

# PBC Legislative Update



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2016 Session Week Five**

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### FEDERAL ISSUES

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## Legislative Update—2016 Session Week Five

### STATE ISSUES

#### THE STATE BUDGET

*By County Staff and Corcoran and Johnston*

The House voted 85-29 to approve its \$79.9 billion spending plan while the Senate voted unanimously to approve its \$81 billion budget. Both plans increase education funding and set aside money for reserves.

The chart below is a compilation of some of the local issues our Palm Beach County lobby team and local partners have been working on to secure in the 2016/17 state budget. The chart, organized by budget subcommittee, lists project names, initial amount requested, and allocations received so far in the respective House and Senate budgets. The budget in both the House and Senate will now go to the floor of both chambers.

EDUCATION APPROPRIATIONS	Amount Requested	Senate Budget Line/Amt	House Budget Line/Amt
Palm Beach State College PECO Funding	\$9,000,000		
FAU STEM Life Sciences Initiative (Phase 2)	\$7,038,000	Line 25 Chair Report \$4,131,815	
FAU Jupiter Research Building PECO Funding	\$14,650,000		
PB Habilitation Center	\$482,600 \$166,511	Lines 33; \$225,000 (Adults w/ Disabilities) & 261C \$649,111 (FCO)	Line 261B \$649,111 (FCO)
Max Planck	\$3,000,000	Line 25 Chair Report \$1,050,000	Line 7ab Chair Report Non Recurring GR \$500,000
Local Library Funding - PBC On-Line Tutor Assistance	\$74,000	Line 111 \$74,000	
Local Library Funding - Digital Media Labs	\$140,000		
Adults with Disabilities	\$10,000,000	Line 33	

		\$6,171,576	
Glades West Tech HVAC Training	\$1,471,714	Line 124B \$1,471,714	
<b>HHS APPROPRIATIONS</b>	<b>Amount Requested</b>	<b>Senate Budget Line/Amt</b>	<b>House Budget Line/Amt</b>
Place of Hope	\$3,200,000		Line 330 \$100,000
Mental Health Pilot @ Jerome Golden Center	\$575,000		Line 388 \$575,000
Rape Crisis Center	\$2,500,000	Line 466 \$2,500,000	Line 466 \$2,500,000
Homeless Housing		Line 363 \$3,000,000 Statewide for HC	Line 363 \$2,000,000 Statewide for HC
Caridad - Optical Center	\$1,500,000		
Alzheimer's Community Care		Line 410 \$250,000	Line 410 \$250,000
Ruth & Norman Rales Jewish Family Services			Line 413 \$50,000
Jewish Assoc. for Residential Care (JARC) JFS - Mental Health Funding	\$180,000		
ChildNet - My Future My Choice Service Costs	\$2,500,000	Line 326 \$5,000,000 for state shared risk	Line 342 \$14,813,386 for statewide equity allocation per \$409.991
Scripps Research Institute	\$3,000,000	TED Line 2234 \$1,000,000	HHS Line 472A \$2,000,000
Palm Beach PACE (Care for Elderly slots)	\$5,600,000	Line 419 \$4,491,270	
<b>CRIMINAL JUSTICE APPROPS</b>	<b>Amount Requested</b>	<b>Senate Budget Line/Amt</b>	<b>House Budget Line/Amt</b>
South Bay Correctional PILT		Lines 633K, 643, & 645K; \$275,560	Lines 633K, 643, & 645K; \$275,560
Sago Palm PILT		Line 633C \$142,900	Line 633C \$142,900
South Bay Correctional Facility		Line 702 \$2,893,625	Line 702 \$2,893,625
Sago Palm Work Camp		Line 702 \$857,125	Line 702 \$857,125
Restore Reentry Grant	\$500,000		Line 750 \$500,000
Insurance and Workers Comp Fraud – 4 prosecutor positions (15 <sup>th</sup> )	\$548,633	Line 882 \$548,633	

