

# PBC Legislative Update



MARCH 10, 2014

VOLUME 7 NUMBER 6

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## First Week of Session Update

### State Issues

#### Palm Beach County Day

By: County Staff

Over 150 Palm Beach County participants headed to Tallahassee for the opening of session and Palm Beach County Day. Mayor Priscilla Taylor, Vice Mayor Burdick, and Commissioners Vana, Abrams, Berger, and Valeche all attended. For the second year in a row, County and Municipal governments, the School Board and the Economic Council partnered to develop a legislative program and jointly visited with over 45 elected members of the Florida Cabinet, Senate and House of Representatives. Among those visited by Palm Beach County Day participants were Lt. Governor Carlos Lopez-Cantera, CFO Jeff Atwater, Senate President Don Gaetz, Senate Appropriations Chair Joe Negrón, House Minority Leader and Leader-Elect Perry Thurston and Mark Pafford, House Appropriations Chair Seth McKeel, and PBC Legislative Delegation Chair and Vice Chair Pat Rooney and Lori Berman. Among items discussed were: film and television credits, sober homes, quiet zones, Glades transportation and water infrastructure, Palm Beach State College's western campus, criminal justice reforms, and economic development incentives.



Senate President Don Gaetz and Senate Appropriations Chair Joe Negrón meet with participants from Palm Beach County Day on March 5<sup>th</sup>

### **Rep. Magar Returns to the Capitol**

*By: Capitol News Service*

Less than two months after suffering a stroke, Rep. MaryLynn Magar, R-Tequesta, returned to the Capitol on Monday. Rep. Jose Oliva, a Miami Lakes Republican who is chairman of the House Select Committee on Health Care Workforce Innovation, welcomed back Magar during an afternoon meeting. Oliva said Magar told him after the stroke that she would return to Tallahassee from her district before the start of the annual legislative session. The session started Tuesday. Magar suffered what her office described as a "mild" stroke in January in Tallahassee. Magar was elected in 2012 in House District 82, which includes parts of Martin and Palm Beach counties.

### **Homelessness**

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

SB 786 passed its first committee of reference in the Senate this week. The bill would allow the existing local option sales tax to be used for homeless service and facilities. Up to a half cent could be authorized to fund homeless services and facilities if adopted by the governing board of a county and approved by the county's voters in a referendum. The bill would also allow a county to use proceeds and interest accrued from a local government infrastructure surtax for the maintenance of transportation infrastructure if voters approve an ordinance authorizing such use in a referendum. Broward and Palm Beach Counties supported the bill in its first committee with Palm Beach offering testimony to explain the mechanics and usefulness of the tax. The bill has three more committee stops before going before the full Senate. Its House companion has not yet been heard.

Additionally, Rep. Powell's bill on the homelessness count public record exemption passed its first Committee of reference this past week. His bill would provide a public records exemption for personal identifying information that could be used to adversely effect victims of sexual assault and domestic abuse.

### **Sober Homes**

*By: County Staff*

County Staff and Mayor Taylor met with Chair Gayle Harrell and her Committee staff to discuss changes to the proposed House sober homes bill. It has still not been scheduled for its first hearing in the House. Potential liability shifts from local governments to the State still remain a concern for her committee staff. Several suggestions have been explored such as a voluntary registration similar to the California model.

SB 582 by Senator Clemens has cleared its first committee of reference.

### **AG Holley Sale**

*By: The Moya Group and County Staff*

The sale of the AG Holley Hospital site in Lantana was unanimously approved at the Florida Cabinet on Thursday, March 6, 2014. The site was sold to a Boca Raton firm owned by developer Ken Endelson for more than \$15 million.

The firm is already working with planers to develop the 79.91acre site into a multi-use development expected to combine residential units with retail and commercial space.

### **Film and Entertainment Incentive Program**

*By: News Service of Florida*

On Monday, a \$300 million package to attract film and television companies to Florida was unanimously backed Monday by the Senate Commerce and Tourism

Committee. The Senate proposal (SPB 7056) also would move the state's Office of Film and Entertainment from the Department of Economic Opportunity to Enterprise Florida, the state's public-private business recruitment organization. "This is our big film package of the year," committee Chairwoman Nancy Detert, R-Venice, said. The package is intended to "entice people to make more movies, TV series and even build studios in Florida where I think, frankly, they belong as opposed to California, for example," Detert said. "We know who our competitors are, we know how much money they give. We would like to at least give enough money in tax incentives in order to be competitive. We'll never give the most." The money would be spread out at \$50 million a year over six years. The Legislature allotted \$296 million for incentives when a prior funding program was launched in 2010. However, the money was quickly doled out. A similarly intended House measure (HB 983 by Rep. Manny Diaz) proposes more than \$1 billion in tax credits, also spread over six years. The House bill has yet to be scheduled to appear before a committee.

