

PBC Legislative Update

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IN THIS ISSUE:

County Issues

1. *County Budget Issues*
2. *Max Planck Update*
3. *County BCC Actions*

State Issues

1. *US Sugar Land Acquisition Update*
2. *Inland Port Update*

Federal Issues

1. *Airport TRACON Update*
2. *Florida Federal Delegation Meeting on US Sugar Land Acquisition*
3. *Federal Housing Bill*
4. *Federal Budget and Appropriations Update*

Constitutional Amendment Update

County Issues Update

County Budget Issues

By: County Staff

In response to State legislative changes governing ad valorem taxation and the passage of Amendment 1, the Palm Beach County Board of County Commissioners has spent a majority of their initial budget workshops reducing spending for the FY08-09 budget. Most recently, on July 14th, the Board approved spending reductions to County Departments that totaled approximately \$37.4 million.

Most notable among those cuts were \$1.65 million for park improvements, \$3 million for median beautification and \$454,000 for the elimination of 24 beds at the Highridge Family Center that deals with high risk children. \$315,000 will be eliminated for agriculture business assistance, a \$464,000 reduction in Economic Development Business Incubator Loan Funds, and millions more in capital replacement and construction projects. The number of positions eliminated during the most recent round of spending reductions was 34, 23 which were filled and 11 vacant. That brings the total number of county jobs eliminated for FY08-09 to 273.

The next budget meeting will be held on September 8th at 6:00pm at the Governmental Center in West Palm Beach.

Max Planck Update -BCC Finalizes Agreement with Max Planck Society

By: County Staff

The Board of County Commissioners continued its pledge to make Palm Beach County a leader in biomedical research and development with the July 22 approval of a financial incentive plan to build the U.S. headquarters of the Germany-based Max Planck Society in North County.

Under the grant agreement, the county will pay \$86.926 million for construction of a 100,000-square-foot bio-imaging research facility on six acres at FAU's Jupiter campus. The site is located adjacent to Scripps Florida. The state is providing \$94 million for operations from its Innovative Incentive Fund.

In return, Max Planck promises to create 135 high-wage jobs at the new center, which will be named the Max Planck Florida Institute. It also agrees to commit 3 percent of the royalties it receives each year from the medicines it develops to educational programs in Palm Beach County over a 26-year period, beginning in 2012.

The new research facility will include a world-class bio-imaging center, laboratories, classrooms, offices and an auditorium. Hundreds of new knowledge-based jobs are expected to be created directly and indirectly by teaming with FAU and Scripps Florida. An economic model conducted by Palm Beach County estimated a financial return on investment of \$1.2 billion in gross regional product, economic output, and personal income over the next 20 years.

This will be the 80th research institute operated worldwide by Max Planck, which employs more than 23,000 people. The Max Planck Society was founded in 1948 and has produced 16 Nobel Prize winners.

County BCC Business Actions

At the July 8, 2008 Board of County Commissioners meeting, the board took the following action:

Roadside vendors – directed staff to bring back two revisions to the existing roadside vendor ordinance that would a) increase the permitted work space for vendors operating outside the urban services boundary and b) not allow roadside vendors to operate along rights of way near parks where park visitors use the right of way for parking.

Annexation – approved an interlocal agreement with the Village of Palm Springs for the annexation of an enclave of less than 10 acres located north and south of 10th Avenue North, east of Kirk Road and west of Evans Drive.

Iguanas – adopted a resolution calling for state wildlife officials to place iguanas on the “reptiles of concern” list.

Libraries – approved a budget transfer of \$5 million to improve and expand handling technology and security measures for new library facilities.

Recreation – approved a work order with MAC Construction, Inc. in the amount of \$418,212 for construction of a splash pad playground at Glades Pioneer Park in Belle Glade. The improvement will be paid for by a Florida Recreation Development Assistance Program grant.

Waterfronts – agreed to consider at a future meeting a resolution supporting Article 6 on the November ballot concerning working waterfront assessments.

Alligator Alley – agreed to a resolution opposing the privatization of Alligator Alley (aka State Road 84, I-75).

Elections – appointed Commissioner Santamaria to represent the BCC on the Palm Beach County Canvassing Board for the August 26 primary election.