PBC Sheriff Unmanned Aircraft System		Line 1224 \$1,100,000	
Enhanced Lighting in High Crime Areas	\$200,000	Line 1224 \$200,000	
Insurance Fraud Protection - Palm Beach & 5 other counties (fund transfer for line 882)		Line 2411 \$1,561,202	Line 2411 \$1,561,202
Clerks and Comptrollers		Line 3023 \$50,902,734	Line 3023 \$40,902,734
4 <sup>th</sup> DCA Courthouse Construction		Line 3144 \$7,275,757	
<b><u>WATER AND ENV APPROPS</u></b>	<b>Amount Requested</b>	<b>Senate Budget Line/Amt</b>	<b>House Budget Line/Amt</b>
Lake Region Water Infrastructure	\$1,000,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
<b>Beach &amp; Inlet Mgmt 1.</b> Coral Cove Park Dune Restoration - \$400,000 2. Jupiter/Carlin Shore Protection - \$100,000 3. Juno Beach Shore Protection - \$5,110,000 4. Central Palm Beach County Erosion Control Project - \$2,628,460 5. South Lake Worth Inlet Mgmt - \$90,000 6. Ocean Ridge Shore Protection - \$100,000 7. Delray Beach Nourishment - \$25,515 8. Boca Raton North Beach Shore Protection - \$158,600 9. Boca Raton Central Beach Shore Protection - \$4,793,600 10. Boca Raton South Beach Shore Protection - \$1,004,587 11. Boca Raton Inlet - \$392,325 12. Lake Worth Inlet Maintenance Dredging - \$196,500 13. Midtown Beach Restoration - \$7,856,800 14. Phipps Park Restoration - \$7,437,300	Total: \$30,293,687	\$28,140,270 Statewide	\$30,000,000 Statewide
<b>Loxahatchee River Preservation Initiative 1.</b> Hydrologic Restoration Phase II - \$125,000 2. Cypress Creek Weir: Phase 1 Design - \$85,000 3. Moonshine Creek Oxbow Restoration -	Total: \$3,155,963	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)

	<p>\$375,000 4. Jones Creek Preserve Hydrologic Enhancement - \$88,000 5. Jupiter Farms Elementary Force Main - \$200,000 6. Pine Glades Natural Area Habitat Restoration - \$225,000 7. Jupiter Inlet Village Water Quality Improvements - \$624,731 8. Loxahatchee Slough Restoration &amp; Educational Public Use Facility - \$310,000 9. Neighborhood Sewering Phase 6 - \$498,000 10. Seminole Avenue Stormwater Basin Improvements - \$475,232 11. Riverbend Park Picnic Island Sewer Line Extension - \$150,000</p>			
	<p><b>Lake Worth Lagoon 1.</b> Bonefish Mangrove Islands &amp; Seagrass - \$1,500,000 2. Lake Worth Lagoon Living Shorelines - \$500,000 3. Monitoring and Administration - \$200,000</p>	<p>Total: \$2,200,000</p>	<p>Line 1645A \$50,000,000 total statewide (proviso pending)</p>	<p>Line 1645B \$50,000,000 total statewide (proviso pending)</p>
	<p>J. W. Corbett Levee</p>	<p>\$3,000,000</p>		
	<p>Freshwater Lake Restoration 1. Lake Okeechobee Artificial Reef - \$150,000 2. Monitoring and Administration - \$15,000</p>	<p>\$165,000</p>	<p>Line 1645A \$50,000,000 total statewide (proviso pending)</p>	<p>Line 1645B \$50,000,000 total statewide (proviso pending)</p>
	<p><b>Municipal Local Water Requests:</b></p> <p>Boynton Beach Mangrove Park Water Quality Improvements</p> <p>Lantana ICW Water Main Replacement Project</p> <p>Lantana Lift Stations 1, 3, 4, &amp; 9 Electrical Upgrades</p> <p>Delray Beach Reclaimed Water System Expansion</p> <p>Lake Worth Water Main</p> <p>Riviera Beach Singer Island Drainage Project</p> <p>Jupiter Inlet Colony Neighborhood Rehabilitation Project</p> <p>Tequesta Water System</p>	<p>\$950,000</p> <p>\$350,000</p> <p>\$200,000</p> <p>\$1,500,000</p> <p>\$500,000</p> <p>\$2,500,000</p> <p>\$730,460</p> <p>\$750,000</p> <p>\$875,700</p>	<p>Line 1645A \$50,000,000 total statewide (proviso pending)</p>	<p>Line 1645B \$50,000,000 total statewide (proviso pending)</p>

	Improvement Project	\$400,000		
	ITID Indian Trail M-1 Canal Improvement	\$2,952,191		
	ITID M-1 Impoundment	\$300,000		
	ITID MO Canal Improvements	\$1,200,000		
	Wellington Reuse Water System	\$500,000		
	Royal Palm Beach Canal System Rehabilitation Project	\$2,000,000		
	Wellington Water & Wastewater Master Plan	\$1,000,000		
	Riviera Beach Avenue T Drainage Improvements	\$250,000		
	Riviera Beach RC-1 Canal Widening Project	\$200,000		
	Wellington Drinking Water Recharge System	\$800,000		
	WPB Currie Park Water Quality Retrofits	\$290,000		
	Belle Glade NW 3rd Street Corridor Stormwater	\$725,000		
	Pahokee Citizen's Villa - Storm Water Improvement Project	\$435,000		
	Pahokee City-Wide Storm Water Project	\$750,000		
	Pahokee East Lake Village Canal - Storm Water Project			
	Palm Beach Gardens Stormwater Maintenance			
	FDACS Biological Control Research Lab			
	Petroleum Storage Tank Compliance Program	\$5,900,000	\$125,000,000	\$110,000,000
	PBC Recreational Shooting Park	\$3,090,000	Line 1783A \$3,090,000	Line 1783A \$3,090,000
	Alternative Water Supply Funding		\$0	\$30,000,000
	FRDAP Funding		Line 1698A \$10,000,000	Line 1698A \$4,400,000 Funding includes: Okeeheliee