### **Gaming**

*By: Corcoran & Johnston*

On Monday, the Senate Committee on Gaming workshopped three committee bills. The first bill, SPB 7050 on Gambling, proposes the creation of a new section of the State Constitution to require that additional gambling (other than gambling already authorized by the State Constitution) be authorized by constitutional amendment or legislative act approved by a majority of electors in the state voting in a statewide referendum.

The second bill under consideration, SPB 7052, titled Gambling, provides for the reorganization of Chapter 550 (Pari-Mutuel Wagering), Chapter 551 (Slot Machines), and Chapter 849 (Gambling). In addition, this bill creates a Joint Legislative Gaming Control Oversight Committee with jurisdiction on gaming control and state lottery, transfers the Division of Pari-Mutuel Wagering to a new Department of Gaming Control headed by a 5-member board appointed by the Governor, authorizes the Governor to negotiate amendments to the Seminole Gaming Compact subject to ratification by the Legislature, authorizes the Gaming Control Board to issue "invitations to negotiate" for awarding one destination casino resort in Miami-Dade County and one in Broward County, updates specifications and prize limits for amusement games/machines, provides for injury reporting at greyhound tracks or kennels, and requires a greyhound racing facility operating a cardroom to conduct a full schedule of live races.

The final bill discussed, SPB 7054, relating to Public Records/Gaming Control, creates a public records exemption for proprietary confidential information submitted in an application for licensure or renewal by a destination casino resort owner/operator, supplier, or manufacturer.

### **Wage Theft**

*By: Ericks Consultants and Corcoran & Johnston*

The Senate Community Affairs approved a bill, SB 926 that would preempt all county wage theft ordinances and institute a uniform model based upon Palm Beach County's ordinance. Union representatives and Legal Services opposed the bill, while industry and business representatives attended the meeting in support. The bill has two committees left before going before the full Senate. Its House companion has three more committees before going before the full House.

### **County Parks**

*By: Ericks Consultants and Corcoran & Johnston*

Senate Community Affairs approved SB 378 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 an additional committee stop before going before the full Senate. Its House companion still has yet to be heard by its first committee.

### **Special Needs Shelters Registry**

*By: Ericks Consultants*

HB 709 would establish a research grant program for Alzheimer's, create performance based funding for memory clinics and more would also centralize local emergency management registries for Special Needs Shelters into one online registry provided by the Department of Emergency Management. Local agencies would be required to provide the online registration on their websites and the DEM is required to provide access to the registry to the local agencies. The bill passed its first of three House committees of reference. Its Senate companion was Temporarily Postponed in its first committee

### **Ethics**

*By: Ericks Consultants and Corcoran & Johnston*

The Senate Ethics bill, SB 846 by Sen. Latvala, continues to move as the Senate Community Affairs committee approved the bill this week. The bill 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. An amendment that would prohibit any county or municipal officials from lobbying the Legislature for interests other than those of their subdivision was withdrawn.

### **Local Preference Preemption**

*By: County Staff and Miami Dade OIA*

Rep. Erik Fresen (R – Miami) filed HB 1281 regarding local preference on Sunday. HB 1281 amends chapters 255, 283 and 287 to provide a preference for "local businesses" in the award of competitively bid contracts that applies to counties. The definition of "local business" is a business within the State of Florida, either a principal place of business in Florida or at least 60 percent of employees in Florida.

HB 1281 provides that when a business that is not a Florida business is the lowest responsive bidder, and a Florida business is no more than 10 percent above the lowest bid, then the Florida business and the low bidder must be given an opportunity to submit a best and final bid equal to or lower than the amount of the lowest bid.

### **Chauffeured Limousine Preemption**

*By: County Staff*

Rep. James Grant (R – Tampa) filed HB 1389 regarding chauffeured limousines this week. HB 1389 is the House companion bill to SB 1618 filed late last week. The bill would preempt regulation of chauffeured limousines to the state. See the bill in the link to HB 1389: <http://static.lobbytools.com/bills/2014/pdf/1389.pdf>

### **Water Quality**

Environmental groups on Thursday filed a notice in federal court that they are appealing a federal judge's order in January siding with Florida and the U. S. Environmental Protection Agency on their agreement in 2013 allowing the state to set pollution standards in waterways.

