

# PBC Legislative Update



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## February 17-21 Committee Week and Pre-Session Update

### State Issues

#### Sober Homes

*By: County Staff*

SB 582 by Senator Clemens has cleared its first committee of reference as we head toward the opening day of session. While County Staff and our lobby team met with Chair Gayle Harrell and her Committee staff to discuss changes to the proposed bill, it has still not scheduled for its first hearing in the House yet. Among concerns discussed with House staff are potential liability shifts from local governments to the State in the event any changes to the statute are challenged and the types of penalties that would be imposed on violators of any new laws.

#### Film and Entertainment Incentive Program

*By: County Staff and Miami-Dade OIA*

Rep. Manny Diaz filed HB 983 Tuesday regarding the film/entertainment industry financial incentive program. HB 983 includes appropriations of \$200 million per year in state film and entertainment industry incentives for the next 6 state fiscal years (there is currently no state funding remaining for film/entertainment remaining in the existing program that is set to expire on July 1, 2016). HB 983 also extends the current film/entertainment incentive program to July 1, 2020 and makes various updates and revisions to the film/entertainment incentive program as requested by the industry and local film offices. The Senate bill has not been filed yet but is expected to be in the next week by Sen. Nancy Detert. While her bill is not expected to go as far in the funding of the incentives, it is believed her proposal will also extend the program out another 6 years.

#### Homelessness

*By: News Service of Florida and County Staff*

Amid the flurry of bills as lawmakers get ready for the legislative session, Senate President Don Gaetz, R-Niceville, said Friday more attention needs to be paid to a proposal by Sen. Jack Latvala that would offer funding for homeless services across the state. Latvala, R-Clearwater, and Rep. Kathleen Peters, R-South Pasadena, filed the proposal (SB 1090 and HB 979) this week. The proposal focuses, in part, on "challenge grants," matched by local governments or private organizations, to help with housing services for the homeless. Also, Latvala said during a news conference Thursday that dedicated funding is needed to support programs like job training and drug treatment that give people a way out of homelessness, rather than just paying for beds at homeless shelters. "We're trying to bring some cohesiveness to the local programs that includes job placement and educational and mental health services," he said. During an interview Friday with The News Service of Florida, Gaetz pointed to the needs of people such as military veterans who become homeless. "We owe something to these people," Gaetz said. "We owe them humane care and treatment." County staff attended and participated in this week's press conference as did the Florida Association of Counties.

## **Quiet Zones**

*By: County Staff*

*County Staff and lobbyists continues to meet with key members of the legislature as we seek to find funding for quiet zone upgrades to crossing as along the FEC corridor in anticipation of All Aboard Florida train service on the rail line. The County has made request to the Speaker of the House, Chairs of the House and Senate Appropriations Committees, and Chairs of the House and Senate Transportation Appropriations Committees. The request is to fund \$7.6 million toward \$14 million of quiet zones upgrades along the rail line in Palm Beach County.*

## **Growth Management**

### **Developments of Regional Impact (SB 372 & HB 241)**

*By: Anfield Consultants*

**Background:** A development of regional impact are defined a developments “which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” DRIs must be reviewed by state and regional authorities under the coordination of Regional Planning Councils (RPCs), as well as by the DEO.

The law also provides exemptions from DRI review. One of these exemptions is for developments that are located within a Dense Urban Land Area (DULA). Under current statute, the following may qualify DULAs:

1. Any municipality with an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000.
2. Any county, including the municipalities located in the county, that:
  - Has an average of at least 1,000 people per square mile of land area and is located within an urban service area has been adopted into the local comprehensive plan.
  - Is not located within an urban service area, but has a population of at least 900,000 with an average of at least 1,000 people per square mile.
  - Has a population of at least 1 million and is located within an urban service area.

