

PBC Legislative Update



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IN THIS ISSUE:

Legislative Mid Session Update

STATE ISSUES

1. **County Priorities Mid Session at a Glance**
2. **Constrained Agricultural Areas**
3. **RPCs**
4. **Residential Permit**
5. **Property Rights**
6. **Uber**
7. **Appropriations**
8. **Env Approps**
9. **Amendment 1**
10. **House Tax Cuts**
11. **CST**
12. **Commercial Lease Tax Cut**
13. **VAB**
14. **FRS Contributions**
15. **Mental Health and Substance Abuse**
16. **DJJ**
17. **Enterprise Zones**
18. **Film & TV Credits**
19. **Kratom**
20. **Hazardous Walking**
21. **Low Volt Alarms**
22. **Gleaning**
23. **Red Lights**
24. **Loc. of Utilities**
25. **Preemption Local Gov Preferences**
26. **Public Works Const. Preemption**
27. **Reduced Park Fee**
28. **Grandparent Rights**
29. **Civil Citations**
30. **Sober Homes**
31. **Contraband**
32. **Fire Rescue Tax**
33. **EMS Insurance**
34. **Mooring**
35. **Pub Off. Sentence**
36. **WPB Pension**
37. **School Board Business Partners**
38. **WPB Water Catchment Bill**

UP NEXT WEEK IN TALLAHASSEE

Legislative Mid Session Update

STATE ISSUES

COUNTY PRIORITIES - MID SESSION AT A GLANCE

By: County Staff

House Tax Cut Plan

On Tuesday March 23, 2015 Chairman Matt Gaetz (Finance and Tax) unveiled his proposed tax cut plan totaling approximately \$640 million recurring for state fiscal year 2016 and growing to approximately \$690 million with the inclusion of reductions using non-recurring funds. The estimated impact to counties is approximately \$9.72 million non-recurring for SFY 2015-2016 and \$26.4 million recurring.

The plan includes 3.6 percent reduction to the state communications services tax and .02 percent reduction to the state sales tax on rental of commercial real estate.

Enterprise Zones

The House Transportation & Economic Development Appropriations Subcommittee voted 11-2 in favor of HB 7067. The bill is now in its final committee of reference, Economic Affairs.

Film Industry Incentives

HB 451 passed the House Finance and Tax Committee this week by a 12-5 vote. SB 1046 passed the Appropriations Subcommittee on Transportation, Tourism, and Economic Development 9-0.

Domestic Violence

SB 804, sponsored by Sen. Abruzzo, passed its first of three committees of reference, Criminal Justice, 5-0. It is now in the Appropriations Subcommittee on Criminal and Civil Justice.

Animal Control

HB 627 passed State Affairs, its final committee, 18-0, and is now ready for the House floor.

Mental Health

HB 7119 passed its first committee, the Health Appropriations Subcommittee.

Homeless Record Exemption

SB 552 had its second reading and was placed on third reading for April 8.

Grandparents Rights

HB 149, which would give grandparents and great-grandparents of deceased, vegetative state, and felon parents the right to petition the courts for visitation rights, passed the House 112-0. Its Senate companion, SB 368 by Sen. Abruzzo, has two more committees of reference.

Value Adjustment Board Fees

SB 972 passed its second of three committees, Finance and Tax, 7-0, and is now in Appropriations. HB 695 is in Appropriations, its second and final committee.

Hazardous Walking Conditions

HB 41 passed its third and final committee, 17-0.

Low Voltage Alarm Systems

SB 466 passed its third and final committee, Rules, by a 12-0 vote. HB 413 is ready for the House floor.

Fracking

SB 1468 passed its first of three committees, Environmental Preservation and Conservation, 6-2. HB 1205 is its second committee, the Agriculture & Natural Resources Appropriations Subcommittee.

Location of Utilities

SB 896 passed its second of three committees, Transportation, 5-1. HB 391 is in its third and final committee, Regulatory Affairs.

Reduced Fees for County & Municipal Parks and Transportation Authorities

SB 1430, sponsored by Sen. Abruzzo, passed its second of three committees, Community Affairs, unanimously. Its next stop is the Fiscal Policy Committee. HB 1095 is ready for the House floor.

Juvenile Civil Citations

SB 378 passed its third and final committee, Rules, 9-2. HB 99 is in its final committee, Judiciary.

Growth Management—Development of Regional Impact

SB 562 passed its third and final committee, Rules, 9-3. HB 579 is now in the Economic Affairs Committee, its first of three committees of reference. c

Gaming

HB 1233 has yet to be heard in its first of three committees of reference.

Assault on Utility Workers

SB 660 has been referred to Criminal Justice; Communications, Energy, and Public Utilities; and Fiscal Policy.

Growth Management/Ag Enclave

HB 933 passed its first committee of reference and is now in the Transportation & Economic Development Appropriations Subcommittee. SB 832 is now in Environmental Preservation and Conservation, its second of three committees of reference but does not contain "constrained agricultural parcel" language.

Sickle Cell

SB 94 passed the Senate 38-0. HB 3, sponsored by Rep. Powell, is ready for the House floor.

Sober Homes

SB 326, sponsored by Sen. Clemens, is in its final committee, Appropriations. HB 21, sponsored by Rep. Bill Hager, passed both of its committees and is ready for the House floor.

Uber/Transportation Network Companies

HB 817 is ready for the House floor. SB 1326 has been referred to the Regulated Industries, Banking and Insurance, and Rules Committees.

Agriculture Gleaning

SB 158 passed the Senate 38-0. HB 137, sponsored by Rep. Rader, is in its final committee, Judiciary.

Juvenile Detention Costs

HB 5201, which calls for a 57% county to 43% state cost split, is on the House floor. SB 1414, which calls for a 60/40 split, has yet to be heard in its three committees of reference.

Property Tax Exemptions

HB 173 is ready for the House floor.

