

PBC Legislative Update



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Legislative Update—Committee Week October 19-23

STATE ISSUES

REAPPORTIONMENT

BY: COUNTY STAFF AND RON L. BOOK, PA

The Legislature began Special Session C this week, to redraw the state Senate district maps. County staff testified at Monday's joint meeting of the House and Senate Reapportionment Committee to offer information on why Palm Beach County should maintain at least four Senate seats in the new maps. On Friday, the Senate Reapportionment Committee narrowly passed a new Senate district map (S9090) by a 4-3 vote, which fell along party lines. This map would redraw the boundaries of all 40 of Florida's Senate districts and would require all Senators to run for reelection in 2016. The map would reduce the number of Senators representing Palm Beach County from 4-3, with Senator Joe Negron's current district being entirely removed from the County and moved further west to Okeechobee County. The proposal is scheduled for a full Senate debate and vote when they convene on Tuesday, October 27, 2015 at 12:00 noon. After the Senate debate and vote, should the map pass, the map plan then goes to the House for approval. As noted above, the Redistricting Special Session C is ongoing, and is scheduled through November 6th.

WATER BILL

BY: ERICKS CONSULTANTS AND COUNTY STAFF

House State Affairs voted to file a committee bill to serve as the House version of a water package that would accomplish one of the Speaker's main priorities. While the House and Senate sharply differed on the water packages last Session, the State Affairs bill is currently identical to a water package filed by the Chairman of the Senate Committee on Environmental Preservation and Conservation. The water package is anticipated to be the first bill passed of the Legislative Session.

Some of the highlights of the bill include: creating the Florida Springs and Aquifer Protection Act to ensure protection and restoration of the water flow and water quality in the aquifer and Outstanding Florida Springs; requiring the Office of Economic and Demographic Research to perform a yearly analysis of water resources and conservation lands; and restructuring the Northern Everglades and Estuaries Act to build upon the DEP's completion of basin management action plans for Lake Okeechobee, the Caloosahatchee Estuary, and the St. Lucie River.

RELOCATION OF UTILITIES

BY: ERICKS CONSULTANTS

Senate Community Affairs amended SB 416 in a compromise between utility companies and local governments. The amended language narrowed the circumstances to which the bill applies to only pertain to public utility easements.

The Florida Association of Counties and Florida League of Cities supported the amendment, however the League of Cities is still working to remove or mitigate the easement language. The bill has two more committee stops in the Senate. Its House companion has not yet been filed.

PUBLIC PRIVATE PARTNERSHIPS

By: ERICKS CONSULTANTS

The House Government Operations Subcommittee unanimously approved a bill that would implement recommendations by a P3 Guidelines Task Force created by the Legislature two years ago. The bill would clarify that the P3 process is supplemental and not preemptive to local government authority. It would require unsolicited proposals be submitted with an application fee established by public entity. It would allow the public entity to deviate from the statutory timeframe and would create a DMS maintained database of P3 agreements. Finally, the bill would explicitly allow an entity in the state university system to qualify as a public entity able to engage in a P3. The committee also approved a related bill that would exempt unsolicited proposals from public record for a period of time. The same language passed the full House last year as part of a different package, which did not pass the full Senate. The main bill has three more committees of reference in the House, while the public records bill has two. The Senate companions have not yet been heard.

PUBLIC WORKS CONSTRUCTION CONTRACTS PREEMPTION

By: ERICKS CONSULTANTS

House Government Operations Subcommittee voted along party lines to approve preemption language on local regulations imposed on construction contracts for public works projects. The bill would remove local government ability to place any wage, training, affiliation or other employee stipulations on the contracts. The bill was supported by ABC and opposed by the AFL-CIO and other unions. Members opposed to the bill objected to the preemptive language. Some opposing members stated they could support the bill in the future should it contain a threshold of public funds that would trigger the preemption. Supporters of the bill claimed that local regulations were leading to higher costs for government projects. HB 181 has two more committees of reference. Its Senate companion was recently filed this week.