**Proposed Changes:** This bill would delete two of these qualifying exemptions, namely the exemption for counties that have a density of 1,000 people per sq. mile and are which are located within an urban service area, as well as the exemption for counties that have a pop. of 900,000, but are not located within an urban service area. They would be replaced by a new exemption that would cover developments within any county that has a population of at least 300,000 with an average density of no less than 400 people per square mile. Under the current criteria, eight counties and 242 municipalities are designated as DULAs. With these new criteria, that number could increase to 15 counties and 262 municipalities, since municipalities located within a county that meets the new criteria would also be included. The seven additional counties are: Brevard, Escambia, Lee, Manatee, Pasco, Sarasota, and Volusia.

**Update:** On Wednesday, the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development passed **SB 372** after adopting one amendment. The amendment simply makes it so that counties exempt under this section are also exempt from the statewide standards and guidelines under s. 380.0651, F.S., which run

aggregate to the DRI process. **CS/SB 372** will next be heard in the Senate Appropriations Committee. The House companion, **HB 241**, is currently in the House Economic Development & Tourism Subcommittee.

### **Agricultural Enclaves**

*By: County Staff*

While there have been relatively few pieces of legislation filed regarding growth management related issues, one item that has been rumored to appear is a change in the agricultural enclave definitions that would seek to benefit GL Homes on the piece of property they own in Palm Beach County adjacent to the Corbett Wildlife Area. While it is unclear how a potential change would look, it has been suggested that the definition of agricultural enclaves could be altered to provide the same zoning benefits on properties of land that are next to similarly zoned properties but not necessarily bordered on all four sides by like property. While only one lobbyist is currently registered to represent GL homes, David Ramba, has recently registered to represent Palm Beach West Associates I LLLP that is affiliated with GL Homes developments. We will continue to monitor for any potential developments.

### **FAIR ASSOCIATIONS**

*By: Ericks Consultants*

The Senate Agriculture committee approved SB 624 that would ban local governments from charging fair associations fees, such as impact and stormwater. The intent of the bill is to recognize the important services associations, such as 4-H, provide to the citizens in terms of connecting them with agriculture. The Florida League of Cities and Florida Association of Counties testified that they had concerns with the bill- particularly the inability to charge user fees as well as a possibility of associations collecting refunds of fees paid in the past. The bill has three more committee stops before going before the full Senate and does not yet have a House companion.

### **COUNTY AND MUNICIPAL PARKS**

*By: Ericks Consultants*

A Senate panel approved a bill, SB 378 by Sen. Abruzzo, that would require counties and municipalities to provide a full or partial discounted entrance fee for lands operated by their parks and recreation departments to: active military members, honorably discharged veterans, the spouse and parents of deceased military members, and the spouse and parents of deceased police officers and firefighters. The discount would not apply to fees for amenities such as, campgrounds, aquatic facilities, stadiums or arenas, facility rentals, special events, boat launching, golf, zoos, museums, gardens, or programs taking place within public lands. The bill has one more committee stop before going before the full Senate. Its House companion has not yet been heard. The bill is supported by the Florida Parks and Recreation Association and Palm Beach County staff helped to clarify the exceptions to the fee discounts.

### **COUNTY EMPLOYEES**

*By: Ericks Consultants*

A bill, SB 106, that would clarify that counties have the full power to employ personnel- and have the ability to determine benefits like paid leave and insurance- passed its final committee in the Senate. The bill is now ready to be heard before the full Senate when Session begins in March. Its House companion has passed one of three committees before going before the full House. The bill is seen as primarily clarifying that governments have the ability to determine insurance and paid leave benefits.

**ETHICS**

*By: Ericks Consultants*

The Senate Ethics and Elections Committee approved an ethics package, SB 0846, that includes provisions to require municipal officials to complete ethics training statewide, require independent special districts to set up a process by which to register lobbyists, and strengthen the financial disclosure process. The sponsor, Sen. Latvala, indicated there were still issues to be worked out with the bill, such as the threshold for lobbying activities and smaller special districts having to possibly shoulder an undue burden. Palm Beach County's ethics ordinance already fulfills the bill's requirements with regards to elected officials. The bill has two more committee stops before going before the full Senate.