Communications Services Tax

SB 110, which reduces the CST and is a priority of Gov. Scott, is in its third and final committee, Appropriations.

Health Insurance Coverage for Emergency Services

HB 681 is in its final committee, Appropriations. SB 516 is in first committee, Banking & Insurance.

Kratom

HB 287 is in its second of three committees, the Justice Appropriations Subcommittee. SB 764 is also in its second of three, the Appropriations Subcommittee on Health and Human Services.

Red Light Cameras

HB 7071 is in its second and final committee, Economic Affairs.

Preemption of Local Preference in Construction Projects

SB 778 is ready for the Senate Floor. HB 113 is in its fourth and final committee, State Affairs.

Public Works Construction Preemption

SB 934 died in Community Affairs. HB 527 is now in State Affairs, its third and final committee.

Signage at Public Schools Local Bill

HB 1253, sponsored by Rep. Rooney, is in its third and final committee, Local & Federal Affairs.

Spring Training Local Bill

HB 1213, sponsored by Rep. Berman, is in its second and final committee, Local & Federal Affairs.

West Palm Beach Firefighter Pension Local Bill

HB 1167, sponsored by Rep. Kerner, is in its third and final committee, Local & Federal Affairs.

CONSTRAINED AGRICULTURAL AREAS

By: Ericks Consultants, Corcoran & Johnston and Ron L Book PA

Last week, the House Economic Development & Tourism Subcommittee approved along party lines HB 933, which combined nine individual growth management bills into one omnibus package. The bill includes legislation on Regional Planning Councils, the DRI process, Connected City Corridors, impact fees, conservation easements, private property rights and more. The bill has several provisions of concern to local governments, including a provision that would allow certain developers who own parcels of land that fit a specific definition of "constrained agricultural parcels" to subvert the local government planning process. The bill has two more committees in the House and will be up next on Tuesday, April 7th. County staff and our Lobby team met with the House sponsor this past week to ask for the Constrained Agricultural Parcels section to be removed.

Senate Community Affairs unanimously approved SB 832 that would clarify statutes relating to sector plans. It would allow conservation easement designations to be based on arial photographs without need for a survey, would allow substitute land amendments to conservation easements, would require local governments to submit applications for DSAPs to DEO and other agencies for comment on how the DSAP relates to long-term master plans and would allow water management districts to issue CUPs for the same time as a master DRI development order and allows the water to be phased in over time based upon actual need. The bill notably did not contain provisions relating to Constrained Agricultural Parcels as found in the House growth management package. The bill has two more committees in the Senate. Its House companion language is within an omnibus growth management package, which also has two more committees of reference.

REGIONAL PLANNING COUNCILS

By: Ericks Consultants and Ron L Book PA

The Senate Transportation & Economic Development Appropriations Subcommittee unanimously approved SB 484 that would shift authority over Regional Planning Council designations and boundaries from the Governor to the Legislature as well as revise the number of RPCs from 11 to 10. The bill no longer appropriates \$2.5 million to the RPCs and leaves the appropriation to the Legislature each year. The bill has one more committee of reference in the Senate. It has companion language in the House growth management package that is in its second of three committees of reference.

RESIDENTIAL MASTER BUILDING PERMITS

By: Ericks Consultants

House Regulatory Affairs unanimously approved HB 1151 that would allow builders to apply to local governments for a master permit when building several of the same type of unit. The local government would be required to develop the permit program only upon written request of the builder and within a certain time period of the request. The governing board of the local government would be allowed to set the fees for the program. The bill is now ready to go before the full House after a committee reference was removed this week. Its Senate companion is scheduled next week in its first committee of reference.

PROPERTY RIGHTS

By: Ericks Consultants

House Appropriations voted 20-7 to provide a cause of action in situations when state and local government impose unconstitutional exactions on a private property owner, as there is with the Federal government. HB 383 would also allow for Bert Harris Safe Harbor provisions to apply whether or not a settlement agreement was reached within 150 days. An exaction would be considered unconstitutional if it lacks a nexus to a legitimate public purpose, and only property that is directly affected by the unconstitutional exaction could qualify for the cause of action. Florida League of Cities and Florida Association of Counties expressed concern over attorney's fees and the Koontz ruling's potential to expose local-level governments to frivolous suits. One member of the committee expressed concern over pre-suit wait period and committed to work on the provision. The bill has one more committee in the House. The Senate Environmental Preservation & Conservation committee amended companion language onto a Senate bill last week. The Senate bill has two additional committees of reference left.

UBER

By: Ericks Consultants and County Staff

Senate Judiciary unanimously passed SB 1298 that would establish insurance requirements for Transportation Network Companies, such as Lyft and Uber, and Short Term Rentals, such as AirBnB. The bill has one more committee of reference in the Senate. The proposal, which must still clear one additional committee, would establish coverage requirements for when a customer is in a vehicle and during an "on call" period, considered a coverage "gap," between when a driver is notified about a customer to pick up and the time the passenger gets in the vehicle.

Under the Senate proposal, the driver or company would be required to have liability coverage of at least \$125,000 for death and bodily injury, at least \$50,000 for property damage, and at least \$250,000 in uninsured and underinsured motorist coverage.

When a passenger is in the vehicle --- the ride-acceptance period --- the coverage would need to be at \$1 million for death, bodily injury and property damage, and \$1 million in uninsured and underinsured motorist coverage.

Currently, the majority of taxi and limousine regulation in Florida is controlled by local governments.

Florida law requires limousines and taxis to maintain motor-vehicle liability policies with minimum limits of \$125,000 per person for bodily injury, up to \$250,000 per incident for bodily injury and \$50,000 for property damage.

House Economic Affairs voted last week to preempt local regulation of Transportation Network Companies (TNCs), such as Uber and Lyft. The committee heard testimony and debate on insurance, background checks and home rule authority issues but mostly agreed that the bill was necessary to provide a predictable environment for businesses. HB 817 is now ready to go before the full House. Its Senate companion has not yet been heard in its first of three committees of reference. Meanwhile, Senate Banking & Insurance unanimously approved SB 1298 to require insurance for TNCs and Vacation Rental companies.