NATURAL GAS REBATE PROGRAM

By: ERICKS CONSULTANTS

House Business & Professions Subcommittee unanimously approved HB 285 that would allow the Department of Agriculture and Consumer Services to receive additional applications for the natural gas fuel fleet rebate program. It would also change the formula to allow the Department to award excess funds to additional applicants and give priority to government owned fleets.

CONTAMINATED SITES

By: ERICKS CONSULTANTS

Senate Appropriations Subcommittee on General Government unanimously approved SB 92 that would reform RBCA standards for cleanup of contaminated sites. Among the bills provisions are also reforms to brownfield cleanup which would require chemical interactions being taken into account as well as allowing for alternative cleanup targets if certain conditions are met. The bill has one more committee of reference in the Senate. Its House companion has not yet been heard.

PETROLEUM CLEANUP

By: ERICKS CONSULTANTS

Senate Committee on Environmental Preservation and Conservation unanimously approved SB 100 to expand the Petroleum Cleanup Participation Program and other relevant programs. It would also increase funding caps, which gives the bill a significant fiscal impact. The bill has one more committee of reference in the Senate. Its House companion has not yet been heard.

SENATE TAX CUT PACKAGE

By: ERICKS CONSULTANTS AND RON L. BOOK, PA

A number of tax cut proposals are moving through Senate committees to form the Senate Tax Cut Package as the House Finance & Tax canceled its meeting to continue its work on its House version. Senate Finance and Tax approved three tax cut bills this week. The committee unanimously approved SB 116 to reduce the commercial rent sales tax by 1% (from 6%-5%). The Realtors, numerous business organizations and the Florida Association of Counties support the bill. However, The Florida League of Cities opposes the bill, which has one more committee of reference in the Senate. Its House companion has not yet been heard in committee. The committee also approved a bill that would raise the amount of income exempt from paying corporate income tax from \$50,000 to \$75,000 as well as a bill to implement the annual back-to-school sales tax holiday. Additionally, the Senate Committee on Community Affairs approved a bill to add 11 operations to the list of military operations service members may be deployed to that would qualify him or her for an ad valorem tax exemption for deployed service members. Finally, the Senate Committee on Commerce & Tourism approved a bill that would exempt the sale of hybrid vehicles from the State sales & use tax for a period of five years. The Senate President has stated that the Senate intends on creating a \$250 million tax cut package. SB 116 has a \$287 million recurring impact although General Revenue is reduced by \$254 million and local revenue is reduced by \$32.9 million statewide on a recurring basis.

BUSINESS TAX INCENTIVES

By: ERICKS CONSULTANTS

The House and Senate continued to hear presentations from the Office of Economic and Demographic Research as well as Enterprise Florida and the Department of Economic Opportunity on tax incentives Florida uses to attract new or expand existing business. The Senate Transportation Appropriations Committee indicated it is still not convinced of the Governor's need for more incentive funds, pointing to millions left unused in an escrow account. The Governor, as a result, announced his intention to change the way incentives are banked while ramping up his lobbying efforts for the funds. Incentives stalled transportation budget negotiations between the House and Senate during Special Session A.

OPEN CARRY

By: ERICKS CONSULTANTS AND RON L. BOOK, PA

The Senate Committee on Criminal Justice voted 3 to 2 to approve SB 300 that would allow individuals with a concealed weapons license to openly carry their weapons. The bill is supported by the Chamber of Commerce, although they would like to see stronger protections for private businesses. The Florida Sheriffs Association is neutral on the bill. The Senate and House bill have now each moved through one committee and have two more committee stops in each Chamber.

BAKER & MARCHMAN ACTS

By: ERICKS CONSULTANTS

The House Children, Families & Seniors Subcommittee heard a presentation from DCF on the basics of the Baker Act and Marchman Act, which also included an overall look at the DCFs mental health programs. The committee also heard from a panel of experts including law enforcement, judges, criminal justice attorneys and community health organizations. The panel discussed processes, funding, strengths and weaknesses of the system. The Chair stated the presentation would be the first of multiple conversations with the intent of filing a committee bill. The Pinellas County Sheriff testified that Baker Acts are increasing by an average of 33% each year, many of which are the same individuals who fail to receive proper follow up services that could prevent situations from reoccurring. He also testified that there is a lack of receiving facilities that provide services for Marchman Act patients, causing the system to rely on jails with no services instead.