In Memorium – initiated the process of renaming Oriole Country Road in West Boca to Judge Winikoff Road after the late Circuit Judge Jeffrey Winikoff, who passed away in June.

State Issue Update

US Sugar State Land Acquisition Update

By: County Staff

On June 24, 2008, Governor Crist unveiled a plan to acquire as much as 187,000 acres of agricultural land owned by U.S. Sugar for \$1.75 billion in order to help re-establish the flow way from Lake Okeechoobee to the Everglades. Under the terms of the agreement, the South Florida Water Management District will purchase nearly 300 square miles from four counties and take ownership of the company's assets including: 200 miles of railroad, a sugar mill, a refinery and a citrus processing plant. U.S. Sugar will have six years to end its operations and the final agreement is expected to be signed by year's end. In addition to the revival of the flow way, other benefits include huge increases in the availability of water storage significantly reducing the potential for pollutants from Lake Okeechobee to Florida's coastal rivers and estuaries. Along with the benefits there are questions regarding the economic impact to the cities affected by the agreement, and the transition strategy as it relates to lost revenues, jobs and taxes.

Since the announcement, the County has been engaged in many meetings with local officials in the Glades, agriculture representatives, Water Management Officials, and others to better understand how the restoration will be envisioned and to start developing an economic package to offset the loss in jobs and economic activity in the Glades Region.

Our Florida Congressional Delegation recently held a hearing in Washington on the purchase (see summary below for details).

Inland Port Update

By: County Staff

The Inland Logistics Center, Inland Port, is the priority project under Palm Beach County's Strategic Economic Development Plan. County Staff from Administration and the Economic Development Office have been actively monitoring this project through participation on the Port of Palm Beach's Inland Port Task Force. Two reports have been completed by the FDOT on the Inland Port which merit moving the project forward. The FDOT and the Port are planning to issue a Request for Interest from potential private partners in the near future.

The lead implementation agencies for the project are the Port of Palm Beach and the Department of Transportation. Palm Beach County is a participant. There will be a formal briefing before the Board of County Commissioners August 19th at 301 N. Olive, West Palm Beach at 2:00pm in the 6th Floor Commission Chambers.

Background

All South Florida Seaports would be linked through rail and highways with this multi modal "distribution" hub. It is a private/public initiative. The DOT/Cambridge Systematics Inc. and Martin Associates economic analysis strongly suggests the inland port would create thousands of jobs and tens of millions of dollars in net new taxes. In the professional opinion of County Staff, it would address poverty and unemployment problems in the Glades while still generating taxes and jobs for the greater Palm Beach County, Broward and Hendry County areas. Of additional interest are important ancillary benefits. The Inland Port development will strengthen independent food distribution within the region, energy self reliance via ethanol generation and distribution, and post disaster planning as a state of the art supply hub. These benefits are in addition to the inland ports' principal role as a global trade economic engine.

In light of the U.S. Sugar land purchase, there is growing interest in the project as an economic replacement for the loss of jobs and business in the Glades.

Federal Issues Update

Airport TRACON Update

By: The PBI Approach Control Working Group and County Staff

Palm Beach International Airport will soon begin construction on a new airport tower. Currently, the design of that tower does not include a TRACON radar system. A TRACON is located at the existing tower. The current proposal is to consolidate the PBI and MIA TRACON into the Miami radar system. Our Congressional Delegation has assisted in the creation of a working group to determine whether the TRACON is best served in Palm Beach or consolidated into a single radar center in Miami. The following are details from the first working group meeting.

The PBI Approach Control Working Group on July 21, 2008 was attended by representatives from the FAA, The Traffic Controllers Association, Palm Beach County, the Florida Aero Club, Sen. Nelson's office and Rep. Hasting's office.

To start the meeting, the Group set underlying **Assumptions** to determine where the Group agrees and to create a starting place for discussions. The **Assumptions** included:

- A new Air Traffic Control Tower (ATCT) will be built at PBI
- A Strategic Plan for Florida with regard to future FAA facilities and airspace would be very helpful for the Group, and is a requirement for Rep. Hastings office to be onboard with any conclusions the Working Group reaches.
- The current plan is to move the Palm Beach TRACON to Miami
- The current plan may not be the best plan
- When deciding on the final recommendation, the people must be considered, not just the money or the technology
- Any recommendation must, at a minimum, maintain the services provided and ideally improve them

The Working Group saw **four possible outcomes** of the Group's work once it is done, and those are:

1. Recommending that the FAA follow-through with the current plan
2. Recommend modifying the current plan in a way the Group finds more suitable
3. Recommend placing a new TRACON at a site in West Palm Beach
4. Recommend keeping the current TRACON where it is and working it with the new Palm Beach ATCT.