APPROPRIATIONS

By: County Staff, Ericks Consultants, and Ron L. Book PA

The House and Senate voted on their budgets this week, getting in position for the budget conference process where the Chambers must work out a \$4 billion difference. The Senate has included billions of Federal dollars to expand Medicaid to \$800,000 Floridians in no small part thanks to the Federal CMS decision to eliminate a \$1 billion program for hospital funding, which has a nearly \$2.2 billion effect. The Senate President stated that the Senate was budgeting responsibly by taking into

account the \$2.2 billion liability. The Senate is also not including a tax cut package until we learn the outcome of the hospital funding negotiations, which the Senate President sent two key Senators to D.C. in order to ascertain our position and keep an open dialogue. The House refuses to fund Medicaid expansion, and the Appropriations Chairman stated clearly that he does not believe we will lose Federal funding for hospitals. Rumors of a special session have begun, as the Federal negotiations do not look to be resolved within the timeframe of the Regular Legislative Session, leaving the two budgets at odds. Other differences include the House's \$690 million tax cut package with \$0 in tax cuts in the Senate, \$80 million for local water projects in the House with \$0 allocated in the Senate, SHIP funded at \$153.6 million in the Senate and \$84 million in the House.

Below are some of the highlights of local items important to Palm Beach County:

| BUDGET ITEM TED APPROPS | REQUEST | HOUSE LINE ITEM # | HOUSE ALLOCATION (\$) | SENATE LINE ITEM # | SENATE ALLOCATION (\$) |
|--|--|----------------------------------|--------------------------------------|-----------------------------------|---|
| TORRY ISLAND | 75,000 | | | | |
| GLADES ROADS | 1,000,000 | | | 1927 | 1,000,000 |
| SMALL CITY TRANSPORTATION FUND s. 288.0656(7) | 9,000,000 | | | 1911 | 9,000,000 |
| BOYS AND GIRLS CLUB | 1,000,000 | | | | |
| SADOWSKI TRUST FUND | PRESERVE AFFORDABLE HOUSING FUNDS | | | 2240 2241 | 256,000,000 |
| LIBRARY | 27,409,823 | | | 3106 | 22,298,834 (GR) 2,150,606 (TF) |
| LIBRARY COOPERATIVE | 2,000,000 | 3105 | 1,700,000 | 3105 | 2,000,000 |
| CULTURAL AND MUSEUMS GRANTS | | 3118 | 10,977,000 | 3118 | 5,000,000 |
| CULTURAL PROJECTS | | 3123A | 18,839,581 | 3123A | 13,341,874 |
| CULTURAL ENDOWMENTS | | 3118A | 1,920,000 | 3118A | 960,000 |
| WPB- BROADWAY | | | | | |
| LW PARK OF COMMERCE | 7,500,000 | | | 1927 | 2,500,000 |
| NORTON MUSEUM | 2,000,000 | 3123A | 155,000 | 3123A | 1,000,000 |
| SPADY MUSEUM | | | | | |
| PAHOKEE MARINA | 1,300,000 | | | 2233A | 1,300,000 |
| PAHOKEE MARINA - FEMA | 200,000 | | | 2567 | 107,321 |
| LAKE O SCENIC TRAIL | 1,000,000 | | | | |
| GATEWAY REDEVELOPMENT ROADWAY | 506,000 | | | 1927 | 506,000 |
| VILLAGE OF TEQUESTA TRANSPORTATION ALTERNATIVES | | | | 1927 | 200,000 |

| BUDGET ITEM ED APPROPS | REQUEST | HOUSE LINE ITEM # | HOUSE ALLOCATION (\$) | SENATE LINE ITEM # | SENATE ALLOCATION (\$) |
|--|-------------------|-------------------------|--|--------------------------|---|
| | | | | | |
| WESTTECH | 1,471,714 | | | 106 | 1,400,000 |
| INLAND PORT ROAD INFRASTRUCTURE - SOUTH BAY | 470,900 | | | 2249A PROVISO | 470,900 |
| MAX PLANCK | 2,000,000 | 138 | 500,000 | | |
| FAU TECH RUNWAY | 3,000,000 | 2249A | 3,000,000 | 2249B | 1,000,000 |
| FAU MED SCHOOL | | 145 | 22,609,894 GR: 14,337,889 TRUST FUND: 8,272,005 | | 22,161,778 GR: 13,889,773; TRUST FUND: 8,272,005 |
| FAU JUPITER BIOSCIENCE GATEWAY | | 138 | 400,000 | | \$7,038,000 |
| FAU JUPITER RESEARCH BUILDING RENOVATION | 29,000,000 | 21 | 14,650,000 | | |
| PBSC LOX CAMPUS | 9,000,000 | 20 | 2,004,182 | | |
| STEM FUNDING | | 99 | \$4,000,000 | 99 | \$4,000,000 |

| BUDGET ITEM GG APPROPS | REQUEST | HOUSE LINE ITEM # | HOUSE ALLOCATION (\$) | SENATE LINE ITEM # | SENATE ALLOCATION (\$) |
|--|-------------------|----------------------------|-----------------------------|--------------------------|------------------------------|
| | | | | | |
| WATER PROJECTS | | | 80,589,000 | | 0 |
| GLADES REGION WATER INFRASTRUCTURE | 3,000,000 | | PROVISO PENDING | | |
| LW LAGOON | 3,300,000 | | PROVISO PENDING | | |
| FRESHWATER LAKE RESTORATION | 165,000 | | PROVISO PENDING | | |
| BEACH & INLET FUND | 29,346,860 | | 40,000,000 | 1647 | 25,000,000 |
| -CORAL COVE PARK DUNE RESTORATION | 425,000 | | | | |
| - JUPITER/CARLIN SHORE PROTECTION | 100,000 | 1647 | 100K | | |
| -JUNO BEACH SHORE PROTECTION | 8,875 | | | | |
| -CENTRAL PBC EROSION CONTROL | 172,000 | | | | |
| -SOUTH LW INLET MGMT | 55,663 | | | | |
| -OCEAN RIDGE SHORE PROTECTION | 51,300 | 1647 | 51,300 | | |

