

PBC Legislative Update



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Final Week of the 2013 State Legislative Session

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State Issues

Final Week of the 2013 State Legislative Session

Budget

By: Ericks Consultants, Anfield Consulting, Corcoran & Johnston, Pittman Law Group

The Legislature passed a \$74.49 Billion budget on the last day of session. Below are some of the budget highlights for Palm Beach County.

TOTAL BUDGET **\$74.49 B**

Environment and Nat Res

Florida Forever – Statewide	\$ 70,000,000
Water Projects- Statewide	\$ 58,000,000
JW Corbett Levee	\$ 4,000,000
Glades Utility Water Infrastructure	\$ 1,000,000
Lake Worth Lagoon Initiative	
Lake Park Seagrass	\$ 125,000
Monastery Artificial Reef	\$ 150,000
North Palm Beach Living Shoreline	\$ 100,000
Monitoring & Admin	\$ 100,000
Loxahatchee River Initiative	\$ 1,300,000
Riviera Beach Water and Projects	
West 18 th Stormwater Laterals	\$ 500,000
West 6 th Stormwater	\$ 500,000
Lake Park Lake Shore Drainage	\$ 200,000
Everglades Restoration	\$ 70,000,000
Beach Restoration – Statewide	\$ 26,770,992
Jupiter Carlin	\$ 2,500,000
North Boca Raton	\$ 790,000
Ocean Ridge	\$ 1,114,000
Inlet Management	\$ 1,992,800
Singer Island	\$ 550,000
Coral Cove	\$ 150,000

Total Maximum Daily Loads	\$ 9,385,000
Petroleum Tank Clean Up	\$ 125,000,000

Criminal Justice

PB Sheriff Prevention Intervention Plan	\$ 1,000,000
State Attorney – Additional Insurance	
Fraud Prosecutors (4)	\$ 287,400
PILT - Sago Palms	\$ 142,900
Council on Status of Black Men and Boys	\$ 100,000

Transportation and Eco Dev

Transportation Disadvantaged	\$ 112,000,000
Glades Street Funding	\$ 1,000,000
Torrey Island Master Plan	\$ 75,000
Libraries	\$ 23,200,000

Education

Palm Beach State College Lox Campus	\$ 6,500,000
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Health and Human Services

Scripps Florida	\$ 100,000
Bethesda Hospital – Medicaid Payments	\$ 3,629,325
PACE – Elder Care – Additional 100 slots - PBC	\$ 724,102
FHO – Rural Oral Health – PBC	\$ 250,000

Citizens Insurance

The Senate voted 32-1 to send to Gov. Rick Scott a bill (SB 1770) designed to shed more than one-seventh of the policies to private insurers, retain existing rate caps, and internally improve the state-backed agency.

The measure creates an inspector general, prohibits coverage for new structures closest to the beach, requires that policy holders sign a statement that acknowledges an understanding of their liability risk, and establishes a clearinghouse with the intention of shifting more than 200,000 of the least risky policies into private hands.

It has been argued that the clearinghouse will allow policyholders to find more comprehensive coverage at a lower price in the private market and that reduces the chance for higher assessments to policy holders in the event of a major storm.

Among the Senate proposals that were discarded when the House language replaced the Senate's: lifting of Citizens' exemption from bad faith litigation; requiring all non-residential policies to be actuarially sound; letting surplus line carriers – companies that are not required to have their rates approved by the Florida Office of Insurance Regulation – participate in the clearinghouse; requiring members of the Citizens board of governors to be confirmed by the Senate; and changing Citizens' president from a board of governors' appointment into an executive director position selected by the Governor and Chief Financial Officer.

The maximum value of property coverage will be \$700,000 under the new changes.

Medicaid County Cost Share

By: FAC and County Staff

On Tuesday, April 30, the budget conference chairs agreed to add language modifying the county-state Medicaid cost sharing relationship to SB 1520, the Medicaid conforming bill. The agreed-upon language and cost-sharing formula represents a compromise between SB 1884, which passed the full Senate on April 29, and the House proposal, which was never formally released as a bill or heard in committee.