The discussion of where a new TRACON in South Florida may be located has been going on for a few years. During that time there has been communication between Congress, FAA, NATCA, and stakeholders in varying forms that include letters, face-to-face meetings, and public meetings. During that time, **objections** to the FAA's plan to consolidate the approach control operations from Palm Beach into Miami have been raised. Those **objections** include, but are not limited to:

- There is no long-term plan for the FAA in Florida
- There is no plan for how to address personnel
- There are technological concerns about moving that have not been addressed by the FAA
- Northern Airspace (Vero Beach/Ft. Pierce) has not been addressed – from where will pilots receive service in those areas under the new plan?
- There doesn't appear to be enough redundancy for multiple facilities
- The contingency plan for natural disasters under the new plan has not been made available or does not currently satisfy some.
- Workload concerns – are there enough controllers at Miami TRACON to handle the new services?
- Does the facility in Miami offer enough room/capacity for the new services?
- The new plan (PBI TRACON to Miami) contradicts previous FAA plans and justification for the new plan seems unsatisfactory
- Justification for consolidation is not readily apparent
- There are funding restrictions/limitations
- There is a projected increase in traffic in South Florida – does the plan consider this?

The Working Group has identified three broad focal areas that will focus its work when preparing an eventual recommendation. These three focal areas are **Capacity**, **Transitional**, and **Redundancy** concerns with the plan to move the Palm Beach TRACON to Miami. These focal areas each contain several issues that must be addressed before the Working Group can come to consensus on its recommendation.

At a Second TRACON meeting held on Monday, August 4th, the three focal areas were discussed in detail and plans are for the next Working Group meeting to be convened the first week of September.

Florida Federal Delegation Meeting on US Sugar Acquisition

By: US Strategies

The Florida Congressional delegation met on July 30 to analyze the proposed U.S. Sugar purchase.

Chairing the meeting were Cong. Alcee Hastings and Lincoln Diaz-Balart. In attendance were Cong. Klein, Wexler, Mahoney, Wasserman-Schultz, Boyd, Putnam, Weldon, Mica, Young, Mario Diaz-Balart.

Testifying were: Michael Sole, Secretary of the Florida Dept. of Environmental Protection, Carol Wehle, Executive Director of the South Florida Water management District; and Dale Brill, Director of the Office of Tourism, Trade and Economic Development (OTTED).

Sole started off by saying the U.S. Sugar purchase was not a "done deal". What has been issued is a non-binding framework for negotiations to be conducted over seventy-five days beginning some four weeks ago at the announcement (with a targeted closing of November 30, 2008). The outline of the deal is a purchase by the South Florida Water Management District of U.S. Sugar for \$1.75 billion with U.S. Sugar retaining ownership and possession for the next six years (seven growing seasons). During the six year period U.S. Sugar would continue to be responsible for all taxes and assessments.

The land under discussion includes 187,000 acres, of which 107, 316 acres is located in Palm Beach County. The property includes a sugar mill/refinery in Clewiston, a citrus processing plant in Hendry County, an internal railroad system, and an external rail system from south of Lake O to Sebring and Fort Pierce.

Here is how Secretary Sole described the project's goals and objectives:

- reducing the potential for harmful discharges from Lake O to south Florida's coastal rivers and estuaries;
- providing water to help meet the environmental needs of the Everglades;
- relieving some pressures on the Herbert Hoover Dike while under repair;
- increases the ability to deliver cleaner water to the Everglades;
- eliminates the need for back pumping to Lake O;
- supports the sustainability of agriculture and green energy production.

Carol Wehle emphasized that there would be no additional federal or state funding for the project and suggested that the ad valorem taxation power of the Water District would be the backup source of funds through long-term debt from certificates of participation. There would be an upfront payment of \$50 million in cash.