FEDERAL ISSUES

FEDERAL ISSUES

By: BECKER & POLIAKOFF AND COUNTY STAFF

THE HOUSE: The House Transportation and Infrastructure Committee approved HR 3763, a six-year authorization bill for surface transportation programs by voice vote on Thursday. This is the first time since 2012 that the committee has marked up a long-term bill since 2012. About \$330 billion in spending over six years would be authorized by the bill. However, the Congressional Budget Office estimates that taxes on gasoline and diesel fuels would only generate \$245 billion in revenue, leaving a funding gap of \$85 billion. The bill is likely to go to the House floor within the next two weeks. The current surface transportation program authorization expires on October 29th.

Representative Paul Ryan has agreed to run for Speaker of the House.

Former Secretary of State Hillary Clinton was questioned by the House Select Committee on Benghazi about her role before and after the 2012 terrorist attack on the U.S. diplomatic compound in Libya. The hearing lasted eleven hours.

THE SENATE: Senate Republicans failed to pass the Stop Sanctuary Cities Act. Needing 60 votes to advance, the Senate voted 54-45. The bill would have threatened to withhold funds to local governments that do not comply with ICE requests to hold in custody suspected deportable immigrants and reallocate those funds to other cities.

16-COUNTY LAKE OKEECHOBEE COALITION TRAVELS TO DC

By: COUNTY STAFF



Pictured from left to right: Comm. Daniella Levine Cava - Miami Dade County, Mayor Tim Ryan - Broward County, Commissioner Melissa McKinlay - Palm Beach County, US Senator Bill Nelson, Commissioner Frank Mann - Lee County, Commissioner Karson Turner - Chairman, Hendry County, Commissioner Sarah Heard - Martin County, Commissioner Frannie Hutchinson - St. Lucie County & Comm. Hutchinson's grandsons

Local elected officials representing the 16 County Lake Okeechobee Coalition Ecosystem Summit traveled to Washington DC this week advocating for continued support of Everglades Restoration and Herbert Hoover Dike repairs.



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Board of County

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Mary Lou Berger, Vice Mayor

Hal R. Valeche

Paulette Burdick

Steven L. Abrams

Melissa McKinlay

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LOCAL ISSUES

BCC BRIEFS FOR OCTOBER 20, 2015

By: COUNTY STAFF

At the October 20, 2015, Board of County Commissioners meeting, the board took the following action:

Baseball Complex – approved the restated developer agreement with HW Spring Training Complex, LLC; adopted a resolution authorizing the issuance of up to \$133 million in public improvement revenue bonds to fund construction and equipping of a professional sports franchise facility on Haverhill Road south of 45th Street; and authorized staff to close on the property exchange with the city of West Palm Beach.

Home Caregivers – adopted the Home Caregiver Ordinance requiring licensure and Level 2 background checks of home caregivers. The ordinance will be enforced primarily by the Sheriff's Office; the Palm Beach County Division of Consumer Affairs will handle licensing.

Marijuana – continued a public hearing to the December 15 meeting establishing a civil citation process for possession of small amounts of marijuana. The proposed measure allows law enforcement officers to issue a civil citation with a civil fine of \$100 or the performance of community service for anyone 18 or older who is in possession of 20 grams or less of marijuana and/or marijuana drug paraphernalia.

Economic Incentives -- approved ad valorem tax exemptions for Carrier Corp. and the Otis Elevator Company totaling \$3 million over a 10-year period. The companies are divisions of United Technologies Corp. which is constructing a 250,000-square-foot state-of-the-art facility on 30 acres of the Briger tract known as the UTC Center for Intelligent Buildings. Carrier and Otis are required to make a minimum \$115 million capital investment, create 380 jobs over a six-year period at an average annual wage of \$85,000, and retain those jobs for five years. They must also retain 70 existing full-time jobs for five years.