			\$200,000 John Prince Park \$200,000 NPB Pool \$200,000
Lakeshore Drainage Relief Project (Lake Park)	\$6,000,000	Line 1645A \$50,000,000 total statewide (proviso pending)	Line 1645B \$50,000,000 total statewide (proviso pending)
Land Acquisition / Florida Forever		\$82,600,000	\$109,356,206
Everglades Restoration		Line 1590 \$82,000,000	Line 1590 \$100,000,000
<b>TED APPROPRIATIONS</b>	<b>Amount Requested</b>	<b>Senate Budget Line/Amt</b>	<b>House Budget Line/Amt.</b>
Small County / Small City Funding	\$9,000,000	Line 1890 \$9,000,000	
Lake Worth Park of Commerce	\$3,500,000	Line 1906 \$2,500,000	Line 1906 \$1,000,000
Broadway Corridor Revitalization	\$450,000	Line 1906 \$450,000	
US 1 Complete Streets - Village of Tequesta		Line 1906 \$300,000	
Glades Roads	\$1,000,000	Line 1906; \$1,000,000	
Lake Okeechobee Wave Attenuation Project (formerly Pahokee Marina)	\$1,200,000	Line 2216 \$1,200,000	
Chain of Lakes Blueway Access Project	\$286,900	Line 2216 \$286,900	
Glades Region Inland Logistics Center (Inland Port)	\$470,000	Line 2234 \$470,000	
New Boys & Girls Club (Glades)	\$1,000,000 match		
Scripps Research Institute	\$3,000,000	TED Line 2234 \$1,000,000	HHS Line 472A \$2,000,000
FAU Tech Runway	\$3,500,000	Line 2234 \$1,000,000	Line 2234 \$250,000
WPB Calloway Armory		Line 2931 \$3,000,000	
Housing Finance Corp (SAIL)		Line 2223 \$131,200,000 (50% used for SAIL)	Line 2223 \$94,405,000
Sadowski Housing Trust Fund (SHIP)		Line 2224 \$185,800,000	Line 2224 \$47,000,000
State Library Funding State Aid	\$33,400,000	Line 3091, \$23,298,834	Line 3091; \$22,298,834

Library Cooperatives	\$2,000,000	Line 3090 \$2,000,000	Line 3090 \$2,000,000
Library Construction Grants		Line 3097A \$2,000,000 to fund list entirely	Line 3097A; \$2,000,000 to fund list entirely
Spady Museum		Line 3103 \$20,000	
YSPB's Choir in Glades	\$150,000	Line 3108A \$100,000	
Norton Museum	\$1,000,000	Line 3108A \$1,000,000	Line 3108A \$300,000
Torry Island Master Plan	\$75,000		
Cultural and Museum Grants	\$30,933,457 (413 ranked projects)	Line 3103 \$19,695,000	Line 3101 \$15,757,118 (funds Dos list less \$850,000 for proviso projects)
			Line 3108A \$13,891,424 (\$11,906,424 to fund entire DoS ranked list)  Benzaiten Center for Creative Arts \$129,000  Center for Creative Education \$400,000  Indian Trail Improvement District \$100,000  Loggerhead Marine Center  Norton Museum of Art \$500,000  South Florida Science Center and Aquarium \$500,000  The Zoological Society of the Palm Beaches \$500,000  Village of Wellington /New Venue for Arts \$500,000
Cultural Facilities Program	\$11,906,424 (37 ranked projects)	Line 3108A \$13,140,751 (\$6,493,424 to fund DoS ranked list)	

**TAX PACKAGE**

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

The House voted 96-17 to pass a \$1 billion tax cut bill. HB 7099 reduces the sales and use tax on commercial leases; extends the manufacturing equipment tax cut; institutes several sales tax holidays- including a 10 day back-to-school holiday; provides corporate tax credits for various activities- including Brownfield Cleanup; eliminates taxes on textbooks, admissions and datacenters. It includes ad valorem exemptions for military service; makes other changes to the tax code, such as addressing piggybacks, alcohol and tobacco on cruise lines, and aviation fuel taxes. The package also mandates that 5% of CRA funds support youth service organizations if certain percentage of served population is located within the area. The bill is supported by business and economy focused organizations. Proponents contended the tax package was designed to give money back to middle class families and small businesses rather than corporations and spur economic growth. Opponents felt the tax cut dollars could be used for other services and also felt the process was not inclusive enough. While the Governor has called for a \$1 billion tax cut package, the House version does not mirror the Governor's proposal, especially concerning corporate income tax. The Senate's tax package consists of individual bills moving through the process.