- SB 1520 creates a seven-year transition period to move counties from the current billing process to paying based on their respective percentage shares of Medicaid-enrolled Florida residents.
- SB 1520 modifies county Medicaid billing in the following manner:
 1. **Years 1-2:** Sets the total county contribution at \$269.6M in FY 2013-14, and \$277M in FY 2014-15. For these two years, individual county contributions are based on actual collections, as a percentage of the total contribution, during 2012-13. For Palm Beach County the contribution rate would rise from \$14.83 million to \$15.9 million for each of these two years.
 2. **Years 3-7:** Provides that beginning in FY 2015-16, the total county

contribution will grow at 50 percent of growth in state Medicaid expenditures, which are defined as those state expenditures used as matching funds for the federal Medicaid program.

3. During these five years, individual county shares will transition from being based on actual 2012-13 collections to being based solely on Medicaid enrollment by FY 2019-20 using a weighted approach (80% payment-based/20% enrollment; 60% payment-based/40% enrollment, etc.) For Palm Beach County, our Medicaid costs would be reduced by approximately .9% each year for a total payment in 2020 of \$15.18 million.

Flexible Payment: The bill allows counties to pay their individual contributions in monthly installments, from a revenue source of their choosing; however, if a county does not remit payment by the 5th day of the month, the bill directs the DOR to reduce that county's half-cent sales tax distribution by the amount of the monthly installment.

The bill passed the House by a 79-38 vote and the Senate 33-6.

Sober Homes

By: County Staff

During the 2013 Legislative Budget process, the House and Senate agreed to add proviso into the budget to allow the Department of Children and Families to utilize funds to develop a plan to establish a licensure/registration process for sober home facilities and their operators. This study will include the number of sober homes operating in Florida, identify concerns in connection with the operation of these facilities, and study the impact on sober house residents and surrounding neighborhoods. The Department will also examine the feasibility of licensing, regulating, registering, or certifying sober homes and their operators. The Florida Alcohol and Drug Abuse Association and local governments will also be included, as the Department must consult with them and others to discuss this issue. A plan must be submitted to the Governor, President of the Senate, and the Speaker of the House of Representatives by no later than October 1, 2013.

We anticipate that this plan will create more discussion and legislation relating to sober home facilities and their operators before the start of next session.

Juvenile Detention Cost Reduction

By: County Staff

The House agreed to the Senate's position during budget conference meetings so Counties will have a \$2,730,998 statewide reduction in the amount we are required to pay the state for juvenile detentions costs.

Elections

By: Ericks Consultants and County Staff

HB 7013 by Rep. Boyd (Senate Companion was SB 600 by Sen. Latvala) was bounced back and forth between the House and Senate the last week of Session due to a number of amendments that were added to the bill. The bill gives supervisors of elections more discretion in setting early voting days (minimum of 8 and a maximum of 14) and more options for early voting locations. It also limits the amount of words on ballots, allows for late voter registration, and imposes a time limit on counting early voting results, as well as other provisions related to absentee ballots and canvassing boards. One of the amendments that was added expands the late voter registration provisions for military voters to include voters who have returned from a "military deployment" or "activation," as opposed to a *combat zone* or *forward-deployed area*. We thank Elections Committee Chair Jack Latvala and Vice Chair Jeff Clemens for including language in the bill that moves the ADA requirement date for system compatibility from 2016 to 2020. That provision would save Palm Beach County between \$14-\$15 million dollars over the next two fiscal years. The effective date of the bill was moved from July 1, 2013 to January 1, 2014. It is now on its way to the

Governor for approval.

Campaign Finance

By: Ericks Consultants and County Staff

On May 1st, the Governor signed HB 569 by Rep. Schenck into law. The legislation allows for the following individual contribution limits: \$1,000 for local and legislative races, and \$3000 for statewide races. Candidates will be required to file finance reports much more frequently, and incumbents are allowed to retain \$20,000 to be used in their next race for the same seat. Committees of Continuous Existence (CCEs) will no longer exist, but candidates or organizations can have Political Committees, which can collect money and use those dollars on advertising and/or other campaign expenses.