SB 606 by Sen. Jeff Clemens was Temporarily Postponed in Ethic and Elections Committee this week. Among items in the bill, it would prohibit one political subdivision from imposing additional or more stringent standards of conduct and disclosure requirements upon the officers and employees of another political subdivision. As drafted the bill would grandfather in Palm Beach County's voter approved Commission on Ethics; however, several local governments expressed concerns about the broad preemption of local government's home rule authority. \

**E-911**

*By: Ericks Consultants*

Committees in both the Senate and House voted to approve a bill that would establish a mechanism to collect a fee on pre-paid wireless plans that will then be used to reimburse local governments for E 911 costs. Florida Association of Counties, Florida League of Cities, Florida Sheriff's Association, AT&T, Comcast, and more all showed support for the bills. Both the House and Senate bills have one more committee stop each.

**SENATE DOT PACKAGE**

*By: Ericks Consultants and Anfield Consultants*

The Senate Appropriations Committee voted to approve the Department of Transportation's legislative package, SB 696, after amending the bill to return provisions surrounding excess Alligator Alley toll revenues to existing law. The Senate bill does not contain any controversial language dealing with red light cameras or parking meter revenues. The bill does have provisions that allow DOT to fund 100% of the cost of airport projects deemed to be strategic for the State.

This bill would also require all messages on Water Management District public information systems to be subject to local government review or approval, as well as to the provisions of Ch. 478 F.S., from which they are now currently exempt. The intent is to ensure that the commercial messages on the signs do not violate federal standards, thus preventing the possible loss of federal funding.

**SPRINGS LEGISLATION**

*By: News Service of Florida*

On Thursday, the Senate Environmental Preservation and Conservation Committee held a workshop to discuss "version 7" of a draft bill addressing springs issues. The bill is a product of a team of Senators, including Senator Simmons, Senator Dean, Senator Simpson, Senator Hays, and Senator Montford. The bill proposes actions related to "historic first magnitude springs" and certain other springs identified in the draft. The bill also proposes substantial state funding for springs restoration from documentary stamp proceeds, and would address a host of issues, including onsite sewage treatment and disposal systems, stormwater, wastewater treatment systems, and minimum flows and levels. Concerns have been expressed about some of the draft's proposals, timelines and costs by business and government groups, and the drafters of the bill have asked for suggestions and proposals to address the concerns. One of the principal issues

that have been raised is the potential cost of the proposed actions and requirements, and language in the draft that would require actions by local governments and utilities even if state funding were not provided. During the workshop, Senator Simmons indicated that there is a "plan B" draft in the works that addresses that concern, and again invited conversations, suggestions, amendments, and markups of the legislation. Another draft of the bill is expected in the next two weeks.

### **Water Projects**

*By: County Staff*

Deadlines were this week to submit water project requests to the House Committee on Natural Resource Appropriations. The County Submitted the following projects summarized below.

#### **Lake Region Infrastructure Improvement Projects:**

These projects will provide for the continued repair and restoration of water infrastructure in the Lake Region, ensuring the provision of high quality water delivery, which will protect the public health, safety and welfare of the citizens and businesses of the region and will promote additional regional economic development.

Project Cost: \$5,750,000  
Amount Requested: \$2,000,000 Local Match Amount: \$3,750,000

#### **Lake Worth Lagoon Initiative Projects:**

The proposed projects improve and protect the natural resources within Lake Worth Lagoon while promoting additional water quality improvements in the watershed.

Project Cost: \$4,150,000  
Amount Requested: \$2,075,000 Local Match Amount: \$2,075,000

#### **Loxahatchee River Preservation Initiative Projects:**

The proposed projects improve and protect the natural resources within the Loxahatchee River watershed while promoting water quality improvements and the restoration of habitat and hydrologic flows to the Loxahatchee River and Indian River Lagoon.