The House bill also contains two provisions that have been controversial among local governments and tourism industry officials. Those provisions are:

- Local option to commit 10% of tourist development taxes revenues to fund law enforcement and emergency medical services in coastal areas affected by increased tourism or tourism related event
- Requirement to spend 35% of tourist development tax revenues on promotion

**SENATE ECONOMIC DEVELOPMENT PACKAGE**

*By Ericks Consultants*

Senate Transportation & Economic Development approved SB 1646 that would reform the State's Quick Action Closing Fund as requested by Governor Scott. The bill also reforms and/or reorganizes other economic development programs, including a focus on the entertainment industry. As part of Governor Scott's plan, it would replace the Quick Action Closing Fund with the new Florida Enterprise Fund to incentivize businesses. The committee adopted a strike-all amendment creating a standardization process for the application, the evaluation, the actual contract, as well as providing for an advertising component. Under the High Performing Grant Program, the Innovation Program and the Florida Enterprise Program (Quick Action Closing Fund) DEO must recommend approval or disapproval to the Governor. It allows for the Governor to enter into a contract that is under \$2 million with notice to the Legislature. For any project over that amount, there is a 14-day consultation period with the Legislature and should there be objection then the Governor can approve. It also provides for a waiver of local financial support provisions, as well as eligibility clarifications under QTI for businesses offering higher education degrees that addresses healthcare workforce demand. Under the Florida Enterprise Program there is a change in the required ROI to 2.5 to 1 from 3 to 1 in the original bill. It also requires DEO to publish a summary document for active project, along with a schedule of performance required and payments. The strike all clarifies provisions of the Quick Response Training Program administered by Career Source Florida. The language also includes, but is not limited to requiring the board to have a member that is an expert on rural economic development, as well as having the President of Career Source Florida. Also the Sports Development programs will now only need to be certified and approved by DEO. The Congress of Motion Pictures and multiple counties supported the bill. The conservative organization Americans for Prosperity opposed the bill arguing against tax credits and film incentives. The bill has one more committee of reference in the Senate. The significantly different (for now) House economic development package is scheduled to be heard in its first committee of reference next week.



**FILM INCENTIVES**

*By Corcoran and Johnston*

The Senate Transportation, Tourism, and Economic Development Appropriations Committee unanimously approved a proposal, SB 1646 by Sen. Latvala (see summary above), which revamps the state's film incentive program. The bill creates an entertainment action fund where companies can receive funding for qualified programs and moves the Department of Economic Opportunity's Office of Film and Entertainment to Enterprise Florida. The film incentives are part of a larger incentive package.

**SOBER HOMES**

*By County Staff*

House Health & Human Services approved HB 823 that would set up a Pilot program within the Palm Beach County State Attorney's office. The program would address unethical marketing and business practices implemented by sober homes and would be required to provide a report to the state on October 1<sup>st</sup> of each year the program is in place. The bill has two more committees of reference in the House.

SB 1138 (Clemens) passed its first committee, Children, Families, and Elder Affairs, unanimously during week two of session. The bill would prohibit unethical marketing practices by substance abuse treatment providers and operators of recovery residences, such as soliciting or receiving kickbacks or bribes to secure residents, promising free rent and other perks to potential residents, and using predatory marketing. The bill has two more Committee stops: the Appropriations Subcommittee on Health and Human Services and the Appropriations Committee.

**RESIDENTIAL FACILITIES**

*By Ericks Consultants and Corcoran & Johnston*

Senate Fiscal Policy unanimously passed SB 1174 that would require a radius of 1,200 ft. between a residential unit of 6 or fewer residents that meets the definition of a community residential home built after July 2016 and an existing community residential home. The bill is supported by the City of Miami. The House and Senate bills are ready to go before the full Chambers.

**TNC – UBER BILL**

*By County Staff, Anfield Consulting and Ericks Consultants*

Senate Judiciary voted 7-3 to approve HB 1118 that would impose insurance requirements on Transportation Network Companies. The bill would require different levels of insurance during times when the driver is providing a ride or logged in to the app but not providing a ride and all other periods of time. The committee adopted an amendment that reduced coverage requirements from \$1 million to \$120,000 for death and bodily injury per person, \$250,000 for death and bodily injury per incident and \$50,000 for property damage during periods of time when the driver logged in. The committee adopted an amendment to require notice be given to drivers that it is illegal to accept a ride not arranged through the TNC application and such rides will not be covered by insurance. The bill does not go as far as the House proposal, which would preempt local control of TNCs. The Senate bill has two more committees of reference in the Senate. The House bill passed out of the House last week.

**LOCAL GOVERNMENT TAX REFERENDA**

*By Ericks Consultants*

House Local & Federal Affairs voted unanimously to approve HB 791 that would require local tax referenda to be held during general elections after adopting a compromise amendment to address some local government concerns. The

committee amended the bill to require a 60% threshold for passage only if the election is during a Presidential primary election and allow for a majority vote threshold if the election is during a general election. The bill does not go into effect until after the 2016 elections. The bill is now ready for the full House. Its Senate companion is scheduled to be heard in its first committee next week.