OTTED Director Brill talked of his agency's participation, focusing on a multi- agency initiative REDI (Rural Economic Development Initiative.) His remarks focused on what he said were his four goals- assistance to communities, replacement and protection of the tax base, protection of the population base, and enhanced local economics. In anticipation of some criticism, he led off by conceding that the public communications outreach and information was not what it should be and was in need of major improvement, which he promised.

THE CONGRESSIONAL RESPONSE

It can generally be stated that the delegation favors the project. There was a lot of concern expressed, however, about a wide variety of issues. Numerous members complained about not being consulted. Concern was expressed about both the short and long-term impact on the communities as it involved jobs, the tax base, and community services. Major concern was expressed about lack of communication with local communities and leaders about the process. Other issues about the cost of the project, how it would be funded, and especially how

it would affect Everglades projects now underway were brought up. One member (Hastings) said that a non-Florida colleague suggested that this deal solved the Everglades problem. Hastings worried that such a sentiment may be widespread and could jeopardize funding from Congress as well as any additional legislation needed.

Mr. Hastings was very concerned about the very real immediate economic impact on citizens of the Glades, as well as, the long-term psychological impact. He expressed concern about costs and where that money was coming from without tax increases. Director Wehle assured him that financing will come from SFWMD and she assured that the District doesn't want to own any non-necessary facilities such as refineries or citrus processing plants and would have a process to move non-necessary lands and properties to private hands. She also said that it would be at least six to ten years before restoration could start and it would be 15-20 years before the reservoir could be built.

Mr. Putnam suggested that the new deal "throws out" the carefully developed Everglades Restoration Plan, and asked about the relationship between the two. He expressed concern that while this was a long-term project, it had already had an immediate economic impact, citing "collapsed" housing prices in the area.

Mr. Boyd questioned why the project was being done, and explained that he had been told the project was for a flow-way and yet only a small part of the parcel being proposed for purchase is for a flow way. He said the costs were huge and he thought the proposed cost was three times what it should be. He will undoubtedly scrutinize this project closely as it moves along with concern about cost and the effect on the agricultural community.

Mr. Wexler commended the plan as a bold, visionary proposal with great environmental and economic advantages. He pointed out that Everglades restoration has always been a federal-state partnership and he questioned what would happen to that partnership and how the responsibilities would now be apportioned.

Mr. Mahoney commended the plan as bold and visionary and said he wanted it to work. But he said to date that the plan has raised more questions than it has answered. He is very concerned about the impact on the communities he represents. He suggested it would have been better to wait until many more details were in place before the deal was announced and he forcefully requested that no contract be signed until all details are in place and publicly vetted.

Congressman Klein was supportive and said the entire delegation was supportive but he too expressed concern about the economic impact on the communities affected. He pointed out that even with sugar, the Glades area has suffered economically. He said it was important to assure that the population and the economy could be sustained over the long-term.

The County will continue to work with our Congressional Delegation to ensure that the needs of the Glades area and its residents are met throughout this lengthy process.

Federal Housing Legislation

By: US Strategies

There has been a lot of discussion regarding the recent Housing Legislation passed by Congress and signed into law by President Bush. The following is a general overview of the bill's provisions.

Major Provisions in H. R. 3221, the Housing and Economic Recovery Act of 2008

Federal Housing Administration (FHA) Housing Stabilization

- The bill provides \$300 billion in loan guarantees that will help at least 400,000 families facing foreclosure keep their homes.
- The expansion of the FHA loan guarantee is a three year program, and will start October 1, 2008.

Fannie Mae and Freddie Mac (GSEs) Strengthened

- The bill creates a strong regulator for the government sponsored enterprises – Fannie Mae and Freddie Mac.
- The new regulator will have the authority to raise capital standards for the GSEs, set strict prudential standards, including internal controls, audits, and enforce the standards as well take corrective action.
- Single family loan limits for the GSEs will be allowed up to 115% of the local area median home price, and be increased in high cost areas from \$417, 000 to \$625,000.

Housing Trust Fund

- Permanent Housing Trust Fund is created which has as a goal, the production, preservation, rehabilitation and operation of 1.5 million homes in 10 years.
- Funded from annual contributions (and not subject to the annual appropriations process) made by Fannie Mae and Freddie Mac, the Housing Trust Fund will begin distributing money for housing in 2010.
- At least 90 % of the funds must be used for rental housing, and at least 75% of the funds for rental housing must benefit extremely low income households and all funds must benefit very low income households.