National Mortgage Settlement

By: The Moya Group

SB 1852 by Sen. Gardiner was heard and passed the House and Senate. It appropriates \$200,080,474 to several state entities for various housing and foreclosure related programs and services. Florida Housing Finance Corporation would receive \$120 million of the \$200 million to support their affordable housing programs. SB 1852 appropriates the following:

- \$9 million to the Florida Prepaid Tuition Scholarship program to fund the Take Stock in Children, Inc. to purchase 2 year dormitory residence and advance payment contracts for eligible students who are in grades 10 and 11.
- \$5 million to State Courts to provide technology solutions that expedite foreclosure cases.
- \$16 million to State Courts to provide supplemental resources to reduce backlog of pending foreclosure cases.
- \$9.7 million to the Clerks of the Court to expedite backlogged foreclosure cases.
- \$10 million to the Office of Attorney General to contract with Legal Aid to provide legal services to low-income and moderate-income homeowners facing foreclosure.
- \$10 million to the Department of Children and Families for capital improvement grants to certified domestic violence centers.
- \$20 million to the Department of Economic Opportunity to provide a grant to Habitat for Humanity of Florida to provide housing to low-income applicants.
- \$50 million to the Florida Housing Finance Corporation (FHFC) to provide funding to reduce rents on new or existing rental units through the State Apartment Incentive Loan Program (SAIL).
- \$10 million to FHFC to fund the construction or rehabilitation of units through the SAIL program.
- \$40 million to FHFC to fund the State Housing Initiative Program (SHIP) and allocate the funding to eligible counties and cities.
- \$10 million to FHFC to fund a competitive grant program to provide housing for the homeless.
- \$10 million to FHFC to fund a competitive grant program for housing developments designed for those with developmental disabilities.

This bill is now on its way to the Governor for his signature.

Texting While Driving

By: County Staff

Senate Bill 52 prohibits the operation of a motor vehicle while manually typing, sending or reading data on a wireless communication device. The legislation does make an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message.

The first violation would be a secondary offense and punishable as a nonmoving violation with a fine of \$30 plus court costs that vary by county. A second violation committed within 5 years after the first violation would be punishable by a \$60 fine plus court costs.

The Senate concurred with an amendment that the House placed on SB 52 that would restrict the admissibility of a person's cell phone billing records when determining whether a violation was committed, to only those cases where a crash resulting in a death or personal injury occurred.

The bill is now on its way to the Governor's desk for his signature.

Juvenile Justice Advisory Boards & Councils

By: County Staff

HB 617 by Rep. Pilon (and SB 676 by Sen. Evers) passed in the Senate as one of the last bills to be heard in the 2013 Session and was the first part in what will be a major overhaul of Florida Statute Chapter 985, which governs most of the Department of Juvenile Justice's activities. The bill now heads to the Governor's office.

Currently, Florida Statute authorizes the creation of 20 Juvenile Justice Circuit Boards and 67 Juvenile Justice County Councils. Twenty circuit boards and 44 county councils are currently active while 23 have been disbanded for a variety of reasons. In an effort to streamline reporting requirements to DJJ, DJJ made consolidating these 87 different boards one of its legislative priorities for the year.

HB 617 will allow multi-county circuits to form one Circuit Board but still allow those counties within a circuit to form a county board; however, the county board would report to their circuit board. Since Palm Beach County has only one county within the 15th Judicial Circuit, the impact of the legislation should not be felt too greatly here.

In addition to the number of boards created statewide, the legislation also outlines the makeup of the board and allows DJJ to have final approval over the board chair and members. DJJ has emphasized that it has no desire to micromanage the makeup of these boards, but desired some mechanism to intervene for circuits that have been experiencing problems with its membership.

Purchase of Firearms by Mentally Ill persons

By: County Staff

Despite a Legislature that has generally been opposed to any sort of gun control, HB 1355 by Rep. Watson (SB 1000 by Sen. Gibson) passed out of the Legislature and is headed to the Governor's office. If signed into law, this legislation would restrict the ability of a person who has been involuntarily committed under Florida's Baker Act laws from purchasing a gun. Current Florida Statute denies the ability of a person committed to a mental institution from purchasing firearms; therefore, this legislation broadens the definition to include those examined under the Baker Act who subsequently voluntarily committed themselves for either inpatient or outpatient treatment so long as certain criteria by an examining physician have been met. Furthermore, a person meeting these requirements would also be prohibited from receiving a concealed weapons permit or, if they already possess such a permit, it would be revoked or suspended.