#### **AD VALOREM EXEMPTION FOR LOW-INCOME SENIORS**

*By Ericks Consultants*

The House unanimously passed HB 275 that would place a constitutional amendment on the ballot to stipulate that a low-income senior qualify for homestead exemption if their property had a value equal to or less than \$250,000 at the time of the initial homestead application. The senior must have lived in their home for a period of time to qualify. The bill is intended to keep low-income seniors in their homes and protect them from owing a large tax bill due to rising property values. Counties and Municipalities may grant the exemption through ordinance. The Property Appraisers support the legislation. The Senate bill has one more committee of reference in the Senate.

#### **RECAPTURE RULE**

*By Ericks Consultants*

The House voted 88-25 to pass SB 7015 that would place on the ballot a constitutional amendment to eliminate the recapture provision for local governments in Save Our Homes. The bill would prevent local governments from collecting the same level of property taxes despite property values decreasing for both homestead and non-homestead properties. The sponsor emphasized that the legislation was permissive rather than mandated. Opponents argued the effect of the legislation would result in identical homeowners paying drastically different tax rates and have a negative impact on businesses. The Florida Chamber of Commerce and Florida Realtors support the bill. The bill has two more committees of reference in the Senate.

#### **PROPERTY PREPARED FOR TAX-EXEMPT USE**

*By Ericks Consultants*

House Appropriations approved HB 301 that would allow tax-exempt organizations to remove property being prepared for educational, literary, scientific, religious, or charitable purposes from the tax rolls prior to the implementation of those purposes. It has an estimated \$1 million recurring negative impact to local tax revenues. The Senate bill does not include affordable housing as a tax-exempt purpose as the House bill does. The bill is now ready to go before the full House. However, the House also amended the language into the tax package that was passed out of the House this week. The Senate bill has one more committee of reference in the Senate.

#### **FRS REFORM**

*By Ericks Consultants*

House State Affairs voted 10-8 to file an FRS reform bill that is a priority of the Speaker. HB 7107 would make the 401k investment plan the default plan for new employees rather than the defined benefits plan. The bill also includes two provisions to appeal to the Senate: a provision that would increase death benefits to families of Special Risk Class members that die in the line of duty and a provision to correct a double-dipping glitch that discourages retired employees from seeking positions which would return them to the FRS system. Opponents were concerned that changing the default plan would cost more money than keeping the status quo and that no issues with the FRS system justify the change. The bill has been assigned only one committee of reference.

### **FIRE ASSESSMENT ON GREENBELT PROPERTY**

*By Ericks Consultants*

House Finance & Tax approved HB 773 that would prohibit local governments from imposing fire assessments on agricultural lands with greenbelt certification. The bill is in response to Haines City imposing assessments on citrus farmland. The Farm Bureau and Fruit and Vegetable Association supported the bill. The Florida League of Cities and Florida Association of Counties opposed the bill, stating that assessments must be apportioned according to benefit. The bill has one more committee in the House. Its Senate companion has two more committees of reference in the Senate.

### **NATURAL GAS REBATE PROGRAM**

*By Anfield Consulting, Ericks Consultants and County Staff*

The House Agriculture & Natural Resources Appropriations Subcommittee unanimously passed HB 285 (Ray) without amendment. It will next be heard in the Regulatory Affairs Committee. SB 90 (Simpson) passed the Senate unanimously. The legislation allows the Department of Agriculture and Consumer Services to expend unencumbered funds from the Natural Gas Rebate Program on additional rebates. Between June 1 and June 30 of each fiscal year, applicants who have already exceeded the \$250,000 rebate limit would be able to apply for additional rebates for each additional eligible vehicle in their possession. Governmental applicants would have preference, followed by commercial applicants. Applicants would be taken on a first-come, first-served basis. In the Senate version, any unencumbered funds remaining in the natural gas fuel fleet vehicle rebate program after June 30 of each fiscal year will revert to the General Revenue Fund. Associated Industries of Florida, Florida Natural Gas and other energy industry representatives support the bill.

### **INSPECTOR GENERAL**

*By County Staff*

SB 752 (Abruzzo) passed its final stop, the Rules Committee, by an 11-1 vote. The bill exempts from public inspection and disclosure certain personal identifying information of an agency employee whose duties include conducting internal audits. This would apply to both current and former employees, as well as their spouses and children. Proponents argue that, since such employees have been subject to threats, this legislation is necessary for their safety. A two-thirds vote of both the House and Senate would be required to pass the bill since it creates a public record exemption. The House version, HB 587 (Powell), has been placed on the calendar for 2<sup>nd</sup> reading.

### **GAMING COMPACT**

*By County Staff and Ericks Consultants*

The House Regulatory Affairs Committee approved three gambling bills. PCB RAC 16-01 would ratify the gaming compact negotiated by Gov. Scott and the Seminole Tribe. Through the compact, the Seminoles would guarantee \$3 billion in payments to the state over seven years in exchange for being allowed to add craps and roulette to their casinos. PCB RAC 16-02 would decouple greyhound tracks, allowing them to remove dog racing while adding poker and slots. Furthermore, slots would be allowed in Palm Beach County and at a new facility in Miami-Dade. The third bill, PCB RAC 16-03, would allow voters to decide whether they want to expand gambling in the future.