Neighborhood Stabilization

- The bill provides \$3.9 billion in emergency assistance (CDBG) funds to communities hardest hit by the foreclosure and subprime crisis to purchase foreclosed homes, at a discount, and rehabilitate or redevelop the homes to stabilize neighborhoods and stem the significant losses in home values of neighboring homes.
- HUD will develop formula no later than 60 days after enactment.
- HUD will distribute \$3.9 billion 30 days after the development of the formula.
- Criteria for the formula include the number and percentage of home foreclosures, the number and percentage of homes financed by a subprime mortgage related loans, and the number and percentage of homes in default or delinquency in each state or locality.
- Funds must be used to assist individuals and families with incomes not exceeding 120% of area median income.
- Not less than 25% of the funds must be used for the purchase of abandoned or foreclosed properties that will be used to house individuals or families with incomes not exceeding 50% of area median income.
- Funds are to be used to purchase and redevelop abandoned and foreclosed homes and residential properties.
- Funds can also be used to establish financing mechanisms for the redevelopment of foreclosed homes, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low-and moderate-income buyers.
- The funds are to be used to purchase properties at a discount from the current market appraised value of the property.
- Improvements to increase energy efficiency or conservation or to provide a renewable energy source or sources for the homes or properties will be eligible.
- Funds may also be used to establish land banks and to demolish blighted structures.
- Funds must be used within 18 months after they are received.

Housing Counseling

- Provides \$180 million for pre-foreclosure counseling.
- Provide \$30 million in grants for legal counseling to assist homeowners in foreclosure.

Preventing Future Abuses and Crises

- Establishes a nationwide loan originator licensing and registration system that will set minimum standards for loan originator licensing substantially improving the oversight of mortgage brokers and bank loan officers.
- Establishes improved mortgage disclosure requirements that will help ensure that mortgage borrowers understand their mortgage loan terms.

Modernizing the Federal Housing Administration (FHA)

- Families and seniors will not have to seek subprime lenders because of expanded loan opportunities through FHA reform.
- FHA loan limits are raised to allow loans up to 115% of the local area median home price.

Tax Provisions

- Provides \$11 billion in mortgage revenue bonds; this would be for 2008 only.
- Increases the Low Income Housing Tax Credit allocations (20 cents per capita for 2008 and 2009).
- Provides a temporary tax credit for first time homebuyers of up to 10%, capped at \$7,500 (must be paid back over 15 years) for individuals below \$75, 000 and for joint returns below \$150.000.

Support for Fannie Mae and Freddie Mac

- Gives authority to increase the existing line of credit to Freddie and Fannie for the next 18 months.
- Treasury can also buy stock in Freddie and Fannie to provide confidence in the GSEs and stabilize housing finance markets.

Other Key Provisions

- Increases Veterans Administration Home Loan limit.
- Helps returning soldiers avoid foreclosure and stay in their homes.
- Exempts public housing authorities with less than 550 units/vouchers from annual plan requirements.
- Authorizes a \$30 million increase in homelessness grant for education costs in FY2009 to fund activities for children and families (owners and renters) displaced by foreclosure.

Federal Budget and Appropriations Update

By: US Strategies

FY 2009 Federal Deficit

On Monday, July 28th, the Office of Management and Budget projected a record \$482 billion federal deficit for the next fiscal year, FY 2009 – up from the \$407 billion it estimated in February. The previous record came in FY 2004 when the deficit was \$412.7 billion. The FY 2009 deficit could actually be even higher, however, since OMB's estimate includes only \$70 billion for the costs of the wars in Iraq and Afghanistan, and doesn't reflect the recent enactment of either the housing bill or legislation preventing a scheduled cut in Medicare reimbursement payments to doctors.

The deficit projection for the current fiscal year – \$389 billion – is actually a bit

less than the \$410 billion OMB estimated in February. OMB Director Jim Nussle blamed the higher deficit numbers on the slowing economy, and said that the deep deficits anticipated this year and next are due to the economy and to this year's economic stimulus package, which accounts for \$117 billion of the deficit. OMB also announced that the FY 2007 deficit was \$151.5 billion.