Pretrial Detention

By: County Staff

The House concurred with an amendment that had been added to Rep. Eagle's HB 7035 in the Senate to match up with the Senate companion, SB 1372 by Sen. Bradley. The final piece of legislation authorizes the court to order pretrial detention if:

- The defendant was previously sentenced, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal or the state attorney files a notice seeking that the defendant be sentenced as such;
- A substantial probability exists that the defendant committed the current crime charged; and

- The court finds that no conditions of release can reasonably protect the community from risk of physical harm or ensure the defendant's presence at trial.

When determining whether to release a defendant on bail or other conditions, the court must consider whether the defendant is required to register as a sexual offender or sexual predator. If so, the defendant is not eligible for release on bail or bond until the first appearance on the case. This bill is now heading to the Governor's desk for his signature.

Homelessness Funding

By: County Staff and Ericks Consultants

HB 93 by Rep. Reed (SB 402 by Sen. Joyner) relating to Homelessness passed the Legislature in the final week. The legislation, if signed, would create a new voluntary donation check-box on license or vehicle registration renewals or first time applications. The funds would go to the newly created homeless prevention grant program to provide emergency financial assistance to families facing the loss of their home due to a financial or other crisis. This grant program would replace the current emergency assistance program. Administrative costs to run the new homeless prevention grant program would be capped at 8 percent to maximize the amount of funding available for the grants. If signed into law, it would be effective July 1, 2013.

Public-Private Partnerships (HB 85)

By: Anfield Consultants

This bill was a priority of the Governor and is intended to provide public agencies with an additional tool for the implementation, maintenance and operation of capital improvement projects.

Section 1 Amends s. 255.60, F.S., to authorize public-private partnerships (PPPs) to enter into special contracts for public service work with non-profit organizations. The expansion will allow PPP arrangements regarding the preservation, maintenance, and improvement of park land, so long as the property comprises at least 20 acres with contiguous public facilities that are capable of seating at least 5,000 people in a permanent structure; and would apply to public education buildings as well, so long as the building is at least 90,000 square feet.

Section 2 Creates s. 287.05712, F.S., establishing a more expansive public-private partnership program along the lines of the one currently employed by FDOT.

Section 3 Allows counties to enter into public-private partnership agreements, and to receive competitive bids, both solicited and unsolicited, for construction and improvement of county roads, provided that it:

- (a) Is in the best interest of the public.
- (b) Would only use county funds for portions of the project that will be part of the county road system.
- (c) Would have adequate safeguards to ensure that additional costs or unreasonable service disruptions are not realized by the traveling public and citizens of the state.
- (d) Upon completion, would be a part of the county road system owned by the county.
- (e) Would result in a financial benefit to the public by completing the subject project at a cost to the public significantly lower than if the project were constructed by the county using the normal procurement process.

The section also establishes notice requirements regarding any project.

Agricultural Lands (HB 203)

By: Anfield Consultants

In 2003, the Legislature passed the Agricultural Lands and Practices Act, which prohibits counties from passing ordinances regulating, prohibiting, restricting, or otherwise limiting the agricultural activities of a bona fide farm or farm operation on land classified as agricultural if those activities are already regulated by a state or federal agency. The intent of the act is to protect growers from potentially duplicative ordinances passed by local governments. The Everglades Protection Area is excluded from the Act's provisions.

Community Transportation Projects

By: Ericks Consultants and Anfield Consultants

Provides clarifying language to s. 163.3180(5)h (which provides requirements for transportation concurrency) that local governments that continue to implement a transportation concurrency system, "whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, laws of Florida, or as subsequently modified, must" comply with the requirements of that section.

The bill also provides that a local government may accept contributions from multiple applicants for planned improvements, if it maintains a separate account designated for that purpose.

The bill also provides that if a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in s. 163.3180(5)f.

Such alternative mobility funding system may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency.

Consumptive Use Permits for Alternative Water Supplies (SB 364)

By: Anfield Consultants

The bill amends s. 373.236(5), F.S., to add a new subparagraph (b). That paragraph allows applications for permits for the development of alternative water supply to have a term of at least 30 years, if there is sufficient data to provide reasonable assurance that permit conditions will be met for the duration of the permit.

If, within seven years after a permit is granted, the permittee issues bonds to finance the project, completes construction of the project, and requests an extension of the permit duration, the permit shall be extended to expire upon the retirement of the bonds or 30 years after the construction project is complete, whichever occurs later. However, a permit's duration may not be extended by more than 7 years beyond the permit's original expiration date.