The Senate Regulated Industries Committee delayed until next week a discussion on the Senate's gambling bills, SB 7072 and SB 7074, after Senator Negrón filed several amendments that would significantly alter the deal. Negrón's amendments would alter the deal in several ways. For example, under his proposal, all six counties where voters have approved slots at pari-mutuels would be allowed to have them, including those counties that may vote for them in the future. Also, he

would include \$45 million in revenues from slots and card games at pari-mutuels that stop offering racing or jai alai for thoroughbred purse pools. To offset the expansion of gambling, Negron's plan would eliminate 20 pari-mutuel permits—those that are either dormant or inactive—and allocate \$20 million for the state to purchase active permits. Finally, his plan would definitively state that fantasy sports are legal in Florida.

#### **ATTORNEYS FEES FOR PUBLIC RECORDS VIOLATIONS**

*By County Staff and Ericks Consultants*

Senate Judiciary approved SB 1220 that would give judges discretion in awarding attorneys fees in public records violations. The bill would also allow for a five-day period for the public records custodian to comply with the request and avoid legal action. The bill is meant to protect taxpayer dollars from a cottage industry of attorneys who profit from lawsuits over public records violations. Local governments support the bill. Several public advocacy and press organizations oppose the bill, claiming it weakens public records laws. The bill has one more committee in the House and Senate.

The bill is meant to protect taxpayer dollars from a cottage industry of attorneys who profit from lawsuits over public records violations. Local governments in Palm Beach County support the bill. Several public advocacy and press organizations oppose the bill, claiming it weakens public records laws.

#### **PUBLIC RECORDS EXEMPTION – MARCHMAN ACT**

*By Ericks Consultants*

Senate Rules unanimously approved a bill that would exempt from public records related to the involuntary assessment and stabilization of a person impaired due to substance abuse under the Marchman Act. The bill would ensure that families will not have to fear that sensitive personal information would be made public should they choose to Marchman Act a loved one. It would also align public records law regarding the Marchman Act with that of the Baker Act. Palm Beach County supported the bill. The bill is now ready for the full Senate. Its House companion has two more committees of reference.

#### **MENTAL HEALTH AND SUBSTANCE ABUSE**

*By Ericks Consultants*

House Health Care Appropriations approved the House Mental Health & Substance Abuse omnibus package (HB 7097). The House and Senate packages still differ significantly. Each bill has one committee stop left in its respective Chamber. Additionally, Senate Appropriations Subcommittee on Health & Human Services approved a behavioral health package (SB 1336) that would direct Managing Entities to create plans within each county to treat individuals with co-occurring, complex and persistent mental health and substance abuse issues, including transportation plans. The bill has one more committee stop in the Senate.

#### **DISCOUNTS TO PARK ENTRANCES AND TRANSIT**

*By Ericks Consultants and County Staff*

House Local & Federal Affairs Committee unanimously approved HB 1321 (Rader) that would require counties and municipalities to provide a partial or a full discount on park entrance fees to military members, veterans, and the spouse and parents of deceased military members and first responders. It would also require regional transportation authorities to provide a partial or a full discount on fares for certain disabled veterans. The South Florida Regional Transportation Authority supports the bill. It is now ready to go before the full House. The Senate version, SB 1202 (Abruzzo) has been placed on the calendar for 2<sup>nd</sup> reading.

**MILLAGE RATES**

*By County Staff and Anfield Consulting*

HB 1015 (Nunez) was temporarily postponed by the House Local & Federal Affairs Committee. The bill changes the formula for calculating the simple majority vote maximum millage rate. Instead of using a rolled back rate assuming the previous year's maximum rate was levied, the revised formula uses a rolled back rate using the prior year's *actual* levy. The formula change would reduce the simple majority maximum tax rate for most counties, cities, and special districts. The Florida League of Cities and Florida Association of Counties recently testified that while neither organization supports the current language, they are working with the sponsor to address their issues. The Florida Association of Counties warned against a ratcheting down effect if locals were forced to adopt based upon the prior year as it would incentivize a government to levy more than absolutely necessary out of fear of limiting itself too much moving forward. Its companion, SB 1222 (Flores), is awaiting a hearing in its second stop, the Finance and Tax Committee.

**KRATOM**

*By Ericks Consultants*

House Justice Appropriations Subcommittee voted unanimously to add kratom to the list of controlled substances. HB 73 has one more committee in the House. The Senate bill was not considered in its first committee last week due to time constraints, but is again scheduled to be heard next week.