Project Cost: \$5,693,570  
Amount Requested: \$2,186,785 Local Match Amount: \$3,506,785

#### **Palm Beach County Lakes Restoration Program:**

These projects provide for habitat enhancement, nutrient removal, water quality, and monitoring improvements in the Chain of Lakes Region of Palm Beach County. The projects will benefit a Rural Area of Economic Concern in western Palm Beach County.

Project Cost: \$2,510,000  
Amount Requested: \$1,255,000 Local Match Amount: \$1,255,000

#### **Palm Beach County Living Shoreline Projects:**

These projects promote the restoration of natural estuarine shorelines and native plant habitat through the implementation of "living shorelines." The projects will stabilize sediments, provide uptake of nutrients and stormwater pollutants and stabilize wetland habitats.

Project Cost: \$1,300,000  
Amount Requested: \$650,000 Local Match Amount: \$650,000

#### **Reclaimed Water (SB 536 & HB 601)**

*By: Anfield Consultants*

**Background:** The DEP defines "reclaimed water" as water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility. In essence, water reuse involves taking domestic wastewater, giving it a high degree of treatment, and using the resulting

reclaimed water for beneficial, non-potable (non-drinkable) purposes, such as agricultural irrigation and wetland restoration. Using reclaimed water for these purposes in turn allows the state to conserve its potable fresh surface water and groundwater sources to serve residential needs. It also reduces reliance on more traditional wastewater disposal means, such as ocean outfalls and surface water discharge facilities, which may have an adverse environmental impact.

**Proposed Changes:** These bills would direct the Department of Agriculture and Consumer Services, in cooperation with the five water management districts, to conduct a comprehensive study on the expansion of the beneficial use of reclaimed water, including stormwater and excess surface water, and to submit a report of their findings to both the Governor's Office and Legislature no later than Dec. 1<sup>st</sup>, 2015. The report must address the following issues:

- Factors that prohibit or complicate the expansion of the beneficial use of reclaimed water, and how these factors might be mitigated or removed.
- The environmental, engineering, public health, public perception, and fiscal constraints of such an expansion, including utility rate structures for reclaimed water.
- Areas in the state where traditional water supply sources are limited and reclaimed water for irrigation or other uses is necessary.
- Possible permit incentives, such as extending current authorizations for long-term consumptive use permits for entities that substitute reclaimed water in place of traditional water sources that become unavailable or cost prohibitive.
- The feasibility, benefits, and costs of the infrastructure that would be needed to construct regional water storage installations on public and private land for reclaimed water, including collection and delivery mechanisms for uses such as irrigation, power generation, public water supply, wetland restoration, groundwater recharge, and water body flow augmentation.

**Update:** On Monday, the Senate Committee on Agriculture passed SB 536 with one amendment: Rather than DACS, it directs the DEP, in coordination with DACS, to conduct the study, with the cooperation of the five water management districts. **CS/SB 536** will next be heard in the Senate Committee on Environmental Preservation and Conservation, its last committee of reference. The House companion, **HB 601**, is in House Agriculture & Natural Resources Subcommittee.

### **Florida Retirement System**

*By: Ericks Consultants*

Senate Community Affairs voted 5-4 to narrowly submit as a committee bill, SB 7046, a proposal to reform the FRS system by introducing a "cash-balance" plan. New employees would have to choose between the cash balance plan or another type of investment plan. New non-special would no longer be eligible for the traditional FRS pension plan. New "Special Risk" employees – such as police/fire/corrections – would still be allowed to choose the defined benefit pension system. Current employees already participating in the FRS system before July 1, 2015 could remain in the traditional FRS pension plan. The opposition came from what appeared to be a lack of evidence to show the wisdom behind the changes. The sponsor indicated that studies were being conducted, however they were not yet completed. The sponsor painted a picture where retirees are not collecting what was promised to them and where market growth does not match unfunded liability.