Growth Management (HB 537)

By: Anfield Consultants

This bill is the latest chapter in the "Hometown Democracy" movement that has attempted to require local referenda for the approval of certain developments.

HB 537 amends s. 163.3167(8), F.S., which prohibits an initiative or referendum process in regard to any development order or plan amendment or map amendment. The bill allows an initiative or referendum process in regard to a local comprehensive plan amendment or map amendment that affects more than five parcels of land if it is expressly allowed by specific language in a local government charter that was lawful and in effect on June 1, 2011; and provides that a general local government charter provision for an initiative or referendum process is not sufficient.

The bill also provides that it is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order, and in regard to any local government comprehensive plan or map amendment, except as specifically and narrowly permitted in the bill. The bill provides language that the prohibition is intended to be remedial in nature and applies retroactively.

The bill also repeals section 4 of chapter 2012-75, Laws of Florida, retroactive to June 30, 2012. That provision was adopted last year in an attempt to address a specific circumstance and development in St. Johns County related to the development of an agricultural enclave.

Environmental Regulation (HB 999)

For the second year in a row the Legislature passed a comprehensive environmental regulation omnibus bill that addresses many and varied natural resource management and regulatory issues. The bill consists of 24 sections. Below are several of the sections Palm Beach County played a role in negotiating with the bill sponsor and interested parties.

Development Permit Applications by Local Governments

- Sections 2 and 3 – Amend ss. 125.022 and 166.033, F.S. to place restrictions on how many times a county or city may request additional information from a development permit applicant, unless waived in writing by the applicant, and increase the level of internal review and approval for each succeeding request. Before a third request for information, an applicant must be offered a meeting to try to resolve outstanding issues.

Activities on Sovereignty Submerged Lands

- Section 5 – Amends s. 253.0345, F.S. to make changes to special events submerged lands leases for boat shows, to extend the period of a particular event from 30 to 45 days, and provides for a permit duration for such periodic events of 10 years. The provision also provides for lease fees to be based on the period and actual size of preempted area used during the special event, and for the leases to allow reconfiguration of the temporary structures within the lease area with notice of the configuration and size of the preemption to the DEP.
- Section 6 – Amends provisions of s. 253.0346, F.S., regarding lease of sovereignty submerged lands for marinas, boatyards, and marine retailers, to establish discounts for clean marinas open to the public, and for clean boatyards, or clean marine retailers.
- Section 7 – Amends s. 253.0347, F.S., regarding leases of sovereign submerged lands for private residential single family and multifamily docks and piers, and makes changes to lease fees for single family and multifamily residential private docks.

Construction of Marinas and Mooring Fields

- Section 8 – Amends s. 373.118, F.S., to provide for general permits and delegation of permits for mooring fields of not more than 100 vessels.

Development Permits (HB 7019)

By: Anfield Consultants

Although this bill started off as a package of technical measures relating to the Division of Emergency Management, it went through so many amendments during committee process that much of that original language is gone and it now serves as a vehicle for five provisions that were removed from other bills moving through the process and placed in HB 7019 in the hopes that they would pass.

One provision in the bill related to Communications Facilities for High-Speed Rail is contained in sections 4, 5, 6 and 7 creating an application and permitting process for the construction of communication facilities for high-speed rail, along with legislative intent and definitions towards this purpose. Communications facilities tied to high-speed rail may only be used to provide data services for passengers, crew, and other personnel tied to the rail. This language would preempt local governments from regulating these types of facilities along the rail corridor.

Everglades Improvement and Management (HB 7065)

The SFWMD, DEP, and EPA engaged in technical discussions starting in 2010 and reached a consensus on new strategies for further improvement of water quality in America's Everglades in 2012. These agreed upon strategies will expand water quality improvement projects to achieve the low phosphorus water quality standard established for the Everglades.