### **Transportation (CS/SB 218 & HB 345)**

*By: Anfield Consulting*

This legislation makes changes to statutes regarding installations alongside road and rail-way corridors; the first deals with relocation costs for utilities based alongside or over a public roadway or rail-corridor in the event such utilities may interfere with required maintenance, use, expansion, repair, or extension of said corridors. The second deals with the permitting and regulation of certain highway signs.

On Wednesday, the Transportation & Economic Development Appropriations Subcommittee passed **HB 345** without amendment. **HB 345** will next be taken up in the House Economic Affairs Committee, its last committee of reference. The Senate companion, **CS/SB 218**, was TP'd in Senate Appropriations

### **HB 7023 - Economic Development**

*By: Anfield Consulting*

This bill touches on a number of issues, among them transportation concurrency, the Small Cities CDBG Program, and rural areas deemed to be of "critical economic concern"

This bill would create a new exemption for certain developers. It would prohibit a local government from applying transportation concurrency within its jurisdiction, or requiring a proportionate-share for a new business development, before July 1, 2017, unless authorized by majority vote of the local government's governing authority. This provision would not apply to proportionate-share contributions or construction assessed on an existing business development before July 1, 2014; or any new business development that consists of more than 6,000 square feet and which is classified as nonresidential.

This bill would also revise the term "rural area of critical economic concern" to "rural area of economic opportunity" to reflect the changing focus of the Rural Economic Development Initiative.

The House Transportation & Economic Development Appropriations Subcommittee passed **HB 7023** on Wednesday. The bill will next go before the House Economic Affairs Committee, its last committee of reference.

### **Parasailing**

*By: Ericks Consultants*

HB 347 regarding parasailing regulation passed its second House committee unanimously this week. It is now in its final committee of reference. Its Senate companion by Sen. Maria Sachs will be heard Monday in its second committee of reference.

### **Yellow Dot Program**

*By: Ericks Consultants*

HB 17 and 19 by Rep. Irv Slosberg that would allow counties to create a Yellow Dot Motorist Medical Information program, which would assist emergency medical professionals in better servicing motorists involved in accidents by informing them of current medical conditions and medications of the participants, passed its second of three House committees this week. Its Senate companion is already before the full Senate. Meanwhile, a related bill that would exempt medical information associated with the program from public record also passed its second of three committees. Its Senate companion by Sen. Joseph Abruzzo is in its third of four committees of reference.

## **Child Safety Devices**

*By: Ericks Consultants*

SB 696, a bill that would require booster seats for children ages 4 through 6 passed its first of three committees this week.

## ***Upcoming Meeting***

### **Tri-County Mayors Meeting in Tallahassee**

*By: County Staff*

On Thursday, March 13<sup>th</sup> the Vice Mayor Paulette Burdick will travel to Tallahassee to join the Mayor's of Miami-Dade and Broward Counties to discuss the tri-county legislative agenda. 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 passenger rail and the 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

### **Army Corps of Engineers Work Plan Includes Palm Beach County Funding**

*By: County Staff*

This week the Army Corp of Engineers released their FY 2014 work plan.

Funding in the plan was included for Palm Beach Shore Protection Project got the full \$12.2 million we were requesting. These dollars are reimbursement funds for several of the projects we have been working on including Jupiter, Ocean Ridge, Delray Beach and Boca Raton.

County Staff and Jim Davenport from our lobby team met with Stacey Brown at the Corps office in Washington DC last Friday to make one final request for the funding before the work plan was released. We appreciate her support for our important beach projects in Palm Beach County.

### **President Releases FY2015 Budget Request**

*By: Miami-Dade OIA*

On Tuesday, President Obama released his Fiscal Year 2015 Budget. The President released the following statement:

*"The budget I sent Congress this morning lays out how we'll implement this agenda in a balanced and responsible way. It's a roadmap for creating jobs with good wages and expanding opportunity for all Americans. And at a time when our deficits have been cut in half, it allows us to meet our obligations to future generations without leaving them a mountain of debt.*

*"This budget adheres to the spending levels that both parties in both houses of Congress already agreed to. But it also builds on that progress with what we're calling an Opportunity, Growth and Security Initiative that invests in our economic priorities in a smart way that is fully paid for by making smart spending cuts and closing tax loopholes that right now only benefit the well-off and the well-connected."*

Pertinent to Palm Beach International Airport in the budget are items relating to salaries, benefits, and operating costs for 21,370 Border Patrol agents and 25,775 CBP officers. The Budget also includes resources to complete the hiring of up to 2,000 new Customs and Border Protection officers which commenced in FY 2014, and an additional 2,000 officers funded by fees in FY 2015, resulting in faster processing and inspecting of passengers and cargo at U.S. ports of entry.