### **Collective Bargaining (SB 816; HB 649)**

*By: County Staff*

SB 816 by Senator Rob Bradley and HB 649 by Rep. Travis Cummings (are companion bills that have been filed related to collective bargaining. This pair of bills provides that, for purposes of resolving all disputed impasse issues other than

wages, the elected constitutional officer (sheriff, tax collector, property appraiser, supervisor of elections, clerk of courts) is the "legislative body". In counties that have these elected constitutional officers, this pair of bills would have the effect of substituting the constitutional officer for the Board of County Commissioners in deciding disputed impasse issues other than wages. Wage impasse issues would still be decided by the BCC.

There is language in these bills providing that if a county charter expressly abolishes the sheriff, tax collector, property appraiser, supervisor of elections or clerk of courts and transfers the abolished officer's duties to another officer, then such officer shall decide all impasse issues other than wages.

Palm Beach County Staff has reviewed the legislation and is under the opinion that with the proposed changes, the BOCC is still the deciding authority on wage related issues and the bill does not present any major concerns at this point. We will continue to monitor and report to the Board of any changes in this interpretation of the legislation.

### **Wage Theft**

*By: County Staff*

Rep. Neil Combee filed HB 957 Monday related to local regulation of wage theft. HB 957 preempts any new local regulation of wage theft enacted on or after July 1, 2014 that exceeds the framework in the bill for a wage theft program through a legal services organization. HB 957 is the House companion bill to SB 926 filed earlier in February. This bill is primarily modeled after the program that Palm Beach County has put in place regarding wage theft.

### **Henry Flagler Memorial**

*By: County Staff*

SB 250 By Abruzzo which would establish a memorial statute of Henry Flagler to be displayed in the Capitol Courtyard to celebrate the life of one of Florida's most famous pioneers has cleared two of its Senate Committee stops and is pending a hearing in Senate Appropriations. Its companion, HB 131 by Hager, has not been placed on the agenda in its first committee yet. County staff and our lobby team met with the Chair of the first House committee and we are currently working with him to determine if there will be an opportunity for a committee hearing on the bill.

### **Agriculture Gleaning**

*By: County Staff*

Rep. Kevin Rader has agreed to file legislation to help tighten certain liability protections granted to farmers who allow individuals to come onto their fields to remove crops that would otherwise be left to perish. The bill is filed in response to some of the feeding organizations and food banks looking for additional ways to acquire more food for the clients they serve.

### **Tri-County Mayors Meeting**

*By: County Staff*

On Friday, February 14<sup>th</sup>, Mayor Priscilla Taylor of Palm Beach County, Mayor Carlos Jimenez of Miami Dade County, Mayor Barbara Sharief of Broward County met along with their legislative staff to discuss several state legislative issues of similar interest. The Mayors conceptually agreed to support a tri-county legislative agenda that included the following issues:

**SECTION 1: Regional Transportation.** Support a regional vision for transportation, heighten traffic efficiency, smooth flow of traffic on roads and highways, that;

- 1) Supports revenue fair share through legislative and DOT action that keeps 100% of managed lane revenue collected in South Florida in the area for local transportation projects, and;
- 2) Supports funding of quiet zones along the FEC corridor to mitigate impacts from the development of All board Florida and funding that would allow the development of a Beach Corridor Transit Connection in downtown Miami.

**SECTION 2: Economic Development.** Enhance the economic climate of South Florida through:

- 1) Film and Television Incentives- Support legislation and appropriations that allow for additional tax credits for film and television production and for the expansion of the Florida Film and Television Incentive Program.
- 2) Reauthorization of Enterprise Zones – Support the reauthorization of enterprise zones in Florida to continue the incentive program that contributes to job creation in some of our most disadvantaged areas.
- 3) Homelessness Resources- Support the creation of enhanced funding sources to help provide services and rapid re-housing to the growing number of homeless children, families, and individuals.