| | | | | | |
|--|------------------------------------|-------|---|---------------|------------|
| -BOCA RATON NORTH BEACH SHORE PROTECTION | 234,700 | 1647 | 233,650— 106,150; 127,500 FOR MONITORING | | |
| -BOCA RATON CENTRAL BEACH SHORE PROTECTION | 3,908,900 | | 1.7M | | |
| -BOCA RATON SOUTH BEACH SHORE PROTECTION | 886,400 | | 820,375 | | |
| -BOCA RATON INLET | 384,300 | 1647 | 384.3k | | |
| -LW INLET MAINTENANCE DREDGING | 46,500 | 1647 | 46.5k | | |
| -MIDTOWN BEACH RESTORATION | 7,487,604 | | | | |
| -PHIPPS PARK RESTORATION | 6,851,793 | | | | |
| LOXAHATCHEE RIVER INITIATIVE | 2,186,785 | | PROVISO PENDING | | |
| EVERGLADES RESTORATION | SUPPORT 100M APPROPRIATION REQUEST | 1621 | 132M; 100M FROM SAVE OUR EVERGLADES TRUST; 32M FROM LAND ACQ TRUST FUND | 1620- 1621 | 79,000,000 |
| FRDAP | | 1711A | 29,020,591 | 1711- 1712 | 7,000,000 |
| CORBETT DIKE | 4,000,000 | | | | |

| BUDGET ITEM CJ APPROPS | REQUEST | HOUSE LINE ITEM# | HOUSE ALLOCATION (\$) | SENATE LINE ITEM # | SENATE ALLOCATION (\$) |
|---|----------------------------|------------------------|-----------------------------|--------------------------|------------------------------|
| SHARED DETENTION COST SPLIT | 50/50 WITH PARTIAL PAYBACK | | 57 - COUNTY 43 - STATE | | 60 - COUNTY 40 - STATE |
| LIGHTING IN HIGH CRIME AREAS | 200,000 | | | | |
| OFFICE FURNITURE, STATE ATTORNEY (CIRCUIT 15) | 76,006 | | | | 76,006 |
| PROSECUTION OF PIP FRAUD | | 908 2424 | 1,559,239 | 2424 | 1,559,239 |
| CONSTRUCTION 4 TH DCA BUILDING | 16,784,446 | 3160 | 6,508,689 | 3160 | 16,784,446 |
| SOUTH BAY CORRECTIONAL FACILITY | | 715 | 2,908,779 | 715 | 5,050,143 |

| | | | | | |
|--------------------------------|--|------------|------------------|------------|------------------|
| SAGO PALM WORK CAMP | | 715 | 1,473,375 | 715 | 1,473,375 |
|--------------------------------|--|------------|------------------|------------|------------------|

| BUDGET ITEM HHS APPROPS | REQUEST | HOUSE LINE ITEM# | HOUSE ALLOCATION (\$) | SENATE LINE ITEM # | SENATE ALLOCATION (\$) |
|---|------------------|---------------------------------|--------------------------------------|-----------------------------------|---------------------------------------|
| TRANSPORTATION DISADVANTAGED | | 1868 | 50,783,704 | 1868 | 52,783,704 |
| JEROME GOLDEN 12-BED FACILITY | 575,000 | 377L | 575,000 | | |
| CHILDNET— CLOSE FOSTER FUNDING DEFICIT | 3,200,000 | | | | |
| COMMUNITY BASED CHILD WELFARE RISK POOL | 5,000,000 | 308 | 13,000,000 | 308 | 13,000,000 |
| EXTENDED FOSTER CARE | | | | | |
| ALZHEIMER'S COMMUNITY CARE | 1,000,000 | 391 | 500,000 | | |
| CARIDAD CENTER | 1,800,000 | | | | |
| PLACE OF HOPE | 3,250,000 | | | | |
| RUTH & NORMAN RALES JEWISH FAMILY SERVICES | 250,000 | | | | |
| ALPERT JEWISH FAMILY SERVICES | 342,000 | | | | |
| SOUTH COUNTY MENTAL HEALTH CENTER | 500,000 | | | | |
| SCRIPPS | 5,000,000 | | | 2249A | 1,000,000 |
| PB HABILITATION CENTER FOR MENTALLY DISABLED | 694,111 | 253A | 649,111 | | 649,111 |
| PDMP | | 503 | 500,000 | | |
| PACE (MORSE) EXPANSION FOR ELDERLY | | 400 | 2,917,584 | | |

ENVIRONMENTAL APPROPRIATIONS

By: Anfield Consultants

Here are significant differences between the chambers with regard to the total funds dedicated to agriculture and natural resource management agencies. With respect to key environmental program and initiatives, the House and Senate allocations are as follows:

| Program | House | Senate |
|--|---------------|---------------|
| Florida Forever / Land Acquisition | \$205,000,000 | \$ 35,000,000 |
| Everglades Restoration | \$100,000,000 | \$ 79,000,000 |
| Everglades Restoration (Incl. IRL) | \$ 33,000,000 | \$ 0 |
| Northern Everglades, WQ & Estuaries Projects | \$ 20,167,551 | \$ 3,000,000 |
| Springs Protection | \$ 55,215,853 | \$ 50,000,000 |
| Alternative Water Supply | \$ 50,000,000 | \$ 50,000,000 |
| Drinking Water State Revolving Loan Program | \$ 95,863,107 | \$ 88,422,307 |
| Wastewater Revolving Loan Program | \$191,128,531 | \$181,210,531 |
| Small County Wastewater Treatment Grants | \$ 16,000,000 | \$ 16,000,000 |
| Total Maximum Daily Loads | \$ 9,385,000 | \$ 9,385,000 |