Second Stimulus Bill

On Wednesday, July 30th, Senate Appropriations Committee Chairman Robert Byrd (D-WV) released details of a \$24.1 billion "second stimulus supplemental." The bill would provide \$10 billion for infrastructure, energy and economic recovery, \$10.1 billion for natural disasters, and \$4.04 billion for other purposes, including assistance with high-energy costs and investments in science and the environment. Specific provisions include:

- \$4.762 billion for transportation, including \$3.75 billion for highways, \$892.5 million for transit, \$100 million for Amtrak, and \$200 million for airport capital improvements;
- \$309 million for housing, including \$215 million for public housing capital improvements, \$51.9 million for FHA system modernization, \$37.5 million to the Legal Services Corporation to provide legal assistance to families whose homes are in foreclosure, and \$5 million to the FBI for agents to investigate mortgage fraud claims;
- \$400 million for clean water programs, including \$200 million for the Clean Water State Revolving Fund;
- \$500 million for job training – \$250 million for dislocated workers and \$250 million for jobs for young people;
- \$850 million for school repair and renovation;
- \$1.5 billion for energy cost assistance – \$1.25 billion for LIHEAP and \$250 million for weatherization;
- \$570 million for nutrition programs, including \$450 million for WIC, \$30 million for commodity supplemental food programs, \$50 million for the emergency food assistance program; and \$40 million for senior meals;
- \$490 million for Byrne Justice Assistance grants; and
- \$561 million for border and homeland security, including \$100 million for construction of Customs and Border Protection inspection facilities at land border ports of entry.

Byrd claims the bill would create over 200,000 new jobs. He has said he hopes to take it to the Senate floor in September. House Speaker Nancy Pelosi (D-CA) has expressed her commitment to enacting a second stimulus package of at least \$50 billion before Congress adjourns for the year.

Constitutional Amendment Update

By: FAC & County Staff

At the June Florida Association of Counties Annual Conference in Miami, the Board of Directors voted on FAC's position regarding 7 of the 9 proposed constitutional amendments. Below is a summary of those amendments and FAC's position for each. We will continue to report in greater detail on these amendments in future updates.

Amendment 3 (Support) – Changes and improvements not affecting the assessed value of residential real property. This proposal allows the Legislature to prohibit the consideration of wind-damage resistant changes and improvements and the installation of renewable energy source devices in the determination of the assessed value of residential property, and repeals existing renewable energy source device exemptions.

Amendment 4 (Support) – This amendment provides a property tax exemption of perpetually conserved land; classification and assessment of land used for conservation. Requires the legislature to provide an ad valorem tax exemption for property that is permanently dedicated for conservation. The amendment also requires that conservation land be assessed on the bases of character of use instead of highest and best use.

Amendment 5 (Concern) – This amendment replaces the state required local effort (RLE) with one or more of the following options: repeal of sales tax exemptions that have been determined not to serve a public purpose, increase of up to one percentage point to sales and use tax, spending reductions for other state budget components and revenue increases from economic growth attributable to lower property taxes, and other revenues identified or created by the legislature.

Amendment 6 (Support) – This amendment provides for assessment of certain working waterfront properties to be assessed based on current use instead of highest and best use. Properties include commercial fishing facilities, marinas, boat ramps, and other water-dependant businesses.

Amendment 7 (Oppose) – This provision would remove a constitutional provision that bans any state revenue be used either directly or indirectly to aid churches or other religious organizations. It also provides that any individual or entity may not be barred from participating in any public program because of religion.

Amendment 8 (Neutral) – This amendment will create a local option sales tax to supplement funding for public community colleges. If the amendment is approved, each county would need to approve the tax by referendum. The tax would sunset after 5 years but may be re-approved by voters.

Amendment 9 (Oppose) – This amendment includes two proposals: it directs the state to order that 65% of school funding received by school district be spent of classroom instruction instead of administration. It also reverses legal precedent prohibiting public funding or private school alternates to public school programs without creating entitlement.

Palm Beach County

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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

Sherry Howard Coordinator

Office (561) 355-2452
Mobile (561) 308-0103

Fax

(561) 355-3982

E-mail

tbonlarr@pbcgov.com

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