

PBC Legislative Update



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Legislative Update — October 2017

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FEDERAL ISSUES

House Passes Disaster Relief Bill

By Becker & Poliakoff

The House passed a \$36.5 billion hurricane and wildfire relief bill, which, in addition to assistance for Florida and others, will allow the National Flood Insurance Program to keep paying claims.

The bill passed 353-69 and will now go to the Senate next week.

The \$36.5 billion aid package will:

- Appropriate \$18.7 billion for the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund (DRF), which received \$7.4 billion following Hurricane Harvey under the continuing resolution (CR) that runs through Dec. 8 (Public Law 115-56; see BGOV Bill Summary). As much as \$4.9 billion could be transferred to FEMA's Community Disaster Loan (CDL) program to help local governments and U.S. territories provide essential services.
- Cancel \$16 billion in loans to the National Flood Insurance Program (NFIP), which reached its borrowing limit after hurricanes Harvey and Irma.
- Allow as much as \$1.27 billion in previously appropriated funding to be transferred for emergency nutritional assistance in Puerto Rico.
- Provide \$576.5 million for federal wildfire suppression programs.

STATE ISSUES

Florida Legislature Holds First Committee Week

By Ericks Consulting & County Staff

The Florida Legislature's first committee week was scheduled to begin on September 11, but was cancelled due to Hurricane Irma.

Subsequently, the Florida Legislature met this week for the first round of committee hearings.

Select Committee on Hurricane Preparedness

As a direct result of Hurricane Irma, a select committee was called to evaluate preparedness and response. The committee will take up a number of issues such as:

- Tougher regulations for Nursing Homes and Assisted Living Facilities (ALFs)
- Review of Florida's Building Codes
- Ways to improve distribution of gas, water, and non-perishable food items in advance of a storm

The committee held its first hearing on Thursday, October 12, and heard presentations relating to Florida's Emergency Management System, Updates on Hurricane Irma Response and Recovery, as well as an update from the Office of Insurance Regulation. The committee hearing can be viewed anytime on [The Florida Channel](#).

Legislation of Interest

- **Vacation Rentals**

Senate Community Affairs heard presentation from the Department of Business & Professional Regulation, vacation rental owners and managers, and local governments/hotel industry on vacation rentals. DBPR testified in its presentation on current law that onerous regulations drives the industry "underground" and encourages renters to go outside of the legal, regulated system. The Florida League of Cities argued that there were different categories of vacation rentals. Local governments have less issues with a family that is simply renting out a room to afford a mortgage than with a trend of private equity firms that buy residences to rent out with little care for communities. FLC stated that the solution is to restore local authority so that local communities can do what is best for their area. No proposal has been filed at this time.

- **Beaches**

Senate Environmental Preservation & Conservation Committee voted unanimously to pass a Coastal Management bill that would revise DEP's ranking system for beach re-nourishment projects. The state currently has 411 miles of critically eroded beaches. Among other funding changes, the bill creates four tiers with various criteria that must be weighed equally by the department. The bills also authorize DEP to pay up to 75% of construction costs for an initial major inlet management project but can equally share costs with local sponsors for other components. It also updates how DEP develops its comprehensive long-term beach management plan and makes some changes to language regarding 3-year plans, long-term planning, dunes and critically eroded beaches. Palm Beach, Broward, the Florida League of Cities along with numerous coastal counties supported the bill as it will help streamline and fund critical projects. The bill has two more committee stops in the Senate and has not yet been heard in its first committee of reference in the House.

- **Resiliency**

Senate Appropriations Subcommittee on Environment and Natural Resources heard presentations on beaches, parks, water infrastructure needs and the impacts of sea level rise in South Florida. The water infrastructure discussion touched on the state funding process for local water projects. The presentation on sea level rise looked at the impacts of King Tides and the negative impact sea level rise can have on the economy in terms of traffic conditions and local businesses.

- **Human Trafficking**

Senate Children Families & Elder Affairs voted unanimously to pass a bill to add the dangers and signs of human trafficking to required health education in public schools. The bill has three more committee stops in the Senate. No House companion is filed as of yet.

- **Opioid Epidemic**

Senate Health Policy heard from a large panel comprised of health care services and law enforcement representatives on opioid addiction and its impact on health, communities, and law enforcement. The Senate Appropriations Committee also heard from a series of presenters on the topic. The Chairs of both committees have expressed their desire to make opioid crisis funding a priority. Senate Health Policy Chair stated that she would like for funding to help pay for better care coordination

and medication assisted treatment.