The bill amends Everglades Forever Act (EFA) which is the primary Florida law pertaining to the management, protection, and restoration of the Everglades to:

- Provide a legislative finding that implementation of BMPs, funded by the owners and users of land in the EAA, effectively reduces nutrients in waters flowing into the Everglades Protection Area.
- Update the definition of the "Long Term Plan" to include the South Florida Water Management District's (SFWMD's) "Restoration Strategies Regional Water Quality Plan" dated April 27, 2012, in addition to the SFWMD's "Everglades Protection Area Tributary Basin Conceptual Plan for Achieving Long-Term Water Quality Goals Final Report" dated March 2003.
- Require the District, after completion of all projects and improvements in the Long-Term Plan, to complete a use attainability analysis to determine if those projects and improvements will achieve the water quality based effluent limits established in permits and orders authorizing the operation of those facilities.
- Extend the annual Everglades agricultural privilege tax and provides the varying amounts of the tax through 2035; and the amount from 2036 and thereafter; and provide that proceeds from the tax shall be used for the Long-Term Plan.
- Provide that from Fiscal Year 2013-2014 through to the FY 2023-2024, the sum of \$12 million dollars in recurring general revenue and \$20 million recurring funds from the Water Management Lands Trust Fund be appropriated to the DEP towards the Restoration Strategies Regional Water Quality Plan.

Living Wage Preemption

By: Ericks Consultants, County Staff

After several passes between the two Chambers, HB 655 passed the Senate, 25-13 and the House 76-41. The bill would not affect living-wage ordinances in South Florida counties that provide for a higher living wage for employees and contractors doing business with the county. It reserves to the state authority to set standards for health care, including sick leave, vacation time, disabilities and death benefits. It also sets up a task force to study and recommend a statewide policy for sick leave.

The original filed bills pre-empted local ordinances on sick leave, saying it could put a city or county at a competitive disadvantage.

DHSMV – Red Light Cameras

By: Ericks Consultants

The Legislature passed HB 7125, the Department of Highway Safety and Motor Vehicles. The bill contains a provision that prohibits red light cameras from issuing right on red violations, and provides for an extended red light camera hearing process.

Criminal Justice Commission

By: The Moya Group and County Staff

The House passed HB 361 by Rep. Kerner by a unanimous vote of 112-0. It was substituted for SB 1042 by Sen. Abruzzo on Thursday and passed out of the Senate by a vote 35-1 (the one no vote was later changed to a yes vote). This legislation provides an exemption from public meeting requirements for that portion of a meeting of a duly constituted criminal justice commission at which specified members of the commission discuss active criminal intelligence information or active criminal investigative information currently being considered by, or which may foreseeably come before, the commission. It is now waiting to be signed into law by the Governor.

Animal Care & Control

By: County Staff

On April 11th, the House and Senate unanimously passed SB 674 by Sen. Montford, legislation relating to animal shelters and animal control agencies. This legislation requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. Senate Bill 674 was signed into law by the Governor on Wednesday, April 24th.

Animal Cruelty

By: County Staff, The Moya Group and Ericks Consultants

On April 17th, HB 851 by Rep. Moskowitz was heard and passed by the House by a unanimous vote of 118-0 and the Senate passed it by a unanimous vote of 35-0. This legislation specifies that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal or many animals may be charged with a separate offense for each act. This bill also makes it a second degree misdemeanor for a person to dye or artificially color animals under 12 weeks of age, or fowl or rabbits of any age; bring dyed or artificially colored aforementioned animals into the state; or sell, offer for sale, or give away as merchandising premiums baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys or retail premiums. Lastly, the bill amends the definition of "racketeering activity" to inevitably make it a third degree felony for a person to use animals for fighting or baiting. HB 851 is now heading to the Governor's desk for his signature.

Agritourism (SB 1106)

By: Anfield Consulting

Amends s. 570.96, F.S., to provide legislative intent to eliminate duplication of regulatory authority over agritourism as expressed in that section. Provides that a local government may not adopt an ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. The provisions do not limit the powers or duties of a local government to address an emergency under chapter 252.

"Agritourism activity" does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or accommodate the general public.

The bill also amends s. 570.961, F.S. and s. 570.963, F.S., to provide a release from

liability for agritourism operators for injuries resulting from resulting from the “inherent risks of agritourism activity” which in the bill is specifically defined as “those dangers or conditions that are an integral part of an agritourism activity.” The term also includes the potential of a participant to act in a negligent manner that may contribute to the injury of the participant or others, including failing to follow instructions or exercise reasonable caution.

Operators will not be released if they commit an act or omission that constitute gross negligence or willful or wanton disregard for the safety of a participant, or intentionally injures a participant.