| | | |
|---------------------------------------|---------------|---------------|
| DACS "Water Farming" Lake O. Basin | \$ 7,000,000 | \$ 0 |
| DACS BMP's Implementation | \$ 5,500,000 | \$ 1,900,000 |
| DACS Hybrid Wetland Treatment Program | \$ 6,200,000 | \$ 0 |
| Non-point Source Management | \$ 17,300,000 | \$ 3,000,000 |
| Keys Wastewater Treatment | \$ 25,000,000 | \$ 0 |
| Beach Restoration | \$ 40,000,000 | \$ 25,000,000 |
| Petroleum Tank Clean-up | \$110,000,000 | \$110,000,000 |
| Dry Cleaning Solvent Clean-up | \$ 6,500,000 | \$ 6,500,000 |
| Local Water Projects | \$ 80,589,000 | \$ 0 |
| Transfer to DOT for Trails | \$ 0 | \$ 25,000,000 |

As summarized below, with respect to funds associated with the Land Acquisition and Management Trust Fund (**Amendment 1**), the chambers took different approaches towards the expenditure of the funds.

| <u>Agency</u> | <u>House</u> | <u>Senate</u> |
|--|----------------------|----------------------|
| Dept. of Agriculture and Consumer Services | \$125,104,703 | \$ 89,525,015 |
| Department of Environmental Protection | \$505,316,871 | \$504,006,631 |
| Fish and Wildlife Commission | <u>\$ 98,975,597</u> | <u>\$120,662,794</u> |
| | \$729,397,171 | \$714,154,400 |

The budgets are now in a posture to commence budget conference (reconcile the difference) as soon as the presiding officers agree on allocations within each area of the budget. This is not anticipated to happen until week 7 at the earliest.

AMENDMENT 1

By: Anfield Consultants and Ericks Consultants

The debate over the will of the voters and Amendment 1 implementation intensified as the House and Senate voted on their budgets this week. Environmental groups are challenging how much money has been allocated to land acquisition, claiming acquiring conservation lands as the main intent of Amendment 1. While others believe that funding environmental projects that help support conservation satisfies Amendment 1 instead of increasing what some Legislators feel is an already high amount of state owned lands. The Senate budget was amended to put an additional \$35 million to fund the Florida Forever program, while an amendment to increase the program by \$300 million – its statutory maximum – was withdrawn. The House budget funds \$205 million to Florida Forever, however only \$10 million is for land acquisition. The Governor proposed funding Florida Forever at \$100 million.

HOUSE TAX CUT PACKAGE

By: Ron L. Book PA

HB 7141, and was presented last week in the House. This bill sponsored by the Finance and Tax Chair, Representative Gaetz is an omnibus tax cut package totaling approximately \$690 million in cuts. Dubbed the "No Tax is Safe" package, this bill includes a variety of tax reductions, the largest of which is the proposed \$470.5 million in cuts to the state portion of the Communications Services Tax (CST). This provision continues to hold local governments harmless. HB 7141 passed the Finance and Tax committee, 16 – 1, and has been referred to the House Calendar. While there is no scheduled hearing at this time for floor action, we expect that this bill will pass the House and be part of the budget negotiating process.

COMMUNICATION SERVICE TAX

By: Ron L. Book PA

SB 110 by Senator Hukill reduces the state communications services tax (CST) rates by 3.6 percentage points. The standard state CST rate is reduced from 6.65 percent to 3.05 percent, and the tax rate on direct-to-home satellite services is reduced from 10.8 percent to 7.2 percent. It is important to note that the bill language holds local governments harmless. It changes the distribution percentages of CST revenue to

ensure that local governments continue to receive the same amount of revenue as they receive under current law. SB 110 passed the Finance and Tax committee, 7-0.

TAX ON COMMERCIAL LEASES

By: Ericks Consultants and Corcoran and Johnston

SB 140 that would reduce the 6% sales tax on renting and leasing commercial property by 1% in order to help small businesses. The bill has one more committee of reference in the Senate. Its House companion has not been heard in its first of three committees, however the House Tax Package contains a .2% cut in the tax. This would have an estimated impact on counties of \$3.66 million. SB 140 proposes to take a bigger cut by reducing the sales tax on commercial leases by 1 penny, from 6 cents to 5, producing an estimated negative annual impact to counties of \$18-\$20 million.

VALUE ADJUSTMENT BOARDS - SB 972

By: Ericks Consultants

Senate Finance & Tax unanimously voted to reform the VAB proceedings based on OPPAGA recommendations in order to shorten the process and provide school districts, special districts and local governments predictability in their budget planning. The committee adopted an amendment to allow Value Adjustment Board cases to be heard by June, beginning in 2017. Florida Conservation of School Boards, the Miami Dade County Assistant Attorney, Duval County Schools, and Miami Dade Public Schools all waived in support of the bill. The Mayor of Miami Dade County testified in support, stating there were over 100,000 petitions filed to the VAB in Miami Dade. The large number of petitions led to a \$44 million dollar shortfall in their budget. The Florida Association of Property Appraisers loved the bill, but didn't like the June 1st deadline. They believe that counties, mainly Miami Dade, need an additional 6 months in order to meet the amount of VAB cases each year. Members of the committee felt extending the deadline was too problematic.

FRS CONTRIBUTIONS

By: Ericks Consultants

SB 7038 increases employer contribution rates to the Retiree Health Insurance Trust Fund from 1.26 to 1.58 for each employee in the FRS system. The increase would add an estimated \$99 million to the trust fund with a \$31 million impact to local governments.