- **Reentry**

Senate Criminal Justice voted unanimously to pass to a bill that would allow non-profits to register Department of Corrections to provide reentry services. The bill would also allow correctional facilities to deny entry to representatives of the registered organizations and prohibit the Department from endorsing faith-based organizations or specific religious messages. The bill has two more committees of reference in the Senate. No House companion has been filed as of yet.

- **Medical Marijuana**

House Health Quality Subcommittee heard an update from the Office of Medical Marijuana Use (OMMU) on the implementation of medical marijuana legislation passed during the special session. Members expressed concern on OMMU's failure to meet required deadline for licenses. The Department of Highway Safety and Motor Vehicles also presented on its implementation of medical marijuana legislation requirements for training of Drug Recognition Experts (DRE).

- **Guardian ad Litem**

Senate Children, Families, and Elder Affairs committee heard SB 222. The bill removes the scheduled repeal date for the Guardian ad Litem Foundation which serves as a direct-support organization for the Statewide Guardian ad Litem Office. Florida's Guardian ad Litem Program (GAL Program) advocates for the best interests of children alleged to be abused, neglected, or abandoned who are involved in court proceedings. In 2007, the Legislature authorized the GAL Program to create a direct-support organization for the direct or indirect benefit of the Statewide Guardian ad Litem Office by conduct programs and activities; raising funds; request and receive grants, gifts, and bequests of moneys; and making expenditures to or for the direct or indirect benefit of the Statewide Guardian Ad Litem Office.

Report on the Senate Appropriations Subcommittee on the Environment & Natural Resources

By: Anfield Consulting

Frank Bernardino from Florida Water Advocates gave the first presentation. FWA made the case that Florida must continue to innovate not only in how it delivers water and resiliency infrastructure projects to the public, but in how those projects are funded. Florida's focus so far has bent heavily towards the singular goal of improving water quality and the availability of potable water sources for both public consumption and environmental restoration. However, as the state's existing water infrastructure continues to age, meeting this goal will become ever more problematic and expensive as the population grows.

Florida's population is estimated to grow by 15 million residents within that timeframe, resulting in a 100% increase in water demand from a 2010 baseline.

The EPA estimates that infrastructure improvements to meet growing demands for drinking water in the state will require no less than \$16.5 billion over the next 20 years alone, to say nothing of other infrastructural needs like flood control, nutrient groundwater pollution reduction, wastewater, and Everglades restoration, all of which combined could well run into \$51 billion over next two decades.

Funding has traditionally come from three sources: the WMDs, state trust funds reserved for certain programs (springs restoration, Everglades restoration, etc.), and general revenues submitted by local governments.

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Following the 2008-2009 collapse of the housing market, annual WMD revenues from ad valorem taxes have seen a large decrease. The impact of this year's proposed homestead exemption alone is estimated to be in the area of \$17,555,994 collectively.

Program funding from the state likewise took a severe hit from the 2008 recession, as evidenced by the fate of the 2005 Florida Water Protection and Sustainability Program.

That program began with high levels of funding and assurances of an annual minimum allocation, but was soon drastically cut along with other programs following the 2008 economic downturn. Around this same time period, the number of proposed local government projects on the Water List that were vetoed rose as well. Last year, no less than one in three member projects were denied funding.

Despite this trend, the total percentage of state expenditures on water has still managed to recover to pre-recession levels. However, that expenditure still remains less than 0.4 of 1% of total state expenditures. Transportation, by contrast, averages about 11%.

FWA indicated that the problem may well lie in the way that water infrastructure programs are proposed, vetted, and approved in comparison with how other state projects are processed, citing how projects vetted by an impartial regional body such as a WMD or local government co-operatives, such as the one now being operated by Polk County, are more likely to provide a greater return on investment (and are thus more likely to be approved). The comparative lack of dedicated funding sources was also cited.

Governor wants to boost security at Jewish Schools

By: Legislative IQ

Gov. Rick Scott wants to set aside another \$1 million to beef up security at Jewish day schools around the state, reports The Associated Press.

Scott Monday said he would ask that legislators set aside money to pay for such items as video cameras, fences, bullet-proof glass, alarm systems and other safety equipment. The governor announced his proposal at Katz Hillel Day School of Boca Raton.

Legislators will consider the spending request during the 2018 session that starts in January. The Republican-controlled Legislature gave the Jewish schools \$654,000 earlier this year.

Legislators pushed for the security upgrades after a wave of bomb threats against Jewish community centers and day schools.