For more information on the FY2015 Budget please use the following link: <http://www.whitehouse.gov/omb/budget>

### **Flood Insurance Bill Passes House**

*By: Alcalde and Faye*

Late Tuesday, the House approved the Homeowner Flood Insurance Affordability Act (H.R. 3370) that would reform the National Flood Insurance Program (NFIP) by easing several flood insurance premium increases associated with last year's enactment of the Biggert-Waters Act. The House Republican Leadership ultimately chose to bypass the normal Committee proceedings and bring the bill directly to the floor for consideration by the full House, where it passed with overwhelming bipartisan support by a vote of 306 to 91 (*121 Republicans and 117 Democrats voted in favor*). This action follows earlier Senate approval of its flood insurance bill, S. 1926, by Senator Robert Menendez (D-NJ), which previously passed on January 30<sup>th</sup>.

While originally scheduled for a vote last week, the House Republican leadership pulled the compromise reform bill after it became clear that continued opposition



**Palm Beach County**

**Board of County**

**Commissioners**

Priscilla A. Taylor, Mayor

Paulette Burdick, Vice Mayor

Hal R. Valeche

Shelley Vana

Steven L. Abrams

Mary Lou Berger

Jess R. Santamaria

**County Administrator**

Robert Weisman

**Palm Beach County  
Legislative Affairs**

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

**Todd J. Bonlarron  
Director**

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

**Fax**  
(561) 355-3982

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

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from many House conservatives, including Financial Services Committee Chairman Jeb Hensarling (R-TX), would have prevented the bill from reaching the two-thirds margin required to pass the bill under suspension of the rules. Following this decision, the leadership began direct negotiations with Congresswoman Maxine Waters (D-CA), Ranking Member of the House Financial Services Committee, to make additional modifications to the bill. The bipartisan coalition was ultimately able to finalize a modified version of the reform bill capable of garnering enough support from Democrats so as to outweigh opposition from House conservatives and pass with a two-thirds majority, and which could also then clear the Senate.

Of note, the House-passed bill restores NFIP subsidized premium rates for "grandfathered" policies, while the Senate bill delays these premium increases for up to four years. The Biggert-Waters Act would have required a five-year phase in of these rates, at 20 percent per year, until actuarial rates were met; however the House bill's provision would mean that properties insured by the program would permanently pay rates based on the flood zone designation when the property was built, even if floodplain mapping later re-designates the property in a higher-risk category.

With regard to FEMA's authority to increase annual rates, which Biggert-Waters increased from 10 to 20 percent, the House bill would require rates to rise at an average of 5 percent per year (*minimum*), while only allowing for a 15 percent annual rate increase for each of the property categories listed by FEMA until actuarial rates are met; individual policyholder rate increases are capped at 18 percent. The modified bill also applies an annual surcharge of \$25 for primary residences and \$250 for second homes and businesses, until those subsidized policies reach full risk rates. These funds would be placed in the NFIP reserve fund as an offset to meet future needs of the program.

At this time it remains unclear if the Senate will seek to negotiate with the House on a final compromise bill, or simply vote on the House-passed version.

**Quiet Zones**

*By: County Staff*

County Staff met with Congresswoman Lois Frankel and her staff on Friday regarding quiet zone upgrades to crossing along the FEC corridor in anticipation of All Aboard Florida train service on the rail line. Additionally, the County continued its request to the legislature this week to fund \$7.6 million toward \$14 million of quiet zones upgrades along the rail line in Palm Beach County. A federal TIGER grant application from the Broward and Palm Beach MPOs will be submitted in the next couple months.

**NACo Legislative Conference**

County Commissioners and staff traveled to Washington DC Friday, Feb 28<sup>th</sup> - Monday, March 3<sup>rd</sup> for the National Association of Counties Annual Legislative Conference.

**Upcoming 2014 Legislative Session Dates**

March 27, 2014 Florida Association of Counties 2014 Legislative Day

May 2, 2014 Legislative Session Scheduled to Concludes