MENTAL HEALTH AND SUBSTANCE ABUSE

By: Ericks Consultants and Corcoran and Johnston

House and Senate bills that are part of the bipartisan Mental Health & Substance Abuse packages moved through their first committees of reference after being filed. House Health Care Appropriations voted unanimously to move forward the comprehensive House package, HB 7119, that includes crisis stabilization database, drug court reform, Baker Act, Marchman Act and the creation of regional coordinated care systems involving managing entities competing for performance based contracts. The bill has one more committee in the House. Meanwhile, a Senate bill with companion language regarding the regional coordinated care systems unanimously passed Senate Children, Families & Elder Affairs after adopting a strike-all which controversially removed traumatic brain injuries from the definition of mental illness. The Senate bill, SB 7068, is now ready for the full Senate.

Additionally, Senate Judiciary unanimously passed SB 1452 that would authorize the creation of treatment-based mental health court programs among other items. The bill has two more committees of reference in the Senate. Its House companion is scheduled for its first committee hearing next week.

DJJ DETENTION COSTS

By: FAC and County Staff

The House DJJ Cost Share Bill, HB 5201, stalled this week when it was temporarily postponed on the Special Order Calendar Wednesday and not placed on the House Agenda for Thursday. FAC and County Lobbyists continue to advocate for a more equitable and global solution that will protect and refund local taxpayers. With DJJ currently billing counties at approximately 54% and the Courts determining counties were responsible for 32% of detention costs, the Association feels that an equitable 50/50 split is fair and should be accomplished with a repayment schedule that seeks to reimburse local communities for bills. The Senate bill is expected to be up in Committee next week.

ENTERPRISE ZONES

By: Ericks Consultants and Ron L Book PA

The Chairman of the House Economic Development & Tourism Subcommittee, the committee charged with economic development programs, bluntly declared Enterprise Zones, as we know them "dead" for this session. The Economic Development and Tourism Subcommittee voted 11-2 to file its business incentive reform package that would, among many other things create a "local enterprise zone" to replace the current program due to sunset this year. The local enterprise zone would consist of a local government waiving local business taxes, impact fees, regulatory fees, building permit fees, sign ordinances, landscaping ordinances, all special assessments and civil code violations that do not effect public safety for new or expanding businesses for a minimum of 24 consecutive months. A county and municipality or a county and one or more municipalities may apply to create an enterprise zone, which will be required to submit annual reports to DEO. In addition, the bill contains a provision that waives impact fees for new businesses under 6,000 sq.ft. with 12 or less employees for 3 years, unless overturned by a majority vote of the local entity's governing body. The bill has one more committee of reference before going to the full House.

FILM & TV INCENTIVES

By: Ericks Consultants and Ron L Book PA

Senate Transportation & Economic Development Appropriations Subcommittee and House Finance & Tax approved different House and Senate packages to replenish the state's film incentives, HB, 237, HB 451, and SB 1046. The program would operate as a tax rebate on sales tax paid by a production company during a production. Comcast, the Florida Association of Counties, Disney Resorts, Associated Industries of Florida, the Florida Chamber of Commerce, Broward County, Palm Beach County, Miami-Dade County, EA, and the Florida League of Cities all support the legislation. The Senate bill has one more committee of reference in the Senate.

KRATOM

By: County Staff

(HB 287) by Rep. Kristen Jacobs, D-Coconut Creek, requests a comprehensive study on whether to ban the drug. If passed, the study would be led by the Attorney General's office in coordination with the Florida Department of Law Enforcement and the Department of Children and Families' Substance Abuse and Mental Health Program Office.

HAZARDOUS WALKING

By: Ericks Consultants

HB 41 that would revise the way hazardous walking conditions for school children are identified and addressed by enhancing cooperation between the school district and local government is now ready to go before the full House. The bill would allow local governments to use an alternative interlocal agreement process so long as the process did not go below the safety standards set forth in the bill. The bill is supported by local governments and school districts. The Senate bill, which does not yet allow for interlocal agreements, has one more committee of reference left in the Senate.

LOW VOLTAGE ALARM SYSTEMS

By: Ericks Consultants

Senate Rules unanimously approved SB 466 that would reduce the maximum amount a local government may charge for permit fees for low-voltage alarm systems from \$55 to \$40. It would also prohibit local governments from charging any additional fees for the installation of a new or replacement of an old system. The bill also clarifies that a wireless alarm system does not require a permit. AT&T supported the bill. The bill is now ready to go before the full Senate. Its House companion is now ready to go before the full House.

GLEANING

By: Andfield Consultants, Ericks Consultants

HB 137 by Rep. Rader reduces civil liability for farmers who gratuitously allow people onto their property to harvest excess food. The bill would still hold farmers liable for not warning about a known danger that would not be obvious to anyone entering the property. The bill has one more committee in the House. Its Senate companion, SB 158, was unanimously passed by a full vote of the Senate and is now in Messages.

RED LIGHT CAMERAS

By: Ericks Consultants

HB 7071 adds restrictions on local government red light camera programs. The bill would require notice of violations be sent via certified mail. It would require collection of crash data at intersections and require summaries of vendor contracts in annual reports submitted to DHSMV. It would allow DOT to inspect cameras for compliance and would require all local government revenue to only go towards public safety. The committee adopted an amendment, which removed a provision that banned the issuance of violations for right-on-red turns in an effort to not harm pedestrian safety. Opponents of the bill expressed concern that using certified mail would be an unfunded mandate on local governments operating the program. The bill has one more committee of reference in the House. It does not have a Senate companion, however the Senate DHSMV package contains different language involving red light camera restrictions.