**DANGEROUS DOGS**

*By County Staff*

SB 334 passed the Senate this week. It's companion, HB 91 unanimously passed the House 118-0 last week. The bill is intended to clear ambiguity in the existing law when a dog that has not been previously classified as dangerous causes serious injuries. Under current law, the dog would have to be euthanized, its owner unable to offer a defense and explain the circumstances; however, if a dog has already been classified as dangerous, an owner can offer a defense. The bill would require that animal control authorities allow owners to offer affirmative defenses of dogs that have not been previously classified as dangerous during a euthanization hearing. The bill also protects the home rule authority of local governments. The bill now goes to the Governor.

**HISTORIC AND ARCHEOLOGICAL ARTIFACTS**

*By County Staff and Ericks Consultants*

After a lengthy debate, Senate Governmental Oversight and Accountability two weeks ago, the committee postponed SB 1054 that would create procedures to discover historical and archeological artifacts and would allow for normal citizens to retrieve artifacts without committing a felony. The program had been repealed by the Legislature years ago due to abuse of persons seeking to profit off of artifacts. The bill was not heard this week. The Senate bill has three committees of reference. The bill, HB 803, has two more committees of reference in the House.

**DEATH PENALTY**

*By Corcoran and Johnston*

State lawmakers are taking steps to change the state's death penalty rules. But while both the House and the Senate voted on bills to change the law to comply with a U.S. Supreme Court ruling invalidating the decision, the proposals aren't quite in line. The Senate proposal, SB 7068 (Criminal Justice), requires a unanimous vote for a defendant to be eligible for the death penalty; the House bill, HB 7101 (Criminal Justice Subcommittee, Trujillo, Spano) does not.

**RELOCATION OF UTILITIES**

*By Anfield Consulting, Ericks Consulting and County Staff*

SB 416 (Flores) was passed by the Senate 34-4 and is now in Messages. HB 461 (Ingram) is on the Second Reading Calendar. The bill will allow for utilities to be liable for relocation costs only if their lines are located across, under, upon, or *within* the right of way, not alongside it as it would be in an easement. Furthermore, it limits the ability of local governments, within certain confines, to license or otherwise regulate utility lines except those that are located on, over, under, or within the right-of-way. The Florida League of Cities testified against the House bill and continued its calls for a compromise cost-share solution negotiated at the local level. AT&T testified that the issue of the bill is just compensation for private property rights. The Florida Association of Counties is neutral on the bill. The House bill is ready for the full House.

**2018 SESSION START DATE**

*By County Staff*

The Senate Ethics and Elections Committee filed SPB 7076 to move the start date of the 2018 legislative session to January 9. The House bill, HB 7103 (Nunez, Government Operations Subcommittee), would start the session the same day and has been referred to the State Affairs Committee.

**ALARM SYSTEM REGISTRATION**

*By Ericks Consultants*

Senate Community Affairs approved legislation that would preempt local alarm system registration in order to establish a statewide uniform system. SB 768 caps fees for registration to a one-time payment of \$25 and requires registration within 20 days of occupancy of a property. The bill prohibits false or excessive alarm penalties being charged to monitoring or installation companies and instead places responsibility on customers. The bill sponsors contend that the language mirrors the majority of local ordinances. The Police Chiefs Association testified in opposition to the bill, however the sponsor stated that the provision the Association was concerned with would be removed at the next committee stop. The bill has one more committee stop in the Senate. Its House companion has two more committees of reference, however its next stop will not be meeting again.

**MEDICAL EXAMINER**

*By Ericks Consultants*

Senate Community Affairs approved HB 620 that would cap fees counties can charge for state mandated medical examiner services for cremations at \$50. An amendment that would have prohibited any fee, which would have aligned the bill with the House language, failed after being opposed by the Florida Association of Counties, Palm Beach County and Broward County. Opponents contend that the fee is used to offset the costs of the mandate and is especially necessary in larger, urban counties that require a large number of cremations. The bill has one more committee stop in the Senate. The House companion bill that would prohibit any fee is ready to go before the full House.

**DJJ COST SHARE**

*By Ericks Consultants*

Senate Criminal and Civil Justice Appropriations passed HB 1322 that would resolve a longstanding county/state dispute over the distribution of Juvenile Justice costs between the two. The bill would require non-fiscally constrained counties pay \$42.5 million for the 2016-17 FY and split the cost 50/50 between the counties and state going forward. The state maintains the amount required is an \$11.8 million discount on what is currently owed. Only two counties have not yet provided official confirmation of support, but are anticipated to, and three counties have not yet paid the full amount claimed by the state. The Florida Association of Counties along with many individual counties- including Palm Beach and Broward- waived in support.



## **EVERGLADES RESTORATION**

*By Ericks Consultants*

House Appropriations and Senate Environmental Preservation & Conservation approved HB 1168 by Sen. Joe Negron to create a dedicated funding source for Everglades Restoration projects. The bill would require the lesser of 25% or \$200 million be allocated from Amendment 1 dollars towards the Comprehensive Everglades Restoration Plan (CERP) as well as Lake Okeechobee projects and water quality projects. The funding will be matched from the Federal Government. The Senate committee adopted an amendment to include springs restoration projects in authorized uses of the funds. The House bill is now ready to go before the full House. The Senate bill has two more committees.