**SECTION 3: Natural Resources.**

- 1) Beach Management - Support appropriations for Beach Management that are directed to the Department of Environmental Protection's beach program.
- 2) Coastal Flooding - Support the Southeast Regional Climate Change Compact initiatives that would prioritize funding for climate-related programming to mitigate the increased occurrence of coastal flooding in South Florida.
- 3) Water Projects - Support legislation that enhances the development of alternative water supply sources and directs financial resources to qualified local water projects.
- 4) Everglades Funding - Support continued funding for the complete implementation of the Comprehensive Everglades Restoration Plan as fundamental to Everglades Restoration.

**SECTION 4: Home Rule, Preemption, Unfunded Mandates and Cost Shifts.**

Oppose any bills that would adversely affect or preempt local Home Rule;  
Oppose additional unfunded mandates and cost shifts.

## **Federal Issues**

### **Flood Insurance**

*By: Becker & Poliakoff*

U.S. House Majority leader Eric Cantor, R-Va., said late Wednesday that representatives would soon take up a measure to amend a 2012 law that dramatically raised rates under the National Flood Insurance Program, while warning that changes lay in store for the version recently green-lighted by the Senate.

In a brief statement Wednesday night, Cantor said the House would vote on an amended version of the Homeowner Flood Insurance Affordability Act on the week of Feb. 24, when Congress returns from the Presidents' Day recess.

The Senate voted Jan. 30 to put off mandated premium hikes and other adjustments to the government-backed flood insurance program, which is roughly \$24 billion in debt to taxpayers due in large part to disasters like Hurricane Katrina and Superstorm Sandy. The Senate bill would delay the rate hikes required under the Biggert-Waters Act until after the Federal Emergency Management Agency completes an affordability study, which would likely delay the rate hikes for four years.





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Paulette Burdick, Vice Mayor

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The House of Representatives released their flood insurance bill (as H.R. 3370) late Friday night. Major components of the bill are very similar to what we reported last week and include:

- Restores grandfathered rates & limits annual rate increase to 5%-15% of current premium until market rates are met;
- Eliminates home sale trigger for grandfathered policies (rates remain with property);
- Refunds excess premiums already paid (for those who were caught between enactment and implementation – about 11,000 property owners in Florida according to FEMA);
- Offsets addressed through an annual surcharge of \$25 for primary residences; \$250 for secondary residence or businesses;
- Allows states to regulate private flood insurance;
- Homeowners who successfully appeal remapping recover costs of appeal;
- Increases funding for FEMA to complete affordability study (from \$750K to \$2M);
- Allows for high deductible plan of \$10K.

**NACo Legislative Conference**

County Commissioners and staff will head to Washington DC next weekend for the National Association of Counties Annual Legislative Conference. Among the confirmed speakers for the general plenary sessions are US DOT Secretary Anthony Foxx and Interior Secretary Sally Jewell, U.S. House Transportation and Infrastructure Chair Bill Shuster (R-PA), U.S. House Natural Resources Subcommittee Chair Rob Bishop (R-UT), U.S. Senator Joe Manchin (D-WV), HUD Secretary Shaun Donovan, and Mike Allen, editor of Politico. Former U.S. Ambassador to China and former Utah Governor Jon Huntsman will also be joining Sen. Manchin at the Monday plenary session.

In addition several meetings have been planned to discuss the County's Federal Agenda with Agency and Congressional staff between Friday, Feb 28<sup>th</sup> and Monday, March 3<sup>rd</sup>.

**Upcoming 2014 Legislative Session Dates**

March 4, 2014	Legislative Session Convenes Bill Filing Deadline – 12:00 pm
March 5, 2014	Palm Beach County Day
March 27, 2014	Florida Association of Counties 2014 Legislative Day
May 2, 2014	Legislative Session Scheduled to Concludes