Numeric Nutrient Criteria (SB 1808)

By: Anfield Consulting

This legislation amends current law to direct DEP to establish numeric nutrient criteria for remaining waterbodies in the state that were not covered under the rules approved by EPA on November 30, 2012. The bills also specifies that once EPA removes federal numeric nutrient criteria and ceases future numeric nutrient criteria rulemaking in the state, Rule 62-302.531(9), F.A.C., described above, will be removed from the Florida Administrative Code. Any additional estuary criteria adopted by DEP during 2013 would be exempted from legislative ratification.

DEP would be directed to establish specific numeric nutrient criteria for unimpaired waters (including DEP’s calculation of the current conditions of those waters) and for those estuaries and non-estuarine coastal waters without numeric nutrient criteria established by rule or final order as of the date of the report, and directs DEP to send a report to the Legislature and Governor conveying the status of establishing numeric nutrient criteria.

Land Inventory

By: Ericks Consultants

SB 1074 was substituted for its House companion, HB 1145, meaning the controversial language that would have forced local governments to inventory all unused square footage in all government owned property was eliminated from the bill. The bill will only require state agencies to report on state owned or leased property. The legislation passed unanimously in both the House and Senate.

Affordable Housing Loophole

By: Foley and Lardner

HB 437 by Representative Dan Davis dealing with community development passed the Florida Legislature. The bill includes the repeal of the ad valorem exemption for specific limited liability partnerships providing affordable housing. The closing of this loophole will have a substantial positive fiscal impact on the ad valorem tax collections for Palm Beach County. HB 437 will go to Governor Scott for his final action.

Criminal Gang Prevention

By: County Staff

On April 4th, the House passed HB 407 by Rep. Ingram by a vote of 116-2. On Friday, the Senate substituted it for the Senate companion, SB 788 by Sen. Abruzzo, and passed it by a unanimous vote of 38-0. This legislation:

- Increases the penalty for trespassing in school safety zones, from a second-degree misdemeanor to a first-degree misdemeanor if the person has previously been convicted of any offense contained in current law relating to criminal gangs.



Palm Beach County

Board of County

Commissioners

Steven L. Abrams, Mayor

Priscilla A. Taylor, Vice Mayor

Hal R. Valeche

Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

County Administrator

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- Makes it a second degree felony, ranked in Level 5 of the offense severity ranking chart, for a person to intentionally cause, encourage, solicit, or recruit another person under the age of 13 to become a criminal gang member where a condition of membership or continued membership is the commission of any crime.
- Authorizes jails to designate an individual to be responsible for assessing whether each inmate is a criminal gang member or associate and to transmit information on inmates believed to be criminal gang members or associates to the arresting law enforcement agency.
- Amends the criminal gang multiplier in current law so that the multiplier can be applied with a finding by the judge (rather than the jury) that the defendant committed the offense for the purposes of benefitting, promoting, or furthering the interests of a criminal gang in instances where the lowest permissible sentence does not exceed the statutory maximum sentence for the offense.

It is now awaiting the Governor's signature.

Early Learning

By: County Staff

HB 7165 passed this session and establishes the Office of Early Learning under the Department of Education. This was the major overhaul of the governance structure for early learning. It is intended to create efficiencies that could secure more funding to move additional children off the early learning wait lists. The bill reduces the portion of state funding that can be used on overhead and administrative costs and subsequent appropriations in the budget will provide an additional \$5 million toward eliminating early learning waitlists. This should reduce about 700 students statewide from the current waitlist.

Economic Incentives

By: County Staff

SB 406 tightens accountability and reporting requirements for economic incentives and tax breaks used to lure businesses. Eliminates sales taxes for manufacturing and machinery beginning in April 2014 and lasting for three years. Also included in the bill are provisions that would provide for spring training facility incentives that could be used in Palm Beach County.

South Indian River Water Control District

By: County Staff

On April 30th, the Senate took up all of the local bills in one group, heard and passed them by a unanimous vote of 36-0. HB 855 by Rep. Rooney amends the charter of SIRWCD by authorizing the Board of Supervisors of SIRWCD to construct improvements upon the real and personal property held, controlled, and maintained for recreational purposes within the District. The bill is now headed to the Governor for his signature.