## **IMPACT FEES**

*By Ericks Consultants*

Senate Community Affairs approved SB 660 that would provide local governments more flexibility in the use of impact fees. The bill allows local governments to use existing fees to go towards new capital projects or towards improvement of existing capital projects. It would also allow an extra fee to be charged to documentary stamps that could be used towards capital projects. The bill was supported by the Florida Home Builders Association and opposed by 1000 Friends of Florida, who stated they do support the intent of the bill. The bill has two more committee stops in the Senate. Its House companion has not been heard.

## **PETROLEUM RESTORATION PROGRAM**

*By Ericks Consultants*

The Senate unanimously passed HB 100 to reform the Abandoned Tank Restoration Program and the advanced cleanup process. House Ag & Natural Resources Appropriations approved its House companion this week. The House bill has one more committee of reference left.

## **FEDERAL ISSUES**

### **FEDERAL ISSUES**

*By Becker & Poliakoff, Alcalde & Fay and County Staff*

**ELECTIONS 2016:** Donald Trump won the New Hampshire Republican Primary, followed in order by Gov. John Kasich and Sen. Ted Cruz. On the Democratic side, Sen. Bernie Sanders easily defeated Hillary Clinton.

**PRESIDENT'S BUDGET REQUEST FOR ARMY CORPS OF ENGINEERS:** The administration is proposing \$4.6 billion in budget authority for the Army Corps of Engineers for fiscal 2017, a 2 percent decrease from what it proposed in its fiscal 2016 budget blueprint, and a **23 percent cut from what Congress enacted**. The request fits the pattern of the past few years in which the administration has proposed what congressional appropriators regard as unrealistically low spending levels for the Corps.

The administration says it wants to cut \$808 million, or about 40 percent, from the Corps spending on what the administration calls "Low Priority Studies and Construction." This is **nearly 65 percent larger than a cut it proposed in its budget plan last year**. The administration also seeks a \$432 million reduction from Corps operations and maintenance spending, **more than twice as big a cut it proposed in the fiscal 2016 budget plan**.

**SUPREME COURT:** By a 5-4 vote, the Supreme Court placed a stay on the Environmental Protection Agency's rule to cut carbon pollution from power plants while lawsuits filed against it continue. The rule, known as the Clean Power Plan, was the central component of the President plan to combat climate change. It called for the electricity sector to cut carbon pollution by 32 percent over 2005 levels by the year 2030. States would be assigned their own reduction targets



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Priscilla A. Taylor

**County Administrator**

Verdenia Baker

**Palm Beach County  
Legislative Affairs**  
301 North Olive Avenue  
Suite 1101.4  
West Palm Beach, FL  
33405

**Todd J. Bonlarron**  
**Director**  
**Phone**  
Office (561) 355-3451  
Mobile (561) 310-7832

**Fax**  
(561) 355-3982

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

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**THE HOUSE:** Took up the following bills under suspension of the rules:

- H.R. 3442, requiring the Treasury Secretary to report to Congress on a detailed long-term debt-reduction plan whenever the country's borrowing authority limit is set to be breached.
- H.R. 3293, requiring publishing written justification that a science grant or cooperative agreement is worthy of federal funding and covers national interest in certain ways when announcing an award.
- Under H.R. 890, maps defining the boundaries of the John H. Chafee Coastal Barrier Resources System will be replaced. The new maps will remove a number of condominium units near Naples, Florida, from the system, making them eligible for federal flood insurance.

Administration officials, including Treasury Secretary Jack Lew and Internal Revenue Service Commissioner John Koskinen appeared at set hearings on President Obama's budget request. The budget blueprint may include a ten dollar per barrel tax on oil to pay for transportation and climate initiatives and changes to the Affordable Care Act. Lew also testified before the House Ways and Means Committee.

The House Judiciary Committee held a hearing on the EB-5 visa program. Congress has until Sept. 30 to reauthorize a part of the EB-5 program that allows investors to gain visas. Some Senate critics have threatened to let the program expire if a compromise is not reached allowing changes to the program to redirect investment toward poor areas.

**THE SENATE:** Resumed consideration of S. 2012, seeking to strengthen building codes, increase cybersecurity protections for the electricity grid, and expedite the licensing process for hydropower projects. The broad energy legislation will include aid to Flint, Michigan, to help the city deal with its contaminated water supply.

Health and Human Services Secretary Sylvia Mathews Burwell, Treasury Secretary Lew and IRS Commissioner Koskinen testified before the Senate Finance Committee in a series of hearings about the administration's FY-2017 budget request.

The Senate voted 83-0 to confirm Rebecca Ebinger's nomination to be U.S. District Judge for the Northern District of Iowa.