LOCATION OF UTILITIES

By: Ericks Consultants

SB 896 that would shift the burden of the cost to relocate utility lines located within a public utility easement moved through its second of three Senate committees. Utilities would still bear the cost if the lines were located within a public right-of-way. Senate Transportation voted 8-1 to approve the bill. The legislation is in response to a court case between the Lee County Electric Cooperative and the City of Cape Coral where a utility was required to pay for relocation from a public utility easement to a public utility easement due to a city road project. The bill would restrict county licenses, FDOT and local government regulation of utility lines to only those that are located within the right-of-way of roads or public rail corridors. It specifies that unless the relocation of the utility is due to a circumstance other than unreasonable interference with the safe continuous use, maintenance, improvement, extension, or expansion of a road or rail corridor- the local government or other entity requiring the relocation must bear the costs of relocation. The committee adopted an amendment to include interference with associated drainage. The bill also requires the local government to bear the costs of removing interference if the utility is located within a valid utility easement granted by recorded plat regardless of whether or not the local government owns the land. Additionally, a local government would be prohibited from requesting information from a utility company that is already in possession by the local government. AT&T representatives testified that the bill codified current practice while the Florida League of Cities and Florida Association of Counties expressed concerns for the fiscal impact on local governments. Florida Natural Gas, Comcast, Florida Cable Telecommunications Association, CenturyLink, Florida Chamber, AIF, AT&T, Verizon support the bill. The House and Senate bills each have one committee of reference left.

PREEMPTION OF LOCAL PREFERENCE IN CONSTRUCTION PROJECTS

By: Ericks Consultants

SB 778 preempts local preference ordinances for construction projects that are funded 50% with state dollars. SB 778 is a top priority for the Florida Associated Builders and Contractors. Members who supported the bill argued in favor of free markets and claimed that local preferences are discriminatory and force taxpayers to pay higher prices. The Florida League of Cities and Florida Association of Counties assert that local preferences are vital economic development tools. FLC also has concern with the open-ended definition of funding, which, as written, could mean loans. Labor interests also oppose the bill. The bill is now before the full Senate. Its House companion is in its final committee of reference.

PUBLIC WORKS CONSTRUCTION PREEMPTION

By: County Staff

A bill to preempt local control-including wage ordinances- over construction contracts for public works projects died in Senate Community Affairs this week after the committee did not reconsider the bill form last week. The bill would have prohibited a public entity from requiring contractors, subcontractors or material suppliers submitting bids for public works projects to pay employees a certain wage, enter into labor agreements, provide certain benefits, hire employees from a designated source or participate in certain training programs. Public entities could also not require that the contractor, subcontractor or material supplier responding to a public works construction, maintenance or improvement bid be associated with any certain association, organization or union. It would also require all projects to improve or construct a public building that cost in excess of \$300,000 must be competitively bid. Labor interests, including the Florida Electrical Workers Association, Florida Building Trades Council, CWA Council of Florida, Florida State Council of Machinists and AFL-CIO and others combined forces with local governments to oppose the bill. The bill is supported by the Association of Builders and Contractors as well as the Association of General Contractors.

REDUCED FEES FOR COUNTY & MUNICIPAL PARKS AND TRANSPORTATION AUTHORITIES

By: Ericks Consultants

Senate Community Affairs unanimously passed SB 1430 which would require regional transportation authorities to offer partial or full discount on fares to disabled veterans as well as discounted entrance fees to military members, veterans, spouses and parents of certain deceased military members, law enforcement officers, and firefighters. The South Florida Regional Transportation Authority supports the bill. The Senate bill has one more committee of reference before going to the full Senate. Its House companion, HB 1095, is ready to go before the full House.

GRANDPARENTS RIGHTS

By: Ericks Consultants

The House unanimously passed HB 149 that would give grandparents and great grandparents of deceased, vegetative state, and felon parents the right to petition the courts for visitation rights moved through its second of four Senate committees this week. The bill is supported by the Florida Retired Americans Association, Florida Coalition of Children, AARP, Grandparents as Parents of Florida and Palm Beach County. Meanwhile, its Senate companion has cleared two of four committees in the Senate.

CIVIL CITATIONS

By: County Staff

House Justice Appropriations Subcommittee voted 11-1 to approve HB 99 that would authorize law enforcement to avoid arresting juveniles by issuing a warning, notifying the juvenile's parent or issue a civil citation or require a similar diversion program when a juvenile admits to committing a misdemeanor. The committee amended the

bill to give law enforcement officers discretion to arrest the juvenile instead of issuing a civil citation so long as they document the justification of the arrest and circumstances in writing, which aligns with the Senate version. The bill is supported by local governments and juvenile justice advocates. The Florida Retail Federation opposes the bill out of concerns for organized retail theft utilizing juveniles to avoid consequences. The bill has one more committee of reference in the House. Meanwhile, Senate Rules unanimously approved the Senate companion SB 378 by Sen. Rene Garcia this week. The Senate bill is now ready to go before the full Senate.

SOBER HOMES

By: Ericks Consultants and Ron L. Book, PA

Neither bill was heard this week. SB 326 by Senator Clemens, HB 21 by Representative Hager will be virtually identical once a proposed committee substitute was filed in the Senate is passed. The legislation instructs DCF to approve a credentialing entity to develop and administer a voluntary certification program, including background checks for recovery residence operators. The bill would require DCF to publish a list of certified residences on its website.

SEIZURE OF CONTRABAND

By: Ericks Consultants

Senate Criminal Justice voted 4-1 to approve SB 1534 that would limit the ability for local law enforcement to sell contraband and use profits toward trust funds, charities and expenses. The sponsor stated current law was a perverse incentive for law enforcement to take from citizens and cited examples of abuse. Other committee members passionately agreed. The bill would require 50% of profit from contraband go towards school resource officers, crime prevention, safe neighborhood, or drug abuse education and prevention programs and the other 50% go towards the Crimes Compensation Trust Fund. Additionally, 50% of profit above \$15,000 would also have to go towards the required programs. Law enforcement representatives opposed the bill, stating it was a solution in search of a problem and that current law allowed them to purchase needed equipment using drug dealer's money instead of taxpayers. They also testified that charities, which are often supported by the forfeiture profits, would also be negatively affected by the bill. The bill has two more committees in the Senate. Its House companion has not yet been heard in its first of three committees of reference.

EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX

By: Ericks Consultants

The Senate Finance & Tax unanimously approved SB 668 that would revise the Emergency Fire Rescue Services and Facilities Surtax to distribute the revenue to all providers in a county that adopts the surtax, rather than only providers that enter into an interlocal agreement with the county. The bill would provide local government providers with revenue from the surtax proportionate to their annual expenditures for fire control and emergency fire rescue services from the preceding five years. The Palm Beach County Firefighters supports the bill, and the sponsor noted Palm Beach County as being the genesis of the bill. It has one more committee of reference in the Senate. The House companion is now ready to go before the full House.

HEALTH INSURANCE COVERAGE FOR EMERGENCY SERVICES

By: Ericks Consultants and Ron L Book PA

House Appropriations voted 25-1 to approve HB 681 that would address costs for patients receiving out-of-network services. The committee adopted a strike-all amendment that removed a significant fiscal impact to local governments. The bill is opposed by the FMA and FHA but supported by the Department of Agriculture and Consumer Services as well as the Florida Association of Health Plans. The committee members voting in support of the bill all expressed concerns and wanted to be sure hospital issues were addressed. The bill sponsor stated he is willing to work with the FMA and FHA to address their concerns. The bill has one more committee of

reference before going to the full House. Meanwhile, Senate Banking & Insurance temporarily postponed the Senate companion.

ANCHORING & MOORING

By: Ericks Consultants

Senate Environmental Preservation & Conservation voted to approve SB 1548 that would allow for citations to be issued to vessels "at-risk" of becoming derelict and would regulate anchoring in areas with residential waterfront properties, including a 200 ft. setback and seven day limit. The committee adopted a strike-all amendment that would allow for anchoring in instances of fatigue, commercial fishing and other exemptions. Boaters USA opposed the residential setback while supporting the "at-risk" provisions. The bill has two more committees before going to the full Senate. Its House companion was filed last week by the House Highway & Waterway Safety Subcommittee and contains no residential setback provisions although the Chair seemed open to including provisions that would protect waterfront property owners against harassment from anchored boaters. The House bill has three more committees of reference.

SENTENCING OF PUBLIC OFFICIALS

By: Ericks Consultants

Senate Criminal Justice unanimously approved SB 732 that would require public officials found guilty of bribery or corruption to pay restitution to local governments that were wronged by their crimes. The bill could have a fiscal impact on local governments should their be an increase in demand for community service supervision as a result of the requirements, however the bill could also result in a positive fiscal impact to local governments should they receive repayment. The bill has two more committees of reference in the Senate. Its House companion has one more committee of reference before going to the full House.

CITY OF WEST PALM BEACH FIREFIGHTER PENSION

By: County Staff

HB 1167 by Rep. Dave Kerner, is a local bill that would amend the West Palm Beach Firefighter Pension Special Act. The changes made by this bill are the result of a collective bargaining agreement between the City of West Palm Beach and International Association of Firefighters Local 727. The bill defines "Fire Chief" as the executive officer for the City of West Palm Beach Fire Department and provides the chief with modified pension benefits. This legislation also provides that a portion of the chapter 175 premium taxes must be used to reduce the employee contributions and the remainder must be allocated to the member share accounts.

SCHOOL DISTRICT OF PALM BEACH COUNTY BUSINESS PARTNERSHIP PROGRAM

By: County Staff

HB 1253 by Rep. Pat Rooney, would establish the School District of Palm Beach County Business Partnership Program. This bill removes the need for periodic renewal of the pilot program that was established by the Legislature in 2008. It would continue to allow schools in the unincorporated areas of Palm Beach County to recognize its business partners by displaying the names of the partners on school property. In return for having their names publicly displayed, the partners fund programs such as Project Graduation and extracurricular activities.

WEST PALM BEACH WATER CATCHMENT AREA LOCAL BILL

By: County Staff and Ericks Consultants

HB 1213 is a local bill to revise the boundaries of the West Palm Beach Water Catchment Area. This bill will help move forward plans for a new two-team spring training facility on land that was a former landfill in the City of West Palm Beach. The bill has one additional committee in the House. Local bills do not require Senate companions.



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UP NEXT WEEK IN TALLAHSSEE:

Constrained Ag Parcels

<http://flsenate.gov/Session/Bill/2015/0933/BillText/c1/PDF>

Kratom

<http://flsenate.gov/Session/Bill/2015/0287/BillText/c1/PDF>

Senate Water Policy

<http://flsenate.gov/Session/Bill/2015/0918/BillText/c1/PDF>

Petroleum Restoration

<http://flsenate.gov/Session/Bill/2015/0733/BillText/c1/PDF>

Municipal Pension Reform

<http://flsenate.gov/Session/Bill/2015/0172/BillText/c1/PDF>

Seminole Compact Extension

<http://flsenate.gov/Session/Bill/2015/7088/BillText/pb/PDF>

Senate Transportation Package

<http://flsenate.gov/Session/Bill/2015/1554/BillText/c1/PDF>

Sector Plans

<http://flsenate.gov/Session/Bill/2015/0832/BillText/c1/PDF>

Residential Master Permit

<http://flsenate.gov/Session/Bill/2015/1486/BillText/Filed/PDF>

Value Adjustment Board

<http://flsenate.gov/Session/Bill/2015/0695/BillText/c1/PDF>

Mental Health

<http://flsenate.gov/Session/Bill/2015/7113/BillText/Filed/PDF>

<http://flsenate.gov/Session/Bill/2015/7070/BillText/Filed/PDF>

Low Voltage Alarms

<http://flsenate.gov/Session/Bill/2015/0466/BillText/c1/PDF>

Local Preference in Construction

<http://flsenate.gov/Session/Bill/2015/0778/BillText/c2/PDF>

Low-Income Housing

<http://flsenate.gov/Session/Bill/2015/1520/BillText/Filed/PDF>