensing and employment for ex-offenders. Prohibits state agencies from denying an application for a license, permit, certificate, or employment based solely on a person's lack of civil rights.

**HB 0155 Relating to Privacy of Firearms Owners**

Provides that licensed practitioner or facility may not record firearm ownership information in patient's medical record; provides exception; provides that unless information is relevant to patient's medical care or safety or safety of others, inquiries regarding firearm ownership or possession should not be made.

**SB 0234 Relating to Firearms**

Provides that a person who is licensed to carry a concealed firearm is not in violation of law if the firearm is briefly and openly displayed under certain circumstances. Provides that a person may not openly carry a weapon or firearm or carry a concealed weapon or firearm into specified locations. Provides that concealed carry licensees shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes.

**HB 0281 Relating to Value Adjustment Boards**

Requires a petitioner challenging assessed value of property before value adjustment board to pay specified percentage of taxes by certain date; requires petitioner challenging denial of classification or exemption, or assessment on specified grounds, before value adjustment board to pay amount of tax which taxpayer admits in good faith to owe by certain date.

**HB 0353 Relating to Drug Screening of Potential and Existing Beneficiaries of Temporary Assistance for Needy Families**

Requires DCFS to perform drug test on applicant for TANF benefits.

**HB 0407 Relating to Residential Building Permits**

Prohibits local enforcing agencies & building code officials or entities from requiring certain inspections of buildings, structures, or real property as condition of issuance of certain residential building permits.

**SB 0410 Relating to Impact Fees**

Reenacts a provision relating to the burden of proof required by the government in an action challenging an impact fee. Provides a legislative finding of important state interest.

**HB 0445 Relating to Wellness or Health Improvement Programs**

Authorizes insurers & HMOs to offer voluntary wellness or health improvement program & encourage or reward participation in program by offering rewards or incentives to members.

**SB 0450 Relating to Emergency Management**

Provides immunity from civil liability for providers of temporary housing and aid to emergency first responders and their immediate family members following a declared emergency.

**HB 0501 Relating to Choose Life License Plates**

Provides for annual use fees to be distributed to Choose Life, Inc., rather than counties; provides for Choose Life, Inc., to redistribute portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women.

**SB 0618 Relating to Juvenile Justice**

Repeals provisions relating to legislative intent for serious or habitual juvenile offenders in the juvenile justice system, definitions of terms for a training school and the serious or habitual juvenile offender program, the serious or habitual juvenile offender program in the juvenile justice system, the intensive residential treatment program for offenders less than 13 years of age, and the designation of persons holding law enforcement certification within the Office of the Inspector General to act as law enforcement officers.

**HB 0667 Relating to Pub. Rec./Local Government Inspector General Clemens**  
Expands exemption from public records requirements to include certain records relating to investigations in custody of inspector general of local government; provides statement of public necessity. Effective Date: October 1, 2011

**HB 0741 Relating to Lake Worth Drainage District, Palm Beach County Berman**

Authorizes district to develop & operate water supply facilities & enter into interlocal agreements with local governments & public & private utilities for such purpose; provides for issuance of notes & bonds; prohibits district from engaging in retail water sales.

**SB 0844 Relating to Violations/Probation/Community Control/Widman Act Benacquisto**

Creates the "Officer Andrew Widman Act." Authorizes a judge, after making a certain finding, to issue a warrant for the arrest of a probationer or offender who has violated the terms of probation or community control. Authorizing the court, in determining whether to require or set the amount of bail, to consider the likelihood that the person will be imprisoned for the violation of probation or community control, etc. EFFECTIVE DATE: October 1, 2011

**HB 0997 Relating to Juvenile Civil Citations**

Requires DJJ to encourage & assist in implementation & improvement of civil citation & similar diversion programs; requires that juvenile civil citation & similar diversion program be established at local level; authorizes entities to operate civil citation or similar program; limits civil citation program to first-time misdemeanor offenders unless approved by state attorney.

**HB 1045 Relating to Loxahatchee Groves Water Control District, Palm Beach County by Clemens**

Provides for dedication of width of roads to public; provides dedication requirements; provides for prima facie evidence of public road easements; exempts certain property of electric company; assigns traffic control jurisdiction on all public roads within district to Town of Loxahatchee Groves.

**HB 1163 Relating to Ad Valorem Taxation**

Reduces amount that any change in value of nonhomestead residential property resulting from annual reassessment may exceed assessed value of property for prior year; reduces amount that any change in value of certain residential & nonresidential real property resulting from annual reassessment may exceed assessed value of property for prior year; provides first-time Florida homesteader with additional homestead exemption.

**Non-Homestead Assessment Limitation**

The bill amends Florida Statutes to implement the provisions of the proposed constitutional amendment contained in CS/CS/CS/CS/CS/HJR 381 that reduce the current limitation on annual growth in the assessed value of certain non-homestead property from 10 percent to 5 percent, upon voter approval of the amendment. The bill clarifies that the non-homestead assessment limitation does not apply to improvements made to the property. If approved by the voters, this provision takes effect January 1, 2013.

**HB 1195 Relating to Condominium, Cooperative, and Homeowners' Associations by Moraitis, Jr.**

Revises & provides various provisions relating to specified condominium, cooperative, & homeowners' associations, including records, elections, fees, powers, duties, officers, meetings, notices, governance, foreclosure, liens, & bulk assignees & bulk buyers.

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**SB 1312 Relating to School Nutrition Programs**

Cites this act as the "Healthy Schools for Healthy Lives Act." Transfers and reassigns functions and responsibilities, including records, personnel, property, and unexpended balances of appropriations and other resources for the administration of the school food and nutrition programs from the Department of Education to the Department of Agriculture and Consumer Services. Requires the Department of Agriculture and Consumer Services to conduct, supervise, and administer all school food and nutrition programs. EFFECTIVE DATE: January 1, 2012

**HB 1489 Relating to Sebring Airport Authority, Highlands County**

Revises powers of authority; provides that authority may establish, operate, & maintain foreign-trade zone status under alternative site framework in DeSoto, Glades, Hardee, Hendry, Highlands, & Okeechobee Counties & Cities of Belle Glade, Pahokee, & South Bay; expands power to purchase commodities or contractual services.

**HB 4191 Relating to Palm Beach County by Hager**

Deletes obsolete provisions relating to establishment of advisory committee to advise Board of County Commissioners on improvements, operations, maintenance, & enhancement of South Lake Worth Inlet & adjacent property & to assist in development, coordination, & public review of Inlet Management Plan.

**HB 7001 Relating to Growth Management**

Reenacts provisions of law relating to growth management, portions of which were amended, created, or repealed by ch. 2009-96, Laws of Florida; provides for retroactive operation with respect to such portions.

**HB 7095 Relating to Prescription Drugs**

Makes failure to comply with requirements of s. 456.44, F.S., grounds for disciplinary action; provides mandatory administrative penalties for certain violations related to prescribing; requires prescriptions for controlled substances to be written on counterfeit-resistant pad produced by approved vendor or electronically prescribed.